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BOARD OF EDUCATION

Working Meeting - Monday, December 16, 2024 - 4:00 PM
Creekside
16000 41st Ave N.
Plymouth, MN 55446

Minutes of Organizational Work Session Meeting

A Organizational Work Session Meeting of the Board of Education of Wayzata Public Schools was held Monday, December 16, 2024, beginning at 4:00 PM in the Creekside 16000 41st Ave N. Plymouth, MN 55446.

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Eight characteristics of effective school boards: At a glance

What makes an effective school board – one that positively impacts student achievement? From a research perspective, it's a complex question. It involves evaluating virtually all functions of a board, from internal governance and policy formulation to communication with teachers, building administrators, and the public.

But the research that exists is clear: boards in high-achieving districts exhibit habits and characteristics that are markedly different from boards in low-achieving districts. So what do these boards do? Here are eight characteristics:

1. Effective school boards commit to a vision of high expectations for student achievement and quality instruction and define clear goals toward that vision. Effective boards make sure these goals remain the district's top priorities and that nothing else detracts from them. In contrast, low-achieving boards "were only vaguely aware of school improvement initiatives" (Lighthouse I). "There was little evidence of a pervasive focus on school renewal at any level when it was not present at the board level," researchers said. (Lighthouse I)

2. Effective school boards have strong shared beliefs and values about what is possible for students and their ability to learn, and of the system and its ability to teach all children at high levels. In high-achieving districts, poverty, lack of parental involvement and other factors were described as challenges to be overcome, not as excuses. Board members expected to see improvements in student achievement quickly as a result of initiatives. In low-achieving districts, board members frequently referred to external pressures as the main reasons for lack of student success. (Lighthouse I)

3. Effective school boards are accountability driven, spending less time on operational issues and more time focused on policies to improve student achievement. In interviews with hundreds of board members and staff across districts, researchers Goodman, Fulbright, and Zimmerman found that high-performing boards focused on establishing a vision supported by policies that targeted student achievement. Poor governance was characterized by factors such as micro-management by the board.

4. Effective school boards have a collaborative relationship with staff and the community and establish a strong communications structure to inform and engage both internal and external stakeholders in setting and achieving district goals. In high-achieving districts, school board members could provide specific examples of how they connected and listened to the community, and school board members received information from many different sources, including the superintendent, curriculum director, principals and teachers. Findings and research were shared among all board members. (Lighthouse I; Waters and Marzano) By comparison, school boards in low-achieving districts were likely to cite communication and outreach barriers. Staff members from low-achieving districts often said they didn't know the board members at all.

5. Effective school boards are data savvy: they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement. The Lighthouse I study showed that board members in high-achieving districts identified specific student needs through data, and justified decisions based on that data. Board members regularly sought such data and were not shy about discussing it, even if it was negative. By comparison, board members in low-achieving districts tended to greet data with a "blaming" perspective, describing teachers, students and families as major causes for low performance. In these districts, board members frequently discussed their decisions through anecdotes and personal experiences rather than by citing data. They left it to the superintendent to interpret the data and recommend solutions.

6. Effective school boards align and sustain resources, such as professional development, to meet district goals. According to researchers LaRocque and Coleman, effective boards saw a responsibility to maintain high standards even in the midst of budget challenges. "To this end, the successful boards supported extensive professional development programs for administrators and teachers, even during times of [fiscal] restraint." In low-achieving districts, however, board members said teachers made their own decisions on staff development based on perceived needs in the classroom or for certification.

7. Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust. In successful districts, boards defined an initial vision for the district and sought a superintendent who matched this vision. In contrast, in stagnant districts, boards were slow to define a vision and often recruited a superintendent with his or her own ideas and platform, leading the board and superintendent to not be in

alignment. (MDRC/Council of Great City Schools)

8. Effective school boards take part in team development and training, sometimes with their superintendents, to build shared knowledge, values and commitments for their improvement efforts. High-achieving districts had formal, deliberate training for new board members. They also often gathered to discuss specific topics. Low-achieving districts had board members who said they did not learn together except when the superintendent or other staff members made presentations of data. (Lighthouse I; LFA; LaRocque and Coleman)

Though the research on school board effectiveness is in the beginning stages, the studies included in this report make it clear that school boards in high-achieving districts have attitudes, knowledge and approaches that separate them from their counterparts in lower-achieving districts. In this era of fiscal constraints and a national environment focused on accountability, boards in high-performing districts can provide an important blueprint for success. In the process, they can offer a road map for school districts nationwide.

Posted January 28, 2011. Copyright Center for Public Education.

This summary is based on a report written for the Center for Public Education by Chuck Dervarics and Eileen O'Brien. O'Brien is an independent education researcher and consultant in Alexandria, Virginia. Much of her work has focused on access to quality education for disadvantaged and minority populations. O'Brien has a Master of Public Administration from George Washington University and a Bachelor of Science degree in psychology from Loyola University, Chicago. Chuck Dervarics is an education writer and former editor of Report on Preschool Programs, a national independent newsletter on pre-k, Head Start, and child care policy. As a writer and researcher, he has contributed to case studies and research projects of the Southern Education Foundation, the American Council on Education, and the Massachusetts Board of Higher Education, often focusing on issues facing disadvantaged populations. Dervarics has a Bachelors degree from George Washington University.



The Top Five Legal Concepts for School Board Members

By Cathy Miller, former MSBA Director of Legal and Policy Services

If I was a school board member, I would be overwhelmed by the depth and breadth of legal issues that apply to school districts and to elected officials. Even after working with the issues for more than 18 years, I sometimes find myself overwhelmed. In that spirit, I have identified what I think are the top five laws or legal concepts for school board members. These are good places to start with your learning process.

1. The Open Meeting Law. This law is important not only because of the frequency with which school board members will encounter issues covered by this law, but also because it provides for personal liability for board members who violate it. In short, the Open Meeting Law requires a discussion about school board business or school board committee business among a quorum to take place at a properly noticed, open meeting unless an

exception applies to require or allow a closed meeting. Discussions via email or text messages do count and create a record of the conversations. MSBA has developed a summary of the exceptions within the law that allow or require a closed meeting.

2. Data Practices. The Minnesota Government Data Practices Act and the Federal Educational Rights and Privacy Act are complicated. What school board members need to know is that only public data can be safely released or discussed in public. MSBA has developed a list of public data for various individuals on whom school districts typically maintain data. This is a situation where knowledge is not power. Instead, knowledge of private data is potential liability. Wrongful release of private data carries the very real possibility for liability — potentially personal liability — and

the dollar amount can be very significant.

3. Email. Obviously, this is not a law, but a school board member's use of email for conducting the duties of his or her elected office requires discipline and restraint or significant problems for the school board member and the school district could result. When email is used for school board work, government data is created. The public can request access to and copies of public data. The government entity can charge for paper copies. The government entity cannot charge for separating public data from private data. A public data request for emails can result in the school district being required to print thousands of pages so that someone can redact (black out private data) the emails. The school district has no ability to recoup those redaction



Cassidy K.

costs. In addition, if school board members discuss board or board committee issues among themselves via email, they are violating the Open Meeting Law if a quorum of the board or board committee is involved. A record of the violation is created that cannot realistically be deleted. Also, board members may think an email is private because it is sent to one other person. However, if the email is about board work, it is government data and presumed public. School board members could be embarrassed if they make the mistake of communicating about board work thinking it will remain private when, in fact, they were creating public data.

4. Policy. School board members can save themselves time and effort by becoming familiar with their own school district's policies. They do

not have to make a new decision if a policy already covers a question. They can simply follow the existing policy or direct the administration to do so. School board policy needs to be followed by the school board. If policy is out of date with current practice, the policy must be repealed or revised.

5. Ask first, then vote – not the other way around. Decisions of the school board are binding. If a school board member does not have enough information to be comfortable with a decision, he or she should ask for more information before voting. Trying to go back and reverse a bad decision is much more difficult, sometimes impossible, than getting clarity before a vote.

At this point, I would usually say, "contact me with questions," but by the time this article reaches you, I will be retired from

MSBA. I'll say instead, "contact Terry Morrow with questions." Terry is the new Director of Legal and Policy Services at MSBA. My prediction is that you will enjoy working with him, because I have. The rest of the MSBA staff are available to you as well, and they are a wonderful group of people. Make use of their knowledge and dedication to help you.

I have also enjoyed working with school board members these last 18-plus years. You are dedicated public servants who want the best for Minnesota's kids, and you deal with many challenges along the way. Thank you for the example you set.

MSBA thanks Cathy Miller for her 18 years of service to the association! You can contact Terry Morrow (the new Director of Policy and Legal Services) at 800-324-4459 or tmorrow@mnmsba.org.



Andrea Gribble

Social Media Guidelines for School Board Members

Think before you post – and be careful what information you share

By Andrea Gribble, Founder of #SocialSchool4EDU

School board members are dedicated to serving their districts and dealing with many complicated issues. They also work closely with parents, educational professionals, and other community members.

It's not an easy job.

Social media plays an emerging role that can add even more complexity to board members' responsibilities. Knowing how to use social media just for your personal use is challenging enough, but when you are an elected official for your district, how should it change?

Highline Public Schools in the state of Washington has a specific procedure when it comes to how school board members utilize social media. Tove Tupper, Assistant Director Of Communications, shared the reason behind creating these guidelines:

"We use social media as a district to share the Highline story with our community, and connect with students, families, and staff. We want our board members to be able to do the same if they choose. These guidelines created specifically for our board members are meant to support them as they

connect with our Highline community on social media and share the great work happening in our schools."

The full policy can be found at <https://bit.ly/33PWGTi>. I've summarized the list here:

- 1. Think before you post.** Is this something that you do not mind seeing on the front page of the newspaper? Will this be something that you would want your own children or the students of the school district to see as a good example of the way to communicate or comment? Post responsibly.
- 2. Be careful of what information you share.** Do not share personal information about students, employees, yourself, other board members, and citizens. Likewise, do not share information that the school district has contractually agreed to keep confidential; for example, proprietary information, trade secrets, and security information. Think before sharing legally protected, privileged information, such as attorney-client, physician-patient, and other privileged information recognized by a court.

3. Social media is not for private conversations.

Face-to-face meetings or telephone conversations may be more appropriate.

4. Don't let negative emotions drive you to post or respond.

Anger may cause you to post information that you will be sorry for later. Is this something that you would be ashamed of if you read it months or years from now? Remember that what you place on social media sites – and in emails, text messages, and chat rooms – can spread quickly and permanently remain on the Internet or in someone's possession. Statements that are harassing, discriminatory, defamatory, and terroristic are not suitable and could subject board members, and possibly the school district, to legal action. Be polite.

5. Use appropriate language.

Do not use abusive, profane, threatening, or offensive language.

6. Do not post on behalf of the school district.

Do not post self-promotions, items for sale, commercial messages, and advertisements that are associated with the school district.

7. Use social media for listening.

Do not conduct board business on social media sites. Instead, use these sites for listening or reading about others' opinions, making announcements, having conversations, and obtaining feedback.

8. Comply with the law

and relevant policies including school districts' policies regarding acceptable use, student records, harassment and discrimination, and copyright laws; the internet service provider's terms; the website disclaimers, terms of use, and privacy policies; and federal, state, and local laws, including the open meetings act and public records act. Also, respect the rights of other users to an open and hospitable technology environment, regardless of race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, gender expression and identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

Andrea Gribble is the founder of #SocialSchool4EDU and can be contacted at andrea@socialschool4edu.com. #SocialSchool4EDU provides full social media management, personally coach social media teams and individuals, and have a vibrant online community that provides ongoing professional development for school social media champions. Visit <https://socialschool4edu.com> for more information.



