

School Board Meeting Agenda
Tuesday, August 20, 2019
5:00 pm
AAHS Classroom 122

Present: Amy Charpentier, Josh MacLachlan, Rachael McNamara, David Massey, Katie Siewert, AAHS TPS Representative:

Absent:

Agenda

1. Call to Order:
2. Conflict of Interest Check:
3. Approval of August 20, 2019 Agenda:
4. Approval of July 16, 2019 Minutes:
5. Public Comments:
6. Financial Report: (Josh MacLachlan - Treasurer, Nate Winter - CLA)
7. TPS Report: (Ex Officio)
 - a. Enrollment:
 - b. ADM:
 - c. School Events:
 - d. TPS Accountability Manager:
 - e. Staffing:
 - f. Committees:
 - i. TPS:
 - ii. Personnel Committee:
 - iii. Evaluation Task Force:
 - iv. Curriculum:
 - v. Financial:
 - vi. PLC Committee:
 - vii. ESSA Task Force:
8. Student Data Report – Katie Siewert

School Board Meeting Agenda
Tuesday, May 21, 2019

9. Committee to Evaluate Contract with EdVisions

10. Strategic Items

- a. Policy Review:
 - i. 4.8: Tobacco Use – Second Reading
 - ii. 4.9: Internet Use – Second Reading
 - iii. 4.10: Employee Social Media Personal Use – Second Reading
- b. Board Bylaws Review:
- c. Review letter from ACNW regarding closing meetings:
- d. Board member search status:

11. Action Items

- a. Approval of revisions to policy 4.7: Substance Abuse
- b. Approval of LICSW Stipend/Lane Proposal
- c. Approval of revisions to Article III

12. Adjourn

School Board Meeting Agenda
Tuesday, July 16, 2019
5:00 pm
AAHS Classroom 122

Present: Amy Charpentier, Josh MacLachlan, Rachael McNamara, David Massey, Katie Siewert, AAHS TPS Representative:

Absent:

Agenda

1. Call to Order : Amy Charpentier Calls meeting to order at 5:00pm
2. Conflict of Interest Check: None to report
3. Approval of July 16, 2019 Agenda:
 - a. Josh - Amy
 - i. Katie's last name spelling should be changed to "Siewert"
 - ii. remove item 9 (already done at last meeting)
 - iii. Heather given floor - date is incorrect
 - iv. Josh requests addition of 13f, approval of amendments to Exhibit I of contract, and 13g, approval of amendments to exhibit M of contract.
 - b. Josh MacLachlan rescinds and remotions to approve the July 16, 2019 agenda with changes listed in 3a- David Massey Seconds
 - i. Discussion: none
 - ii. Motion Passes with following votes:
 1. Amy Charpentier - Aye
 2. Josh MacLachlan - Aye
 3. Rachael McNamara - Aye
 4. David Massey - Aye
 5. Leann Lindusky -Aye
 6. Katie Siewert -Aye
4. Approval of June 18, 2019 Minutes:
 - a. Josh MacLachlan motions to approve the June 18, 2019 minutes - Amy Charpentier Seconds
 - b. Discussion
 - i. Date needs to be corrected
 - c. Motion Passes with following votes:
 - i. Amy Charpentier - Aye
 - ii. Josh MacLachlan - Aye

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- iii. Rachael McNamara - Aye
 - iv. David Massey - Aye
 - v. Leann Lindusky -Aye
 - vi. Katie Siewert -Aye
5. Public Comments:
- a. Nate Winter - Member of CLA team introduces himself
6. Financial Report: (Josh MacLachlan - Treasurer, Nate Winter - CLA)
- a. No formal financial report this month
 - b. CLA will provide June and July reports at the August meeting
 - c. Question about line of credit and fund balance - looks good
7. TPS Report: (Ryan Bauer - Ex Officio)
- a. Enrollment: 99 (need to verify this number)
 - b. ADM: 90
 - c. School Events:
 - i. Parent nights: 7/16 and 8/20
 - ii. Staff marketing at community events (e.g. saints games, fesitivals)
 - d. TPS Accountability Manager:
 - e. Staffing:
 - i. Extended offers to Art teacher and para
 - ii. Math and SpEd still unfilled
 - f. Committees:
 - i. TPS:
 - ii. Personnel Committee:
 - iii. Evaluation Task Force:
 - 1. Curriculum consultant taking over for consultant used in 18-19
 - iv. Curriculum:
 - 1. Curriculum consultant and RCE working together with curriculum committee to ensure curriculum development move forward effectively
 - v. Financial:
 - vi. PLC Committee:
 - vii. ESSA Task Force:
8. Student Data Report – Katie Siewert
- a. Data currently 37% complete and at 42% of goal

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~~9. Search Committee for Business Manager/Chief Financial Officer Services~~

10. Committee to Evaluate Contract with EdVisions

- a. Nothing to report
- b. Will continue to consult with CLA to see if switching payroll and HR services is a prudent choice
- c. Any changes will not happen before January 1

11. Committee to Find Legal Services Provider

- a. Nothing to report

12. Strategic Items

- a. Policy Review:
 - i. 4.8: Tobacco Use – First Reading
 - ii. 4.9: Internet Use – First Reading
 - iii. 4.10: Employee Social Media Personal Use – First Reading
 - iv. 4.7: Substance Abuse – Third Reading
 - v. LICSW Stipend/Lane Proposal - Second Reading
- b. Board Bylaws Review:
 - i. Article I: Purpose, Mission, and Vision– Third Reading
 - ii. Article II: Offices – Third Reading
 - iii. Article III: Membership –Third Reading REVISIONS
- c. Review Memorandum of Understanding with Dakota County (ESSA Agreement)
 - i. Nothing to update.
 - ii. Documents still in draft stage
- d. RACI Team Update
 - i. No updates
- e. Update on Notice of Deficiency letter and July 10 meeting with ACNW
 - i. Letter from ACNW addresses deficiencies in 17-18 academic goals
 - ii. Board and TPS committee knew during contract negotiations that these goals would be low
 - iii. ACNW wants plan to address the deficiencies
 - iv. School will provide narrative of changes and initiatives that have been put in place since the 17-18 school year in submission to ACNW in October
- f. Board member resignations (Josh MacLachlan)
 - i. Board has 3 open seats
 - ii. Board may need to take action to fill seats

