Foley Public Schools Revised: 12/14/2020 *Foley Model Policy 205.1*

Foley Public Schools Adopted by the Board: 02/22/2021

205.1 ELECTRONIC COMMUNICATIONS

I. PURPOSE

The School Board is a publicly-elected body which must conduct its business in Open Meetings with very few, statutorily specified exceptions. Electronic communications among Board Members, between Board Members and Superintendent, and with the public must comply with the Open Meeting Law. This policy is to enable electronic communications in accordance with the Open Meeting Law.

II. DEFINITIONS

A. For purposes of these guidelines, reference to School Board Members includes members of all district committees and groups subject to the Open Meeting Law. Reference to the board shall include all such groups and meetings.

B. For purposes of these guidelines, "electronic means" mean e-mail, instant messaging, chatrooms, and related electronic conversations.

C. For purposes of these guidelines, "clerk" means the Superintendent, manager, administrator or his/her designee.

D. These guidelines apply regardless of whether the Board Member is using a district provided e-mail address and account, his/her personal e-mail address or account, or one provided by his/her employer.

III. PROCEDURES

A. Meeting Materials

1. Electronic communication of meeting materials will generally be conducted in a oneway communication from the Superintendent or designee to the board.

2. Board Members will receive agenda materials, background information, and other meeting materials via e-mail attachment or other electronic means (such as file sharing) from the Superintendent or designee.

3. If a Board Member has questions or comments about materials received, s/he should inquire via electronic means directly to the Superintendent or designee. A Board Member shall not copy other committee members on his/her inquiry.

4. If the clarification is one of value to other Board Members, the Superintendent or designee will send follow-up materials or information to the board members.

5. Materials relating to the agenda items of a meeting must be made available to the public at the meeting.

B. Communication During Board Meetings

1. Board Members may not communicate with one another via electronic means during a public meeting.

2. Board Members may not communicate with any member of district staff via electronic means during a public meeting.

3. Board Members are encouraged not to communicate with the public via electronic means during a public meeting.

C. Communication Outside of Board Meetings

1. Board Members should generally act with caution when using electronic means to communicate with one another, being mindful of the MN Open Meeting Law.

2. If a Board Member wishes to share information with other members, s/he should do so through the Superintendent or designee. The Board Member may request the Superintendent or designee, distribute materials to others. The communication may not invite response to or discussion between any Board Members, including replies to the person making the distribution request. This should be considered a method for providing one-way information to other members of the board. Again remember that materials relating to agenda items for school district business must be provided to the public at the meeting.

3. If a Board Member wishes to address only one other member through electronic means on any topic related to district business, s/he can do so directly, but should be mindful of the following:

- One-to-one communication is ideal.

- The recipient of an electronic message or inquiry should reply only to the sender, may not copy others on the reply and may not forward the original e-mail to other Board Members.
- The sender of an electronic message may not forward or copy the recipient's reply to any other Board Member.

4. If a Board Member receives an electronic communication from any source related to district business and distributed to multiple Board Members (i.e. an e-mail sent to the entire board from a member of the public; or an e-mail sent to three Board Members from a local business), s/he may reply only to the sender. The reply should not be copied to all on the original distribution or forwarded to any other Board Member.

5. If a Board Member receives listserv distributions, electronic newsletters, or participates in electronic discussion forums where other Board Members are also likely to participate (such as chat rooms), the Board Members should not reply to any distribution or comment so that the reply is copied to the entire distribution group, or any part of the group that might include other Board Members. The Board Member should instead respond only to the sender of any message or inquiry.

D. Classification and Retention of Electronic Communications

1. Regardless of whether electronic communication by a Board Member is taking place on a district-provided computer, home computer or other computer system, classification of information as public, private or other is governed by the MN Government Data Practices Act (Minn. Stat. Chapt. 13) and should be treated accordingly.

2. Board Members should retain electronic communications in keeping with district policies and procedures, whether such communication takes place on a districtprovided computer, home computer or other computer system.

Legal references: Minn. Stat. § Ch. 13 (Minnesota Government Data Practices Act)

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