

MATH AND SCIENCE ACADEMY

Adopted: March 20, 2023

205 OPEN MEETINGS AND CLOSED MEETINGS

Note: The provisions of this policy accurately reflect Minnesota's Open Meeting Law statutes and are not discretionary in nature.

I. PURPOSE

- A. The Math and Science Academy school board of directors embraces accountability and transparency in the conduct of its business, in the belief that openness produces better programs, more efficient-administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The Math and Science Academy school board shall conduct its business under a presumption of openness. At the same time, the Math and Science Academy school board recognizes and respects the privacy rights of individuals as provided by law. The Math and Science Academy 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 Math and Science Academy school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at Math and Science Academy school board meetings, while also protecting an 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 Math and Science Academy school board, including executive sessions, shall be open to the public and comply with Minnesota's Open Meeting Law
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum of Math and Science Academy school board members—or quorum of a committee or subcommittee of Math and Science Academy school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the Math and Science Academy school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the Math and Science Academy school board shall be kept on file at the Math and Science Academy office. If the Math and Science Academy school board decides to hold a regular meeting at a time or place different from the time or place stated in its regular meeting schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the Math and Science Academy school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the Math and Science Academy school or on the door of the Math and Science Academy school board's usual meeting room if there is no principal bulletin board. The Math and Science Academy 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. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.
- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the Math and Science Academy school board may publish the notice once, at least three days before the meeting, in the official newspaper of the charter school or, if none, in a qualified newspaper of general circulation within the area of the charter school.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the Math and Science Academy school board is required to send notice to that person only concerning those particular subjects.
- e. The Math and Science Academy school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the Math and Science Academy school board shall 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 Math and Science Academy school board's judgment, 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 Math and Science Academy 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 Math and Science Academy 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 Math and Science Academy 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

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

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 Math and Science Academy school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Meetings during Pandemic or Chapter 12 Emergency

In the event of a health pandemic or an emergency declared under Minnesota Statutes chapter 12, a meeting may be conducted by telephone or interactive technology in compliance with Minnesota Statutes section 13D.021.

8. Meetings by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minnesota Statutes section 13D.02.

B. Votes

The votes of Math and Science Academy school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at Math and Science Academy's administrative offices.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the Math and Science Academy school board or its employees and distributed to or available to all Math and Science Academy school board members shall be available in the meeting room for inspection by the public while the Math and Science Academy 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. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.
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 Math and Science Academy school board's authority and is reasonably necessary to conduct

the business or agenda item before the Math and Science Academy 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. Closed Meetings

1. Preliminary Consideration of Allegations or Charges

The Math and Science Academy school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the Math and Science Academy 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 for this purpose must be electronically recorded at the expense of Math and Science Academy, 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

The Math and Science Academy school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The Math and Science Academy school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the Math and Science Academy 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 for this purpose must be electronically recorded at the expense of Math and Science Academy, 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 Privilege 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 Math and Science Academy school board needs advice above the level of general legal advice, for example, 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.

4. Dismissal Hearing

- a. A hearing on 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.
- b. 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.
- c. To the extent a teacher or student dismissal hearing is held before the Math and Science Academy school board and is closed, the closed meeting must be electronically recorded at the expense of the school, 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. Coaches; Opportunity to Respond

- a. If the Math and Science Academy school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the Math and Science Academy school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the Math and Science Academy school board not to renew a coaching contract.
- c. On the request of the coach, the Math and Science Academy 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 section 13D.05, subdivision 2, to discuss educational or certain other nonpublic data.
- e. A meeting closed for this purpose must be electronically recorded

at the expense of Math and Science Academy, 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. Meetings to Discuss Certain Not Public Data

a. 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;

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or

(4) an individual's personal medical records.

b. A closed meeting must be electronically recorded at the expense of Math and Science Academy, 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. Purchase and Sale of Property

a. The Math and Science Academy school board may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the charter school;

(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 Math and Science Academy 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. The tape 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 purchased or

sold or the Math and Science Academy 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 Math and Science Academy 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 Math and Science Academy 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.

8. Security Matters

- a. The Math and Science Academy 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 Math and Science Academy school and the recording must be preserved for at least four years.

9. 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 Math and Science Academy, 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 Math and Science Academy school board shall provide notice of a closed meeting just as for an open meeting. A Math and Science Academy school board meeting may be closed only after a majority vote at a public meeting. Before

closing a meeting, the Math and Science Academy 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. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
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. 21-003 (April 19, 2021)
Dept. of Admin. Advisory Op. No. 21-002 (January 13, 2021)
Dept. of Admin. Advisory Op. No. 19-012 (October 24, 2019)
Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)
Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)
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)
- Cross References:** MSBA/MASA Model Policy 204 (Charter School Board Meeting Minutes)
MSBA/MASA Model Policy 206 (Public Participation in Charter School Board Meetings/Complaints about Persons at Charter School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin “C” (Minnesota’s Open Meeting Law)