13. Action Items

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- a. Dissolution of RACI team
 - i. Katie Siewert Motions to dissolve RACI team - Rachel McNamara Seconds
 - ii. Discussion:
 - 1. Team has not met in nearly 1 year
 - 2. Goal was to create a way for the board and TPS committee communicate in real time and to help TPS committee establish committee structures. This has been accomplished.
 - 3. No further need for this team
 - iii. Motion Passes with following votes:
 - 1. Amy Charpentier - Aye
 - 2. Josh MacLachlan - Aye
 - 3. Rachael McNamara - Aye
 - 4. David Massey - Aye
 - 5. Leann Lindusky -Aye
 - 6. Katie Siewert -Aye
- b. Dissolution of committee to Find Legal Services Provider
 - i. Josh MacLachlan motions to dissolve committee to Find Legal Services Provider - David Massey Seconds
 - ii. Discussion
 - 1. Legal services provider has been acquired
 - 2. No further need for committee
 - iii. Motion Passes with following votes:
 - 1. Amy Charpentier - Aye
 - 2. Josh MacLachlan - Aye
 - 3. Rachael McNamara - Aye
 - 4. David Massey - Aye
 - 5. Leann Lindusky -Aye
 - 6. Katie Siewert -Aye
- c. Approval of proposal contract with Designs for Learning
 - i. Josh MacLachlan motions to approve contract with designs for learning - Amy Charpentier Seconds
 - ii. Discussion
 - 1. School uses designs for learning for consultation services such as the annual report and grant writing
 - 2. Contract has same terms as previous years
 - 3. School uses these services ad hoc
 - iii. Motion Passes with following votes:
 - 1. Amy Charpentier - Aye
 - 2. Josh MacLachlan - Aye

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3. Rachael McNamara - Aye
 4. David Massey - Aye
 5. Leann Lindusky -Aye
 6. Katie Siewert -Aye
- d. Acknowledgement of resignation of Jill Heroff from board
- i. Amy Charpentier motions to acknowledge resignation of Jill Heroff - Josh MacLachlan seconds
 - ii. Discussion
 1. Jill had to miss many meetings due to work and communicated that she could not maintain commitment to board at this time
 2. Her experience and insights will be missed
 - iii. Motion Passes with following votes:
 1. Amy Charpentier - Aye
 2. Josh MacLachlan - Aye
 3. Rachael McNamara - Aye
 4. David Massey - Aye
 5. Leann Lindusky -Aye
 6. Katie Siewert -Aye
- e. Establishment of committee to seek additional board members
- i. Josh MacLachlan motions to establish committee to seek new board members - Katie Siewert seconds
 - ii. Discussion
 1. Board has 3 open seats
 2. There are services that board can utilize to find qualified board members. Josh suggests looking into these.
 3. Several board members suggest seeking additional board members via personal and professional circles before utilizing services with fees
 - iii. Josh rescinds motion
- f. Approval of amendments of Exhibit I of contract with ACNW - Lottery policy
- i. Josh Motions to approve
- g. Approval of amendments of Exhibit M of contract with ACNW - Closure Checklist
14. Formal Review of TPS Committee.
- a. Summary of June evaluation meeting
 - i. The board requested more information from the TPS committee on many parts of the evaluation reviewed in the June closed meeting
 - b. Questions/Comments
 - i. TPS committee has updated the evaluation as per the requests from the board
 - c. Close meeting

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- i. Josh motions to close meeting in accordance with state statute 13D.05 Subd. 3 to conduct a formal evaluation of the school's TPS committee - Katie Siewert seconds
- ii. Motion Passes with following votes:
 - 1. Amy Charpentier - Aye
 - 2. Josh MacLachlan - Aye
 - 3. Rachael McNamara - Aye
 - 4. David Massey - Aye
 - 5. Leann Lindusky -Aye
 - 6. Katie Siewert -Aye
- d. NOTES (NOT INCLUDED WITH PUBLIC MINUTES - SUMMARY TO BE PROVIDED IN THE AUGUST MEETING)
- e. Reopen meeting
 - i. Josh MacLachlan motions to reopen meeting - David Massey Seconds
 - ii. Discussion
 - iii. Motion Passes with following votes:
 - 1. Amy Charpentier - Aye
 - 2. Josh MacLachlan - Aye
 - 3. Rachael McNamara - Aye
 - 4. David Massey - Aye
 - 5. Leann Lindusky -Aye
 - 6. Katie Siewert -Aye

15. Adjourn

- a. Leann Lindusky motions to adjourn at

ACNW - Charter School Board Meeting Observation Form

School Name: Academic Arts High School	Scheduled Start Time: 5:00
Date of Board Meeting: June 18, 2019	Actual Start Time: 5:05
Type of Meeting (Regular, Special, Emergency): Regular	End Time: 7:36 (indicated in meeting minutes)
Observation by: EA	
Board member attendance: 5 of 7 = 71%	Ex-Officio Members present: N/A
Others in attendance: Ryan Bauer (TPS Representative)	

A "YES" or "NO" below indicates whether or not the following were evident at the board meeting. Evaluation framework indicator areas are identified in the left column. O = Operations Performance Framework; F = Financial Performance Framework.

