

MATH AND SCIENCE ACADEMY

Adopted: February 27, 2023

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

III. NONPROFIT CORPORATION

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

IV. POWERS AND AUTHORITY OF THE CHARTER SCHOOL

A. Funds

- 1. Math and Science Academy, through its board of directors, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expand such funds, subject to applicable law.

2. Math and Science Academy has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. Math and Science Academy officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

Math and Science Academy has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. Math and Science Academy 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. Math and Science Academy 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. Math and Science Academy shall manage its property in a manner consistent with the educational functions of the school.
3. Math and Science Academy may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.

D. Contracts

1. Math and Science Academy is empowered to enter into contracts in the manner provided by law.
2. Math and Science Academy 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. Math and Science Academy 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. Math and Science Academy has authority to enter into employment contracts.

E. Textbooks, Educational Materials, and Studies

1. Math and Science Academy, through its board of directors and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. Math and Science Academy shall establish and apply the school curriculum.

F. Actions and Suits

Math and Science Academy 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)