

RICHFIELD PUBLIC SCHOOLS

PUBLIC COMMENT

**PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS
AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS**

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on Richfield Public Schools matters. At the same time, the school board recognizes the need to conduct orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage participation in subjects related to the management of the District at school board meetings. The school board may stipulate reasonable time, place, and manner restrictions on public participation within board meetings, but encourage participation with individual board members outside of the formal school board meeting time in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy and law, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:
 - Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last

1 employment; the existence and status of any complaints or charges against
2 the employee, regardless of whether the complaint or charge resulted in a
3 disciplinary action; the final disposition of any disciplinary action as defined in
4 Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the
5 action and data documenting the basis of the action, excluding data that
6 would identify confidential sources who are employees of the public body; the
7 complete terms of any agreement settling any dispute arising out of the
8 employment relationship, including a buyout agreement as defined in Minn.
9 Stat. § 123B.143, Subd. 2, except that the agreement must include specific
10 reasons for the agreement if it involves the payment of more than \$10,000 of
11 public money; work location; work telephone number; badge number; work-
12 related continuing education; honors and awards received; and payroll time
13 sheets or other comparable data that are only used to account for
14 employee's work time for payroll purposes, except to the extent that release
15 of time sheet data would reveal the employee's reasons for the use of sick or
16 other medical leave or other not public data.

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18 C. Personnel data on current and former applicants for employment that is
19 "public" includes:

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21 Veteran status; relevant test scores; rank on eligible list; job history;
22 education and training; and work availability. Names of applicants shall be
23 private data except when certified as eligible for appointment to a vacancy or
24 when applicants are considered by the appointing authority to be finalists for
25 a position in public employment. For purposes of this subdivision, "finalist"
26 means an individual who is selected to be interviewed by the appointing
27 authority prior to selection.

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29 D. "Educational data" means data maintained by the District which relates to a
30 student.

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32 E. "Student" means an individual currently or formerly enrolled or registered in
33 the District, or applicants for enrollment, or individuals who receive shared
34 time services.

35
36 F. Data about applicants for appointments to a public body, including a school
37 board, collected by the District as a result of the applicant's application for
38 appointment to the public body are private data on individuals, except that the
39 following are public: name; city of residence, except where the appointment
40 has a residency requirement that requires the entire address to be public;
41 education and training; employment history; volunteer work; awards and
42 honors; prior government service; any data required to be provided or that is
43 voluntarily provided in an application to a multimember agency pursuant to
44 Minn. Stat. § 15.0597; and veteran status. Once an individual has been
45 appointed to a public body, the following additional items of data are public:
46 residential address; either a telephone number or electronic mail address
47 where the appointee can be reached, or both at the request of the appointee;
48 the first and last dates of service on the public body; the existence and status
49 of any complaints or charges against an appointee; and, upon completion of
50 an investigation of a complaint or charge against an appointee, the final

1 investigative report unless access to the data would jeopardize an active
2 investigation. Any electronic mail address or telephone number provided by a
3 public body for use by an appointee shall be public. An appointee may use
4 an electronic mail address or telephone number provided by the public body
5 as the designated electronic mail address or telephone number at which the
6 appointee can be reached.
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9 **IV. RIGHTS TO PRIVACY**

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11 A. District employees have a legal right to privacy related to matters which may
12 come before the school board, including, but not limited to, the following:

- 13
14 1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40,
15 Subd. 14 (Teachers Discharge Hearing);
16
17 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43
18 (Personnel Data);
19
20 3. right to consideration by the school board of certain data treated as not
21 public as provided in Minn. Stat. § 13D.05 (Not Public Data);
22
23 4. right to a private hearing for licensed or nonlicensed head varsity coaches
24 to discuss reasons for nonrenewal of a coaching contract pursuant to
25 Minn. Stat. § 122A.33, Subd. 3.
26

27 B. Richfield Public Schools students have a legal right to privacy related to
28 matters which may come before the school board, including, but not limited
29 to, the following:

- 30
31 1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student
32 Dismissal Hearing);
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34 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational
35 Data); 20 U.S.C. § 1232g (FERPA);
36
37 3. right to privacy of complaints as provided by child abuse reporting and
38 discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of
39 Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).
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42 **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

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44 The school board will strive to give people related to the District an opportunity to
45 be heard and to have complaints considered and evaluated, within the limits of
46 the law and this policy and subject to reasonable time, place, and manner
47 restrictions. Among the rights available to the public is the right to access public
48 data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data). There will be two
49 mechanisms to participate in open meetings:
50

1 1. Requesting formal agenda items for board member consideration and
2 discussion and;

3
4 2. Making public comment during a regular board meeting. Public
5 comment will occur once monthly on the second regularly scheduled
6 meeting of the month. In a month with only one meeting, public comment
7 will occur at the lone meeting.
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10 **VI. PROCEDURES**

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12 **A. Requesting Formal Agenda Items**

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14 1. People who wish to have a subject discussed as part of the agenda at a
15 public school board meeting must notify the superintendent's office and
16 send the request one week in advance of a school board meeting to the
17 school board secretary. The person should provide their name, address,
18 the name of group represented (if any), and the subject to be covered or
19 the issue to be addressed. The request will be considered for discussion
20 by the school board chair and superintendent, and brought to the board
21 for consideration as needed. This formal process is intended for items
22 requiring greater scrutiny and discussion from board members. Advance
23 notice is required to allow for administrative staff to gather necessary
24 supporting documents and information and to allow for adequate notice to
25 the general public of items that will be brought before the board for
26 discussion.
27