Key Contractual Performance Areas		YES/NO	Notes
O.2.2	Academic Performance related to charter contract goals is reviewed and discussed.	Yes	The board reviews a dashboard monthly to track the school's progress toward its contractual academic goals. The board member who organizes this data noted data submission is inconsistent and sometimes challenging to get from teachers in a timely fashion. In addition, it is not clear from meeting minutes that the board is reviewing student data in relation to its contract.
O.2.2	Environmental Education Performance related to charter contract Goals/Environmental Literacy Plan (ELP) is reviewed and discussed.	No	ACNW expects the school will monitor its progress toward its contractual EE goals at least four times / year.
F.1.1	The School's Financial Performance for the current school year, including current enrollment in relation to budgeted enrollment, is reviewed and discussed.	Yes	Budgeted/Actual Enrollment: 90/90 The board reviewed and approved May financial reports and disbursements. The board is also in the process of transitioning to a new financial services provider, which will hopefully provide more robust and useful information. Enrollment figures are not included in the financial report but were provided as part of the TPS report.
O.2.1	Board training & development happens at the meeting or meaningful discussion/reflection occurs related to recent training attended by one or more board members.	No	ACNW expects the school will participate in board training, discussion, or development at least four times / year.
O.2.2	The meeting complies with MN Open Meeting Law (See below)	No	
Compliance Elements - Evident at Each Meeting		YES/NO	Notes
O.2.2	MN Open Meeting Law:		
O.2.2	Meeting time and place posted properly on school website and/or onsite at school.	Yes	Posted on the website and door of the school.

O.2.2	If meeting includes board member participation via interactive TV (e.g. Skype), it is done so consistent with MN Stat. 13D. The fact that someone will be participating via interactive TV is indicated on the agenda, including the location of the individual(s), and all board members can see and hear one another during the meeting.	N/A	
O.2.2	A quorum is present when a the board meeting is convened and/or any item on the agenda is being considered.	Yes	
O.2.2	One set of board materials is available for public inspection	Yes	
O.2.2	If closed, meeting is closed in accordance with MN Stat. 13D: agenda and minutes show statutory authority to close the meeting, and minutes (either at this meeting or next) summarize actions taken during the closed meeting.	No	The agenda did not indicate the meeting would be closed and did not include statutory authority to close the meeting (and statutory authority is not noted in the June board meeting minutes). According to the June board meeting minutes, the board did not take any action during closed session. However, the board should ensure the minutes of the June meeting summarize the actions taken by the board during the closed session, or a summary should be given at the July meeting and summarized in those minutes.
O.2.2	Actions taken by board, including description of any amendments, are clearly articulated. (Board members are clear what they are voting on.)	Yes	
O.2.2	It is clear who made motion and who seconded the motion.	Yes	
O.2.2	Result of the vote is articulated by the board chair, including number of votes for and against if other than unanimous.	Yes	
O.2.2	Performance Improvement Plan (if applicable) consistent with Exhibit S of the charter contract is reviewed and discussed.	No	ACNW does not expect the board will monitor this at every meeting but at least four times / year.
O.2.2	Meeting follows approved agenda (<i>If no, provide detail</i>).	Yes	Josh amended the agenda to close the meeting for the TPS evaluation per statute. However, except for in unusual circumstances, closed board meetings should be planned and appropriately noticed in advance.
O.2.2	Board meeting packet includes all materials relevant to the meeting agenda. (<i>Note any that were missing as appropriate</i>).	No	Contract amendment was not included in the board packet.

General Comments/Observations/Compliance Elements or Effective Practices Observed (e.g. Director Evaluation, Strategic Planning, Bylaw Changes, Policy Actions, etc.)

- Please refer to MN §13D and ACNW's *Sounding Board* newsletters related to Open Meeting Law to ensure the board follows all requirements of statute, including how to appropriately note meeting closures on the agenda, requirements during and after the closed session, and other procedures for closing the meeting.

Required Follow-Up:

- In accordance with MN Stat §13D, either after the closed board meeting ends, or at the next subsequent regular board meeting, a brief summary of what took place in the closed meeting is to be provided. Reference the Open Meeting Law *Sounding Board* Part III for more information, and ensure the board documents this appropriately.

ACNW - Charter School Board Meeting Observation Form

School Name: AAHS	Scheduled Start Time: 5:00 PM
Date of Board Meeting: July 16, 2019	Actual Start Time:
Type of Meeting (Regular, Special, Emergency): Regular	End Time:
Observation by: EA	
Board member attendance: 6 of 6 = 100%	Ex-Officio Members present: N/A
Others in attendance: Heather (TPS), Nate Winter (CLA)	

A "YES" or "NO" below indicates whether or not the following were evident at the board meeting. Evaluation framework indicator areas are identified in the left column. O = Operations Performance Framework; F = Financial Performance Framework.

Key Contractual Performance Areas		YES/NO	Notes
O.2.2	Academic Performance related to charter contract goals is reviewed and discussed.	Yes	The board reviews a dashboard monthly to track the school's progress toward its contractual academic goals.
O.2.2	Environmental Education Performance related to charter contract Goals/Environmental Literacy Plan (ELP) is reviewed and discussed.	No	ACNW expects the school will monitor its progress toward its contractual EE goals at least four times / year.
F.1.1	The School's Financial Performance for the current school year, including current enrollment in relation to budgeted enrollment, is reviewed and discussed.	No	Budgeted/Actual Enrollment: ___/___ I arrived a few minutes late due to traffic, so the board may have discussed financial performance and enrollment before I got there. However, there were no financial reports or documentation of checks, wires, and transfers included in the board meeting packet.
O.2.1	Board training & development happens at the meeting or meaningful discussion/reflection occurs related to recent training attended by one or more board members.	No	ACNW expects the school will participate in board training, discussion, or development at least four times / year.
O.2.2	The meeting complies with MN Open Meeting Law (See below)	No	

