



SERIES 100 - SCHOOL DISTRICT

101 LEGAL STATUS OF THE SCHOOL 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 school districts. The purpose of this policy is to clarify the legal status of the school district.

II. GENERAL STATEMENT OF POLICY

1. The school district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.
2. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.
3. The school district 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

1. The school district is a separate legal entity.
2. The school district is coordinate with and not subordinate to the county(ies) in which it is situated.
3. The school district is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

1. Funds
 1. The school district, 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. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
 3. School district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.
2. Raising Funds



1. The school district 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 school district may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475 or other applicable law.
 3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.
3. Property
1. The school district may acquire property for school purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.
 2. The school district shall manage its property in a manner consistent with the educational functions of the district.
 3. The school district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
 4. School district officials hold school property as trustees for the use and benefit of students, taxpayers and the community.
4. Contracts
1. The school district is empowered to enter into contracts in the manner provided by law.
 2. The school district 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 school district 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 school district has authority to enter into employment contracts. As a public employer, the school district, 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.
5. Textbooks, Educational Materials, and Studies
1. The school district, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
 2. The school district shall establish and apply the school curriculum.
6. Actions and Suits
1. The school district 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)

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 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)

MSBA/MASA Model Policy 705 (Investments)

MSBA/MASA Model Policy 706 (Acceptance of Gifts)

MSBA/MASA Model Policy 801 (Equal Access to Facilities of Secondary Schools) MSBA Service Manual, Chapter 3, Employee Negotiations

MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)

102 EQUAL EDUCATIONAL OPPORTUNITY



I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

II. GENERAL STATEMENT OF POLICY

1. The policy of the school district is to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or age. The school district also makes reasonable accommodations for disabled students.
2. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence.
3. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
4. Every school district employee shall be responsible for complying with this policy conscientiously.
5. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the designated district compliance officer or coordinator for human rights, equal education opportunity or Title IX.

Legal References:

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act) 20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972) 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References:

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Student Sex)

103 COMPLAINTS - STUDENTS, STAFF, PARENTS, OTHER PERSONS



I. PURPOSE

The school takes seriously all concerns or complaints by students, staff, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. GENERAL STATEMENT OF POLICY

A. Students, parents, staff or other persons, may report concerns or complaints to the school. While written reports are encouraged, a complaint may be made orally. Any staff member receiving a complaint shall advise the Staff Team of the receipt of the complaint. The Staff Team shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the Board Chairperson. A person may file a complaint at any level of the school ; i.e., staff, staff team, or the School Board. However, persons are encouraged to file a complaint at the building level when appropriate.

B. Depending upon the nature and seriousness of the complaint, the Staff Team member receiving the complaint shall determine the nature and scope of the investigation or follow up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the Board Chairperson who shall determine whether an internal or external investigation should be provided. In either case, the Board Chairperson shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the Board Chairperson concerning the status or outcome of the matter.

C. The appropriate Board Chairperson shall respond in writing to the complaining party concerning the outcome of the investigation or follow up, including any action appropriate or corrective measure that was taken. The Board Chairperson shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.



Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Bulletin "I" (School Records-Privacy-Access to Data)

104 SCHOOL DISTRICT MISSION STATEMENT

I. PURPOSE



The purpose of this policy is to establish a clear statement of the purpose for which the school district exists.

II. GENERAL STATEMENT OF POLICY

The school board believes that a mission statement should be adopted. The mission statement should be based on the beliefs and values of the community, should direct any change effort and should be the basis on which decisions are made. The school board, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise the school board governs, the purpose it serves, the constituencies it should consider, including student representation, and the results it intends to produce.

III. MISSION STATEMENT

The mission of Independent School District 4049 is “Rekindling our hope, exploring our world, seeking our path, while building our community.”

IV. REVIEW

The school board will conduct a comprehensive review of the mission, including the beliefs and values of the community, every four to seven years.

