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MSBA/MASA Model Policy 101

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101 LEGAL STATUS OF THE EDUCATION DISTRICT

I. PURPOSE

A primary principle of this nation is that the public welfare demands an educated and informed citizenry. The power to provide for public education is a state function vested in the state legislature and delegated to local school districts. The purpose of this policy is to clarify the legal status of the education district.

II. GENERAL STATEMENT OF POLICY

- A. The education district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The education district has been created for educational purposes.
- B. The legislature has authority to prescribe the education district's powers and privileges, its boundaries and territorial jurisdictions.
- C. The education district has only the powers conferred on it by the legislature; however, the education district board's authority to govern, manage, and control the education district, to carry out its duties and responsibilities, and to conduct the business of the education district includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

- A. The education district is a separate legal entity.
- B. The education district is coordinated with and not subordinate to the county(ies) in which it is situated.
- C. The education district is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE EDUCATION DISTRICT

A. Funds

- 1. The education district, through its education district board, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.

2. The education district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. Education district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

1. The education district shall, within the limitations specified by law, provide by levy of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.
2. The education district may issue bonds in accordance with the provisions of Minnesota Statutes chapter 475, or other applicable law.
3. The education district has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. The education district may acquire property for school purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.
2. The education district shall manage its property in a manner consistent with the educational functions of the district.
3. The education district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. Education district officials hold school property as trustees for the use and benefit of students, taxpayers, and the community.

D. Contracts

1. The education district is empowered to enter into contracts in the manner provided by law.
2. The education district has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minnesota Statutes section 465.7 or other applicable law.
3. The education district has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including

real property.

4. The education district has authority to enter into employment contracts. As a public employer, the education district, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

1. The education district, through its education district board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The education district shall establish and apply the school curriculum.

F. Actions and Suits

The education district has authority to sue and to be sued.

Legal References: Minn. Const. art. 13, § 1
Minn. Stat. Ch. 123B (School District , Powers and Duties)
Minn. Stat. Ch. 179A (Public Employment Labor Relations)
Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.6175; 471.64 (Rights, Powers, Duties : Municipalities)
Minnesota Association of Public Schools v. Hanson, 287 Minn. 415, 178 N.W.2d 846 (1970)
Independent School District No. 581 v. Mattheis, 275 Minn. 383, 147 N.W.2d 374 (1966)
Village of Blaine v. Independent School District No. 12, 272 Minn. 343, 138 N.W.2d 32 (1965)
Huffman v. School Board, 230 Minn. 289, 41 N.W.2d 455 (1950)
State v. Lakeside Land Co., 71 Minn. 283, 73 N.W.970 (1898)

Cross References: MSBA/MASA Model Policy 201 (Legal Status of School Board)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 705 (Investments)
MSBA/MASA Model Policy 706 (Acceptance of Gifts)
MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA School Law Bulletin “F” (Contract and Bidding Procedures)