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17 Tenets of the Effective Board-Administrative Leadership Team

Board members should:	Superintendents should:
1. Recognize their function as being legislative and judicial, and respect the executive function of the superintendent.	1. Recognize their function as being executive and respect the legislative and judicial functions of the board.
2. Attend all board meetings.	2. Attend all board meetings.
3. Recognize that authority to act rests with the entire board or a legally constituted quorum of the board, and that business may be transacted only in official meetings. Refrain from making commitments to individuals or groups as an individual board member.	3. Interpret official actions of the board to school employees and community groups in a faithful, accurate, and objective manner and not make any commitments to individuals or organizations outside the context of adopted school policy.
4. Support the superintendent as the executor of board policies.	4. Faithfully and objectively administer the policies of the district.
5. Listen courteously to parents with questions and complaints, referring them to an appropriate member of the school staff in accordance with policies of the school.	5. Establish a program of school-community relations leading to open, two-way communications between the district and all parties.
6. Refer personal requests and criticism by school staff directly to the appropriate administrative officer, in accordance with board policies.	6. Provide written grievance procedures for school staff and assure an effective means of communication among staff, board, and superintendent.
7. Keep the superintendent and fellow members of the board advised of community reaction to school policies.	7. Keep the board continuously, adequately, and objectively informed concerning the school program, curriculum, and problems—current and anticipated.
8. Submit items to be placed on the board meeting agenda in ample time so the superintendent may assemble information bearing upon the subject and according to locally adopted policy.	8. Accept items to be placed on the board meeting agenda from members of the board and others, and gather pertinent information relative to the items on the agenda.
9. Encourage and support the superintendent to consult with staff and community to seek opinions and recommendations for board consideration.	9. Formulate, when appropriate, with members of the school staff, board, and community, recommendations to be made to the board.

Board members should:	Superintendents should:
10. Engage in a strategic planning process. Gather diverse stakeholder input, identify district strengths and opportunities for growth, and review student achievement and demographic-related data for all student groups. Include the mission, vision, beliefs statements, district goals, and objectives to ensure all students succeed.	10. Provide the board with the resources, structure, disaggregated district data, research, and administrative support required to develop, implement, and monitor the strategic plan. Provide district-wide leadership to implement the board-approved strategic plan to ensure all students succeed.
11. Require that meetings of the board be conducted on the basis of a planned agenda prepared by the superintendent in accordance with board policies and be made available to board members prior to the board meetings.	11. Prepare for all board meetings, in cooperation with appropriate board officers, an agenda and supporting materials to be distributed to board members in ample time prior to board meetings.
12. Develop a clear set of policies regarding such items as size of school, class size, assigned responsibilities, budget preparations, staffing, suspension, or dismissal, etc.	12. Carry out board policies and be held accountable for them. Assist the board in maintaining focus on policy matters and recommend and evaluate policy at all times.
13. Require that the administrative rules and regulations be in harmony with school policy.	13. Present to the board for its advice, counsel, and approval, administrative rules and regulations implementing the policies of the board.
14. Delegate full executive responsibility to the superintendent to make recommendations which establish and operate a total school program of acceptable standards.	14. Accept full executive responsibility for establishing and operating a total school program of acceptable standards.
15. Assume responsibility for adopting fiscal policies that will allow the superintendent to operate a total school program of acceptable standards.	15. Assume responsibility for presenting to the board responsible and detailed fiscal plans to assure the smooth operation of the school program.
16. Adopt policies that will allow the superintendent, staff, and board to keep abreast of contemporary developments in education through conference attendance, in-service workshops, and consultant services.	16. Advise the board of programs designed to keep the superintendent and staff abreast of contemporary developments in education through conference attendance, in-service workshops, and consultant services.
17. Act on the selection, promotion, demotion, or dismissal of school personnel only after submission of a specific recommendation by the superintendent. Confidentiality is maintained regarding all private data.	17. Present to the board recommendations for selection, promotion, demotion, or dismissal of school personnel. Private data is clearly identified as such and confidentiality is maintained.

The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public. This publication discusses the groups and types of meetings covered by the open meeting law (page 2), and then reviews the requirements of (page 6) and exceptions to the law (page 10), the penalties for its violation (page 14), and sources of advice (page 15).

Executive Summary

The Minnesota Open Meeting Law was originally enacted in Laws 1957, chapter 773, section 1. It is now codified in [Minnesota Statutes, chapter 13D](#). The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board’s decisions or to detect improper influences
- To assure the public’s right to be informed
- To afford the public an opportunity to present its views to the public body¹

“These purposes are deeply rooted in the fundamental proposition that a well-informed populace is essential to the vitality of our democratic form of government.”² Courts interpret the law liberally and in favor of openness.

Entities covered by the law. The law applies to state and local multimember governmental bodies, including committees and subcommittees, and nonprofits created by political subdivisions. A separate law applies to the legislature.³

Situations where the law applies. A meeting is a “meeting” for purposes of the law when a quorum or more of the governmental body is gathered—in person or by interactive

¹ *Prior Lake American v. Mader*, 642 N.W.2d 729, 735 (Minn. 2002) (en banc) (citing *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1, 4 (Minn. 1983)). While the courts consistently say that the open meeting law is to afford the public an opportunity to present its views to the public body, there is no general right for members of the public to speak at a meeting. Some statutes, and perhaps some home rule charters, specify that a hearing on a particular matter must be held at which anyone who wishes to address the public body may do so. See, e.g., [Minn. Stat. § 117.0412](#), subd. 2.

² *Prior Lake American*, 642 N.W.2d at 735.

³ [Minn. Stat. § 3.055](#).

technology, whether or not action is taken or contemplated. The open meeting law does not address whether the governmental body must keep or publish meeting minutes, hold a meeting for a particular purpose, or allow members of the public to address the body. For any particular governmental body, there may be other laws or charter provisions that address those topics.

What constitutes an open meeting. A meeting is open when proper notice was given in advance of the meeting, the public may attend and observe, and relevant materials are available to the public.

Exceptions to the law. A meeting may be closed based on a limited attorney-client privilege, and for the purposes of labor negotiations, employee evaluations, and discussion of security issues and property transactions. The law does not apply to a governmental body exercising quasi-judicial functions involving disciplinary proceedings.

Violations of the law. While actions taken at a meeting held in violation of the law are still valid, the law provides for penalties and potentially removal from office.

Where to get advice. A governmental entity can seek advice from its attorney, the Minnesota Attorney General, or the Commissioner of Administration. An individual may seek advice from a private attorney or the Commissioner of Administration.

Groups and Meetings Governed by the Open Meeting Law

The law applies to all levels of state and local government.

The open meeting law applies to:

- a state agency, board, commission, or department when it is required or permitted by law to transact public business in a meeting;
- the governing body of any school district, unorganized territory, county, city, town, or other public body;
- a committee, subcommittee, board, department, or commission of a public body subject to the law; and
- the governing body or a committee of a statewide or local public pension plan.⁴

⁴ Minn. Stat. § 13D.01, subd. 1.

“Public body” is not defined but the Minnesota Supreme Court has stated that “[i]n common understanding, ‘public body’ is possibly the broadest expression for the category of governmental entities that perform functions for the public benefit.”⁵

In determining whether the open meeting law applies to a particular entity, one should look at all of the entity’s characteristics. For example, in a 1998 case, the Minnesota Supreme Court held that because the statute authorizing creation of a municipal power agency authorized an agency to conduct its affairs as a private corporation, it could hold closed meetings.⁶ The court held so notwithstanding the statute that provides for municipal power agencies to be political subdivisions of the state.⁷

The law generally applies to nonprofit corporations created by governmental entities.

The list of groups covered by the open meeting law does not refer to nonprofit corporations created by a governmental entity. However, the law creating a specific public nonprofit corporation may specify that it is subject to the open meeting law.⁸ In addition, any corporation created by a political subdivision before May 31, 1997, is clearly subject to the open meeting law.⁹

Gatherings of less than a quorum of a public body are not subject to the law; a “meeting” is held when the group is capable of exercising decision-making powers.

The Minnesota Supreme Court has held that the open meeting law applies only to a quorum or more of members of the governing body or a committee, subcommittee, board, department, or commission of the governing body.¹⁰ Serial meetings in groups of less than a quorum held in

⁵ *Star Tribune Co. v. University of Minnesota Board of Regents*, 683 N.W.2d 274, 280-282 (Minn. 2004) (en banc).

⁶ *Southern Minn. Mun. Power Agency v. Boyne*, 578 N.W.2d 362, 364 (Minn. 1998) (en banc) (citing [Minn. Stat. § 453.54](#), subd. 21, and discussing the factors that distinguish a public corporation from a private corporation). See also *Minnesota Joint Underwriting Ass’n v. Star Tribune Media Co.*, 862 N.W.2d 62, 65 (Minn. 2015) (discussing *Boyne*; stating whether a particular entity is a “government entity” under the Data Practices Act is a question of law subject to the court’s de novo review).

⁷ [Minn. Stat. § 453.53](#), subd. 1, para. (b), cl. (1) (The agency agreement shall state: “(1) That the municipal power agency is created and incorporated . . . as a municipal corporation and a political subdivision of the state, to exercise thereunder a part of the sovereign powers of the state;”).

⁸ *E.g.*, [Minn. Stat. §§ 62Q.03](#), subd. 6 (Minnesota Risk Adjustment Association); [85B.02](#), subd. 6 (Lake Superior Center Authority); [116V.01](#), subd. 10 (Agricultural Utilization Research Institute); [124D.385](#), subd. 4 (Minnesota Commission on National and Community Service may create a nonprofit but it is subject to the open meeting law); and [128C.22](#) (State High School League).

⁹ [Minn. Stat. § 465.719](#), subd. 9.

¹⁰ *Moberg v. Independent School Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983) (en banc).

order to avoid open meeting law requirements may also be found to be a violation, depending on the facts of the case.¹¹

A public body subject to the law should be cautious about using e-mail to communicate with other members of the body. Although the statute does not specifically address the use of e-mail, it is likely that the court would analyze use of e-mail in the same way as it has telephone conversations and letters.¹² That is, private communication about official business through telephone conversations or letters by a quorum of a public body subject to the law would violate the law.

Serial communication through telephone conversations or letters by less than a quorum with the intent to avoid a public hearing or to come to an agreement on an issue relating to official business could also violate the law. In a 1993 case, the Minnesota Court of Appeals held that the open meeting law was not violated when two of five city council members attended private mediation sessions related to city business. The court determined that the two council members did not constitute a committee or subcommittee of the council because the group was not capable of exercising decision-making powers.¹³

The law applies to informational meetings.

The Minnesota Supreme Court has held that the open meeting law applies to all gatherings of members of a governing body, whether or not action is taken or contemplated. This means that a gathering of members of a public body for an informational seminar on matters currently facing the body or that might come before the body must be conducted openly.¹⁴ However,

¹¹ *Id.* at 518; see also *Mankato Free Press Co. v. City of North Mankato*, 563 N.W.2d 291, 295 (Minn. App. 1997). On remand to the district court for a factual finding on whether the city used serial interviews to avoid the open meeting law, the trial court found, and the court of appeals affirmed, that the serial meetings were not held to avoid the law. *Mankato Free Press Co. v. City of North Mankato*, No. C9-98-677, 1998 WL 865714 (Minn. App. 1998) (unpublished opinion), *review denied* (Minn. Feb. 24, 1999).

¹² *Moberg*, 336 N.W.2d at 518. The Commissioner of Administration stated in a July 9, 2008, opinion that an e-mail sent to all members of a city council by the city manager was effectively “printed material” that should be available to members of the public and also suggested that the legislature revise the statute to recognize the use of electronic and other types of communications. Minn. Dept. of Admin. Advisory Op. 08-015. A September 8, 2009, opinion by the commissioner states that the exchange of e-mails by staff and members of the Metro Gang Strike Force Advisory Board violated the open meeting law because it was not just a matter of a quorum receiving information, but a quorum of the body discussing and then giving the staff person direction on the action to take. In June 2017, the Commissioner of Administration issued an opinion that a letter signed by a quorum of a school board that was sent without public notice, or discussion and decision on the substance of the letter in an open meeting violated the law. The school board said one member drafted it, sent it to the superintendent, who made minor revisions, placed it on letterhead, and then sent it to the other members to sign. The board asserted it did not discuss or take action on it. The commissioner however found that unlikely. “The Board’s assertion that it did not discuss, decide, or take action on the contents of the letter or sending the letter is not plausible based on the very existence of the letter purporting to be from “the Board” and bearing the signatures of a quorum of members of the Board.” Minn. Dept. of Admin. Advisory Op. 17-005 (Eveleth-Gilbert Public Schools, I.S.D. No. 2154, and a letter sent to the IRRRB).

¹³ *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *review denied* (Minn. May 28, 1993).

¹⁴ *St. Cloud Newspapers, Inc.*, 332 N.W.2d 1.

there are some exceptions. A 1975 attorney general opinion stated that city council attendance at a League of Minnesota Cities training program for city officials did not violate the open meeting law if the members did not discuss specific municipal business.¹⁵ The statute governing the Lessard-Sams Outdoor Heritage Council allows members of the council to travel together to visit sites and learn about projects without it being a violation of the law as long as the members do not decide, or agree to decide, matters under the council's jurisdiction.¹⁶

The law does not cover chance or social gatherings.

