

INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA SCHOOLS

205 OPEN MEETINGS AND CLOSED MEETINGS

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. DEFINITION

"Meeting" means a gathering of at least a quorum or more members of the school board at which members discuss, receive information, or vote as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

III. GENERAL STATEMENT OF POLICY

Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public. School board meetings are business meetings conducted by the school board that are public but are not the public's meetings.

- A. Meetings shall be closed only when expressly authorized by law.
- B. 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 shall be available in the meeting room, as well as on the district website, 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.
- C. Meetings:
 - 1. Regular Meetings
 - a. The schedule, including time and place, for regular monthly meetings and study sessions for the school year shall be established at a regular meeting of the school board in March of each year.
 - b. A schedule of the regular meetings and study sessions of the school board shall be kept on file at the District Services Center. 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.
 - c. Study sessions will be held on a regular basis for the purpose of discussion of topics related to potential board action at a regular board 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 at the entrance of the District Services Center. 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. Special meetings may be called by an adopted resolution at a convened meeting to call a special meeting and recorded in the official minutes of the school board meeting.
- e. No business shall be transacted at any special meeting of the board which does not come within the express purpose set forth in the agenda. However, an exception on a limited basis may be made if all members of the board are present and agree by majority opinion to the consideration of specific additional items.
- f. A special meeting may be held at a study session following appropriate notification.

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. Notice of the emergency meeting shall be given by telephone, email, or any other method necessary to notify members of the school board.
- c. While posted or published notice of an emergency meeting shall not be required, the school board shall make good faith efforts to provide notice of the emergency meeting to those that have requested in writing to receive such notice. In particular, notice shall be provided to the official newspaper of the school district and other media that have filed a written request for notice. Such notice shall be given as soon as reasonably practical after notice has been given to members of the school board.
- d. Notice of the emergency meeting for members of the school board and for those that have requested to receive notice of the emergency meeting shall include the purpose and subject of the meeting. Minutes of the meeting shall include a specific description of the action taken at the 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 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.
- b. Labor Negotiations Strategy
 - 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.

- c. 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 closed by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods are prohibited in mediation meetings closed by the BMS.

- d. 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. 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.

- e. 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. 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. 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.

g. 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.
- 3) 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.

h. 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.
- 4) 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.

i. Purchase and Sale of Property

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 of counteroffers for the purchase or sale of real or personal property.

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.

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.

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.

j. Security Matters

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.

Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.

Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.

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.

6. Other Meetings

Other meetings shall 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.

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.

School Board Adoption: November 14, 2016

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