

Round Lake / Brewster Public School Policies

Book:	Round Lake Public School Policies Brewster Public School Policies
Section:	200 - SCHOOL BOARD
Title:	Open and Closed Meetings
Number:	205
Legal:	<i>Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)</i> <i>Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)</i> <i>Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)</i> <i>Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)</i> <i>Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)</i> <i>Minn. Stat. §13D (Open Meeting Law)</i> <i>Department of Administration Advisory Opinion 04-004 (February 3, 2004)</i> <i>Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. App. 2006)</i> <i>Brainerd Daily Dispatch v. Dehen, 693 N.W.2d 435 (Minn. App. 2005)</i> <i>The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)</i> <i>Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)</i> <i>Star Tribune v. Board of Education, Special District No. 1, 507 N.W.2d 869 (Minn. App. 1993).</i> <i>Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. App. 1988)</i> <i>Moberg v. Independent District No. 281, 336 N.W.2d 510 (Minn. 1983).</i> <i>Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), rev. denied. (Minn.1993)</i>

Adopted:

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Policy Detail

I. PURPOSE

The purpose of this policy is to provide guidelines to assure the rights of the public to be present at School Board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

A. Except as otherwise expressly provided by statute, all meetings of the School Board,

including executive sessions, will be open to the public.

B. Meetings will be closed only when expressly authorized by law.

III. DEFINITION

“Meeting” means a gathering of at least a quorum or more members of the School Board, or quorum of a committee or subcommittee of School Board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the School Board. The term does not include a chance or social gathering.

A. Meetings

1. Regular Meetings. A schedule of the regular meetings of the School Board will be kept on file at the School. If the School Board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it will give the same notice of the meeting as for a special meeting.
2. Special Meetings
 - a. The Round Lake School Board has three types of special meetings:
 - (1) A special session is called for the purpose of taking action on time-sensitive issues. Special sessions may be called by the School Board Chair, School Board Clerk, or any three School Board Directors by written or electronic notice stating the time, place, and purpose of the meeting.
 - (2) A study session is called for the purpose of discussing specific issues and topics in further detail. These meetings are called at the discretion of the School Board Chair.
 - (3) A retreat is called for the purpose of discussing issues related to strategic direction. These meetings are called at the discretion of the School Board Chair.
 - b. For a special meeting, the School Board will post written notice of the date, time, place, and purpose of the meeting on the principle bulletin board of the School. The notice will also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. The School Board's action(s) at the special meeting are limited to those topics included in the notice.
 - c. This notice will be posted and e-mailed or otherwise delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the School Board may publish the notice in the official newspaper of the District or, if none, in a qualified newspaper of general circulation within the area of the District.
 - d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the School Board is required to send notice to that person only concerning those particular subjects.
 - e. The School Board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the School Board will send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the School Board Chair, require immediate consideration.
- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting will include a specific description of those matters.
- c. The School Board will make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting will be given by telephone or any other method used to notify the members of the School Board.
- e. Notice will be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the School Board members.
- f. Notice will include the subject of the meeting.
- g. Posted or published notice of an emergency meeting will not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy will supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings. If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting were established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings. The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice. If a person receives actual notice of a meeting of the School Board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Pandemic or Declared Emergency. In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

B. Votes. The votes of School Board members will be recorded in the official minutes which are available to the public during all normal business hours at the office.

C. Written Materials

1. In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by the School Board or its employees and distributed to or available to all School Board members will be available in the meeting room for inspection by the public while the School Board considers the subject matter.

2. This provision does not apply to materials not classified by law as public or to

materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the School Board's authority and is reasonably necessary to conduct the business or agenda item before the School Board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, will be public.

E. Closed Meetings

1. Labor Negotiations Strategy
 - a. The School Board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
 - b. The time and place of the closed meeting will be announced at the public meeting. A written roll of School Board members and all other persons present at the closed meeting will be made available to the public after the closed meeting. The proceedings will be tape recorded, and the tape recording will be preserved for two years after the contract discussed at the meeting is signed. The recording will be made available to the public after all labor contracts are signed by the School Board for the current budget period.
2. Sessions Closed by Bureau of Mediation Services. All negotiations, mediation sessions, and hearings between the School Board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
3. Preliminary Consideration of Charges. The School Board will close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the School Board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
4. Performance Evaluations. The School Board may close a meeting to evaluate the performance of an individual who is subject to its authority. The School Board will identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the School Board will summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be

electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Meeting. A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the School Board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.
6. Dismissal Hearing
 - a. A hearing on the dismissal of a licensed teacher will be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence will be public.
 - b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act will be closed unless the pupil, parent or guardian requests an open hearing.
 - c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
7. Coaches; Opportunity to Respond
 - a. If the School Board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
 - b. If the coach requests the reasons for the nonrenewal, the School Board must give the coach the reasons in writing within 10 days of receiving the request.
 - c. On the request of the coach, the School Board must provide the coach with a reasonable opportunity to respond to the reasons at a School Board meeting.
 - d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
 - e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
8. Meetings to Discuss Certain Not Public Data. Any portion of a meeting must be closed if the following types of data are discussed:
 - a. data that would identify alleged victims or reporters of criminal sexual

- conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency; ~~or~~
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The School Board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the School District;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the School Board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the School District. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the School Board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of School Board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the School Board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The School Board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the School Board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during

the closed meeting.

- d. The closed meeting must be tape recorded at the expense of the School District and the recording must be preserved for at least four (4) years.
11. Other Meetings. Other meetings will be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
- F. Procedures for Closing a Meeting. The School Board will provide notice of a closed meeting just as for an open meeting. A School Board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the School Board will state on the record the specific grounds permitting the meeting to be closed and will describe the subject to be discussed.

Cross References:

School Board Policy 204 (School Board Meeting Minutes) 

School Board Policy 206 (Public Participation at School Board Meetings) 

School Board Policy 207 (Public Hearings) 

School Board Policy 406 (Public and Private Personnel Data) 

School Board Policy 515 (Protection and Privacy of Pupil Records) 

[MSBA Service Manual](#), Chapter 13, School Law Bulletin "C" (Minnesota's Open Meeting Law)