Legal References:

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement)

Minn. Rule Parts

3501.0010-3501.0180 Minn. Rule

Parts 3501.0200-3501.0270

105 RELIGIOUS EXPRESSION

I. Student Prayer and Religious Discussion



- A. The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," and the Supreme Court has made clear that "private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as a secular private expression." Students, therefore, have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable non-disruptive activities.
 - B. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech. For instance, where schools permit student expression on the basis of genuinely neutral criteria and students retain primary control over the content of their expression, the speech of students who choose to express themselves through religious means such as prayer is not attributable to the state and therefore may not be restricted because of its religious content. Student remarks are not attributable to the state simply because they are delivered in a public setting or to a public audience. As the Supreme Court has explained: "The proposition that schools do not endorse everything they fail to censor is not complicated," and the Constitution mandates neutrality rather than hostility toward privately initiated religious expression.
 - C. Generally, students may pray in a non-disruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, among other things, students may read their Bibles or other scriptures, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.
- II. Organized Prayer Groups and Activities**
- A. Students may also participate in before or after school events with religious content. Students may organize prayer groups, religious clubs, such as "see you at the flag pole" gatherings, on the same terms as they may participate in other non-curriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event. The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to



participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

III. Graduation Prayer and Baccalaureates

- A. Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. Public school officials may not themselves decide that prayer should be included in school-sponsored events. Nor may school officials grant religious speakers preferential access to public audiences, or otherwise select public speakers on a basis that favors religious speech. Where students or other private graduation speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, however, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student or other private speech that is not, in fact, attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the schools. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

IV. Teachers, Administrators, and other School Employees Official Neutrality Regarding Religious Activity and Rights

- A. Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity. The Supreme Court has repeatedly held that the First Amendment requires public school officials to be neutral in their treatment of religion, showing neither favoritism toward nor hostility against religious expression such as prayer. Teachers may, however, take part in religious activities where the overall context makes clear that they are not participating in their official capacities. Before school or during lunch, for example, teachers may meet with other teachers for prayer or Bible study to the same extent that they may engage in other conversation or nonreligious activities. Similarly, teachers may participate in their personal capacities in privately sponsored baccalaureate ceremonies.

V. Teaching About Religion

- A. Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative



religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

VI. Student Assignments

- A. Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

VII. Religious Literature

- A. Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on the distribution of religious literature as they do on non-school literature generally, but they may not single out religious literature for special regulation.

VIII. Religious Excusals

- A. Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. Where school officials have a practice of excusing students from class on the basis of parents' requests for accommodation of nonreligious needs, religiously motivated requests for excusal may not be accorded less favorable treatment. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

IX. Released Time

- A. Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

X. Teaching Values

- A. Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.



XI. Student Garb

- A. Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

200 SERIES - SCHOOL BOARD

201 LEGAL STATUS OF THE SCHOOL BOARD

I. PURPOSE



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

II. GENERAL STATEMENT OF POLICY

The school board is the governing body of the school district. As such, the school board has responsibility for the care, management, and control over public schools in the school district. Generally, elected members of the school 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 school board is not bound by an action or statement on the part of an individual school board member unless the action is specifically directed or authorized by the school board.

III. DEFINITION

“School board” means the governing body of the school district.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the school board consists of nine elected directors. The term of office is three years.
- B. There may be other ex officio members of the school board as provided by law. The superintendent 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 school board.

V. POWERS AND DUTIES

- A. The school board has powers and duties specified by statute. The school board’s authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The school board shall supervise and manage the schools of the school district; adopt rules for their organization, government, and instruction; and make and authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school 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 schools, the payment of indebtedness, and all proper expenses of the school district;
2. conduct the business of the schools and pay indebtedness and proper expenses;
3. employ and contract school Director, conduct annual evaluation 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 school district property and equipment as deemed necessary by the school board for school purposes;
7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
8. provide for transportation of pupils to and from school, as governed by statute; and
9. procure insurance against liability of the school district, its officers and employees.

