

## INDEPENDENT SCHOOL DISTRICT 283

SECTION/FILE 205 DATE OF ADOPTION 2.28.05

TITLE Open and Closed Meetings

### I. PURPOSE

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. 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, shall be open to the public.
- B. Meetings shall 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.

### IV. PROCEDURES FOR MEETINGS AND NOTICES

- A. Regular Meetings
  1. Normally, regular meetings of the Board of Education shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday (except July, August and December) beginning at 7:00 or 7:30 pm and held in the St. Louis Park Senior High Room C350. During the school year, some meetings may be held at school sites in conjunction with site-based program presentations.
  2. A schedule of the regular meetings of the school board shall be kept on file at its primary offices. 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 shall give the same notice of the meeting as for a special meeting.
  3. Order of Business at Regular Meetings  
At regular meetings the order of business shall be as follows unless otherwise ordered by the Board:

- I. CALL TO ORDER
- II. REVIEW AN APPROVAL OF AGENDA
- III. DISCUSSION ITEMS (Non-action items)
- IV. CONSENT AGENDA
  - Personnel
    - Certified/Classified
  - Business
    - Payroll
    - Recap of Expenditures
    - Electronic Fund Transfers
- V. ACTION ITEMS
- VI. ADJOURNMENT

B. Special Meetings

1. A special Board meeting is one called at times other than a regular or recessed Board meeting for the purpose of considering items that are specific in nature. Special meetings may be called by the chair or the clerk or any three members of the Board. The superintendent shall be notified of all special meetings by the chair, or in the absence of the chair, by the clerk.
2. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district.
3. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
4. This notice shall be posted and mailed or 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 once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
5. 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.
6. The school board will establish an expiration date on requests for notice of special meetings and require re-filing once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the re-filing requirement to each person who filed during the preceding year.
7. Order of Business at Special Meetings  
At special meetings the order of business shall be as follows unless otherwise ordered by a unanimous vote of the Board members present:

- I. CALL TO ORDER
- II. PRESENTATION OF ITEMS TO BE CONSIDERED
- III. ADJOURNMENT

C. Emergency Meetings

1. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.
2. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.

3. The school board shall 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.  
The notice requirements for an emergency meeting as set forth in Minn. Stat. 2002, 13D.04, and which form the basis for Section IV.C, 3-7 of this policy, shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.
4. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
5. Notice shall 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.
6. Notice shall include the subject of the meeting.
7. Posted or published notice of an emergency meeting shall not be required.
8. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

D. Recessed or Continued Meetings

1. A legal meeting of the Board may be recessed and continued at another time and place. Only items on the agenda of the recessed meeting may be acted upon at the continued meeting.
2. If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

E. Closed Meetings

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

F. 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.

V. MEETING RECORDS

Records of Board meetings shall be available to the public during all normal business hours at the administrative offices of the school district.

VI. MEETING AGENDA

- A. The policy of this Board shall be to close the agenda of the regular Board meetings by 10:00 a.m. on the Thursday preceding the Board meetings and that all matters be channeled through the office of the superintendent to be placed on the agenda of the meeting. The agenda shall be delivered to the homes of the Board members on the Friday preceding the meeting.
- B. The Board Chairperson and the Superintendent are responsible for developing and preparing the agenda for the School Board meetings. The agenda shall be available at all meetings.
- C. The Board will approve an Annual Board Agenda Calendar each year. This calendar will identify the major topics, which the Board will address in the year ahead.

## VII. WRITTEN MATERIALS

- A. 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 shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
- B. 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.

## VIII. DATA

- A. Meetings may not be closed merely because the data to be discussed are not public data.
- B. 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.
- C. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

## IX. CLOSED MEETINGS

The Board of Education may meet in closed session for one or more of the following reasons as permitted by law:

- A. Labor Negotiations
  - 1. 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.
  - 2. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.
- B. 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.
- C. Preliminary Consideration of Charges

The school board shall 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.
- D. 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 shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.
- E. 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.

F. Dismissal Hearing

1. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
2. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.

G. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

1. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
2. active investigative data collected or created by a law enforcement agency; or
3. educational data, health data, medical data, welfare data, or mental health data that are not public data.

H. Other Meetings

Other meetings shall be closed as provided by law.

X. PROCEDURES FOR CLOSING A MEETING

The school board shall 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 shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

***Legal References:***

Minn. Stat. §122A.40, Subd. 14 (teacher discharge hearing)  
Minn. Stat. §121A.47, Subd. 3 (student dismissal hearing)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 179A.14, Subd. 3 (labor negotiations)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
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:**

Board Policy \_\_\_ - Organization of the Board of Education  
Board Policy \_\_\_ - School Records and Data Privacy  
MSBA Service Manual, Chapter 13, School Law Bulletin "C" (Minnesota's Open Meeting Law)