



Adopted: April 20, 2005

EMID Board Policy 101.1

Revised: October, 2014; October 19, 2016

101.1 LEGAL STATUS OF THE DISTRICT

I. PURPOSE

It is a primary principle of this nation 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 East Metro Integration District's (hereafter referred to as "EMID") status as a joint powers district under applicable state law.

II. GENERAL STATEMENT OF POLICY

- A. EMID is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. EMID has been created for educational purposes to foster voluntary interdistrict integration among East Metro urban and suburban school districts.
- B. The legislature has authority to prescribe EMID's powers and privileges, its boundaries and territorial jurisdictions.
- C. EMID has only the powers conferred on it by the legislature; however, the EMID Board's authority to govern, manage, and control its programs to carry out its duties and responsibilities, and to conduct the business of the district includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

- A. EMID is a separate legal entity.
- B. EMID is coordinate with and not subordinate to the county(ies) in which it is situated.
- C. EMID is not subservient to municipalities within its territory.
- D. EMID is doing business as (dba) "Equity Alliance MN" within the member districts and with other districts and schools as well.

IV. POWERS AND AUTHORITY OF THE DISTRICT

- A. Funds



1. Through its Board, EMID has authority to secure funds for the operation and maintenance of its programs, and authority to manage and expend such funds, subject to applicable law.
2. EMID, through its Board, has discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. EMID officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Securing Funds

1. Within the limitations specified by law and its Sixth Amended Joint Powers Agreement, EMID shall secure necessary funds to meet all proper expenses associated with the operation of the programs.
2. EMID has authority to accept gifts and donations for education purposes, subject to applicable law.

D. Contracts

1. EMID is empowered to enter into contracts in the manner provided by law.
2. EMID 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. EMID 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. EMID has authority to enter into employment contracts.

E. Educational Materials and Program Activities

1. Through its Board and staff, EMID has the authority to determine what educational materials and program activities should be pursued.

F. Actions and Suits

1. The 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:

EMID Policy 201 (Legal Status of Board)
EMID Policy 603 (Curriculum Development)
EMID Policy 604 (Instructional Curriculum)
EMID Policy 606 (Textbooks and Instructional Materials)
EMID Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
EMID Policy 705 (Investments)
EMID Policy 706 (Acceptance of Gifts)
MSBA Service Manual, Chapter 3, Employee Negotiations
MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)
Sixth Amended Joint Powers Agreement
EMID Policy 801 (Access to School Facilities)