

201 LEGAL STATUS OF THE COOPERATIVE BOARD

I. PURPOSE

The care, management, and control of the schools is vested by statutory and constitutional authority in the cooperative board. The cooperative board shall carry out the mission of the cooperative 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 cooperative board in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITION

“Cooperative board” means the governing body of the cooperative.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the cooperative board consists of one director from each of the member districts or as identified within the joint powers agreement. Alternate members may be selected by the respective appointing school boards to act in the place of regular members who are unable to attend meetings and shall be fully authorized to participate and vote in every way in the absence of the regular member.
- B. There may be other ex officio members of the cooperative board as provided by law. The director is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the cooperative board.

V. POWERS AND DUTIES

- A. The cooperative board has powers and duties specified by statute. The cooperative board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The cooperative board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The cooperative board shall superintend and manage the programs of the cooperative; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The cooperative board shall have the general charge of the business of the cooperative, its facilities and property, and of the interest of the districts and cooperative programs.
- E. The cooperative board, among other duties, shall perform the following in accordance with applicable law:
 - 1. provide by levy of tax, necessary funds for the conduct of programs and member districts, the payment of indebtedness, and all proper expenses of the cooperative;

2. conduct the business of the schools and pay indebtedness and proper expenses;
 3. employ and contract with necessary qualified teachers and discharge the same for cause;
 4. provide services to promote the health of its pupils;
 5. provide school buildings and erect needed buildings;
 6. purchase, sell, and exchange cooperative property and equipment as deemed necessary by the cooperative board for school purposes;
 7. provide for payment of claims against the cooperative, and prosecute and defend actions by or against the cooperative, in all proper cases;
 8. employ and discharge necessary employees and contract for other services; and
 9. procure insurance against liability of the cooperative, its officers, and employees.
- F. The cooperative 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 cooperative board determines;
 3. enter into agreements with other agencies and school districts to provide for agreed upon educational services;
 4. lease rooms or buildings for school purposes;
 5. authorize the use of cooperative facilities for community purposes that will not interfere with their use for school purposes;
 6. authorize cocurricular and extracurricular activities or work with member districts so students have access to services;
 7. receive, for the benefit of the cooperative, bequests, donations, or gifts for any proper purpose; and
 8. perform other acts as the cooperative 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