F. The school 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 school 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 school facilities for community purposes that will not interfere with their use for school purposes;
6. authorize co-curricular and extracurricular activities;
7. receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

VI. COMPENSATION

Directors shall receive no compensation for their services as directors but shall be allowed reimbursement for reasonable expenses incurred by any director as approved by the Board.

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) JGESA Board
Approved Policy Adopted: July 2015 Amended:

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 3, School Board and its Powers

202 SCHOOL BOARD OFFICERS



I. PURPOSE

School board officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

II. GENERAL STATEMENT OF POLICY

- A. The school board shall meet monthly and organize by selecting a chair, vice-chair, a secretary, a treasurer and such other officers as determined by the school board.
- B. The school board may appoint a member who shall be an ex officio, non voting member of the school board.

III. NUMBER, TENURE AND QUALIFICATIONS

- A. Number and Qualifications. The Board of Directors shall consist of NINE non-related persons as defined by Minn. Stats. Section 14.D.10, as amended from time to time, and includes five licensed teachers of the school, two parents or legal guardians of a student enrolled in the school, and two community members not employed by the school and not a parent or legal guardian of a student enrolled at the school.
- B. Tenure. Directors shall serve for three year terms.

IV. SELECTION OF MEMBERS OF THE BOARD, VACANCY

- A. Selection. Members of the Board shall be selected by a majority vote of all eligible voters present at a meeting and by a mail ballot. Cumulative voting shall not be permitted. Each eligible voter shall have one vote for each director to be elected. Eligible voters include all staff members and teachers employed by the school and all parents or legal guardians of children enrolled in the school. There shall be at least 30 days of notice prior to any election of Board members.
- B. Election Procedures. Any eligible person may be a candidate for the Board of Directors. In addition, the Board of Directors shall appoint a nominating committee consisting of three or more members and designate a chairperson. This committee shall place in nomination one or more candidates for each director's seat under consideration. Each candidate nominated for consideration for membership of shall make available information concerning his or her qualifications.
- C. Vacancies. Vacancies, no matter how caused, shall be filled by persons appointed by means of a majority vote of the Board. Such director shall fill the unexpired portion of that director's term.
- D. Open Meetings and Notice. Meetings and notices of all board and committee meetings shall comply with Minn. Stats. Section 14.D.10, as amended from time to time.



V. MEETINGS OF THE BOARD OF DIRECTORS

- A. Regular Meetings. Regular meetings of the Board of Directors shall be held at least 12 times each year at such time and place as may be fixed by resolution of the Board.
- B. Special Meetings. Special meetings may be called by the Chair on the request of any board member or officer of the corporation.

VI. QUORUM AND VOTING

- A. Voting. Passage of a motion for resolution shall require a vote of a majority of the members present at the meeting.
- B. Quorum. Except as otherwise provided, a quorum for the transaction of business shall consist of at least three members of the Board. No member of the Board may vote by proxy.

VII. REMOVAL OR RESIGNATION OF DIRECTORS

- A. Removal. Any director may be removed from office, with or without cause, by majority vote of the entire membership of the Board at a regular or special meeting of the Board called for that purpose. The Board must provide due notice to such Board members and allow the person to be heard on this issue.
- B. Resignation. A Board member may resign at any time by giving written notice to the corporation, effective as of date stated in notice.

VIII. COMMITTEES

- A. The Board of Directors may appoint such committees (and delegate to such committees such powers and responsibilities) it may from time to time deem appropriate. Persons on these committees need not be a member of the Board of Directors.

IX. COMPLAINTS

- A. Any complaint against the corporation or any of its activities shall be made in writing and directed to a meeting of the Board of Directors. The Board of Directors shall respond in writing within 5 days of such meeting.

X. BOARD TRAINING

- A. Every Board member shall attend ongoing training throughout the member's term on Board governance, employment practices and policies, and financial management, and shall comply with Minn. Stats. 124D.10, Subd. 4(f), regarding completion and reporting.



XI. CONFLICTS OF INTEREST

A. The conflict of interest policy established by the Board of Directors is Minn. Stat. 124D.10, Subd. 4a (a) through (f), as amended from time to time.

