

## **101 LEGAL STATUS OF THE CHARTER SCHOOL**

### **I. PURPOSE**

A primary purpose of charter schools is to improve all pupil learning and achievement. Additional purposes include to (1) increase learning opportunities for all pupils; (2) encourage the use of different and innovative teaching methods; (3) measure learning outcomes and create different and innovative forms of measuring outcomes; (4) establish new forms of accountability for schools; and (5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

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

- A. The charter school is subject to the control of the legislature, limited only by constitutional restrictions. The charter school has been created for educational purposes.
- B. The legislature has authority to prescribe the charter school's powers and privileges, its boundaries, and territorial jurisdictions.
- C. The charter school has only the powers conferred on it by the legislature; however, the board of directors' authority to govern, manage, and control the charter school, to carry out its duties and responsibilities, and to conduct the business of the charter school includes implied powers in addition to any specific powers granted by the legislature.

### **III. NONPROFIT CORPORATION**

The charter school must be organized and operated as a nonprofit corporation under Minnesota Statutes Chapter 317A and the provisions of that chapter shall apply to the charter school except as provided in Minnesota Statutes Chapter 124E.

### **IV. POWERS AND AUTHORITY OF THE CHARTER SCHOOL**

#### **A. Funds**

- 1. The charter school, through its board of directors, 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 charter school has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
- 3. Charter school officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

#### **B. Raising Funds**

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

C. Property

1. The charter school may lease space from: an independent or special school board; other public organization, private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. The charter school must not enter into a lease of real property with a related party unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under Minnesota Statutes chapter 308A, and the lease cost is reasonable under Minnesota Statutes chapter 124E.
2. The charter school shall manage its property in a manner consistent with the educational functions of the school.
3. The charter school may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.

D. Contracts

1. The charter school is empowered to enter into contracts in the manner provided by law.
2. The charter school has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minnesota Statutes section 465.71 or other applicable law.
3. The charter school 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 charter school has authority to enter into employment contracts. As a public employer, the charter school, 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 charter school, through its board of directors and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The charter school shall establish and apply the school curriculum.

F. Actions and Suits

The charter school has authority to sue and to be sued.

**Legal References:** Minn. Const. art. 13, § 1  
Minn. Stat. Ch. 124E (Charter Schools)  
Minn. Stat. § 124E.03 (Applicable Law)  
Minn. Stat. 124E.13 (Facilities)  
Minn. Stat. Ch. 179A (Public Employment Labor Relations)  
Minn. Stat. Ch. 317A (Nonprofit Corporations)  
Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)

*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 the Charter 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 Charter School Facilities)