

## School Board

### Public Hearings and Public Participation in School Board Meetings, Data Privacy Considerations

#### I. Purpose

- A. The school district recognizes the value of participation by the public in deliberations and decisions on 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. This policy provides procedures to ensure open and orderly public input as well as to protect the due process and privacy rights of individuals under the law.

#### II. General Statement of Policy

- A. The school district encourages community input on subjects related to the district at its meetings. The school board may adopt reasonable time, place and manner restrictions on public expression in order to facilitate communication by all interested parties.
- B. The board must protect the legal rights to privacy and due process of employees and students.

#### III. The Public's Opportunity to Be Heard

The school board will strive to give all community members an opportunity to be heard and to have complaints considered and evaluated within the limits of the law and this policy and subject to reasonable time, place and manner restrictions.

#### IV. Public Hearings

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the board.

#### V. Rights to Privacy

- A. School district employees, volunteers and independent contractors have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:

1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  3. right to consideration by the board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
  4. right to a private hearing for head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
  2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act);
  3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

## VI. Procedures

### A. Agenda Items

1. Community members who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the board meeting. The community member should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Community members who wish to address the board on a particular subject should identify the subject and identify the agenda item(s) to which their comments pertain.
3. The board chair will recognize one speaker at a time, and will rule out of order other speakers who are not specifically recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by other persons are out of order. Persons who interfere with or interrupt speakers, the board, or the proceedings may be directed to leave.
4. The board retains the discretion to limit discussion of any agenda item to a reasonable period of time.

5. If a group or organization wishes to address the board on a topic, the board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
6. Matters proposed for placement on the agenda that may include (1) data privacy concerns, (2) preliminary allegations, or (3) potentially libelous or slanderous materials will not be considered in public, but will be processed as determined by the board in accordance with governing law.
7. The board chair will promptly rule out of order any discussion by any person, including a board member, which would violate the provisions of this policy or state or federal law.
8. Personal attacks by anyone addressing the board are unacceptable. Persistence in such remarks terminates that person's privilege to address the board.
9. Depending upon the number of persons in attendance seeking to be heard, the 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.

#### B. Complaints

1. Complaints about an employee should first be directed to the employee or to the employee's immediate supervisor. (See Policy 104, Complaints – Students, Employees, Parents, Other Persons)
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from paragraph 1 of this section should be directed to the superintendent's office.
4. Complaints that are unresolved at the superintendent's level may be brought before the board by notifying the board in writing.

#### C. Open Forum

The board will normally provide a specified period of time where persons may address the board on any topic, subject to the limitations of this policy. The board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The board may decide to hold certain types of public meetings where the public will not be invited to address the board (e.g., work sessions, board retreats).

Procedures listed above at VI.A. for Agenda Items are equally applicable to Open Forums.

## VII. Penalties for Violation of Data Privacy

- A. A person who willfully violates data privacy laws is guilty of a misdemeanor.
- B. In the case of an employee, willful violation of data privacy laws constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

### Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 13D.05 (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. § 122A.44 (Contracting with Teachers)  
Minn. Stat. § 123A.15 (Education District Establishment)  
Minn. Stat. § 123A.30 (Agreements for Secondary Education)  
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
Minn. Stat. § 123B.51 (School Closings)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. No. 852 (July 14, 2006)

### Cross References:

Policy 104 (Complaints – Students, Employees, Parents, Other Persons)  
Policy 205 (Open Meetings and Closed Meetings)  
Policy 406 (Public and Private Personnel Data)  
Policy 515 (Protection and Privacy of Student Records)

Policy  
adopted: 05/21/07  
amended: 11/13/12  
revised: 11/19/18

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