Compliance Elements - Evident at Each Meeting		YES/NO	Notes
O.2.2	MN Open Meeting Law:		
O.2.2	Meeting time and place posted properly on school website and/or onsite at school.	Yes	Posted on the website and at the entrance to the school.
O.2.2	If meeting includes board member participation via interactive TV (e.g. Skype), it is done so consistent with MN Stat. 13D. The fact that someone will be participating via interactive TV is indicated on the agenda, including the location of the individual(s), and all board members can see and hear one another during the meeting.	N/A	

O.2.2	A quorum is present when a the board meeting is convened and/or any item on the agenda is being considered.	Yes	
O.2.2	One set of board materials is available for public inspection	Yes	The board also projects all materials during the meeting.
O.2.2	If closed, meeting is closed in accordance with MN Stat. 13D: agenda and minutes show statutory authority to close the meeting, and minutes (either at this meeting or next) summarize actions taken during the closed meeting.	N/A	The agenda indicated the meeting would be closed but did not include statutory authority to close the meeting. The board should ensure the minutes of the July meeting summarize the board's conclusions or action during the closed session, or a summary should be given at the August meeting and summarized in those minutes.
O.2.2	Actions taken by board, including description of any amendments, are clearly articulated. (Board members are clear what they are voting on.)	Yes	
O.2.2	It is clear who made motion and who seconded the motion.	Yes	
O.2.2	Result of the vote is articulated by the board chair, including number of votes for and against if other than unanimous.	Yes	
O.2.2	Performance Improvement Plan (if applicable) consistent with Exhibit S of the charter contract is reviewed and discussed.	No	The school revised a Notice of Deficiency ACNW issued regarding the school's academic performance.
O.2.2	Meeting follows approved agenda (<i>If no, provide detail</i>).	Yes	
O.2.2	Board meeting packet includes all materials relevant to the meeting agenda. (<i>Note any that were missing as appropriate</i>).	No	The board packet did not include financial reports.
<u>General Comments/Observations/Compliance Elements or Effective Practices Observed (e.g. Director Evaluation, Strategic Planning, Bylaw Changes, Policy Actions, etc.)</u>			
N/A			
<u>Required Follow-Up:</u>			
<ul style="list-style-type: none"> As noted previously, make sure the agenda reflects why the meeting will be closed and provide a summary of the board's conclusions in the meeting minutes, in compliance with MN §13D, Open Meeting Law. 			

**Audubon Center of the North Woods
Operations and Financial Performance Evaluation Frameworks
Governance-Specific Items**

The Audubon Center of the North Woods (ACNW) has made some updates to our Operations and Financial Performance Evaluation Frameworks in order to be more clear and transparent around requirements, expectations, and guidance related to board governance. Governance specific areas are outlined below. One key change is that items are designated as “Compliance Requirements” or “Effective Practices.”

- To earn a rating of “Meets Standard,” a school must comply with all compliance requirements for a given measure.
- “Effective Practices” will be noted on the evaluation.

The effective practices outlined for each measure reflect what ACNW considers to be effective practices based on the hundreds of board meetings our staff and evaluators have collectively observed and reviewed over the past several years.

Evaluations will be completed annually based on board meeting observations, reviews of board meeting packets and minutes, and interviews of board members and school leadership.

Operations Performance Evaluation

- **2.1 Board Composition and Capacity**

Compliance Requirements:

- Board complies with applicable laws and its own bylaws with respect to board composition
- School conducts required background checks on all board members
- Board completes statutorily mandated training
- Board elections are done consistent with statute and bylaws
- Meeting minutes document election of officers consistent with statute and bylaws.

Effective Practices:

- The board develops and implements a plan to provide new board members with information and support that adequately prepares them to be effective
- The board develops, implements, and evaluates a board training and development plan
- The board specifies the length of terms of office and duties of its officers either in its bylaws or in board policy.
- The board actively makes information available about board service opportunities to staff, parents and members of the community
- Board meeting attendance exceeds 90%
- Other observed _____

- **2.2 Board Decision-Making and Oversight**

Compliance Requirements:

- Meeting minutes: the following are evident:
 - Board member attendance
 - Actions taken by the board, including specifics on any amendments

- Who made a motion and second
 - The result of the vote, including number of votes for and against if other than unanimous
- Meetings are held consistent with Open Meeting Law
- Meeting times and location are posted properly, including for special or emergency meetings
 - If meeting includes board member participation via interactive TV (e.g. Skype), it is done so consistent with MN Stat. 13D.
 - A quorum is present when the board meeting is convened.
 - One set of board materials is available for public inspection.
 - If meeting is closed, it is done so in accordance with MN Stat. 13D; agenda and minutes show statutory authority to close the meeting, and minutes (either at this meeting or the next) appropriately summarize actions during the closed meeting.
- Required policies are in place, and policies that must be approved or reviewed annually are addressed.
- The board reviews academic performance related to the charter contract (Exhibit G) at least quarterly.
- The board reviews environmental education performance related to the charter contract (Exhibit H and ELP) at least quarterly.
- The board reviews the school's performance related its Performance Improvement Plan in Exhibit S of the charter contract (if applicable)
- The board takes appropriate action to monitor and evaluate the school's performance with respect to the mission/vision/statutory purposes outlined in the charter contract.
- The board reviews and approves/accepts key organizational documents – Annual Report, WBWF, Contract with Authorizer, other Authorizer related documents
- The board ensures that the school's affiliated building company complies with all applicable legal requirements (if applicable)

Effective Practices:

- Meeting minutes include or provide
- Start and end time of meeting
 - A clear understanding of what happened at the meeting
- The board packet includes all materials relevant to meeting agenda
- Board meetings are conducted with a quorum present at all times.
- The board has a policy review cycle in place, including bylaws, that is implemented
- The board engages in strategic planning
- Board packets are sent to board members 5 days in advance of the board meeting
- The board develops, updates and follows an annual governance calendar
- The board utilizes committees to support effective governance.
- Other observed _____