The open meeting law does not apply to chance or social gatherings of members of a public body.¹⁷ However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.¹⁸

The law does not apply to certain types of advisory groups.

The Minnesota Court of Appeals has held that the open meeting law does not apply to certain types of advisory groups.¹⁹ In that case, a presidential search advisory committee to the University of Minnesota Board of Regents was held not to be a committee of the governing body for purposes of the open meeting law. In reaching its holding, the court pointed out that no regents were on the search committee and that the committee had no power to set policy or make a final decision. It is not clear if a court would reach the same result if members of the governing body were also on the advisory committee. Depending on the number of members of the governing body involved and on the form or extent of the delegation of authority from the governing body to the members, a court might consider the advisory committee to be a committee of the governing body.

A separate law applies to the legislature.

In 1990, the legislature passed a law separate from the open meeting law that requires all legislative meetings be open to the public.²⁰ The law applies to House and Senate floor sessions and to meetings of committees, subcommittees, conference committees, and legislative commissions. For purposes of this law, a meeting occurs when a quorum is present *and action is taken* regarding a matter within the jurisdiction of the group. Each house of the legislature must adopt rules to implement these requirements. Remedies provided under these rules are the exclusive means of enforcing this law.

¹⁵ Op. Att'y Gen. 63a-5, Feb. 5, 1975.

¹⁶ [Minn. Stat. § 97A.056](#), subd. 5, para. (b), provides "Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a)."

¹⁷ *St. Cloud Newspapers, Inc.*, 332 N.W.2d at 7.

¹⁸ *Moberg*, 336 N.W.2d at 518.

¹⁹ *The Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988).

²⁰ [Minn. Stat. § 3.055](#).

Hybrid groups—those made up of both legislators and nonlegislators—may have different open meeting law requirements. The Legislative-Citizen Commission on Minnesota Resources is subject to [Minnesota Statutes, chapter 13D](#), except that a meeting only occurs when a quorum is present and action is taken, similar to the legislative open meeting law.²¹ In contrast, the Lessard-Sams Outdoor Heritage Council, which also has both legislators and nonlegislators on it, is subject to [chapter 13D](#), and a meeting occurs when a quorum is present whether or not action is taken.²²

Requirements of the Open Meeting Law

Generally

Meetings must be open to the public.

The law also requires that votes in open meetings be recorded in a journal or minutes and that the journal or minutes used to record votes of a meeting be open to the public.²³ The vote of each member must be recorded on appropriations of money, except for payments of judgments and claims and amounts fixed by statute.²⁴ A straw ballot to narrow the list of candidates for city administrator and not made public was held to be a secret vote in violation of the open meeting law, particularly in light of the fact that the straw vote was acted on and given the same effect as an official act.²⁵

Open meetings must be held in a public place within the borders of the public body.²⁶ Meetings may also be held by interactive technology if specified conditions are met to ensure openness

²¹ [Minn. Stat. § 116P.08](#), subd. 5, “(a) Meetings of the commission, committees, or subcommittees of the commission, technical advisory committees, and peer reviewers must be open to the public and are subject to chapter 13D. The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, *a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction* of the commission, a committee or subcommittee of the commission, a technical advisory committee, or peer reviewers.

(b) For legislative members of the commission, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the commission, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.” (emphasis added).

²² [Minn. Stat. § 97A.056](#), subd. 5.

²³ Minn. Stat. § 13D.01, subs. 4 and 5. See also Minn. Dept. of Admin. Advisory Op. 22-002, finding that a town that did not keep regular hours where town records were kept did not provide appropriate access to the voting records when it directed an individual who requested review of the township journals to the meeting minutes posted on the town’s website, which documented the voting record.

²⁴ Minn. Stat. § 13D.01, subd. 4.

²⁵ *Mankato Free Press Co.*, 563 N.W.2d at 295-96. In contrast, the Commissioner of Administration issued an advisory opinion finding that a secret straw ballot taken and its results described and discussed at the same meeting as the ballot was not a violation. Minn. Dept. of Admin. Advisory Op. 10-011.

²⁶ *Quast v. Knutson*, 276 Minn. 340, 341, 150 N.W.2d 199, 200 (1967) (school board meeting held 20 miles outside the jurisdiction of the school board at a private office did not comply with open meeting law; consolidation proceedings were fatally defective because the resolution by which the proceedings were initiated was not adopted at a public meeting as required by law). The legislature may provide exceptions to this geographic

and accessibility for those who wish to attend.²⁷ Please see the section in this publication on meetings by interactive technology for further information.

Public bodies must give notice of their meetings.

In 1974, the Minnesota Supreme Court held that failure to give notice of a meeting is a violation of the open meeting law.²⁸ The court has also held that it is a violation of the open meeting law to conduct business before the time publicly announced for a meeting.²⁹

In 1987, the legislature spelled out the notice requirements in statute for regular, special, emergency, and closed meetings. Public bodies must do the following:

- Keep schedules of *regular* meetings on file at their offices.³⁰
- Post written notice of the date, time, place, and purpose of the *special* meetings (meetings held at a time or place different from regular meetings) on their principal bulletin board. The public body must also either mail notice to people who have requested such mailings, or publish notice in the official newspaper, at least three days before the meetings.³¹
- Make good faith efforts to notify news media that have filed written requests (with telephone numbers) for notice of *emergency* meetings (special meetings called because of circumstances that require immediate consideration).³²

The same notice requirements apply to closed meetings.³³

Absent any other specific law governing notice by a state agency, a state agency required or permitted by law to transact public business in a meeting satisfies notice requirements if it publishes notice in the State Register or posts notice on the agency's website. In addition, a

requirement. See, e.g., [Laws 2014, chapter 272](#), article 3, section 54 (authorizing the school board of Independent School District No. 2142, St. Louis County, to hold its meetings at the district's administrative office or at a convenient location for school board members and district residents outside of the school district boundaries if notice requirements are met).

²⁷ Minn. Stat. §§ 13D.015, 13D.02, 13D.021.

²⁸ *Sullivan v. Credit River Township*, 299 Minn. 170, 217 N.W.2d 502 (1974).

²⁹ *Merz v. Leitch*, 342 N.W.2d 141, 145 (Minn. 1984) (en banc).

³⁰ Minn. Stat. § 13D.04, subd. 1.

³¹ Minn. Stat. § 13D.04, subd. 2; *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. App. 1995) (bulletin board must be reasonably accessible to the public). A February 3, 2004, advisory opinion by the Commissioner of Administration stated that a public body's actions at a special meeting are limited to those topics included in the notice of special meeting. Minn. Dept. of Admin. Advisory Op. 04-004.

³² Minn. Stat. § 13D.04, subd. 3.

³³ Minn. Stat. § 13D.04, subd. 5.

schedule of the regular meetings must be kept on file at the primary offices or posted on the agency's website.³⁴

Relevant materials must be publicly available.

The open meeting law requires that for open meetings, at least one copy of any printed material prepared by the public body and distributed or available to all members of the public body also be available in the meeting room for inspection by the public. This requirement does not apply to materials that are classified as other than public under the Government Data Practices Act.³⁵

A public body cannot fulfill its obligation to make members' materials available in the meeting room for inspection by the public if the public does not know they are available for inspection. While there is not an affirmative duty to distribute copies to each member of the public in attendance at the meeting, liberally construing the law to protect the public's right to full access to the decision-making process of public bodies requires a public body to provide easy access to the materials.³⁶

Meetings by Interactive Technology³⁷

Public bodies may hold meetings by interactive technology so long as certain requirements are met to ensure openness and accessibility for those who wish to attend. State entities must meet the requirements stated in section 13D.015. The requirements for other entities are articulated in section 13D.02. Further, the requirements for meetings by telephone or interactive technology during a health pandemic or emergency declared under chapter 12 are stated in section 13D.021.

In general, the conditions for meetings by interactive technology include the following:

- All members of the body can hear one another and can hear all discussion and testimony
- Members of the public at the regular meeting location can hear all discussion, testimony, and votes
- At least one member of the body (or, in the case of a health pandemic or other emergency, the chief legal counsel or chief administrative officer) is present at the regular meeting location

³⁴ Minn. Stat. § 13D.04, subd. 6.

³⁵ Minn. Stat. § 13D.01, subd. 6.

³⁶ Minn. Dept. of Admin. Advisory Op. 18-011.

³⁷ The term "interactive technology" replaced "interactive television" and "other electric means" throughout chapter 13D in Laws 2021, chapter 14, which contained technical updates to the open meeting law. It is defined under section 13D.001, subdivision 2, as "a device, software program, or other application that allows individuals in different physical locations to see and hear one another."

- All votes are conducted by roll call, so votes can be appropriately identified and recorded

If interactive technology under section 13D.02 is used, each location must also be open and accessible to the public. Up to three times a year, a member of a public body may participate by interactive technology from a location that is *not* open and accessible to the public if the member is serving in the military and is at a required drill, deployed, or on active duty or the member has been advised by a health care professional against being in a public place for personal or family medical reasons.³⁸ The meeting minutes must name each member participating by interactive technology and state the reason why the member is participating by that way.

A public body conducting an open meeting by interactive technology must allow a person to monitor the meeting electronically from another location, to the extent practical.

The public body must also provide notice of the regular meeting location and of the fact that some members may participate by interactive technology.³⁹

A member of a public body may participate in board meetings while *out of state* via interactive technology, pursuant to section 13D.02, as long as the conditions of that section are met.⁴⁰

³⁸ An exception was provided in Laws 2021, chapter 14, section 7, which allowed a member of a public body to participate from a location not open or accessible to the public more than three times during the first half of calendar year 2021 due to the COVID-19 health pandemic.

³⁹ Minn. Stat. §§ 13D.015 (state entities; such an entity is also required to post notice on its website at least ten days before any regular meeting and mention the option for a person to monitor the meeting electronically from a remote location); 13D.02; 13D.021 (state or local entities in the case of health pandemic, other emergency). Various statutes for specific public bodies also allow for meetings by interactive technology, telephone, or other electronic means: Minn. Stat. §§ 35.0661 (Board of Animal Health during restricted travel for animal health reasons); 41A.0235 (Minnesota Agricultural and Economic Development Board); 41B.026 (Rural Finance Authority); 116L.03, subd. 8 (Minnesota Job Skills Partnership Board); 116M.15, subd. 5 (Minnesota Emerging Entrepreneur Board); 116T.02, subd. 6 (Northern Technology Initiative, Inc.); 116U.24 (Explore Minnesota Councils); 116U.25 (Explore Minnesota Tourism Council); 123A.16, subd. 1 (education district boards); 129C.105 (Board of the Perpich Center for Arts Education); 134.31, subd. 7 (Advisory Committee for the Minnesota Braille and Talking Book Library); 176.102, subd. 3c (rehabilitation review panels); 176.103, subd. 3 (Medical Services Review Board); 248.10 (Rehabilitation Council for the Blind); 256.482, subd. 5b (Minnesota State Council on Disability); 256.975, subd. 2a (Minnesota Board on Aging); 256C.28, subd. 7 (Commission of the Deaf, DeafBlind and Hard of Hearing); 268A.02, subd. 3 (State Rehabilitation Council and Statewide Independent Living Council); 326B.32, subd. 7 (Board of Electricity); 326B.435, subd. 7 (Board of Plumbing); 326B.925, subd. 7 (Board of High Pressure Piping Systems); 462A.041 (Minnesota Housing Finance Agency); 471.59, subd. 2 (joint powers board for educational purposes).

⁴⁰ Minn. Dept. of Admin. Advisory Op. 18-019.

Exceptions to the Open Meeting Law

A closed meeting, except one closed under the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.⁴¹

The law does not apply to state agency disciplinary hearings.

The open meeting law does not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary hearings.⁴²

Certain meetings involving employee evaluation or discipline must be closed.

A public body must close meetings for preliminary consideration of allegations or charges against an individual subject to its authority.⁴³ If the members of the public body conclude that discipline may be warranted as a result of those charges, further meetings or hearings relating to the charges must be open. Meetings must also be open at the request of the individual who is the subject of the meeting. If an outside investigator is hired, the meeting should be open because the public body has moved past the preliminary consideration of allegations or charges.⁴⁴

Statutes other than the open meeting law may permit or require closed meetings for certain local governmental bodies to conduct specific kinds of disciplinary hearings. For example, school board hearings held to discharge or demote a teacher are private unless the affected teacher wants a public hearing.⁴⁵

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.⁴⁶ Before closing a meeting, the public body must identify the individual to be evaluated. The public body must summarize the conclusions of the evaluation at its next open meeting. An evaluation meeting must be open at the request of the subject of the meeting.⁴⁷

⁴¹ Minn. Stat. § 13D.05, subd. 1.

