



8210

Meetings of the Board of Directors

Policy 8210

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Review Dates:

I. PURPOSE

The Board shall conduct its discussions and act on its business under a presumption of openness. At the same time, the Board recognizes and respects the privacy rights of individuals as provided by law. The Board recognizes that the Minnesota Open Meeting Law allows for exceptions to open meetings in order to transact certain business of the Board when the public interest is best served by closing a meeting. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at Board meetings, while also protecting the individual's rights to privacy, 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 Board shall be open to the public.
- B. Board meetings shall be closed only when expressly authorized by law.
- C. For the purpose of this policy the term "meeting" shall mean any gathering, excepting chance or social gatherings but including executive sessions, at which Directors discuss, decide or receive information as a group on issues related to the official business of the board, where:
 1. at least a quorum or more of Directors of the School Board is present, or
 2. at least a quorum or more of members of a Board committee or subcommittee is present.
- D. The Board of Education may call the following types of meetings:
 1. **Regular Business Meetings**
 - a) The Board shall establish a regular schedule of meetings to conduct its business, receive recommendations from the Superintendent and vote on resolutions brought before the Board as a whole.
 - b) The Board shall publish the schedule of such meetings annually.
 2. **Discussion Meetings** The Board shall establish a schedule of discussion meetings in order to receive background information from the Superintendent and or district staff, to answer questions from the board, to consider different policy options and to allow for the sharing of perspectives of individual Board directors. No votes and no official actions will be taken at discussion meetings.
 3. **Retreats** The Board shall hold periodic retreats to deliberate and consider issues related to the internal development of the board, to plan for future meetings and to consider different scenarios and options at the early stage of planning and policy discussions. No votes and no official action will be taken at retreats.

4. **Special Meetings**
 - a) Special meetings of the Board may be called by the chairperson or clerk of the Board, or by three Directors acting collectively, if the chairperson refuses or fails to set such a meeting upon the request of three Directors.
 - b) Only business that is specifically noted in the call of the meeting may be transacted, unless a unanimous vote of the total membership of the Board agrees to amend the agenda to allow other business.
5. **Emergency Meetings.**
 - a) In the event that circumstances, as determined by the judgment of the Board, require a meeting for immediate consideration of an issue, a special meeting may be called on an emergency basis.
 - b) An emergency meeting, unless otherwise indicated in this policy, is a special meeting.
6. **Recessed or Continued Meetings.** Meetings of any type may be recessed or continued to another time and/or place. Such meetings shall continue the original condition of the meeting so recessed or continued.
7. **Closed Meetings.**
 - a) Meetings may be closed for the following reasons, or as provided by law:
 - (i) Labor Negotiations Strategy
 - (ii) Sessions Closed by the Bureau of Mediation Services
 - (iii) Preliminary Consideration of Allegations or Charges
 - (iv) Performance Evaluations
 - (v) Attorney-Client Discussions
 - (vi) Certain Dismissal Hearings of Students or Teachers
 - (vii) Certain Meetings with Non-renewed Coaches
 - (viii) Discussions of Certain Not Public Data
 - (ix) Strategic Decisions on Purchases and Sales of Property, however the actual purchase or sale of property must be approved at an open meeting.
 - (x) Security Matters
 - b) A regular or special meeting may be closed by a public, majority vote at the meeting. The specific statutory authority for closing the meeting shall be stated and a general description of the subjects to be discussed in the closed meeting shall be disclosed.
8. **Other Meetings.**

In the event of a health pandemic or an emergency declared under Minnesota Statutes Ch. 12 (Minnesota Emergency Management Act of 1996, as amended) a meeting of the Board may be held by telephone or other electronic means in compliance with law.

III. NOTICE REQUIREMENTS

- A. Any person may request in writing that notice be given to them for any special meeting called.

1. The written request may be sent to the Clerk of the Board either in physical or electronic form.
 2. The notice must be mailed or delivered, either physically or electronically at least three (3) days before the date of the meeting, the means of delivery to be at the Directors' discretion;
 3. The requestor may limit their request to specific subjects, in which case the Board shall only be required to give notice to those meeting when such a subject is part of the agenda.
 4. The Board may establish an expiration date on requests for notice of special meetings. If the Board establishes such a date, requestors shall be notified at least 60 days before the expiration date that a refileing is required for continued notice.
- B. Any news medium may request in writing that notice be given them for any emergency meeting called.
1. Notice shall be given as soon as practicable after notice has been given to the Directors.
 2. The written request must include a contact name and telephone number for such notices and may request an electronic address for such notices.
 3. Notice may be by electronic means when available at the discretion of the Directors.
- C. If a person receives actual notice of a meeting of the 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.
- D. Notice of Regular Meetings that have been changed from the published schedule as to time and/or place must be given as though the meeting is a special meeting.
- E. If at a meeting that is recessed or continued the time and place of the continued or reassembled meeting is established, and the minutes of the recessed or continued meeting include that information, no further notice is required.

