

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 NWSISD.

II. GENERAL STATEMENT OF POLICY

- A. NWSISD is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. NWSISD has been created to provide students from member districts the opportunity to participate in multi-cultural learning experiences.
- B. The legislature has authority to prescribe the NWSISD's powers and privileges, its boundaries and territorial jurisdictions.
- C. NWSISD has only the powers conferred on it by the legislature; however, the school board's authority to govern, manage, and control the school district, to carry out its duties and responsibilities, and to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

- A. NWSISD is a separate legal entity.
- B. NWSISD is coordinate with and not subordinate to the counties in which it is situated.
- C. NWSISD is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

- A. Funds
 - 1. NWSISD, 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. NWSISD has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.

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

B. Raising Funds

1. NWSISD member school districts 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 NWSISD member school districts may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475, or other applicable law.
3. NWSISD has authority to accept gifts and donations for the purpose of implementing its mission and program goals, subject to applicable law.

C. Property

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

D. Contracts

1. NWSISD is empowered to enter into contracts in the manner provided by law.
2. NWSISD 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. NWSISD 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. NWSISD has authority to enter into employment contracts. As a public employer, NWSISD, 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, Studies, Programs and Activities

1. NWSISD, through its school board and administrators, has the authority to determine what textbooks, educational materials, studies, programs and activities should be pursued.
2. NWSISD shall establish and apply the programs and activities offered to students in its member school districts.

F. Actions and Suits

NWSISD 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: NWSISD Policy 201 (Legal Status of School Board)
NWSISD Policy 603 (Curriculum Development)
NWSISD Policy 606 (Textbooks and Instructional Materials)
NWSISD Policy 705 (Investments)
NWSISD Policy 706 (Acceptance of Gifts)
MSBA Service Manual, Chapter 4, Employee Negotiations
MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)

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