• **2.3 Board Management and Accountability**

Compliance Requirements:

- Board established qualifications for persons that hold administrative, supervisory or instructional leadership role, and use those qualifications as the basis for job descriptions, hiring and performance evaluations
- Board implements a formal evaluation process for Director/Lead Admin or EMO/CMO

Effective Practices:

- The board collaborates with school leadership to set annual professional goals for the leader
- The board engages in periodic review of school leader’s performance in relation to charter contract goals and expectations
- The board develops and implements a policy for annual director evaluation and a timeline for related activities.
- The board ensures transparency and accountability to staff, families and community. For example, the school communicates with families, staff and community regarding school performance in a concise and comprehensible manner; the board engages with families and is open to feedback and input.
- Other observed_____

Financial Performance Evaluation

- **1.1 Budgeting**

Compliance Requirements:

- The board approved the annual budget by the June 30 of the preceding fiscal year and revises the budget as needed given changing circumstances.
- The board monitors the school financial performance consistently, including balance sheet, income/expense report including budget vs. actuals, cash flow, disbursements; and the board approves disbursements.
- The board reviews current enrollment in relation to budgeted enrollment.
- The board reviews and accepts the annual financial audit

Effective Practices:

- The board engages in long-range financial planning (e.g. 3-year financial projection/planning)
- Revenue and expenditure variances are reasonable compared to the school’s December 1 approved budget for all fund areas.
- Other observed_____



Minnesota Statute 13D – Part I

OPEN MEETING LAW

The Minnesota Open Meeting Law, [MN Statute 13D](#), provides specific reasons a Charter School Board and other public bodies may, or are required to, close their meetings to the public. It also prescribes the language that should be used to “notice” that a closed meeting will take place and for which of the authorized reason(s) the meeting is being closed. Further, the law contains requirements for public bodies, including charter school boards, to follow both DURING a closed meeting and AFTER it has been conducted.

These issues of *The Sounding Board* will focus on MN Open Meeting Law and its implications for charter school boards of directors. It will include four parts:

Part 1. Reasons to Close a Charter School Board Meeting and How To Do It

Part 2. Requirements During and After a Closed Meeting

Part 3. Suggested Procedures and Language for Closing Charter School Board Meetings

Part 4. Holding Open Meetings Consistent with MN Statute 13D.

These issues include information from MN Statute 13D that are most pertinent to charter school boards as determined by the Audubon Center of the North Woods (ACNW); however, there may be other provisions of MN Statute 13D that are important in specific situations and the full text of the statute should be referenced for any situations other than those described below.

This paper is not intended to be legal advice. Please check with the school’s legal counsel and / or the full text of the statute for additional information.

Promoting Quality
Charter School
Governance

A publication of the ACNW
Charter School Division



**Audubon Center
of the North Woods**

Reasons to Close a Charter School Board Meeting

When a charter school board meeting **MUST** be closed

(Statute is in *orange*, ACNW comments are in regular font)

13D.05 Subd. 2. When meeting must be closed

(a) *Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:*

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

Example: A board hearing or information session regarding a student or staff member alleged to be a victim or reporter of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision;

Example: This circumstance is not likely to occur in a charter school environment.

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7; or

Example: Student expulsion hearing or other disciplinary discussion related to a specific student or students.

(4) an individual's medical records governed by sections 144.291 to 144.298.

Example: Board deliberations with respect to a potential settlement agreement with an employee who may have been diagnosed/treated for post-traumatic stress symptoms, for example.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Example: The board is discussing allegations that the school director committed a theft.

What Else This Means: While the meeting(s) at which the board considers preliminary allegations must be closed*, if the board concludes that disciplinary action is warranted, all subsequent meetings on this topic must be open.

***What Else This Means:** if the person against whom charges or allegations are made wants the meeting to be open, it must be open to the public.

Reasons to Close a Charter School Board Meeting

When a charter school board meeting **MAY** be closed

(Statute is in *orange*, ACNW comments are in regular font)

13D.05 Subd. 3. When meeting may be closed

(a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

Example: The board is conducting the school director's annual evaluation.

What Else This Means: The board, at its next open meeting, must summarize the conclusions of the director's evaluation that was conducted in the closed meeting. That open meeting could immediately follow the closed meeting or be part of the next regularly scheduled public board meeting.

What Else This Means: If the director requests the meeting to be open, the meeting must be open to the public. (If a school's bylaws designate the school director as an ex-officio member of the board, s/he has the right to attend ALL board meetings, including closed board meetings.)

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

What This Means: A board meeting may not be closed if the board is planning to discuss a sticky or delicate topic.

What are the limits of attorney client privilege? See p. 4 for more on this.

(c) A public body may close a meeting:

- (1) to determine the asking price for real or personal property to be sold by the government entity;*
- (2) to review confidential or protected nonpublic appraisal data under section 13.44, subdivision 3; and*
- (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.*

Example: The board is considering the sale or purchase of property and determining the price, appraisal. or offers related to the sale or purchase.

It would be exceedingly rare that a charter school would close a meeting for any of the above reasons.

(d) Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

It would be exceedingly rare that a charter school would close a meeting for any of the above reasons.

Attorney-Client Privilege

The question often arises as to whether a charter school board can close a meeting under what is often referred to as the “attorney-client privilege.” Since MN Statute 13D is not specific on this question, ACNW requested an opinion about the topic from the Data Practices Office (formerly IPAD) at the Minnesota Department of Administration. The response below was received from Janet Hey at the Data Practices Office:

The Legislature did not provide a definition of “attorney client privilege” in the Open Meeting Law, but the courts have established guidelines. The Commissioner of Administration addressed this question in advisory opinions. For example, in Advisory Opinion 16-003, the Commissioner wrote:

The Minnesota Supreme Court established the test for the appropriate application of the exception:

To determine whether the attorney-client privilege exception to the Open Meeting Law applies, we balance the purposes served by the attorney-client privilege against those served by the Open Meeting Law. The exception applies when this balancing dictates the need for absolute confidentiality (emphasis added).

