

POWERS AND RESPONSIBILITIES OF THE BOARD

LEGAL PROVISIONS: Relative to Real Estate

1. Shall have the general care and upkeep of the schools.
2. Shall provide for care and custody of the schoolhouse and other property of the district.
3. Shall provide the necessary appendages to the schoolhouse and keep these in good repair during the time school is taught, keep an accurate account of all expenses incurred.
4. May at its discretion permit the use of public school buildings for public assemblage under the rules and regulations as it may adopt. The school board may also charge the necessary fees that may be necessary to meet the expenses of the meetings, restore the property, and pay the extra help required to do so.
5. Shall have the power to exercise the right of eminent domain. The procedure to condemn property shall be exercised in the manner set forth in school law.
6. May enter into a lease or lease-purchase agreement for the exclusive use of their individual jurisdictions for such buildings/equipment as the school board determines necessary. These agreements shall not exceed 7 years and all payments on the leases shall be made from current building funds or general funds.
7. May lease, purchase, acquire, own manage, and hold title to real property that is located outside its own school district for laboratory, recreation, camping, or educational facilities. However, any purchase costing more than \$5,000 shall be submitted to a vote of the voters of the district. The election provisions of this section shall not apply to situations when a school district desires to lease, purchase, acquire, own, manage, and hold title to additional real property for laboratory, recreation, camping, or educational facilities.
8. May accept title to real estate from a city or village of property that has been dedicated or used as a public park when such real estate lies within the boundaries of the city or village. The real estate conveyed under this statute may be used only in the manner and to the extent that other real estate owned by the school district may be used.
9. School districts may levy a special tax to acquire funds for purchasing or repairing real property. The school board may establish a fund from the proceeds of an annual levy not to exceed 14 cents per \$100 on taxable property in the district, except intangible property, to be used only for the following purposes. Acquire sites for school buildings or teacher; purchasing existing buildings for use as school buildings of teacherages, including sites upon which buildings are located; the erection, alteration, equipping, and furnishing school buildings or teacherages and additions to school buildings for elementary and high school grades.
10. Must take from the person, person's firm or corporation that is awarded a construction contract, a bond in a sum not less than the contract price with a corporate surety company conditioned for the payment of all laborers and mechanics for labor that shall be performed and for payment for material which is actually used or rented in

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the erecting, furnishing, or repairing of the public structure or improvement or in performing the contract.

11. The school board of a Class III district has no authority to transfer unused money in its general fund to the building fund for the construction of school buildings and additions thereto.
12. Must be notified by the appropriate planning commission of proposed zoning and planning changes that will affect the district.
13. For powers to dispose of property, see 79-521; 79-530
14. For powers to borrow money, see 79-520; 79-531

LEGAL PROVISIONS: Relative to Employees:

1. Shall have authority to hire a superintendent, teachers, and other personnel. The superintendent shall serve as the board's chief executive officer to operate the school district on the board's behalf. All references to "superintendent" in this policy manual shall mean the "superintendent or the superintendent's designee" unless otherwise stated in the board policy. The board delegates to the superintendent its authority to carry out board policy, to formulate and carry out rules and regulations and to handle the administrative details in a manner which supports and is consistent with board policy.
2. May not employ a member of the school board as a teacher in the school in which school district the person serves as a member of the school board.
3. Shall not enter into a contract of employment with a teacher or administrator who is already under contract with another school board covering a part or all of the same time of performance as the contract with the other school board.
4. Shall be personally liable for all public money paid to teachers or administrators who have not registered their certificates with the school and signed by the superintendent.
5. Shall provide the teachers with an uninterrupted lunch period of not less than thirty minutes each school day.
6. Shall give notice in writing not later than December 1st its intention to terminate the contract of any superintendent or associate superintendent.
7. The superintendent shall, not later than April 15, notify each teacher in writing of any conditions of unsatisfactory performance or other change of leave or absence policies of the school board which the school board considers may be just cause to either terminate or amend the contract for the ensuing year.

LEGAL PROVISIONS: Relative to Student Governance:

1. Make rules and regulations necessary for the government and health of pupils.
2. Devise means that are best to secure students regular attendance and progress.
3. Shall admit children who will reach six years of age prior to January 1 of such school year to attendance according to state statute.
4. May employ a physician or a person skilled in mental diagnosis who shall determine whether or not a child is capable of undertaking the work of the school when an exemption is claimed on account of mental or physical incapacity.
5. May elect to offer a kindergarten program either half days only for the full year or full days for one-half the school year. If the district opts for the latter, it shall be during the second semester of the school year.

6. Shall make provisions for students to enter school any time during the school year and shall admit any homeless student that requests admission without charge.
7. May admit nonresident pupils to the district school, may determine the rate of tuition of the pupils, and shall collect such tuition in advance.
8. Every school district shall require that each child under its jurisdiction be inspected to determine whether the child suffers from defective sight or hearing, dental defects, or other condition as prescribed by the department of Health. These inspections shall be conducted in the first quarter of each school year and, thereafter, as children enter school during the year. If the inspection determines the child has such condition, it is the duty of the school to notify the parent in writing of the child condition and the necessity for professional attention. Provided no child shall be required to be inspected when a parent or guardian objects in writing to school authorities.
9. Shall require each child under twelve years of age to be protected against Hepatitis B, measles, mumps, Rubella, polio, Diptera's, perturbs, varicella (Chicken pox) and tetanus by immunization before being permitted to attend any school under its jurisdiction, unless a parent or guardian of such child presents a written statement that he does not wish to have such child so immunized.
10. Shall require a birth certificate and evidence of a physical examination and visual examination by a qualified physician and such immunization as required by the school board within six months prior to the entrance of the child into the local school.
11. May employ licensed physicians to make physical examinations or inspections required.
12. Shall arrange for pupils to be classified in grades or departments and have them be taught in courses of study that the school board develops with the advice and consent of the Commissioner of Education.
13. Shall establish and promulgate rules of student conduct that are necessary to carry out or to prevent interference with carrying out any educational function.

Legal Reference: Neb. Statute 79-261 to 263
 79-501 to 524
 79-734
 NDE Rule 10.004.01

Cross Reference 102 Educational Philosophy of the District
 104 Educational and Operational Planning
 205 School Board Policy Process
 301.03 Succession of Authority to the Superintendent
 601 Goals and Objectives of Instructional Plan