

201 LEGAL STATUS OF THE GOVERNING BOARD

I. PURPOSE

The care, management and control of the schools is vested by statutory and constitutional authority in the governing board. The governing board shall carry out the mission of the Carver-Scott Educational Cooperative (CSEC) 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 governing board in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

- A. The governing board is the governing body of the CSEC. As such, the governing board has responsibility for the care, management, and control over the CSEC.
- B. Generally, the appointed members of the governing board have binding authority only when acting as a governing board legally in session, except where specific authority is provided to governing board members or officers individually. Generally, the governing board is not bound by an action or statement on the part of an individual governing board member unless the action is specifically directed or authorized by the governing board.

III. DEFINITION

“Governing board” means the governing body of the CSEC.

IV. ORGANIZATION AND MEMBERSHIP

- A. The Board of Education of each member district shall elect one member to serve on the CSEC Governing Board. These representatives shall be members of their district’s Board of Education. The CSEC shall have a Board of Governors of eight members.
- B. Any person serving on the Governing Board must also be serving as a member of his/her district’s Board of Education. Governing Board representatives must not be an employee of any of the member school districts.
- C. No person may serve on the Governing Board when he/she ceases to be a legally qualified member of his/her district’s Board of Education.
- D. Each member district shall have a representative on the Governing Board. Each member district shall have a vote and those votes shall be cast by the elected representative of their school district. In order to cast a vote, the duly elected representative must be present at the meeting.
- E. The Board shall choose and specify conditions of employment for an administrative officer (Executive Director) to administer board policy and

directives, subject to the regulations of Minnesota Statutes and the regulations of the Minnesota Department of Education. The Executive Director shall serve as an ex-officio member of the Board but shall not have a vote.

- F. The majority of the CSEC Governing Board shall be a quorum. Any motion other than adjournment shall pass only upon receiving a majority of the votes of the Board members in attendance.

V. POWERS AND DUTIES

- A. The Governing Board shall have the general charge of the business of the CSEC, and the ownership of its properties. Where applicable, Minnesota Statutes, Section 123B.51 shall apply.
- B. The Governing Board shall adopt by-laws to govern its operation.
- C. The officers of the CSEC Governing Board shall be a Chairperson, Vice-Chairperson, Clerk and Treasurer. The Chairperson shall preside at all meetings of the CSEC Board except in his/her absence, the Vice-Chairperson shall preside. The Board Secretary shall keep the minutes of each meeting and shall be responsible for publishing same or submitting same to the Executive Director for publication within thirty days after the meeting. The Treasurer shall be the custodian of the funds of the CSEC. Insofar as applicable, Minnesota Statutes, Section 123B.09 and 123B.14, shall apply to the Board and officers of the CSEC.
 - 1. Governing Board - Absence of Officers:
If both the Chairperson and Vice-Chairperson are absent, the Executive Director shall appoint one of the Governing Board members to act as chairperson.
 - 2. Members of the Board who are not officers shall be referred to as Board Directors.
- D. If a vacancy occurs on the Governing Board, it shall be filled by the appropriate school board within ninety days. A person appointed to the Governing Board shall qualify as a board member by filing with the Chairperson, a written certificate of appointment from his/her school board.
- E. Election of Officers:
A majority vote of the Governing Board shall be necessary for election.
- F. Governing Board – Organizational Meeting:
At this meeting, the Governing Board shall elect its officers, and conduct any other necessary organizational business. The Governing Board shall meet during the month of January at the regular monthly scheduled meeting each year or as soon thereafter as practicable pursuant to notice sent to all Governing Board members by the Executive Director of the CSEC.

- G. The Governing Board shall establish a record keeping system and financial system separate from the records of the member districts.
- H. The Governing Board may contract with a member district to perform fiscal services for the CSEC.
- I. The Governing Board shall adopt a budget for the CSEC each year after hearing the recommendation of the Executive Director. After the budget is adopted, the Executive Director may obligate funds and purchase needed supplies, equipment and necessary items to administer the programs at CSEC. The Executive Director is limited to the total budget. Categorical accounts within the funds may not be intermingled. Funds shall be expended in accordance with Minnesota State Law.
- J. The Governing Board may authorize the Executive Director to obligate funds prior to the finalization and approval of the budget so as not to impede or delay programming and implementation of the programs and courses.
- K. The Governing Board shall procure such insurance or bond it deems necessary for all members of its staff and the activities of the CSEC.
- L. The Executive Committee shall consist of the Chairperson, Vice-Chairperson, Treasurer, Clerk of the Governing Board, and the Executive Director of CSEC.
- M. The Governing Board, among other duties, shall perform the following in accordance with applicable law:
 - 1. conduct the business of the schools and pay indebtedness and proper expenses;
 - 2. make and authorize contracts;
 - 3. employ and contract with necessary qualified teachers and discharge the same for cause;
 - 4. manage the schools; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts;
 - 5. provide services to promote the health of its pupils;
 - 6. provide school buildings and erect needed buildings;
 - 7. purchase, sell, and exchange CSEC property and equipment as deemed necessary by the governing board for school purposes;
 - 8. provide for payment of claims against the CSEC, and prosecute and defend actions by or against the CSEC, in all proper cases;

9. employ and discharge necessary employees and contract for other services;
 10. provide for transportation of pupils, as governed by statute; and
 11. procure insurance against liability of the CSEC, its officers and employees.
- N. The Governing 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 governing 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 CSEC facilities for community purposes that will not interfere with their use for school purposes;
 6. authorize student activities;
 7. receive, for the benefit of the CSEC, bequests, donations, or gifts for any proper purpose; and
 8. perform other acts as the governing board shall deem to be reasonably necessary or required for the governance of the schools.

Legal References: Minn. Stat. § 123A.22 (Cooperative Centers)
Minn. Stat. § 123B.02 (General Powers)
Minn. Stat. § 123B.09 (School Board Powers)
Minn. Stat. § 123B.14 (School District Officers)
Minn. Stat. § 123B.23 (Liability Insurance)
Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities; Insurance)
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular Purposes)
Minn. Stat. § 123B.85 (Definition)
Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233, 199 N.W. 911 (1924)

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the School District)
MSBA/MASA Model Policy 202 (School Board Officers)
MSBA/MASA Model Policy 203 (Operation of the School Board-
Governing Rules)
MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers
and Duties
CSEC By-Laws

Approved 3/17/09