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 directors. 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.

D. The School Board may appoint committees of the board. These committees can only make recommendations to the School Board. Such committees shall not exceed three members so as to not constitute a quorum of the School Board.

V. 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 pay ment of indebtedness, and all proper expenses of the school district;

2. conduct the business of the schools and pay indebtedness and proper expenses;

3. make and authorize contracts;

4. employ and contract with necessary qualified teachers and discharge the same for cause;

5. manage the schools; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts;

6. provide services to promote the health of its pupils;

7. provide school buildings and erect needed buildings;

8. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;

9. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;

10. employ and discharge necessary employees and contract for other services;

11. provide for transportation of pupils to and from school, as governed by statute; and

12. 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.

Legal References: Minn. Stat. § 123.33 (school board powers)
Minn. Stat. § 123.34 (school district officers)
Minn. Stat. § 123.35 (general powers)
Minn. Stat. § 123.351 (Cooperative Centers)
Minn. Stat. § 123.36 (Schoolhouses and Sites; Access for Noncurricular Purposes)
Minn. Stat. § 123.38 (Cocurricular and Extracurricular Activities; Insurance)
Minn. Stat. § 123.40 (Specific powers and duties)
Minn. Stat. § 123.41 (Liability insurance)
Minn. Stat. § 123.77, Subd. 4 (definition)
Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233, 199 N.W. 911 (1924)

Cross References: ISD #463 Policy #202 (School Board Officers)
ISD #463 Policy #203.5 (Operation of the School Board-Governing Rules)
MSBA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 3, School Board and its Powers