

BOARD OF TRUSTEES AUTHORITY

The Jackson Public School District is a political subdivision of the State of Mississippi and is governed by the Board of Trustees, which consists of seven (7) members selected in the manner provided by law. As a body created under law by the State of Mississippi, the Jackson Public School District's Board of Trustees has authority within the limitations and interpretations of federal and state laws.

The individual board member has no legal authority to act individually unless specifically delegated authority to act by this school board at its legal meeting. The Constitution of Mississippi stipulates that the responsibility for establishing and maintaining public schools rests with the Mississippi Legislature. The Constitution provides for a State Board of Education, which has general supervision of the public schools. The Mississippi Constitution further provides that local public schools under the general supervision of the State Board of Education shall be maintained, developed, and operated by locally elected or appointed boards. Therefore, school boards are instruments of the Mississippi Legislature and derive their authority from the Mississippi statutes and the regulations of the State Board of Education.

The Board of Trustees may adopt any orders, resolutions, or ordinances concerning school district affairs, property, and finances that are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi. Except as otherwise provided in this statutory or constitutional authority, the powers granted to the board in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi. This authority shall not authorize the school board to (a) levy taxes of any kind or increase the levy of any authorized tax; (b) issue bonds of any kind; (c) enter into collective bargaining agreements.

The Board of Trustees determines policy, delegates executive, supervisory and instructional authority to its employees, and appraises the results achieved in light of the goals of this school district.

The Board of Trustees shall concern itself primarily with broad questions of policy and with the appraisal of results, rather than with administrative details. The application of policies shall be an administrative task to be performed by the superintendent and his or her staff who shall be held accountable for the effective administration and supervision of the entire school system.

All matters to be submitted to the Board shall first be brought before the superintendent for investigation. If these matters require school board action, they shall be presented to the school board by the superintendent or his or her designee. Board members, acting as individuals, have no authority over school affairs but have such authority when acting as a body duly called in session.

It shall be the duty of the superintendent and the board to limit the expenditure of school funds during the fiscal year to amounts outlined in the respective school budgets as reflected in the board minutes unless such school fund budgets are revised in the manner provided by law. It shall be unlawful for any school district to budget expenditures from a fund in excess of the resources available within that fund for such expenditures.

Any member of the school board who shall knowingly enter into any contract, incur any obligation, or make any expenditure in excess of the amount available for that purpose for the fiscal year shall be liable for the

amount of such excess. However, no board member shall be personally liable (a) in the event of any reduction in minimum education payments by action of the governor, or (b) for claims, damages, awards or judgments due to tort actions. Such immunity shall not be a defense in case of fraud, criminal action, or intentional breach of fiduciary obligations imposed by statute.

In all cases where laws or the regulations of the state superintendent of education do not provide, permit, or prohibit, the Board of Trustees shall consider itself the agent responsible for establishing and appraising educational activities.

SOURCE: Jackson Public School District, Jackson, Mississippi
LEGAL REF: Miss. Code Ann. §§37-7-301; 37-61-19, 37-61-21
DATE: October 16, 1978
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