IV. MATERIALS SUPPORTING THE AGENDA

- A. Agenda, minutes of earlier meetings and materials requiring advanced study shall be sent to Directors in advance of the meeting at which they will be considered on a schedule agreed by the directors.
- B. In any open meeting a copy of any printed materials, except those identified in paragraph IV.C (below), shall be available for inspection by the public while the Board considers their subject matter where the materials
1. relate to the agenda items;
 2. are prepared or distributed by the Board or its employees, and
 3. are distributed to or are available to the Board.

- C. Materials not classified by law as public shall not be available for inspection by the public.
- D. Materials related to the agenda of a closed meeting are not available for inspection by the public.
- E. The District may establish
 - 1. a process for persons to request personal copies of materials available for public inspection at an open meeting; and
 - 2. a schedule of fees for the production of those copies

V. RECORDINGS OF CLOSED MEETINGS

- A. All closed meetings, except those closed due to Paragraph II.D.7.a.5 (Attorney-client) above, shall be electronically recorded.
 - 1. If a meeting is closed during an otherwise open meeting which is being recorded electronically, the portion of the meeting that is closed will be recorded in a separate recording to be maintained separately from the recording of the open meeting.
 - 2. If a closed meeting has more than one (1) agenda item, each agenda item shall be recorded separately and maintained separately.
- B. Recordings of closed meetings shall be preserved by the district at a minimum for the following time periods, after which they shall be preserved according to the district's Records Retention Schedule:
 - 1. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the date the contract or agreement is signed.
 - 2. Meetings closed to discuss security matters shall be preserved for four (4) years after the date of the meeting.
 - 3. Meetings closed to discuss the purchase or sale of property, real or personal, shall be preserved for at least eight (8) years after the date of the meeting.
 - 4. Meetings closed for all other permissible reasons shall be preserved for three (3) years after the date of the meeting.
- C. Recordings of closed meetings are classified as protected, non-public data which is not accessible to the public or any subject of the data, with the following exceptions:
 - 1. Recordings of labor negotiations strategy meetings shall be reclassified as public data and made accessible to the public after all labor contracts for the budget period are signed.
 - 2. Recordings of meetings related to the purchase or sale of property shall be reclassified as public data and made accessible to the public after all real or personal property discussed at the meeting has been purchased or sold or the District has abandoned the purchase or sale.

3. Any other closed meeting may be reclassified or released as required by the order of a court of competent jurisdiction.
- D. Recordings able to be reclassified as public data under Paragraphs V.C.1 and V.C.2 above shall be monitored to assure that reclassification and refileing occurs as a matter of course.
- E. Recordings of closed meetings shall be separately maintained from the recordings of open meetings, except those recordings that have been reclassified as public data under Paragraph V.C. above.
- F. Recordings of closed meeting shall be preserved in a secure location separate from recordings of open meetings.
- G. All recordings of closed meetings shall be labeled with the following information:
 1. the date of the closed meeting;
 2. the reason the meeting was closed (See Paragraph II.D.7.a above).
 3. the classification of the data as non-public, and in the case of reclassification under Paragraph V.C. above, the date the data was reclassified, and the reason for the reclassification;
 4. the name of the staff member securing the recording;
 5. the date the recording is filed.

Legal References:

Minn. Stat. Ch 12 (Minnesota Emergency Management Act of 1996)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. §121A.47, Subd. 5 (Student Dismissal Hearing)
Minn. Stat. §122A.33, Subd. 3 (Coaches; Opportunity to Respond)
Minn. Stat. §122A.40, Subd. 14 (Teachers Discharge Hearing)
Minn. Stat. §179A.14, Subd. 3 (Labor Negotiations)
Dept. of Administration Advisory Opinion 04-004 (February 3, 2004)
Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. App. 2006)
Brainerd Daily Dispatch v. Dehen, 693 N.W.2d 435 (Minn. App. 2005)
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App.2004)
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)
Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
Minnesota Daily v. University of Minnesota, 432 N.W. 2d 189 (Minn. App. 1988)
Moberg v. Independent School District No. 281, 336 N.W. 2d 510 (Minn. 1983)
Sovereign v. Dunn, 498 N.W. 2d 62 (Minn. App. 1993), *rev. denied.* (Minn.1993)

Cross References:

MPS Policy 1040 (Student and Staff Data Protection)



MPS Policy 5200 (Citywide Discipline Policy)
MPS Policy 8115 (Membership and Quorum)
MPS Policy 8220 (Meeting Agenda)
MPS Policy 8230 (Parliamentary Procedure)