28 2. The school board retains the discretion to limit board discussion of any
29 agenda item to a reasonable period of time as determined by the school
30 board.
31

32 3. Matters proposed for placement on the agenda which may involve data
33 privacy concerns, which may involve preliminary allegations, or which may
34 be potentially libelous or slanderous in nature shall not be considered in
35 public, but shall be processed as determined by the school board in
36 accordance with governing law.
37

38 4. The school board chair shall promptly rule out of order any discussion or
39 agenda item by any person, including school board members, that would
40 violate the provisions of state or federal law, this policy or the statutory
41 rights of privacy of an individual.
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43 **B. Open Public Comment**

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45 The school board shall normally provide a specified period of time when
46 citizens may address the school board on any topic, subject to the limitations
47 of this policy. The school board reserves the right to allocate a specific
48 period of time for this purpose and limit time for speakers accordingly.
49

1 The school board may decide to hold certain types of public meetings where
2 the public will not be invited to address the school board. Possible examples
3 are study sessions and board retreats. The public will still be entitled to
4 notice of these meetings and will be allowed to attend these meetings, but
5 the public will not be allotted time during the meeting to address the board.
6

7 1. People who wish to address the school board on a particular agenda item
8 should identify the subject and identify agenda item(s) to which their
9 comments pertain.

10
11 2. The school board chair will recognize one speaker at a time, and will rule
12 out of order other speakers who are not recognized. Only those speakers
13 recognized by the chair will be allowed to speak. Each speaker will be
14 given up to three minutes, with time extended up to six minutes if
15 translation is necessary. Comments by others are out of order. Individuals
16 who interfere with or interrupt speakers, the school board, or the
17 proceedings may be directed to leave. These comments will occur during
18 the public comment section of the board agenda.
19

20 3. Personal attacks by anyone addressing the school board are
21 unacceptable. Persistence in such remarks by an individual shall
22 terminate that person's privilege to address the school board.
23

24 4. Depending upon the number of persons in attendance seeking to be
25 heard, the school board reserves the right to impose such other limitations
26 and restrictions as necessary in order to provide an orderly, efficient, and
27 fair opportunity for those present to be heard.
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29 **C. Informal Complaints**

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31 1. Routine complaints about a teacher or other employee should first be
32 directed to that teacher or employee or to the employee's immediate
33 supervisor.
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35 2. If the complaint is against an employee relating to child abuse,
36 discrimination, racial, religious, or sexual harassment, or other activities
37 involving an intimidating atmosphere, the complaint should be directed to
38 the employee's supervisor or other official as designated in Policy 103:
39 Harassment Prohibition, Policy 115: Title IX, Policy 409: Mandated
40 Reporting of Child Neglect of Physical or Sexual Abuse, Policy 505:
41 Student Disability Nondiscrimination and/or Policy 506: Student Sex
42 Nondiscrimination. In the absence of a designated person, the matter
43 should be referred to the superintendent.
44

45 3. Unresolved complaints from Paragraph 1 of this section or problems
46 concerning the District should be directed to the superintendent's office.
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48 4. Complaints which are unresolved at the superintendent's level may only
49 be brought before the school board by notifying the school board in
50 writing.

- 1
2 5. Personal attacks by anyone addressing the school board are
3 unacceptable. Persistence in such remarks by an individual shall
4 terminate that person's privilege to address the school board.
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7 **VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**
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- 9 A. The District is liable for damages, costs and attorneys' fees, and, in the event
10 of a willful violation, punitive damages for violation of state data privacy laws.
11 (Minn. Stat. § 13.08, Subd. 1)
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13 B. A person who willfully violates data privacy or whose conduct constitutes the
14 knowing unauthorized acquisition of not public data is guilty of a
15 misdemeanor. (Minn. Stat. § 13.09)
16
17 C. In the case of an employee, willful violation of the Minnesota data practices
18 law, Chapter 13, and any rules adopted thereunder, including any action
19 subject to a criminal penalty, constitutes just cause for suspension without
20 pay or dismissal. (Minn. Stat. § 13.09)
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23 ***Legal References:***

24 Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
25 Minn. Stat. § 13.43 (Personnel Data)
26 Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
27 Minn. Stat. § 13D.05 (Open Meeting Law)
28 Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)
29 Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
30 Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
31 Minn. Stat. § 122A.44 (Contracting with Teachers)
32 Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)
33 Minn. Stat. § 123B.143, Subd. 2 (Disclose Past Buyouts or Contract is Void)
34 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
35 Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
36 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
37 Minn. Op. Atty. Gen. 852 (July 14, 2006)
38

39 ***Cross References:***

40 Policy 103: Harassment Prohibition
41 Policy 115: Title IX
42 Policy 208: Open Meetings and Closed Meetings
43 Policy 409: Mandated Reporting of Child Neglect of Physical or Sexual Abuse
44 Policy 412: Public and Private Personnel Data
45 Policy 505: Student Disability Nondiscrimination
46 Policy 506: Student Sex Nondiscrimination
47 Policy 581: Protection and Privacy of Pupil Records
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- 1 REVIEWED AND REAFFIRMED BY THE BOARD OF EDUCATION:
- 2 REVISED BY THE BOARD OF EDUCATION: April 4, 2023