

## **101 LEGAL STATUS OF THE SCHOOL DISTRICT**

### **I. PURPOSE**

It is a primary principle of this nation 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 school district.

### **II. GENERAL STATEMENT OF POLICY**

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

### **III. RELATIONSHIP TO OTHER ENTITIES**

- A. The Carver-Scott Educational Cooperative has been established under Minnesota Statutes Section 471.59, as the vehicle for coordinating services and programs that will benefit its member districts by:
  - 1. Providing cost effective implementation of programs/services.
  - 2. Providing program or service that no one district would wish to implement alone.
  - 3. Researching common needs of its member school districts.
- B. **The CSEC includes:**
  - 1. Vocational programs.
  - 2. Instructional programs.
  - 3. Common Management functions and services.
  - 4. Special Education programs.

#### **IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT**

##### **A. Funds**

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

##### **B. Raising Funds**

The CSEC has authority to accept gifts and donations for school purposes subject to applicable law.

##### **C. Property**

1. The CSEC 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 CSEC shall manage its property in a manner consistent with the educational functions of the district.
3. The CSEC may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.

##### **D. Contracts**

1. The CSEC is empowered to enter into contracts in the manner provided by law.
2. The CSEC has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minn. Stat. § 465.71 or other applicable law.
3. The CSEC 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 CSEC has authority to enter into employment contracts. As a public employer, the CSEC, through its designated representatives, shall meet and negotiate with public employees in an appropriate manner and enter into written agreements with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

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

F. Actions and Suits

The CSEC has authority to sue and to be sued.

**Legal References:** Minn. Const. art. 13, § 1  
Minn. Stat. Ch. 123B (School Districts, Powers and Duties)  
Minn. Stat. Ch. 179A (Public Employment Labor Relations)  
Minn. Stat. § 465.035 (Conveyance or Lease of Land)  
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.64 (Rights, Powers, Duties of Political Subdivisions)  
*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 705 (Investments)  
MSBA/MASA Model Policy 706 (Acceptance of Gifts)  
MSBA/MASA Model Policy 801 (Equal Access to School Facilities)  
MSBA Service Manual, Chapter 3, Employee Negotiations  
MSBA Service Manual, Chapter 13, School Law Bulletin “F” (Contract and Bidding Procedures)  
CSEC By-Laws

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