⁴² Minn. Stat. § 13D.01, subd. 2. This subdivision also says that the law does not apply to meetings of the Commissioner of Corrections, which does not really make sense since such a meeting is not of a multimember body. It may be explained by the legislative history, however. Until 1982, the exception was for meetings of the Corrections Board, a multimember body. A 1983 instruction directed the Revisor of Statutes to change “Corrections Board” to “Commissioner of Corrections” throughout statutes. Laws 1983, ch. 274, § 18.

⁴³ Minn. Stat. § 13D.05, subd. 2.

⁴⁴ Minn. Dept. of Admin. Advisory Op. 19-008 (The Commissioner of Administration found that the Tower City Council violated the open meeting law when it did not open a meeting to the public, claiming that hiring an outside investigator was still a primary consideration of employee misconduct allegations under 13D.05.)

⁴⁵ [Minn. Stat. § 122A.41](#), subd. 9.

⁴⁶ Minn. Stat. § 13D.05, subd. 3.

⁴⁷ Minn. Stat. § 13D.05, subd. 2.

A meeting may be closed to discuss labor negotiations.

The open meeting law permits a public body to hold a closed meeting to discuss strategy and proposals for labor negotiations conducted under the Public Employment Labor Relations Act.⁴⁸ The statute specifies procedures for tape-recording of these meetings, and for the recordings to become public when negotiations are completed.⁴⁹ Another law permits the Commissioner of the Bureau of Mediation Services to close negotiations and mediation sessions between public employers and public employees. These negotiations are public meetings, unless the commissioner closes them.⁵⁰

The law permits closed meetings based on a limited attorney-client privilege.

In 1976, the Minnesota Supreme Court held that there is a limited exception, based on the attorney-client privilege, for meetings to discuss strategy for threatened or pending litigation.⁵¹

In 1990, the legislature added the attorney-client exception to the open meeting law.⁵² Minn. Stat. § 179A.14, subd. 3. Although the statute is not limited, the court has since held that the scope of the exception remains limited in relation to the open meeting law.⁵³

The attorney-client privilege exception does not apply to a mere request for general legal advice. Nor does it apply when a governing body seeks to discuss with its attorney the strengths and weaknesses of a proposed legislative enactment (like a city ordinance) that may lead to future lawsuits because that can be viewed as general legal advice. Furthermore, discussion of proposed legislation is just the sort of discussion that should be public.⁵⁴

In order to close a meeting under the attorney-client privilege exception, the governing body must give a particularized statement describing the subject to be discussed. A general

⁴⁸ Minn. Stat. § 13D.03, subd. 1.

⁴⁹ Minn. Stat. § 13D.03, subd. 2.

⁵⁰ [Minn. Stat. § 179A.14](#), subd. 3.

⁵¹ *Minneapolis Star & Tribune Co. v. Housing & Redevelopment Auth.*, 310 Minn. 313, 324, 251 N.W.2d 620, 626 (1976).

⁵² Minn. Stat. § 13D.05, subd. 3.

⁵³ *Star Tribune v. Board of Ed., Special School Dist. No. 1*, 507 N.W.2d 869 (Minn. App. 1993) *review denied* (Minn. Dec. 22, 1993). The court of appeals did not accept the argument that the statutory exception encompassed the full attorney-client privilege because that would result in the exception swallowing the rule in favor of open meetings. In 2002, the Minnesota Supreme Court restated that the attorney-client privilege exception only applies when the purposes for the exception outweigh the purposes of the open meeting law. In that case, the city council was threatened with a lawsuit if it did not grant a request. The court found that the threat of a lawsuit did not warrant closing the meeting. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002) (en banc). Cf. *Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005) (applying analysis of *Star Tribune* and *Prior Lake American*, finding threats were sufficiently specific and imminent that confidential consultation with legal counsel appointed by city's insurer to discuss defense strategy or reconciliation to address a threatened lawsuit justified closing the meeting).

⁵⁴ *Star Tribune*, 507 N.W.2d at 872.

statement that the meeting is being closed to discuss pending or threatened litigation is not sufficient.⁵⁵

A meeting may be closed to address certain security issues.

If disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses, a meeting may be closed to:

- receive security briefings and reports;
- discuss issues related to security systems;
- discuss emergency response procedures; and
- discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities.

Before closing a meeting, the public body must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape-recorded at the expense of the governing body, and the recording must be preserved for at least four years.

Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.⁵⁶

A meeting may be closed to discuss certain issues relating to government property sales or purchases.

A public body may close a meeting to:

- determine the asking price for real or personal property to be sold by the government entity;
- review confidential or nonpublic appraisal data; and
- develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting, the public body must identify on the record the particular property that is the subject of the closed meeting. The proceedings must be tape-recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this exception was transacted at a closed meeting held during the time when the tape is not available to the public, the court would review the recording of

⁵⁵ *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004).

⁵⁶ Minn. Stat. § 13D.05, subd. 3.

the meeting *in camera* and either dismiss the action if the court finds no violation, or permit use of the recording at trial (subject to protective orders) if the court finds there is a violation.⁵⁷

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.⁵⁸

There is a narrow exception for certain meetings of public hospital boards.

Boards of public hospitals and certain health organizations may close meetings to discuss competitive market activities and contracts.⁵⁹

On-site inspections by town board members are not subject to the law.

The law does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board must make good faith efforts to provide notice of the inspections to the media that have filed a written request, including a telephone number, for notice. Notice must be by telephone or by any other method used to notify the members of the public body.⁶⁰

The law specifies how it relates to the Government Data Practices Act.

Except as specifically provided, public meetings may not be closed to discuss data that are not public data under the Government Data Practices Act.⁶¹ Data that are not public may be discussed at an open meeting without liability, if the matter discussed is within the public body's authority and if it is reasonably necessary to conduct the business before the public body.⁶² Because statute only authorizes the disclosure of not public data "reasonably necessary" to conduct the public body's item of business, the extent of the disclosure should be minimized. This may be accomplished by redactions or the use of pseudonyms.⁶³

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

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.

⁵⁷ Minn. Stat. § 13D.05, subd. 3, referring to § 13D.03, subd. 3.

⁵⁸ Minn. Stat. § 13D.05, subd. 3. Property appraisal data covered by this law is described in Minnesota Statutes, section 13.44, subdivision 3.

⁵⁹ [Minn. Stat. § 144.581](#), subds. 4 and 5.

⁶⁰ [Minn. Stat. § 366.01](#), subd. 11.

⁶¹ Minn. Stat. § 13D.05, subd. 1.

⁶² Minn. Stat. §§ 13.03, subd. 11; 13.05, subd. 4; and 13D.05, subd. 1.

⁶³ Minn. Dept. of Admin. Advisory Op. 02-033.

- Active investigative data collected by a law enforcement agency, or internal affairs data relating to alleged misconduct by law enforcement personnel.
- Certain types of educational, health, medical, welfare, or mental health data that are not public data.
- An individual's medical records governed by the Minnesota Health Records Act, Minnesota Statutes, sections 144.291 to 144.298.⁶⁴

The legislature has addressed social media.

In 2014, the legislature added a provision relating to use of social media. "The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media."⁶⁵ "Social media" is not defined.

Penalties

The open meeting law provides a civil penalty of up to \$300 for intentional violation.⁶⁶ A person who is found to have intentionally violated the law in three or more legal actions involving the same governmental body forfeits the right to serve on that body for a time equal to the term the person was serving. The Minnesota Supreme Court has held that this removal provision is constitutional as to removal of elected officials only if the conduct constitutes malfeasance or nonfeasance and provided that the violations occurred after the person had a reasonable amount of time to learn the responsibilities of office.⁶⁷

A public body may not pay a civil penalty on behalf of a person who violated the law. However, a public body may pay any costs, disbursements, or attorney fees incurred by or awarded against a member of the body in an action under the open meeting law if the member was found not guilty of a violation.⁶⁸

A court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under the open meeting law. However, the following conditions apply:

- A court may award costs and attorney fees to a defendant only if it finds that the action was frivolous and without merit.

⁶⁴ Minn. Stat. § 13D.05, subd. 2.

⁶⁵ Minn. Stat. § 13D.065 (added by Laws 2014, ch. 274, § 2).

⁶⁶ Minn. Stat. § 13D.06, subd. 1.

⁶⁷ Minn. Stat. § 13D.06, subd. 3; *Claude v. Collins*, 518 N.W.2d 836, 843 (Minn. 1994); see also *Brown v. Cannon Falls Township*, 723 N.W.2d 31, 41-44 (Minn. App. 2006) (discussing the statutory history and that since 1994 the statute has required three or more legal actions).

⁶⁸ Op. Att'y Gen. 471-a, Dec. 31, 1992; Minn. Stat. § 13D.06, subd. 4.

- A court may award monetary penalties or attorney fees against a member of a public body only if the court finds there was an intent to violate the open meeting law.

The court must award reasonable attorney fees to a prevailing plaintiff if the public body was also the subject of a prior written opinion issued by the Commissioner of Administration, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not follow the opinion.⁶⁹

The appropriate mechanism to enforce the open meeting law is to bring an action in district court seeking injunctive relief or damages. The statute does not provide for a declaratory judgment action.⁷⁰

The Minnesota Supreme Court has held that actions taken at a meeting held in violation of the open meeting law are not invalid or rescindable.⁷¹

Advice

Public bodies subject to the open meeting law may seek advice on the application of the law and how to comply with it from three sources:

- The governmental entity's attorney
- The attorney general⁷²
- The Commissioner of Administration⁷³

An individual may seek advice from two sources:

- The individual's attorney
- The Commissioner of Administration

An individual who disagrees with the manner in which members of a governing body perform their duties under the open meeting law may request the Commissioner of Administration to

⁶⁹ Minn. Stat. § 13D.06, subd. 4.

⁷⁰ *Rupp v. Mayasich*, 561 N.W.2d 555 (Minn. App. 1997).

⁷¹ *Sullivan v. Credit River Township*, 299 Minn. 170, 176-177, 217 N.W.2d 502, 507 (Minn. 1974).

⁷² Under Minnesota Statutes, section 8.06, the attorney general is the attorney for all state officers and boards or commissions created by law. Under Minnesota Statutes, section 8.07, the attorney general, on request from an attorney for a county, city, town, public pension fund, school board, or unorganized area, gives written opinions on matters of public importance.

⁷³ Minn. Stat. § 13.072, subs. 1 and 2.

give a written opinion on the governing body's compliance with the law. The Department of Administration's Data Practices Office handles such requests.⁷⁴

The commissioner may decide not to issue an opinion. If the commissioner decides not to issue an opinion, the commissioner must notify the requester in writing within five days of receipt of the request. If the commissioner decides to issue an opinion, it must be done within 50 days of the request. The governing body must be allowed to explain how it performs its duties under the law.

Opinions of the Commissioner of Administration are not binding, but a court must give the opinions deference. However, a governing body that follows an opinion is not liable for fines, attorney's fees or any other penalty, or forfeiture of office.

The Data Practices Office maintains a searchable opinion library accessible to the public on its website.⁷⁵



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⁷⁴ <https://mn.gov/admin/data-practices/>. The Data Practices Office was formerly known as the Information Policy Analysis Division (IPAD).

⁷⁵ <https://mn.gov/admin/data-practices/opinions/opinions-library/>

201 SCHOOL BOARD POWERS AND DUTIES

I. PURPOSE

The purpose of this policy is to set forth the expected responsibilities of the School Board .

II. GENERAL STATEMENT OF POLICY

The School Board is a representative body elected by the citizens of the district to provide for and oversee the operation of the public schools as mandated by Minnesota state law. It intends to exercise this authority in a manner responsive to the best interest of the community in general and the district students in particular.

In carrying out this function, the School Board recognizes the following general responsibilities as paramount:

1. Employing, working with and evaluating a Superintendent of Schools;
2. Formulating and interpreting policies;
3. Delegating administrative responsibilities;
4. Making decisions on educational and fiscal matters; and
5. Making appraisals of the educational and administrative processes.

