

ASPEN ACADEMY

Adopted:

Revised: February 9, 2010

101 LEGAL STATUS OF THE SCHOOL

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 legal status of the school.

II. GENERAL STATEMENT OF POLICY

- A. The school is a public corporation created for educational purposes.
- B. The legislature has authority to prescribe the school's powers and privileges as stated in the Charter School Law 124D.10.
- C. The school has only the powers conferred on it by the legislature; however, the school's authority to govern, manage, and control the school, to carry out its duties and responsibilities, and to conduct the business of the school includes implied powers in addition to any specific powers granted by the legislature.
- D. The school is subject to any requirements imposed by its authorizer.

III. POWERS AND AUTHORITY

A. Funds

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

B. Raising Funds

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

C. Property

1. The school may acquire personal property and lease real 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 shall manage its property in a manner consistent with the educational functions of the district.
3. The school may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. School officials hold school property as trustees for the use and benefit of students, taxpayers and the community.

D. Contracts

1. The school is empowered to enter into contracts in the manner provided by law.
2. The school has authority to enter into installment purchases and other applicable law.
3. The school has authority to enter into employment agreements.

E. Textbooks, Educational Materials, and Studies

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

F. Actions and Suits

The school has authority to sue and to be sued.