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Revised: \_\_\_\_\_  
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District 77 Policy 219

## **219 SCHOOL BOARD ELECTRONIC COMMUNICATIONS**

### **I. PURPOSE**

The school board recognizes that electronic communications on issues related to official business of the school Board between, by or among its members are classified as government data and must be collected, created, received, maintained and disseminated in accordance with state and federal law. The purpose of this policy is to provide guidelines to ensure that such electronic communications of school board members are compliant with applicable law.

### **II. GENERAL STATEMENT OF POLICY**

- A. The use of electronic communications by members of the school board shall conform to the same standards of judgment, propriety and ethics as other forms of school board related communications.
- B. Because electronic communications by, between or to school board members may be subject to the Open Meeting Law as well as data privacy laws, copies of all electronic communications of school board members on issues related to official business of the school Board shall be transmitted to the superintendent of schools or designee to maintain and administer in accordance with state and federal law.

### **III. DEFINITIONS**

- A. “Electronic communications” are the transmittal of a communication between two or more computers or electronic devices, whether or not the message is converted to hard copy format, whether or not the message is viewed upon receipt or stored for later retrieval and whether or not the transmittal is through a local, school district or global computer network. Electronic communications include, but are not limited to, e-mail messaging, text messaging, the use of Internet Web forums and Internet chat rooms.
- B. “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.

- C. “Quorum” means the majority of the voting members of the school board.

#### **IV. PROCEDURES**

- A. School board members shall not use e-mail or other electronic communications as a substitute for deliberations at school board meetings or for other communications or business properly confined to school board meetings.
- B. School board members shall be aware that e-mail, e-mail attachments and other electronic communications received or prepared for use in school board business, or containing information relating to school board business, may be regarded as public data which may be inspected by any person upon request, unless otherwise classified as private or confidential data.
- C. School board members shall avoid reference to private or confidential information about employees, students or other school district matters in any written or electronic communications. Communications which must contain private or confidential information shall be made and maintained in accordance with School District Policy 515.
- D. School board members who engage in electronic communications relating to school district matters are required to transmit a copy of any and all such communications to the superintendent of schools or designee. These copies shall be printed and maintained in the school district office in the same fashion as any other school board records.
- E. Written or electronic communications of school board members on issues related to official business of the school Board shall be made available to the public for inspection, subject to the redaction of private and/or confidential data, to the extent required by law. Such communications shall be maintained for a period of three years.

#### **V. REVIEW OF ELECTRONIC COMMUNICATIONS**

- A. The superintendent of schools or designee shall review all electronic communications provided by school board members for compliance with the Open Meeting Law and data privacy restrictions.
- B. The superintendent of schools or designee shall investigate any instance where a concern is raised that an electronic communication involving a school board member potentially violates the Open Meeting Law or data privacy laws based upon either a review of the documents provided to the superintendent of schools or designee or the receipt of an independent complaint. The investigation may be conducted by school district officials or by a third party designated by the school

district.

- C. The superintendent of schools or designee shall advise the school board chair of the pending investigation as well as the results of the investigation. The school board chair may take immediate steps to address possible concerns as to violations of this policy pending completion of an investigation.
- D. The investigation will be completed as soon as practicable. The superintendent of schools or designee shall make a written report to the school board chair upon completion of the investigation. If the complaint or concern involves the school board chair, the report may be filed directly with the school board vice chair. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- E. Upon receipt of a report, the school board will take appropriate action. Such action may include, but is not limited to, warning, censure or removal from the school board.

## **VI. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be given to each school board member at the time each board member takes office.
- B. The school board will review this policy with its members on an annual basis.
- C. The school district will provide school board members with training as to their obligations under the Open Meeting law and data privacy laws.
- D. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Minnesota Open Meeting law)  
Minn. Stat. § 123B.09, subd. 6 (Boards of Independent School Districts)  
Minn. R. 1205.0100–1205.2000  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. § 99.1–§ 99.67  
Moberg v. ISD 281, 336 N.W.2d 510 (Minn. 1983)  
1. St. Cloud Newspaper, Inc. v. Dist. 742 Cmty. Sch., 332 N.W.2d 1 (Minn. 1983)  
Minn. Dep't of Administration Advisory Op. 01-075 (Sept. 27, 2001)

**Cross References:** Policy 204 (School Board Meeting Minutes)  
Policy 205 (Open Meetings and Closed Meetings)

Policy 207 (Public Hearings)  
Policy 209 (Code of Ethics)  
Policy 214 (School Board Committees)  
Policy 406 (Public and Private Personnel Data)  
Policy 515 (Protection and Privacy of Pupil Records)  
Policy 524 (Internet Acceptable Use Policy)