TRIO Wolf Creek Distance Learning Charter School #4095

101 LEGAL STATUS OF THE CHARTER SCHOOL

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 charter school.

II. GENERAL STATEMENT OF POLICY

A. The charter school is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The charter school has been created for educational purposes.

B. The legislature has authority to prescribe the charter school's powers and privileges, its boundaries and territorial jurisdictions.

C. The charter school has only the powers conferred on it by the legislature; however, the charter school's authority to conduct the business of the charter school includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

A. The charter school is a separate legal entity.

B. The charter school is coordinate with and not subordinate to the county(ies) in which it is situated.

C. The charter school is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE CHARTER SCHOOL

A. Funds

1. The charter school, through its school 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 charter school has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.

3. Charter school officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

TRIO Wolf Creek Distance Learning Charter School #4095

B. Raising Funds

1. The charter school 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 charter school may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475, or other applicable law.

3. The charter school has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. The charter school 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 charter school shall manage its property in a manner consistent with the educational functions of the district.

3. The charter school may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.

4. Charter school officials hold school property as trustees for the use and benefit of students, taxpayers and the community.

D. Contracts

1. The charter school is empowered to enter into contracts in the manner provided by law.

2. The charter school 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 charter school 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 charter school has authority to enter into employment contracts. As a public employer, the charter school, 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 charter school, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.

2. The charter school shall establish and apply the school curriculum.

F. Actions and Suits

The charter school 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:
Policy 201 (Legal Status of School Board)
Policy 603 (Curriculum Development)
Policy 604 (Instructional Curriculum)
Policy 606 (Textbooks and Instructional materials)
Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
Policy 705 (Investments)
Policy 706 (Acceptance of Gifts)
Policy 801 (Equal Access to Facilities of Secondary Schools)
MSBA Service Manual, Chapter 4, Employee Negotiations
MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)