ADOPTED: September 9, 1985

AMENDED: November 8, 2004

AMENDED: January 14, 2008

AMENDED: May 8, 2017

LAST REVIEWED: May 8, 2017

204 SCHOOL BOARD MEMBER CODE OF ETHICS

I. PURPOSE

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

II. GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.

3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
5. Work through the superintendent – not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. **IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:**

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. **IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:**

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.

WAYZATA PUBLIC SCHOOLS

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4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

Legal References: Minn. Stat. § 123B.02, Subd. 1 (School District Powers)
Minn. Stat. § 123B.09 (School Board Powers)
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

ADOPTED: October 14, 1985

AMENDED: December 13, 2004

AMENDED: May 8, 2017

LAST REVIEWED: May 8, 2017

210 SCHOOL BOARD MEETINGS – OPEN AND CLOSED

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.

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.

Legal References: 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 (Teacher Discharge Hearing)
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
Minn. 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)

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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)

ADOPTED: May 12, 1986

AMENDED: December 13, 2004

AMENDED: February 11, 2008

AMENDED: November 13, 2017

LAST REVIEWED: November 13, 2017

210-R SCHOOL BOARD MEETINGS – OPEN AND CLOSED REGULATIONS

I. PURPOSE

The purpose of these regulations 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, 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 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 general public. For purposes of the Open Meeting Law, social media does not include e-mail.

III. PROCEDURES

A. Meetings

1. Regular Meetings

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.

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 principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be emailed 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 emailing 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.
- 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 refiling once each year. Not more than 60 days before the expiration date of request for notice, the 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 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

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 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

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

B. Votes

The votes of school board members shall be recorded in meeting minutes, and the minutes 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. Closed Meetings

1. Labor Negotiations Strategy

- a. 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.
- b. 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.

2. 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. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. 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.

4. 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.

5. 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.

6. Dismissal Hearing

- a. 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.
- 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 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.

7. Coaches: Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it 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 Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic 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.

8. Meetings to Discuss Certain Not Public Data

Any portion of a meeting 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; or
- 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.

9. Purchase and Sale of Property

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

- b. 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.
- c. The closed meeting must be tape recorded at the expense of the school district. 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 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.
- d. 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.

10. Security Matters

- a. 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.
- 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 school district and the recording must be preserved for at least four years.

11. 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.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open 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.

IV. RECORDS AND MINUTES

- A. The Board Clerk is legally responsible for the official Board records; however, the Board delegates to the Superintendent the responsibility for providing the personnel and equipment for Board meeting record keeping.
- B. Published minutes will list a summary of Board Action and other business items. Individual gifts will not be published, but the official packets available in the District Administration Building will be retained with complete information.
- C. Minutes of all Regular, Special and Closed Board Meetings will be kept on file in the Administration Building. Official minutes will be bound in some manner, and/or digitally filed on the district network, and maintained as a permanent record in the Administration Building.

Legal References: 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 (Teacher Discharge Hearing)
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
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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)
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Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)
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Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
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WAYZATA PUBLIC SCHOOLS

Independent School District 284

Wayzata, Minnesota

Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)

Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

ADOPTED: May 12, 1986

AMENDED: December 13, 2004

AMENDED: February 11, 2008

AMENDED: November 13, 2017

LAST REVIEWED: November 13, 2017

212 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS

I. PURPOSE

The purpose of this policy is to ensure open and orderly public discussion as well as to protect the due processes and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The School Board recognizes the value of participation by the public in deliberations and decisions on School District matters. At the same time, the School Board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. All citizens, including students, of the school district have a right to an opportunity to be heard by the School Board. The School Board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate input by all interested parties. The School Board shall, as a matter of policy, protect the rights to privacy and due process of employees and students, as provided by Minnesota State law.
- C. The School Board may decide to hold certain types of public meetings where the public will not be invited to address the School Board. Possible examples are work sessions and Board retreats. The public is entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the Board.

ADOPTED: March 18, 1996

AMENDED: November 8, 2004

AMENDED: February 11, 2008

AMENDED: September 14, 2015

LAST REVIEWED: November 13, 2017

212-R PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS REGULATIONS

I. REGULATIONS

The following procedures will be utilized to facilitate public participation in regular School Board meetings. The School Board will provide a specified period of time at the Board's regular monthly meeting where citizens may address the School Board on any topic, subject to right to privacy or private subject data concerns as provided by Minnesota State law.

- A. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.
- B. Citizens who wish to speak at a public School Board meeting may do so in one of the following ways: 1) notify the Superintendent's office in advance of the School Board meeting.
2) notify a member of the board or staff prior to the start of the meeting; or 3) stand and state their wish to address the board when the Board Chair extends the invitation to speak to the audience at the appropriate time on the agenda. All speakers will be asked to complete a form indicating the topic or agenda item to which their comments relate, their name, address, and affiliation with a group (if applicable).
- C. Citizens who address the School Board should open their comments by stating the subject or agenda item(s) to which their comments pertain, their name, address, and affiliation with a group (if applicable).
- D. The School Board Chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the Chair are allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the School Board, or the proceedings may be directed to leave.
- E. It is the practice of the School Board not to engage in discussion or debate with the speaker during the Board meeting. The School Board may follow up with the speaker at a later date, or may designate staff members to follow up with the speaker.
- F. Comments by individual speakers are normally limited to a maximum of three to five minutes. The School Board retains the discretion to limit comments on any agenda item or topic to a reasonable period of time. If a group or organization wishes to address the School Board on a topic, the School Board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.

- G. Matters raised by a public speaker which may involve data privacy concerns and/or preliminary allegations, or which may be potentially libelous or slanderous in nature, shall not be considered in public but shall be processed as determined by the School Board in accordance with governing law.
- H. The School Board Chair shall promptly rule out of order any discussion by any person, including School Board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
- I. Personal attacks by anyone addressing the School Board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the School Board.
- J. Depending upon the number of persons in attendance seeking to be heard, the School Board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.
- K. Public speakers at the Regular Board Meeting may be identified in the formal minutes and the remarks will be televised as part of the proceedings.

ADOPTED: February 11, 2008

AMENDED: August 12, 2013

AMENDED: September 14, 2015

LAST REVIEWED: November 13, 2017

WAYZATA PUBLIC SCHOOLS
Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION

STANDARD OPERATING PROCEDURES

The Standard Operating Procedures have been developed in accordance with Board of Education policies and reflect past and present practice according to the guidelines established under Board Policies 207, 207-R, 208, 209, 210, 210-R, 212, 212-R. It is intended that these procedures be reviewed annually, modified as necessary, and approved at the Board's Organizational Meeting within the month of December, but no later than the second Monday in January.

Should anything in these Standard Operating Procedures be found to be in conflict with state or federal law or regulations, these procedures shall be modified accordingly.

A. BOARD ORGANIZATION

1. The officers of the Board of Education, as established by law, are the Chair, the Clerk, and the Treasurer.
2. It is the practice of the Wayzata Board of Education to also elect a Vice-Chair.
3. All officers shall be elected at the Organizational Meeting held annually on or as close to January 1 as practical, but no later than the second Monday of January.
4. A Board of Education member not elected to an office shall be designated as "Director."
5. Annually the Board of Education may establish "Standing Committees" and further designate the membership and charge of such committees according to the guidelines established under Board Policy 208.
6. The Board of Education may, for specific purposes, establish "Ad Hoc Committees." The Board shall set a charge, membership specifications, and timeline for such committees.
7. Annually it is necessary to name Board representatives to other organizations. The Board Chair shall appoint such representatives, subject to ratification by the Board of Education.

B. BOARD MEETINGS

1. Schedule
 - a. Within the month of December, but no later than the second Monday in January, the Board of Education shall conduct an Organizational Work Session. The purposes of such work session shall include:
 - 1) Discussion of officers

B. BOARD MEETINGS – Schedule (continued)

- 2) Designation of Board committee structure
 - 3) Appointment of Board representatives to other bodies
 - 4) Such other action as may be deemed necessary
- b. Election of officers and formal action for the organizational structure will be taken at the January Regular Board Meeting and Organizational Meeting no later than the second Monday in January.
- c. At the first meeting of each new school year in July, the Board will:
- 1) Designate official relationships
 - 2) Approve membership in professional organizations
 - 3) Designation of Official Cash Depositories
 - 4) Designation of Official Investment Brokers

2. Agendas

- a. Board agendas will be prepared according to a schedule established by the Superintendent. The following is a one-month example:

SEPTEMBER 12 REGULAR BOARD MEETING

Tuesday,	Aug. 30 – First draft at Strategy Leadership Team Meeting
Tuesday,	Sept. 6 – Reviewed at Strategy Leadership Team Meeting
Tuesday,	Sept. 6 – Finalized by Board Chair, Vice Chair and Superintendent
Thursday,	Sept. 8 – Public Agenda Posted
Friday,	Sept. 9 – Board packets released to Board
Friday,	Sept. 9 – Board packets released to public
Monday,	Sept. 12 – Regular Board Meeting

- b. Board members may place items on the agenda for Regular Board Meetings or Work Sessions by contacting the Board Chair, Vice Chair or the Superintendent. After the agenda has been prepared and posted, new items may be considered for placement on the agenda at the Regular Board Meeting under the “Approval of Agenda” item.
- c. The Board shall annually review and establish its Regular Board Meeting agenda format. The format shall include a “Consent Agenda” which provides for routine items to be enacted with one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the Consent Agenda and addressed in sequence. Changes in agenda format may be approved by the Board during the school year.
- 5) Board packets will be prepared in BoardBook and released to Board members so that they can be downloaded no later than three (3) days prior to a Regular Board Meeting.

B. BOARD MEETINGS – Agenda (continued)

- 6) All Board meeting agendas and notices shall be posted on the District web site, and the official bulletin board at the Administration Building, at least three (3) days in advance of the meeting.

3. Conduct of Meetings

- a. The rules of parliamentary procedure in the latest edition of Robert’s Rules of Order shall prevail if there is any question concerning the conduct of any meeting.
- b. Voting on Motions/Resolutions
 - 1) When calling for a vote on a motion, the Board Chair will use the following procedure:
 - All in favor say “Aye.”
 - All against say “No.”
 - Any abstentions?
 - 2) In the event of a divided voice vote, the Board Chair may request a roll call vote.
 - 3) The Board Chair will vote last on all motions and resolutions and will summarize the vote tally.
 - 4) The Clerk will record all votes on the “Clerk’s Record of Motions” sheets.
 - 5) Finance actions and resolutions will have a roll call vote.
- c. Public hearings may be established by Board action for specific purposes.

4. Public Participation in School Board Meetings and Work Sessions**a. Audience Opportunity to Address Board**

The School Board shall normally provide a specified period of time during a Regular Board Meeting where citizens may address the School Board on any topic, subject to the limitations of policy. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

- b. During a Special Meeting, the School Board may provide a specified period of time for citizens who wish to address the school board. During a Special Meeting, a citizen may speak only when their public comments are related to a Special Meeting agenda item. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly

c. Agenda Items

- 1) Citizens who wish to address the School Board on a particular subject may speak during the discussion of that item only at the discretion of the Board Chair.

- 2) The School Board Chair will recognize one speaker at a time and only those speakers recognized by the Chair will be allowed to speak. Each speaker must fill out a form that discloses their name, address, and the issue they would like to speak on.
 - 3) The School Board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the School Board.
 - 4) The School Board Chair shall promptly rule out of order any discussion by any person, including School Board members, that would violate the provision of state or federal law, Board Policy as specified, or the statutory rights or privacy of an individual.
 - 5) It is the practice of the School Board not to engage in discussion or debate with the speaker during the Board meetings. The School Board may follow up with the speaker at a later date, or may designate staff members to follow-up with the speaker.
5. Record of Meetings
- a. The Board Clerk is legally responsible for the official Board records; however, the Board delegates to the Superintendent the responsibility for providing the personnel and equipment for Board meeting record keeping.
 - b. The Board minutes will record votes as follows (samples):

Unanimous voice vote: “The motion carried unanimously.”

Roll call vote on a motion: “The motion carried unanimously with a roll call vote,” or, “A roll call vote was taken and the following voted in favor thereof: (names will be listed); and the following voted against the same: (names will be listed); whereupon said motion carried (or failed) on a (numbers to be inserted) vote.”