XII. OFFICERS

A. Description and Number of the Officers. The corporation shall consist of the president, secretary and treasurer, and such other officers as may from time to time be elected by the Board. A person may hold two offices at one time. Except as provided in these Bylaws, the Board of Directors shall fix the powers and duties of all officers.

XIII. ELECTION, TERMS OF OFFICE, AND QUALIFICATIONS

A. The officers shall be elected by the Board at the first meeting of the Board following the meeting at which Board members were elected. The officers shall serve for three years or until their successor shall have been elected or until resignation, removal or death.

XIV. REMOVAL OR VACANCIES

A. Any officer may be removed from office at any time by the vote of the majority of with or without cause, subject to the terms and conditions of employment contracts, if any. However, the Board shall give due notice of such action to such person and that person shall have a right to be heard on this issue. Any action for removal of an officer to fill a vacancy must be conducted at a regular or special meeting called for that purpose.

XV. DESCRIPTIONS

A. The president shall preside over all board meetings; he shall be the chief executive officer of the corporation and shall see that all orders or resolutions by the Board are carried into effect. In general, the president shall perform all duties usually incident to that office and such other duties as the Board may prescribe.

B. Secretary. The secretary shall be secretary of the Corporation and shall record all proceedings and meetings in the appropriate minute book of the corporation; shall give proper notice of meetings to directors; shall sign and execute such documents as may be necessary to the transaction of business by the corporation; and shall perform such other duties as may from time to time be prescribed by the Board of Directors.

C. Treasurer. The treasurer shall keep accurate accounts of all funds of the corporation received or disbursed and deliver to the Board or to the president, whenever required,



an accounting of the financial condition of the corporation, and shall perform such other duties as may from time to time be prescribed by the Board or the president. The treasurer shall work as the liaison to the Board with the Chief Financial Officer of the corporation.

XVI. OTHER REQUIREMENTS OF THE BOARD

A. The Board shall retain corporate counsel and a chief financial officer prior to commencement of business as a charter school.

B. All Board members and employees of the corporation shall be subject to criminal background checks.

C. The Board shall have at least one member who has expertise in the educational program of the school.

D. Elections of the full Board must be completed by the third year of doing business. All elections must take place when school is in session and with at least 30 days notice to all eligible to vote.

E. No Board member shall provide any goods, services or facilities to the corporation.

F. Written agendas for board meetings shall be prepared at least three days prior to the meeting and shall be available on the web site of the corporation, posted in the administrative offices, and provided to members and the authorizer.

G. The authorizer will be placed on the agenda whenever it requests.

H. The Board shall set a course of action consistent with its contract with authorizer; shall develop an annual plan for the Board, executive director, and its teaching staff; shall review the performance of its executive director on an annual basis; approve the school improvement plan annually; approve the annual budget; monitor the monthly fiscal reports; review and approve the employment contracts of its staff; provide conditions for communication with students, parents and the community; and develop and approve a policy manual.

AMENDMENT

I. Amendments by the Board of Directors.

A. These Bylaws may be amended by the Board of Directors. However, the Board may change its governance model only by a majority vote of the Board of Directors and the licensed teachers employed by the school and the Authorizer of the school. The Board must be given proposed Bylaw changes in writing at least



one week in advance of the board meeting in which such amendment will be considered. An amendment, other than change in governance model, shall require the vote of a majority of the Directors present at such meeting.

Legal References:

Minn. Stat. § 123B.12 (Finance)

Minn. Stat. § 123B.14 (Officers)

Minn. Stat. § 123B.143 (Superintendent)

Minn. Stat. § 126C.17 (Referendum Revenue)

Minn. Stat. Ch. 205A (School District Elections)

Cross References:

MSBA/MASA Model Policy 101 (Legal Status of the School District)

MSBA/MASA Model Policy 201 (Legal Status of the School Board)

MSBA/MASA Model Policy 203 (Operation of the School Board-Governing Rules)

MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties