

## SCHOOL DISTRICT LEGAL STATUS

The Constitution of the State of Wisconsin provides for the establishment of free public schools "...which shall be as nearly uniform as practical" and sets up the basis for School District organization and reorganization.

The State Constitution further provides for a State Department of Public Instruction, under the supervision of a State Superintendent, to provide leadership and services to local school districts.

State Delegations: Local school board members legally are regarded as State officers. The view that school boards are agents of the State rather than of a city, township or village has been established by numerous court decisions. General duties of a local school board are established in Section 120.12 of the Wisconsin Statutes. Powers and duties are further enumerated in Section 120.49.

Corporate Entity: The Board of Education is recognized as a corporate entity and as such exists only when its individual members are meeting together in legal session. The School Board is a continuing body independent of its separate members.

**Cross Reference:** Board Member Authority and Responsibility, 161

**Legal Reference:** Wisconsin Constitution Article X  
Wisconsin State Statutes 115.01(3), (5); 120.12, 120.13, 120.41,  
120.44, and 120.49

**Adoption Date:** September 14, 1987