Standard resolution roll call vote: “Board member (name) introduced the (title of resolution) and moved its adoption. The motion was seconded by Board member (name).” The vote will be recorded either with “The resolution carried unanimously with a roll call vote,” or “The following voted in favor thereof: (names will be listed); and the following voted against the same: (names will be listed); whereupon said resolution was declared duly passed or adopted (or failed) on (numbers to be inserted) vote.”
 - c. Regular Board Meetings will be recorded and may be broadcast live; Special Board Meetings will be audio recorded.
 - d. All Board Work Sessions will be audio recorded and tapes will be kept on file for a period of ninety (90) days.
 - e. Published minutes will list a summary of Board Action and Other Business items. Individual gifts will not be published, but the information available in the District Administration Building will be retained with complete information.
 - f. Complete minutes of all Regular and Special Board Meetings will be kept on file in the Superintendent’s Office. Official minutes will be bound in some manner, and/or digitally filed on the district network, and maintained as a permanent record in the Administration Building.

C. OTHER BOARD PROCEDURES

1. Access to Administrative Support

- a. Board members should direct requests for information to the following:
 - 1) Superintendent of Schools
 - 2) Executive Director of Human Resources
 - 3) Executive Director of Teaching and Learning

C. OTHER BOARD PROCEDURES – Access to Administrative Support (continued)

- 4) Executive Director of Finance and Business Services
- 5) Executive / Administrative Assistant

- b. The Administration will furnish all Board members with information prepared at the request of an individual Board member.

2. Legal Advice

- a. The Superintendent is empowered to seek legal counsel as required during the normal course of business and within the limits of the budget.
- b. If there are legal concerns involving the Board and the Superintendent, the Board chair is empowered to seek legal counsel.

3. Attendance at State and National Meetings of School Board Organizations

- a. The School Board feels it is beneficial to have representation at state and national meetings of School Board organizations with consideration given to timely issues and the established budget.

4. New Media/Board Relations

- a. When the Board issues news releases and/or responds to questions from the media, the “official” spokesperson for the School Board will be the Board Chair.
- b. Board agenda materials will be available to the public at the same time they are released to School Board members. Items of new Board business should not be given to the public other than through release of Board agenda materials.
- c. When individual Board members speak to the news media, they should issue a standard disclaimer that emphasizes: “These are my personal views and do not necessarily reflect the views of the full School Board.”
- d. The Superintendent will administer the District Public Information Program according to the guidelines established under Board Policy 901 and 901-R.

AGENDA EXAMPLE
WAYZATA PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT 284
Wayzata, Minnesota
BOARD OF EDUCATION
Regular Meeting – (Date) – (Time)
(Place)

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA AND CONSENT AGENDA ITEMS

Consent Agenda items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Board members or citizen so requests, in which event the item will be removed as a Consent Agenda item and addressed. Consent Agenda Items are as follows:

- A. Approval of Minutes
- B. Finance and Business Recommendations
- C. Human Resource Recommendations
- D. Others

3. REPORTS FROM ORGANIZATIONS

4. RECOGNITIONS

- A. Employee of the Month
- B. Others
- C. Retiree Recognition

5. AUDIENCE OPPORTUNITY TO ADDRESS SCHOOL BOARD

This section of the agenda provides an opportunity for those who have called in and placed their names on the list and for members of the audience who wish to address the School Board

6. STUDENT CURRICULUM PRESENTATION

7. SUPERINTENDENT’S REPORTS AND RECOMMENDATIONS

- A. Superintendent
(Items will be listed as 1., 2., etc.)
- B. Teaching and Learning
(Items will be listed as 1., 2., etc.)
- C. Finance and Business Services
(Items will be listed as 1., 2., etc.)
- D. Human Resource Services
(Items will be listed as 1., 2., etc.)

8. OTHER BOARD ACTION

(Items will be listed as 1., 2., etc.)

9. BOARD REPORTS

10. ADJOURN

**Wayzata Board of Education
Guidelines for Interaction**

1. Board members will keep one another and the Superintendent informed about issues that arise. There will be no surprises in Board Meetings or Board Work Sessions.
2. Board members will go to the Superintendent for information.
 - a. The Superintendent may:
 - i. Provide the information directly to Board member(s)
 - ii. Act as a conduit for Board members to obtain information from staff.
 - b. When a Board member is detailed to a specific task, the Board member may obtain information from an executive director involved in the task.
 - c. Board members will not ask staff to do work for them. They will refer those requests to the Superintendent.
3. The Superintendent will take issues he has with other Board members to the Board Chair. The Board members will address the issue with the Board member. If there are unresolved issues between the Superintendent and the Board Chair, the Superintendent will address the issues with the Board Vice-Chair.
4. Board members commit to one another that they will discuss directly with specific Board members any problems or issues that they have with that person.
5. Board members and the Board Chair will ensure that there is communication with all Board members about assignments, committees, etc. that arise.
6. The Board asserts and will ensure that School District interests will always have priority ahead of any political party interests.

Elaborations

1. Partisan Politics- The Board agrees to the following principles regarding partisan or party politics:
 - a. It is important to subordinate partisan or party politics to the school districts interests.
 - b. There is a difference between the work of the Legislative Action Committee and party politics. The former promotes the School District's interests with the state legislature.
 - c. It is important that Board members not be partisan or be seen as partisan.
 - d. One of the Board's strengths is that it is not partisan.
2. Sensitivity to Role- The Board acknowledges the difficulty of separating their job as Board members from their role as parents or community members. Board members agree that they need to remind constituents or staff when they are speaking as Board members and when they are addressing issues as parents or community members
In addition, Board members agreed they need to remind constituents and staff that when they are speaking to an issue or listening to feedback, they are speaking as one member of the Board. They are not speaking for the Board.

Established February 7, 2004 and re-established on January 18, 2006

Partisan Politics Guidelines

1. It is important to subordinate partisan or party politics to the interests of the School District.
2. It is important that Board members not let partisan or political involvement interfere with proper performance of School Board duties
3. There is a difference between the work of the Legislative Action Committee and party politics. The LAC promotes legislation in the School District's interest, rather than any political party interest.
4. One of the Board's great strengths is that it is not partisan.

The following are only examples of what is or isn't "O.K."- Not an all-inclusive list. If a Board member is in doubt, check it out with the Board Chair, who can then decide whether or not the question warrants further discussion with the whole Board.

Some examples of "O.K." types of partisan involvement:

- Political party membership
- Attendance at political party caucus or convention
- Endorsing a candidate for political office as an individual
- Contributing financially to a candidate's campaign
- "Behind the scene" involvement in a partisan candidate's campaign for elective office
- Running for another elected office with party endorsement

Not "O.K."

- Seeking or accepting party endorsement when running for the School Board
- Endorsing a candidate for political office as a Board member
- Visible, active involvement in the campaign of a party endorsed candidate for elective office (i.e. campaign or fund raising chair)
- Letting partisan involvement impact the working relationship with other Board members

Wayzata Board of Education Respectful Guidelines

- 1. Each person will intentionally speak for self-avoiding “we, they, everyone and assumptions” that aren’t checked out. The speaker speaks his or her truth and is not compelled to “take care of” the listener’s feelings.**
- 2. Each person will stay present and respectful to the person talking and fully listen to what the other is saying without interruption. This does not show agreement with what is being said but acknowledges the other’s right to say what is on his or her mind or in his or her heart.**
- 3. Each person will stay conscious of sensitive material and will maintain appropriate confidentiality out of respect to each other.**
- 4. Each person consciously self-monitors the impact of words and actions before, during and after interactions. Each person also monitors when there is a need for conversation, discussion, or dialogue, when there is a need for group council, and when there is a need for silence.**
- 5. Each person has the right to pass but commits to stay connected in own head and heart.**
- 6. When someone else speaks, to keep it moving forward, if the other person says what you were going to say, build on it. It is not necessary to agree/disagree. Focus your mind on how to move the conversation forward.**
- 7. Avoid rescuing, fixing, giving unsolicited advice or coming to premature judgments or conclusions.**

The Pledge of Allegiance

I pledge allegiance to the Flag
of the United States of America,
and to the Republic for which it stands:
one Nation under God, indivisible,
with Liberty and Justice for all



Board of Education

2025 School Board Meetings

Date	Meeting Type
January 13	Organizational/Regular Meeting
January 27	Work Session
February 10	Regular Meeting
February 24	Work Session
March 10	Regular Meeting
March 24	Work Session
April 14	Regular Meeting
April 28	Work Session
May 12	Regular Meeting
May 19	Work Session (Moved due to Memorial Day)
June 9	Regular Meeting
June 23	Work Session
July 14	Regular Meeting
July 28	Work Session
August 11	Regular Meeting
August 25	Work Session
September 8	Regular Meeting
September 22	Work Session
October 13	Regular Meeting (Columbus Day - Board Action must be taken to allow this date)
October 27	Work Session
November 10	Regular Meeting
November 24	Work Session
December 1	Special Work Session – Organizational
December 8	Regular Meeting
December 15	Work Session

Unless otherwise indicated, Regular School Board meetings are scheduled to convene at 7:00 p.m. at Creekside District Office, 16000 41st Ave. N., Plymouth, MN 55446 and School Board Work Sessions begin at 4:00 p.m. at Creekside District Office, 16000 41st Ave. N., Plymouth, MN 55446. Should a particular agenda item or anticipated size of audience warrant holding a Regular Board meeting or Work Session at one of the schools, notices will be posted.

ALL BOARD MEETINGS ARE OPEN TO THE PUBLIC, UNLESS THEY ARE LEGALLY REQUIRED CLOSED MEETINGS – A list of agenda items for each Work Session, Regular and Special Board meeting is available prior to the meeting. The School Board’s official bulletin board is located inside the front entrance of the Creekside District Office, 16000 41st Ave. N., Plymouth, MN 55446. In addition, all **Regular** Board meetings are recorded and posted online for later viewing. Public comment is available during Regular meetings.



Responsibilities of the School Board

Board Duties

- Hire superintendent, who is an ex-officio member of the board, and delegate authority
- Oversight of human, financial, and facility resources
- Set policy and judicial review
- Collective bargaining
- Community relations and advocacy

Chair Duties

Per MN Statute

- Preside at all meetings (Minn. Stat. 123B.14, sub. 2)
- Represent district in all actions (Minn. Stat. 123B.14, sub. 2)
- Countersign orders (Minn. Stat. 123B.14, sub. 2)
- Is a voting member (Minn. Stat. 123B.14, sub. 4)
- Responsible for all duties usually incumbent on such officer (Minn. Stat. 123B.14, sub. 2)
- Draw orders in absence of clerk (Minn. Stat. 123B.14, sub. 2)

Per Best Practice

- Guide board process
- Develop agenda with superintendent
- First point of contact with superintendent

Vice Chair Duties

Per Best Practice

- Exists per district policy
- Performs “chair duties” during absence of the chair
- Additional duties as assigned by the chair or board

Clerk Duties

Per MN Statute

- School district elections (notice, candidate filing, ballots, absentees, returns, results) (See MSBA Election Manual)
- Keep records, make, and issue reports (Minn. Stat. 123b.14, sub. 7)
- Draw orders for payments (Minn. Stat. 123b.14, sub. 7)

Treasurer Duties

Per MN Statute

- Make deposits (Minn. Stat. 123B.14)
- Pay bills (Minn. Stat. 123B.12, 123B.26)
- Promptly pay bills (Minn. Stat. 471.425)
- Make requested reports (Minn. Stat. 123B.14)
- Responsible for all duties usually incumbent on such officer (Minn. Stat. 123B.14, sub. 2)

Per Best Practice

- Financial reporting oversight
- Financial procedure and controls oversight

“The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the Office of Business Affairs.” (Minn. Stat. 123B.14, sub. 1) In practice, when a single person performs the duties of clerk and treasurer, that person often delegates at least some of the duties to others.

WAYZATA PUBLIC SCHOOLS

Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION OFFICERS

Chair: _____

Vice Chair: _____

Clerk: _____

Treasurer: _____

207 SCHOOL BOARD OFFICERS

I. PURPOSE

The purpose of this policy is to delineate the responsibilities entrusted to the School Board officers for the care, management, and control of the public schools of the school district.

II. GENERAL STATEMENT OF POLICY

- A. At the organizational meeting in January, the Board shall elect a chair, a clerk, and a treasurer, who shall hold their offices for one year and until their successors have been elected and qualified. The School Board may choose to elect a vice chair to act in the absence of the chair.
- B. The persons who perform the duties of the offices of the clerk and the treasurer need not be members of the School Board. Those duties may be delegated to appropriate district personnel.
- C. The Superintendent, who is appointed by the School Board, shall be an ex officio nonvoting member of the School Board.

