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MSBA Orig. 1995
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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 Minnesota Transitions Charter School (MTCS) Board. The MTCS Board shall carry out the mission of the school 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 MTCS Board in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

A. The MTCS Board is the governing body of the school. As such, the MTCS Board has responsibility for the care, management, and control over all aspects of the school.

B. Generally, elected members of the MTCS 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 MTCS Board is not bound by an action or statement on the part of an individual Board member unless the action is specifically directed or authorized by the MTCS Board.

III. DEFINITION

"MTCS Board" means the governing body of the school.

IV. ORGANIZATION AND MEMBERSHIP

A. **Number of Members; Length of Term**. The membership of the MTCS Board consists of at least five members with the target configuration of nine members, but may have as many as eleven members with Board approval. The term of office is three years.

B. There may be other ex officio members of the MTCS Board as provided by law. The Superintendent is an ex officio non-voting board member. No employee of MTCS shall serve on the MTCS Board other than teachers as provided for in MTCS Policy 215.

C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the MTCS Board.

D. A board member, who is paid for serving on the MTCS board, must not receive more compensation for their role as a MTCS Board member than a school board member in the school district in which MTCS is located.

V. POWERS AND DUTIES

A. The MTCS Board has the powers and duties set forth in Minn. Stat. Ch. 317A, except as limited by MTCS's Articles of Incorporation, MTCS's bylaws, and Minn. Stat. Ch. 124E, and other applicable law. The MTCS Board's authority includes implied powers in addition to specific powers granted by the legislature.

B. The MTCS Board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.

C. The MTCS Board shall manage MTCS schools; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.

D. The MTCS Board shall have the general charge of the business of the schools, their facilities and property, and of the interest of the schools.

E. The MTCS Board shall hold an annual election.

F. The MTCS Board, among other duties, shall perform the following in accordance with applicable law:

1. The MTCS Board shall decide and is responsible for policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures;

2. The MTCS Board shall adopt a nepotism policy that:

    a. prohibits the employment of immediate family members of a board member, school employee, or teacher who provides instruction under a contract between MTCS and a cooperative. A board member, school employee, or teacher under contract with a cooperative must not be involved in an interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

b. Notwithstanding the foregoing, the MTCS Board may waive this policy if: (i) the position is publicly posted for 20 business days; and (ii) a two-thirds majority of the remaining MTCS Board who are not immediate family members of an applicant vote to approve the hiring.

3. The MTCS Board shall adopt personnel evaluation policies and practices that, at a minimum:

   a. carry out MTCS's mission and goals;

   b. evaluate how MTCS's contract goals and commitments are executed;

   c. evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;

   d. establish a teacher evaluation process under Minn. Stat. § 124E.03, subd. 2(h); and

   e. provide professional development related to the individual's job responsibilities.

4. The MTCS Board shall establish a finance committee that meets regularly and includes at least one member of MTCS's Board. The committee must review and provide recommendations to MTCS Board on matters related to financial health and best practices, which may include but are limited to financial strategy, enrollment tracking, budgeting and planning, internal controls and compliance, revenue generation, financial conflicts of interest, audits and financial reporting, regular finance statements and transactions, and authorizer finance related requirements in the charter contract.

5. In the event the MTCS Board is under corrective action for financial reasons, as determined by its authorizer, it must:

   a. include the authorizer in regularly scheduled finance committee meetings, either in person or virtually, at least monthly; and

   b. upon the request of its authorizer, hire a financial expert.

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

7. employ and contract with necessary qualified teachers and discharge the

same for cause;

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

9. provide school buildings;

10. purchase, sell, and exchange school property and equipment as deemed necessary by the MTCS Board for school purposes;

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

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

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

14. make and authorize contracts;

15. procure insurance against liability of the school district, its officers, and employees; and

16. cause to be kept at the corporation's registered office originals or copies of:

    a. approved minutes and records of all proceedings of the MTCS Board and all committees;

    b. all financial statements of the corporation; and

    c. Articles of Incorporation and Bylaws of the corporation, including all amendments and restatements thereof.

G. The MTCS 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 MTCS Board determines;

3. enter into agreements with one or more other independent school districts to

provide for agreed upon educational services;

4. purchase land or buildings with nonstate funds;

5. lease space from an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner, or a sectarian organization if the leased space is constructed as a school facility, subject to review and approval by the Commissioner of the Minnesota Department of Education;

6. lease real property for a related party pursuant to Minn. Stat. § 124E.13;

7. organize an affiliated nonprofit building corporation to renovate or purchase an existing facility or to construct a new facility pursuant to Minn. Stat. § 124E.13

8. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;

9. authorize cocurricular and extracurricular activities;

10. receive, for the benefit of the school, bequests, donations, or gifts for any proper purpose;

11. sue and be sued;

12. perform other acts as the MTCS Board shall deem to be reasonably necessary or required for the governance of the schools.

Legal References: Minn. Stat. Ch. 124E (Charter Schools
Minn. Stat. § 124E.02 (Definitions)
Minn. Stat. § 124E.07 (Board of Directors)
Minn. Stat. § 124E.13 (Facilities)
Minn. Stat. § 124E.15 (Transportation)
Minn. Stat. Ch. 317A (Nonprofit Corporations)

Cross References: MTCS Bylaws
MTCS Policy 206 (Public Participation in School Board Meetings)
MTCS Policy 208 (Development, Adoption, and Implementation of Policies)
MTCS Policy 210 (Conflict of Interest for Board Members)
MTCS Policy 215 (Board of Directors Voting)

MTCS Policy 426 (Nepotism Policy)