Adopted from MSBA/MASA Model Policy 101, Orig. 1995, Rev. 2025
Approved: 7/20/23 by Board of Directors
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BLUFFVIEW MONTESSORI SCHOOL
POLICY 101
LEGAL STATUS OF BLUFFVIEW MONTESSORI 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 Bluffview Montessori School.

II. GENERAL STATEMENT OF POLICY

A. Bluffview Montessori School is subject to the control of the legislature, limited only by constitutional restrictions. Bluffview Montessori School has been created for educational purposes.

B. The legislature has authority to prescribe Bluffview Montessori School's powers and privileges, its boundaries, and territorial jurisdictions.

C. Bluffview Montessori School has only the powers conferred on it by the legislature; however, the board of directors' authority to govern, manage, and control Bluffview Montessori School, to carry out its duties and responsibilities, and to conduct the business of Bluffview Montessori School includes implied powers in addition to any specific powers granted by the legislature.

III. NONPROFIT CORPORATION

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

IV. POWERS AND AUTHORITY OF BLUFFVIEW MONTESSORI SCHOOL

A. <u>Funds</u>

1. Bluffview Montessori School, through its board of directors, has authority to raise funds for the operation and maintenance of Bluffview Montessori School and authority to manage and expend such funds, subject to applicable law.

2. Bluffview Montessori School has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.

3. Bluffview Montessori School officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

Bluffview Montessori School has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. Bluffview Montessori 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. Bluffview Montessori 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. Bluffview Montessori School shall manage its property in a manner consistent with the educational functions of Bluffview Montessori School.

3. Bluffview Montessori 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. Unless so authorized by the Board of Directors or the Bluffview Montessori School Bylaws, no officer, agent, or employee shall have any power or authority to bind the Corporation by any contract or engagement, or to pledge its credit or to render it liable financially for any purpose or to any amount. The authorization given by the Board of Directors may be general authority or confined to specific instances.

2. Bluffview Montessori School is an "at will employer". A Bluffview Montessori School employee can quit for any reason. Bluffview Montessori School can fire any employee for any reason as long as that reason is not illegal, such as discrimination based on race,

creed, color, sex, national origin, ancestry, religion, age, disability, sexual orientation or marital status.

E. Textbooks, Educational Materials, and Studies

1. Bluffview Montessori School, through its board of directors and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.

2. Bluffview Montessori School Bluffview shall establish and apply the school curriculum.

F. Actions and Suits

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

V. Notice and Website Posting

A. Bluffview Montessori School must post a link in a conspicuous place on the school's official website to the section of its authorizer's website where information listed in Minnesota Statutes, section 124E.17, paragraph c, specific to that school is published.

B. Bluffview Montessori School must also, upon the request of the authorizer, distribute information from their authorizer about interventions, corrective actions, and probationary status by publication, mail, or electronic means to its authorizer, school employees, and parents and legal guardians of students enrolled in the charter school.

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: Minnesota Department of Labor and Industry: https://www.dli.mn.gov/business/employment-practices/employment-termination
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)