ADOPTED: August 13, 1968

AMENDED: September 9, 1985

AMENDED: August 9, 1993

AMENDED: December 13, 2004

AMENDED: February 11, 2008

AMENDED: May 8, 2017

LAST REVIEWED: May 8, 2017

207-R SCHOOL BOARD OFFICERS REGULATIONS

I. OFFICER'S RESPONSIBILITIES

A. Chair

1. The chair, when present, shall preside at all meetings of the School Board, countersign all orders upon the treasurer for claims allowed by the School Board, represent the School District in all actions and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the School Board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

B. Vice-Chair

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

C. Treasurer

1. The treasurer shall deposit the funds of the School District in the official depository.
2. The treasurer shall make all reports which may be called for by the School Board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minnesota Statute.

D. Clerk

1. The clerk shall keep a record of all meetings.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before August 15 of each year, the clerk shall:
 - a. file with the School Board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
 - b. make and transmit to the Commissioner certified reports, showing:
 - i. condition and value of school property;

- ii. revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the Commissioner;
 - iii. length of school term and enrollment and attendance by grades; and
 - iv. other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the School District.
 5. The clerk shall furnish to the county auditor, on or before October 10, an attested copy of the clerk's record, showing the amount of money voted by the School District or the School Board for school purposes.
 6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the School Board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
 7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.

E. Superintendent

1. The Superintendent shall be an ex officio, nonvoting member of the School Board.
2. The Superintendent shall perform the following:
 - a. visit and supervise the schools in the School District, report and make recommendations about their condition when advisable or on request by the School Board;
 - b. recommend to the School Board employment and dismissal of teachers;
 - c. superintend school grading practices and examinations for promotions;
 - d. make reports required by the Commissioner; and
 - e. perform other duties prescribed by the School Board.

ADOPTED: August 13, 1968

AMENDED: September 9, 1985

AMENDED: August 9, 1993

AMENDED: December 13, 2004

AMENDED: February 11, 2008

AMENDED: May 8, 2017

LAST REVIEWED: May 8, 2017

208 SCHOOL BOARD COMMITTEES AND APPOINTMENTS

I. PURPOSE

The purpose of this policy is to provide for the structure and operation of committees and subcommittees of the School Board, and guidance for School Board members appointed to other councils, committees, and local/state/national organizations.

II. GENERAL STATEMENT OF POLICY

The School Board believes that Board committees and appointments enable board members to delve into governance matters in greater detail than is possible at the full board level. In-depth committee work builds governing expertise among board members, while also strengthening their sense of ownership and commitment, which ultimately improves the quality of board decision making. Board decisions that are supported by detailed standing committee work are firmer because of the ownership that is built at the committee level.

- A. It is the policy of the school board to designate standing school board committees or subcommittees when it is determined that a committee process facilitates the mission of the school board.
1. The school board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the school board and the school district.
 2. A school board committee or subcommittee will be formed by school board resolution which shall outline the duties and purpose of the committee or subcommittee.
 3. A committee or subcommittee is advisory in nature and has only such authority as specified by the school board.
 4. The school board will receive reports or recommendations from a committee or subcommittee for consideration. The school board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
 5. The school board also may establish ad hoc committees for specific purposes as it deems appropriate.
- B. Similarly, the school board has determined that appointments to other committees, councils and organizations facilitates the operation of the School Board and the school district.

1. The School Board will appoint board members to serve as liaisons to these committees and organizations. No more than three board members shall be designated to any one appointment, unless the board attends on a rotating schedule.
2. When appropriate, a board member may serve on the board of another organization.

III. STANDING COMMITTEES

- A. The school board hereby appoints the following standing committees:
 1. Finance and Business
 2. Human Resource Services
 3. Teaching and Learning
 4. Stakeholder Relations
 5. Superintendent's Evaluation/Compensation
 6. Facilities Development and Long-Range Planning
 7. Policy and Regulation Review
- B. The school board will establish, by resolution, for each standing or ad hoc committee the charge or mission of each such committee.
- C. The school board reserves the right to define the term, members, and number of members for each committee. When such committees include district teachers the board agrees to discuss the appointment with the "exclusive representative" of the teacher's bargaining unit, as defined in the Public Employee Labor Relation's Act (PELRA), concerning the nature and purposes of the committee and the basis for determining teacher representation.
- D. The school board retains the right to determine procedures and guidelines for all standing committees, but may grant the committee the freedom to develop such procedures and guidelines appropriate to its purpose on its own accord.
- E. The school board chair shall appoint the chair of each standing or ad hoc committee.
- F. The Superintendent is directed to name an administrative liaison to each standing committee

IV. PROCEDURES FOR SCHOOL BOARD COMMITTEES

- A. All meetings of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the school board.

- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the school board.
- D. The committee or subcommittee shall record the minutes of actions of the school board committee.
- E. The power of a committee or subcommittee of the school board is advisory only and is limited to making recommendations to the school board.
- F. A committee or subcommittee of the school board shall, when appropriate, clarify in any dealings with the public that its powers are only advisory to the school board.

V. PROCEDURES FOR SCHOOL BOARD APPOINTMENTS

- A. School board members who serve as liaisons may report on the actions of the organization to the full board, and may bring recommendations or legislation from such organizations to the full board for a vote.
- B. Action taken by a board liaison shall not obligate the school board.
- C. A board liaison, when appropriate, shall clarify that his/her powers are only advisory, and any binding action must be voted upon by the full school board.

Legal References: Minn. Stat. Ch. 13D (Open Meeting Law)

ADOPTED: February 12, 1973

AMENDED: May 15, 1973

AMENDED: September 9, 1985

AMENDED: August 9, 1993

AMENDED: November 8, 2004

AMENDED: January 14, 2008

AMENDED: December 11, 2017

AMENDED: February 11, 2019

LAST REVIEWED: February 11, 2019

Wayzata School Board Standing Committees December 2024

Human Resources Committee

Purpose: To offer support and guidance for the Executive Director of Human Resources

Administrative Liaison: Stacie Vos, Executive Director of Human Resource Services

2024 Meeting Date & Time: The Wednesday before the regular meeting from 11:30-1:00. The HR committee must meet in advance of the regular board meeting and the Wednesday before is the ideal day.

2024 Committee Members: Sarah Johansen- Chair, Milind Sohoni, Sheila Prior, Heidi Kader-alternate

Additional Committee Commitments: Attend the meet & confer committees as scheduled. The committee serves as the level 4 grievance panel as needed.

Potential Committee Activities:

- Review the HR consent agenda in advance of the school board meeting
- Support the HR department in routine work
- Stay informed re: emerging issues in the HR department
- Help guide the realization of the strategic directions & equity commitment through the district human resources work
- A Rep from HR may serve as a Rep to the Sup contract process

Finance Committee of the Board

Purpose: To provide guidance and support to the finance department. To review the CFAC agenda and serve as the Board representative at the meetings. To provide oversight through the District OPEB committee.

Administrative Liaison: Scott LeSage, Executive Director of Business and Operations

2024 Meeting Date & Time: The Finance committee must meet in advance of the regular board meeting in order to review upcoming board agenda items and confirm the CFAC agenda.

2024 Committee Members: Sarah Johansen-Chair, Paras Bhende, Dan Ginestra, Milind Sohoni-alternate

Additional Committee Commitments: CFAC- 3rd Tuesday of the month from 7:30-9; OPEB- quarterly

Potential Committee Activities:

- Review Finance items that will come to the regular meeting or work session
- Provide on-going support and guidance to the finance department
- Provide governance level input on issues related to district operations (such as transportation, food service, facilities, etc.)
- A Rep from Finance Committee may serve as a Rep to the Sup contract process

- Help guide the realization of the strategic directions and commitment to operational excellence from a business and operations lens.

Facilities Committee of the Board

Purpose: To oversee bond referendum and other capital projects and to provide governance level input to long range facilities planning and development.

Administrative Liaison: Scott LeSage, Executive Director of Business and Operations

2024 Meeting Date & Time: 4rd Wednesday of the month 8-9:30

2024 Committee Members: Heidi Kader- Chair, Dan Ginestra, Valentina Eyres, Sheila Prior- alternate

Who Also Attends: Often other leaders attend these committee meetings including: The Superintendent or Assistant Superintendent, and the Directors of Facilities and Transportation, Communication, Teaching & Learning, and others as needed for the agenda.

Additional Committee Commitments: None

Potential Committee Activities:

- Explore teaching and learning impacts on middle school facilities planning with governance level input on the interconnectedness of facilities and our educational programs.
- Continue to monitor District growth in student enrollment and building growth
- Support the Administration in conversations and decision making surrounding Joint Powers agreements
- Provide governance level input and oversight on the realization of the District Roadmap and Strategic Directions through a facilities lens.

Policy Committee

Purpose: To review district policies and make recommendations for revision, addition, or deletion as needed; consider and provide guidance on questions on questions of policy or district regulation; maintain policy adherence to state and federal laws.

Administrative Liaison: Chace Anderson, Superintendent. Amy Guise, District Administrative Assistant provides administrative support.

2024 Meeting Date & Time: Last Tuesday of the Month from 7:30-9am. **REQUEST THE DAY CHANGES, AS THIS IS THE MORNING AFTER A SB MEETING.**

2024 Committee members: Milind Sohoni- Chair, Valentina Eyres, Paras Bhende

Who Also Attends: All members of the Strategy Leadership Team attend the policy committee as needed- dependent on the policies up for review.

Additional Committee Commitments: None

Committee Activities:

- Work with the administration to: (1) review / revise existing policies (per the 3 year review cycle) for consistency with the strategic roadmap and alignment with state statutes; and (2) consider new policies that are, again, consistent with the strategic roadmap.
- Provide guidance to the administration or full board about questions that arise about existing policies
- Provide feedback to the administration about questions the administration has regarding the regulations that accompany the policies (the board does not “own” or approve the regulations)

Procedurally:

- The administration brings existing policies and new prospective policies to the Policy Committee for consideration and discussion
- Once the consideration / discussion is complete, the administration makes a recommendation to the full board for approval of the applicable policy(ies)
- If any board member wants additional discussion, the policy / policies can be discussed at a board work session.

All policies are on a 3-year review cycle. The committee also works with other corresponding Board committees in the case of new policy development.

Community Relations Committee

Purpose: To support the communications and engagement team in connecting with the community through electronic and print publications, media relations, crisis communications and other district initiatives.

Administrative Liaison: Amy Parnell, Director of Communications and Community Involvement

2024 Meeting Date & Time: Quarterly

2024 Committee Members: Heidi Kader- Chair, Sheila Prior, Dan Ginestra, Paras Bhende- alternate

Additional Committee Commitments: N/A

Committee Activities:

- Provide governance level oversight in District communications
- Plan and deliver community connection opportunities- such as Bagels with the Board at the High School
- Consider additional pathways to showcase the work of the District and the realization of our Strategic Directions
- Consider the pathways and inputs for Board level communication with the community.

- Explore governance level communications work across the District (such as supportive messages to staff, etc.)
- Offer support and guidance on referendum planning and implementation
- The 2024 Stakeholders committee will need to engage in setting committee goals for the upcoming year in the context of current issues and events

Superintendent Evaluation and School Board Development

Purpose: To plan, facilitate, and document the annual Superintendent review process, including goal setting, check-in's, and the annual end of year review.

Administrative Liaison: Chace Anderson, Superintendent

2024 Meeting Date & Time: There is no standing meeting time, Meetings are scheduled as needed in accordance with the review process.

2024 Committee Members: Heidi Kader- Chair, Sarah Johansen, Valentina Eyres

Additional Committee Commitments: N/A

Committee Activities:

- Plan, facilitate, and document the mid and end of year review
- Support Dr. Anderson in providing quarterly updates regarding work toward the strategic directions
- Work in 2025 may include more coordination with the District goal setting process
- Continue to consider alignment of goals with the District scorecard
- A rep from the committee may assist with the contract development process.

Teaching and Learning Committee

Purpose: To review processes and long-range planning educational recommendations; review and recommend changes to policies pertaining to teaching and learning; meet and work with the Executive Director of Teaching and Learning regarding educational issues; hear academic achievement reports, and closely monitor efforts to close the opportunity and achievement gap

Administrative Liaison: Dana Miller, Executive Director of Teaching and Learning

2024 Meeting Date & Time: The 3rd Wednesday of the Month from 12-2pm. It's important for this committee to meet the week before the Board work session to help to plan and review agenda items.