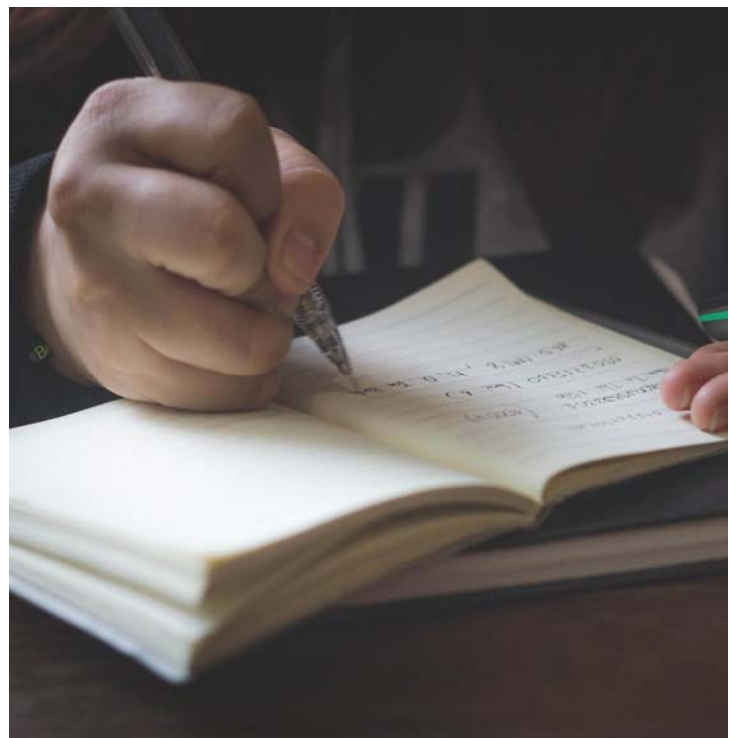
Prior Lake American v. Mader, 642 NW2d 729, 732 (Minn. 2002) (*Prior Lake American*). (See also *Minneapolis Star and Tribune v. the Housing and Redevelopment Authority*, 251 NW2d 620 (Minn. 1976) (*HRA*).)

The Court further held that because the exception only applies when absolute confidentiality is required, “the scope of the privilege is narrower for public bodies than it is for private clients.” *Prior Lake American* at 737. And that the exception “would almost never extend to the mere request for general legal advice or opinion by a public body in its capacity as a public agency.” *HRA* at 626 (emphasis added).

What This Means: In a charter school, there would be very few instances in which attorney-client privilege alone is sufficient to close a meeting. The reason to close a meeting should be identified and should be a reason that is expressly authorized by statute.

Final Thoughts on Reasons for Closing a Meeting

Sometimes school boards must discuss what they consider to be “difficult” or “very sensitive” topics that pertain to individuals or circumstances that could be awkward or embarrassing for the board, for the individuals, or for the community. In such cases, school boards are inclined to want to conduct closed board meetings to discuss those topics; however, it is imperative that all board members and school leaders understand that the meeting and discussion must take place in an open meeting, even if it is awkward, difficult, or very sensitive, unless the topic(s) specifically fall(s) into one of the categories in MN Statute 13D that authorize closed meetings.



How to Close a Charter School Board Meeting

Except for in unusual circumstances, closed board meetings should be planned for in advance of the closed meeting. Closed meetings must be properly noticed on the meeting's agenda, including a statement of the specific part of MN Statute 13D under which the meeting will be closed, and the closed meeting must be conducted in accordance with the above provisions as well as those included in Part 2 of this Sounding Board series on Open Meeting Law.

If a situation develops after a board meeting agenda has been distributed and there is little time for advanced planning for a closed meeting, the board chair should determine whether:

- the situation can be considered at the board's next regular meeting;
- the board should schedule an additional meeting (with proper notice) to consider the situation; or
- if the matter is of such urgency that it must be added to the current meeting's agenda.

In the first instance, the board chair can simply add the closed meeting to the next meeting's agenda; in the second instance, the board chair can propose an additional meeting to fellow board members during the current meeting and, with the board's approval, a separate meeting can be scheduled and properly noticed; and in the third instance, it is simply a matter of a board member making a motion to add the closed meeting to the agenda at the time the meeting agenda is being approved for the current meeting, again with the proper MN Statute 13D reference that is appropriate for the topic. Arrangements will also have to be made to record the closed meeting (see Part 2).



How to Close a Charter School Board Meeting

What to Include on the Agenda to Notice the Meeting

(Statute is in *orange*, ACNW comments are in regular font)

13D.01 Subd. 3. Subject of and grounds for closed meeting.

Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

What This Means: A board meeting agenda or board meeting notice must state:

- that the meeting or a portion of the meeting will be closed;
- the specific statutory authority (from MN Statute 13D and Part A, above) that allows (or requires) the board to close the meeting; and
- the specific subject to be discussed.

Agenda Examples of Providing Notice of a Closed Meeting:

Example 1: “Closed meeting in accordance with MN. Stat.13D.05 Subd. 3. to evaluate the performance of the school director for the 2017-18 school year.”

When the board chair puts this agenda item before the board, a board member should say, “I move that the board conduct a closed meeting under the provisions of MN Stat.13D, Subd.3 to evaluate Ms. Ariana Oman’s performance as school director for the 2017-18 school year.” Another board member would “second that motion” and a vote would be taken (and recorded) and if a majority of board members present vote in the affirmative, the meeting is immediately closed until a second motion and vote to return to Open Session is approved by the board, after it concludes its deliberations during the closed meeting.

