INVER GROVE HEIGHTS SCHOOLS ISD 199

PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS, COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS, AND DATA PRIVACY CONSIDERATIONS

POLICY: 206
ADOPTED: 09/21/98
REVISED: 10/28/24

I. Purpose

A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. Although providing an opportunity for input in a limited public forum to a school board is not required under Minnesota Statutes, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.

B. The purpose of this policy is to provide procedures to ensure an opportunity for 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 discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.

B. The school board shall, as a matter of policy, 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 employed staff, a volunteer, an independent contractor, or any other individual acting on behalf of the school district.

B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the social security number; actual gross salary; salary range; terms and conditions of employment; 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 employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a

disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action as defined in Minnesota Statutes section 13.43 subdivision 2(b), excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship, including a superintendent buyout agreement, except that the agreement must include specific reasons for the agreement if it involves the payment of more than $10,000 of public money; work location; a work telephone number; badge number; work related continuing education; a work email address, honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

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

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

D. "Educational data" means data maintained by the school district which relates to a student.

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

F. Data on applicants for election or appointment to a public body, including a school board are public. That data includes: name, city of residence, education and training, employment history, volunteer work, awards and honors, and prior government service or experience. Other data on applicants are classified as private personnel data if the school district classifies school board members as employees. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; and prior government service. Once an individual has been appointed to a public body, the following additional items

of data are public: residential address and either a telephone number of electronic mail address where the appointee can be reached, or both at the request of the appointee; provided, however, any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. Rights to Privacy

A. School district employees 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 Minnesota Statutes, section 122A.40, subdivision 14 (Teachers Discharge Hearing);

2. right to privacy of personnel data as provided by Minnesota Statutes, section 13.43 (Personnel Data);

3. right to consideration by the school board of certain data treated as not public as provided in Minnesota Statutes, section 13D.05 (Not Public Data);

4. right to a private hearing for licensed or non-licensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minnesota Statutes, section 122A.33, subdivision u. 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, Minnesota Statutes, section 121A.47, subdivision 5 (Student Dismissal Hearing);

2. right to privacy of educational data, Minnesota Statutes, section 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);

3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minnesota Statutes, section626.556 (Reporting of Maltreatment of Minors) and Minnesota Statutes, chapter 363A (Minnesota Human Rights Act).

V. The Public's Opportunity to be Heard

The school board will strive to give all persons 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. Among the rights available

to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. Procedures

A. Agenda items

1. All public comment during Inver Grove Heights Schools public meetings must be related to an information or action item on that night's agenda. Persons who wish to make public comment on a specific agenda item at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting or complete a Public Comment form prior to the start of a school board meeting. The person should provide their name, the name of the group represented (if any), and the specific agenda item subject to be covered or the issue to be addressed.

2. Persons who wish to address the school board on a particular agenda item should identify the subject and identify agenda item(s) to which their public comments pertain. After public comment and the board's discussion, the chair shall ask board members if there is any further discussion prior to its final action.

3. 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 will be 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.

4. 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.

5. If a group or organization wishes to address the school board on a specific agenda item, 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.

6. Matters on the agenda which may involve data privacy concerns, which may involve 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.

7. 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.

8. 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.

9. 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.

10. The remarks of public speakers are recorded. The board chair or designee will rule out of order any speaker determined to be out of compliance with the expectations outlined in this policy. Rebroadcasts of public comments are subject to redaction of words or statements considered to be in violation of the established expectations or that may violate any state or federal laws. The board reserves the right to not broadcast comments made at board meetings if such comments are considered to be in violation of established protocols, if delivered without appropriate demeanor and decorum, and/or if the comments violate the privacy rights of individuals.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.

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 school 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 or problems concerning the school district should be directed to the superintendent's office.

4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for

this purpose and limit time for speakers accordingly.

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 will still be 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.

D. Public Listening Sessions

ISD 199 Public Listening Sessions are held before regular school board meetings from 5:10-5:25 PM. These Listening Sessions are designed to create a more informal setting for residents to engage in conversations with board members about school or district concerns. Two school board members and the superintendent will be available during each session to discuss issues with Inver Grove Heights residents. More information can be found on the district website: https://www.isd199.org/district/board/meetings.

E. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

F. Statements of individual school board member(s) does not constitute a consensus of the school board.

VII. Penalties for Violation of Data Privacy

A. The school district is liable for damages, costs and attorneys' fees, and in the event of a willful violation, punitive damages for violation of state data privacy laws.

B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor.

C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal.

Legal References: Minn. Stat. Ch. 13 Minnesota Government Data Practices Act
Minn. Stat. § 13.601, Subd. 3 Applicants for Appointment
Minn. Stat. § 13D.05 Meetings Having Data Classified as Public
Minn. Stat. § 121A.47, Subd. 5 Exclusion and Expulsion Procedures; Closed or Open Meeting
Minn. Stat. § 122A.33, Subd. 3 License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond

Minn. Stat. § 122A.40, Subd. 14 Employment; Contracts; Termination; Hearing Procedures
Minn. Stat. § 122A.44 Contracting with Teachers; Substitute Teachers
Minn. Stat. § 123B.02, Subd. 14 General Powers of Independent School Districts; Employees; Contracts for Services
Minn. Stat. Ch. 363A Minnesota Human Rights Act
Minn. Stat. Ch. 260E 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 205 - Open Meetings and Closed Meetings
Policy 207 - Public Hearings
Policy 406 - Public and Private Personnel Data
Policy 515 - Protection and Privacy of Student Records
MSBA School Law Bulletin "C" (Minnesota's Open Meeting Law)
MSBA School Law Bulletin "I" (School Records—Privacy—Access to Data)