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MSBA/MASA Model Policy 101

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

### **I. PURPOSE**

A primary principle of this nation is 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 cooperative. The purpose of this policy is to clarify the legal status of the cooperative.

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

- A. The cooperative is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The cooperative district has been created by a joint powers agreement under Minnesota Statute 471.59 for educational purposes.
- B. The legislature has authority to prescribe the cooperative's powers and privileges. The member districts established the cooperative under the legislative authority established in Minnesota Statute 471.59.
- C. The cooperative has only the powers conferred on it by the legislature and within the bounds of the joint powers agreement; however, the cooperative board's authority to govern, manage, and control the cooperative, to carry out its duties and responsibilities, and to conduct the business of the cooperative district includes implied powers in addition to any specific powers granted by the legislature.

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

- A. The cooperative has been established by its member districts to:
  - a. Provide cost effective implementation of programs/services.
  - b. Provide programs or services that no on district could provide alone, or could be provided more efficiently as a joint effort.
- B. The cooperative provides services including special education and general education. Services are not limited within the joint powers agreement.

### **IV. POWERS AND AUTHORITY OF THE COOPERATIVE**

- A. Funds

2. The cooperative has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law and the joint powers agreement.
3. Cooperative officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

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

C. Property

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

D. Contracts

1. The cooperative is empowered to enter into contracts in the manner provided by law.
2. The cooperative 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 cooperative 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 cooperative has authority to enter into employment contracts. As a public employer, the cooperative, 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 cooperative, through its cooperative board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The cooperative shall establish and apply the school curriculum.

F. Actions and Suits

The cooperative 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; 471.6175; 471.64 (Rights, Powers, Duties of Political Subdivisions)  
Minn. Stat. § 471.59 (Joint Powers)  
*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)