Example 2: “Closed meeting in accordance with MN. Stat.13D.05 Subd. 2(b). for preliminary consideration of allegations or charges against an individual subject to the board’s authority.”

It is important to note, that in this case the individual subject to the board’s authority must be made aware that the board is considering charges against him or her at an upcoming meeting, as s/he has the option to keep this meeting open.

MN Stat.13D.05 Subd. 5.Closed meetings.

The notice requirements of this section apply to closed meetings.

What This Means: The closed meeting, AND ITS PURPOSE must be noted on the agenda for the meeting.

What Else This Means: Notices of closed meetings must adhere to the same notice provisions, timelines and methods, contained in MN Stat. 13D, that apply to open meetings.

What Else This Means: Under normal circumstances, closed meetings **must be planned for in advance** and cannot simply be added to an agenda at the time of the meeting since that would violate MN Statute13D as indicated above. If the board determines that it is dealing with an emergency as specified in MN Statute13D, then it should follow MN Statute 13D in terms of posting and noticing an emergency meeting. Emergency meetings may be open or closed in accordance with all requirements and specifications of MN Statute 13D.



Minnesota Statute 13D – Part II

OPEN MEETING LAW

The Minnesota Open Meeting Law, [MN Statute 13D](#), provides specific reasons a Charter School Board and other public bodies may, or are required to, close their meetings to the public. It also prescribes the language that should be used to “notice” that a closed meeting will take place and for which of the authorized reason(s) the meeting is being closed. Further, the law contains requirements for public bodies, including charter school boards, to follow both DURING a closed meeting and AFTER it has been conducted.

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Requirements During and After a Closed Meeting: Documenting a Closed Meeting

Recording Closed Meetings

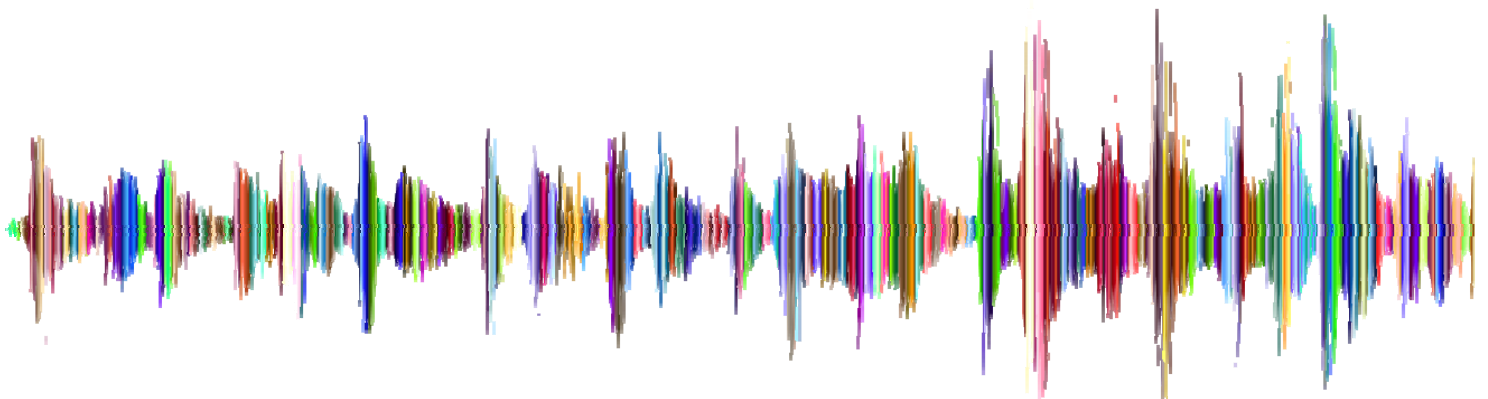
(Statute is in *purple*, ACNW comments are in regular font)

13D.05 Subd. 1(d). All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

What This Means: Virtually all closed meetings must be electronically recorded. (See Part 1 for information on attorney-client privilege.) These recordings must be kept for at least three years.

What Else This Means: Practically, school boards must plan in advance to have a method to record closed school board meetings and a board approved system to maintain the recordings of its closed meetings for three years from the date of each closed meeting. Care should be taken that over time and through changes in personnel, these closed board meeting recordings are not lost or destroyed; and, the board should consider adopting a policy or prescribe a procedure for the destruction of recorded closed board meetings and the documentation of such destruction (e.g. A perpetual closed meeting recording destruction log that includes date of original closed meeting, date of destruction of the recording, person responsible for the destruction of the recording(s)).

Recording a board meeting in this context is considered to be an audio recording, although there is no prohibition from also recording it in both audio and video formats. The recording process should be robust enough to ensure that all participants in the closed board meeting can be clearly heard on the recording and it is good practice at the beginning of the closed meeting for the board chair to say something like: "This is a closed board meeting of the (xyz) school board being held on (date), under MN Stat. 13D, (specify section and reason). I will ask each person present at this meeting to identify themselves for the record..." Each attendee then states their name. At the conclusion of the meeting, there should be a motion to adjourn the closed meeting, a second, and a vote to adjourn.



