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Vermilion Country School

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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.

B. 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 Statutes, Chapter 13D (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.

C. 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. Definitions

"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

A. Types of Meetings

1. Regular Meetings

- a. A schedule of the regular meetings of the school board shall be posted on the school website.
- b. 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.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the school website as well as bulletin boards in each of the school buildings. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. 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.
- 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 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.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.
- b. 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.
- c. 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.

- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. 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.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. 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.

4. Recessed or Continued Meetings

- a. 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.

5. Closed Meetings

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

6. Actual Notice

- a. 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

- a. In the event of a health pandemic or an emergency declared under Minnesota Statutes, Chapter 12, a meeting may be conducted by telephone or other electronic means in compliance with Minnesota Statutes, Chapter 13D.021.

B. Votes

1. The votes of school board members shall be recorded in the minutes.
2. The information, once approved, shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, 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.
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, shall be public.

E. Forms of Closed Meetings

1. Preliminary consideration of allegations or charges against an individual subject to its authority.
 - a. 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.
 - b. A meeting must also be open at the request of the individual who is the subject of the meeting.
 - c. 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.
2. Performance evaluations of an individual who is subject to its authority.
 - a. The school board shall identify the individual to be evaluated prior to closing a meeting.

- b. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation.
 - c. A meeting must be open at the request of the individual who is the subject of the meeting.
 - d. 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. Attorney-client meeting, as permitted by the attorney-client privilege.
- a. 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.
 - b. 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.
 - c. 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.
 - d. The law does not require that such a meeting be recorded.
4. Dismissal hearing of a licensed teacher
- a. The dismissal hearing be public or private at the teacher's discretion.
 - b. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
 - c. To the extent a teacher 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.
5. Dismissal hearing of a student pursuant to the Pupil Fair Dismissal Act.
- a. Shall be closed unless the pupil, parent or guardian requests an open hearing.
 - b. To the extent a 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.

6. Declining to renew a coaching contract of a licensed or non-licensed head varsity coach.
 - a. The school board 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 Minnesota Statutes, Chapter 13D.05, Subdivision 2, to discuss educational or certain other non-public 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.
7. Meetings to discuss certain not public data, any portion of which 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.
 - c. Educational data, health data, medical data, welfare data, or mental health data that are not public data.
 - 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.
8. Lease of property for or by the school
 - a. The school board may close a meeting to determine the fair market rental price for real or personal property to be leased by the school district.
 - b. The school board may close a meeting to review confidential or nonpublic market data.

- c. The school board may close a meeting to develop or consider offers or counteroffers for the lease of real or personal property.
 - d. 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.
 - e. The closed meeting must be electronically recorded at the expense of the school district. The recording must be preserved for eight 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 leased or the school board has abandoned the consideration.
 - f. The real or personal property that is the subject of the closed meeting must be specifically identified on the recording.
 - g. 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.
 - h. 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.
 - i. Details of the agreement must be approved at an open meeting and the agreement is public data.
9. For security matters in order 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.
- a. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
 - b. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
 - c. The closed meeting must be electronically recorded at the expense of the school district and the recording must be preserved for at least four years.
10. Other Meetings as provided by law.
- a. Except as provided above.

- b. 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. Then recording is not available to the public.

V. Procedures for a Closed Meeting

- A. The school board shall provide notice of a closed meeting just as for an open meeting.
- B. A school board meeting may be closed only after a majority vote at a public meeting.
- C. 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.

VI. References

Minnesota Statutes, Chapter 13 (Minnesota Government Data Practices Act)
Minnesota Statutes, Chapter 13D (Open Meeting Law)Minnesota Statutes, Chapter 121A.47, Subd. 5 (Student Dismissal Hearing)
Minnesota Statutes, Chapter 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
Minnesota Statutes, Chapter 122A.40, Subd. 14 (Teacher Discharge Hearing)
Minnesota Statutes, Chapter 179A.14, Subd. 3 (Labor Negotiations)
Minnesota Rules Part 5510.2810 (Bureau of Mediation Services)
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)
Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)
MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
MSBA/MASA Model Policy 205
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Service Manual, Chapter 13, School Law Bulletin "C" (Minnesota's Open Meeting
Law)