2024 Committee Members: Sarah Johansen- Chair, Heidi Kader, Sheila Prior, Valentina Eyres- alternate

Who Also Attends: Chace Anderson, Solveig Harriday, Teaching and Learning Staff as needed, sometimes principals or other District leaders.

Additional Committee Commitments: N/A

Committee Activities:

- Provide governance level guidance and oversight to the attainment of the strategic directions.
- Provide support and guidance for the District equity commitment, support the alignment efforts with facilities and the middle school model
- Continue to offer support and guidance through the pandemic response and recovery.
- Act as a sounding board for the Teaching and Learning administrative team.
- Receive updates and provide governance level oversight for the curricular review cycles.
-

Equity and Inclusion Ad Hoc Committee

Purpose: Learning together about the Equity and Inclusion journey and efforts in Wayzata in order to be a voice to support and clarify the work of Equity and Inclusion in WPS.

Administrative Liaison: Solveig Harriday, Director of Equity & Inclusion

Who also attends: Chace Anderson, Superintendent, Dana Miller, Executive Director of Teaching and Learning.

2024 Meeting Day and Time: Committee met quarterly on a Friday 8:00-9:00am

2024 Committee Members: Milind Sohoni- Chair, Paras Bhende, Sheila Prior

Additional committee commitments: N/A

Committee Activities:

- Build community and anchor in our “why” through experiencing restorative circle practice
- Overview the equity and inclusion approach in Wayzata and the research behind it
- Examine what we mean by Equity
- Learn more about the Equity Commitment and questions from the community about it
- All learning together is modeling culturally responsive practices and activities that are part of the work in WPS

2025 Teacher Negotiations

Board Lead:

Admin Liaison: Stacie Vos, Executive Director of Human Resources

WAYZATA PUBLIC SCHOOLS
Independent School District 284
Wayzata, Minnesota

**BOARD OF EDUCATION
APPOINTMENTS FOR 2025**

ASSOCIATION OF METROPOLITAN SCHOOL DISTRICTS (AMSD)

Attend the AMSD Monthly meeting

Meets the Second Friday of the Month at 7am @ the AMSD offices at the Quora Education Center in Little Canada

Board Representative 2024: Sarah Johansen
Valentina Eyres

Board Representative: **2025:** _____

Alternate: _____

CITIZENS FINANCIAL ADVISORY COUNCIL (CFAC)

*Serve as a Board liaison to the CFAC committee. Typically this includes members of the finance committee.
The CFAC meets on the 3rd Tuesday of the month at 7:30am in the DAB*

Board Representatives 2024: Finance Committee

Board Representatives: **2025:** _____

Alternate: _____

COMMUNITY EDUCATION ADVISORY COUNCIL

Serve as the Board representative on the Community Education Advisory Council. Council reviews programs, the budget, and offers strategic planning inputs. Meets 4 times a year at 5:30pm (this year has been on Zoom).

Board Representative 2024: Sarah Johansen
Heidi Kader

Board Representative: **2025:** _____

Alternate: _____

CURRICULUM, INSTRUCTION, TECHNOLOGY ADVISORY COMMITTEE (CITAC)

Serve as the Board liaison to the community based advisory committee.

CITAC meets 4 times a year in October, December, February & May on the 2nd Tuesday from 7:30-9. (currently on Zoom).

Board Representatives 2024: Sheila Prior
 Paras Bhende

Board Representative: **2025:** _____

Alternate: _____

INTERMEDIATE DISTRICT 287

The appointment to 287 requires the appointee to serve on another school board. Regular meetings are on Thursday evenings at 6:30, two times per month with only one meeting in June, November and December and no meeting in July (typically). 287 does not have committees but there are optional opportunities for "Get on the Bus" events and "Breakfast with the Union", both four times per year. There is also an optional opportunity to attend lots of graduation ceremonies at the end of the school year.

Board meetings typically go at least two hours as there are lots of interesting presentations in lieu of committees. All meetings are held at the 287 District Service Center, 1820 Xenium Lane N in Plymouth (by Home Depot).

Appointments are typically 2 years.

Board Representative 2024: Dan Ginestra

Board Representative: **2025:** _____

BRIGHT WORKS

Wayzata is a member of the Metro ESCU Service Unit and every member appoints a representative from the District to serve on the Representative Assembly.

Appointments are typically 2 years.

Meets Bi-monthly on the 3rd Thursday from 3:30-5:30 at the Metro ESCU offices in Arden Hills

Board Representative 2024: Sarah Johansen

Milind Sohoni

Board Representative: **2025:** _____

Alternate: _____

MINNESOTA SCHOOL BOARD ASSOCIATION (MSBA)

Whereas the entire Board attends MSBA trainings and events, the school Board nominates a members to serve as the liaison to the MSBA in order to ensure a central contact person and the dissemination of MSBA materials.

There are no formal meeting dates and times for the liaison role.

Board Representative 2024: Milind Sohoni

Board Representative: **2025:** _____

MINNESOTA STATE HIGH SCHOOL LEAGUE (MSHSL)

Serve as the Wayzata Board Representative for the MSHSL. Serve as a point of contact with the AD for MSHSL related evals.

Meets semi-annually

Board Representative 2024: Sarah Johansen

Board Representative 2025: _____

Q-COMP

Serve as the Board representative on the District QCOMP committee (which is made up of teaching and learning staff, principals and others as assigned). Meets quarterly in the afternoons to review and address the QCOMP Program.

Board Representative 2024: Heidi Kader

Board Representative: **2025:** _____

WAYZATA EDUCATION FUND (WEF)

Serve as the School Board Liaison to the Wayzata Education Fund. Meets the 2nd Wednesday of the month from 7-8:30.

Board Representative 2024: Paras Bhende

Board Representative: **2025:** _____

Alternate: _____

STUDENT WELLNESS COMMITTEE

Serve as the Wayzata Board Representative to the Student Wellness Committee (guides school district’s effort to establish a school environment that promotes student’s health, well-being and ability to learn. (USDA - Healthy, Hunger-Free Kids Act of 2010)). Meets as needed.

Board Representatives: Heidi Kader
Sheila Prior

Board Representative: **2025:** _____

Alternate: _____

ROTATING BOARD ASSIGNMENTS

DISTRICT LIAISON COMMITTEE

Meets monthly during the 1st week alternating Thursday evenings and Fridays at noon on zoom

Board Representative: Rotation

PARTNERS FOR HEALTHY KIDS

Partners for Healthy Kids is a community collaboration meeting comprised of many different health and well-being service providers. It is co-chaired by Kit Swanson, YMCA of the North and Kristina Lybeck, Wayzata Early Learning School. The PHK Meets monthly from 3-4:15pm on the 2nd Wednesday at Plymouth Community Center for April, May and September- November, or zoom for December-March. (No meetings June-August).

Board Representative: Rotation

AGENDA PLANNING

The Board Chair, Vice-Chair and a rotating Board member meets the Tuesday before a scheduled Board meeting or work session to plan and review the proposed agenda.

Board Representative: Rotation



Where School Boards Learn to Lead



Annual Leadership Conference January 16-17, 2025

Minneapolis Convention Center



Conference at a Glance

Tuesday, January 14

6 p.m. to 9 p.m. Learning to Lead – School Board Basics: Phase I
(Hyatt Regency Minneapolis)

Wednesday, January 15

9 a.m. to 4 p.m. Leadership Foundations – School Finance and Management: Phase II
(Hyatt Regency Minneapolis)

9 a.m. to 4 p.m. Building a High-Performance School Board Team: Phase III
(Hyatt Regency Minneapolis)

9 a.m. to 4 p.m. Charter School Board Member Workshop
(Hyatt Regency Minneapolis)

7 p.m. to 9 p.m. Early Bird Sessions
(Minneapolis Convention Center)
• “Exploring AI in Schools: A Balanced Perspective”
• “Negotiation Foundations: What to Know as You Head to the Table”

Thursday, January 16

7:30 a.m. Registration and Exhibit Hall opens

8 a.m. to 8:45 a.m. Ask MSBA Sessions

9 a.m. to 11 a.m. Opening Session (doors open)
• Keynote Speaker: Mickey Smith Jr. – “Keep on Going”

11 a.m. to 2:15 p.m. School Excellence Showcase

11:10 a.m. to noon Director District Discussions

12:15 p.m. to 1:30 p.m. Recognition Luncheon

1 p.m. to 5:15 p.m. MSBA Board elections voting booth open

1:40 p.m. to 2:30 p.m. Roundtable Sessions

2:35 p.m. to 3:30 p.m. Ask MSBA Sessions

2:45 p.m. to 3:45 p.m. Workshops

4 p.m. to 5 p.m. Workshops

Friday, January 17

7:30 a.m. Registration and Exhibit Hall opens

7:30 a.m. to 9:15 a.m. MSBA Board elections voting booth open

8 a.m. to 9:10 a.m. Roundtable Sessions

9:15 a.m. to 10:15 a.m. Workshops

10:15 a.m. to noon Closing Session (doors open)

• Keynote Speaker: Hamish Brewer – “Relentless Leadership”
Noon Adjourn

Visit <https://www.mnmsba.org/LeadershipConference> for more information.

Coordinate with your school district office for conference registration and hotel reservations.
Registration and housing are scheduled to open October 23.

Thank you to Ratwik, Roszak & Maloney, P.A., for supporting the printing and mailing of this conference brochure.



Featured Speakers



Opening Session – Thursday, January 16, 2025

Mickey Smith Jr. “Keep on Going”

Presentation synopsis: In this session, seven-time Teacher of the Year and Grammy Music Educator Award recipient Mickey Smith Jr. shares his emotional story of perseverance, promise and his S.O.U.N.D. principles to help educators and leaders “Keep on Going.”

Mickey’s success stems from his ability to create opportunities amid obstacles. In this session he dives into the mental health tools needed to feel more resilient, more significant, less fearful, and ready to leverage change for all it is worth.

There has been so much change and challenge that has left many feeling overwhelmed, unsure, and unsteady of how to “Keep on Going.”

Going from “How can I?” to “I’ve got this!” often feels impossible. How do you make the shift from impossible to “I’m Possible?”

Mickey takes audiences from a victim to a victor mindset with his three-step victory method for purpose and perseverance. What Mickey shares through a motivational mixture of music and message is a powerful “must-do” rather than “should do” and your secret to success for making everyday a “wins-day!”

Learn more about Mickey Smith Jr. at <https://mickeysmithjr.com>.



Closing Session – Friday, January 17, 2025

Hamish Brewer “Relentless Leadership”

Presentation synopsis: Hamish Brewer is an award-winning leader and school turnaround expert who has turned around multiple schools – both at the elementary and secondary levels, working with some of the most at-risk students in America.

Hamish will share his secrets to his success in this inspiring, high-octane presentation. Let’s laser focus in on key areas for growth in your leadership journey, practices and processes that align to successful school and student outcomes.

You will walk away with practical solutions and ideas to key education challenges around organizational improvement, closing the achievement gap, stakeholder engagement and culture.

Own your leadership and own your legacy!

Learn more about Hamish Brewer at <https://hamishbrewer.com>.

Workshop Topics

Workshop topics: In December, view a complete list of workshops with descriptions at www.mnmsba.org/LeadershipConference.

Some of the featured topics include: Board and superintendent relationships, student achievement, referendum tips, student ~~77~~ at the board table, teacher retention, artificial intelligence, cellphones, career and tech ed programs, finances, and more!



Special Features



New! Ask MSBA Sessions

Join us at the Ask MSBA Sessions for engaging one-on-one and small group conversations with our staff. Twice on Thursday, MSBA staff members will be available in the Roundtable area to discuss the latest topics and answer your questions. This is a great opportunity to gain insights, share your thoughts, and network with other attendees. Don't miss out on this chance to connect and learn!

School Excellence Showcase

Visit with proud Minnesota students and staff who are showcasing unique programs from their schools.

Director District Discussions and Elections

Your MSBA Director District representatives will be setting aside time to meet with board members from their region. Director Districts with openings on the MSBA Board of Directors will also have presentations from board members running for those positions. Bring your questions to add to the conversation.

Roundtable Sessions

Join us for two 20-minute sessions starting at 1:40 p.m. Thursday, and three rounds of 20-minute sessions starting at 8 a.m. Friday in the Exhibit Hall. These informal sessions provide a great opportunity to converse with an expert in a small-group setting. Topics this year include superintendent contract, strategic planning, and much more.

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