Minutes of Closed Meetings or the Results of Closed Meetings

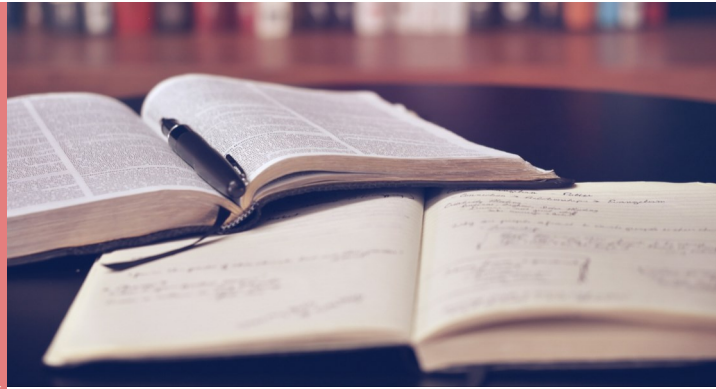
MN Stat.13D.05, Subd.3 (a), At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

What This Means: In accordance with MN Stat 13D, either after the closed board meeting ends, or at the next subsequent regular board meeting, a brief summary of what took place in the closed meeting is to be provided. See above (MN Stat. 13D.05, Subd. 3) for the reporting requirement and below for specific examples in the identified circumstances.

While the statute only specifies that the board must “summarize its conclusions regarding the evaluation,” best practice would have school boards summarize any conclusions arrived at during the meeting after all closed meetings consistent with data practices acts. For example, if the board discussed allegations that the school director committed a theft during closed meeting and determined that allegations were insufficient to warrant any action by the board, meeting minutes should reference such conclusions, appropriately ensuring private data is kept private consistent with MN Data Practices Act.

What Else This Means: Arriving at conclusions in a closed meeting does not replace the board voting on those conclusions in an open meeting. For example, if the board, in closed session concluded that it would enter into a successor employment agreement with the school director, that action item would then be moved, seconded, and voted on after the board returns to open session. Similarly, if the board concluded that it did not want to enter into a successor employment agreement with its school director, that action item would then be moved, seconded, and voted on after the board returns to open session.





Minnesota Statute 13D – Part III

OPEN MEETING LAW

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Suggested Language Pertinent to the Topics for which Charter School Boards Most Frequently Close Their Meetings

Common Closed Meeting Topics

Based on a review of a full year of board meeting minutes for all of ACNW's authorized schools, two topics are most commonly addressed by boards in closed meetings under MN Statute 13D:

1. to consider preliminary allegations or charges against a person who is under the board's authority; or
2. to evaluate the performance of the school's director.

ACNW chartered school boards do close their meetings for other authorized reasons; however, it is a rare occasion when that occurs. Please review MN Statute 13D and/or Part 1 of this series for more information on other reasons to close a meeting.

Specific to the two most frequent reasons for closing meetings cited above, ACNW offers the following suggestions for consideration by school boards.

1. To consider preliminary allegations or charges against a person who is under the board's authority.

Sample Agenda Item:

"Closed Meeting under MN Statute 13D.05, Subdivision 2 (4b) for preliminary consideration of allegations or charges against an individual subject to the board's authority."

Remember:

The individual against whom the board is considering charges or allegations must be aware of the meeting and subject matter. Per MN Statute 13D.05 Subd. 2 (4b) this "meeting must also be open at the request of the individual who is the subject of the meeting."

Motion to close the meeting:

"I move to close the meeting under MN Statute 13D.05, Subdivision 2 (4b) for preliminary consideration of allegations or charges against an individual subject to the board's authority."

Meeting minutes to report the board's conclusions:

Sample 1: "The board met in a closed meeting in accordance with MN Stat 13D.05, Subdivision 2 (4b) to consider preliminary allegations or charges against an individual subject to the its authority and has determined that no further action will be taken by the board on this matter."

Sample 2: "The board met in a closed meeting in accordance with MN Statute 13D.05, Subdivision 2 (4b) to consider preliminary allegations or charges against a person subject to the board's authority and has determined that further information is needed in order for the board to make any decisions in this regard. The board's legal counsel will secure and provide that information for the board's consideration at a later date."

Sample 3: "The board met in a closed meeting in accordance with MN Stat 13D.05, Subdivision 2 (4b) to consider preliminary allegations or charges against a person subject to the board's authority and has determined that the facts support a conclusion of misconduct by NAME OF STAFF MEMBER related to confidentiality of private student data for which the staff member has been issued a written reprimanded and a requirement to attend board approved training relative to the MN Data Practices Act."

1. To consider preliminary allegations or charges against a person who is under the board's authority.

(Continued from page 2)

Note:

If the individual subject to the board's authority requested that the board keep open the original meeting to consider preliminary allegations, then the individual in question would be indicated in board meeting minutes.

Remember:

In the case of Sample 2, the board will revisit this topic at a subsequent meeting and may close that meeting consistent with MN Statute 13D. The board would then document the conclusions from that meeting consistent with the suggestions provided here or other appropriate language.



2. To evaluate the performance of the school's director.

Sample Agenda Item:

"Closed Meeting under MN Statute 13D.05, Subdivision 3(a) to evaluate the performance of the School's Director."

Remember:

If the director requests the meeting to be open, the meeting must be open to the public. (If a school's bylaws designate the school director as an Ex Officio member of the board, s/he has the right to attend ALL board meetings, including closed board meetings.)

Motion to close the meeting:

"I move to close the meeting under MN Statute 13D.05, Subdivision 3(a) to evaluate the performance of Armando Padillo, the School's Director." (From Statute: The public body shall identify the individual to be evaluated prior to closing a meeting.)

Meeting minutes to report the board's conclusions:

Sample 1 (For a Positive Evaluation):

"In accordance with ABC School Board Policy #123 on Director Evaluation, the board conducted the annual summative evaluation of *name of director*, School Director. The board-approved Director's job description formed the basis of the evaluation. The director provided the board with written and verbal descriptions of the activities and milestones accomplished in each area of the job description, survey data from stakeholders was reviewed by the board, and strengths and opportunities for continued professional growth and development were identified that will included in the director's professional development plan. Goal setting for director for the 2018-19 school year will take place at the board's July 2018 meeting. *(Continued on next page.)*

2. To evaluate the performance of the school's director (*continued from page 3*).

Meeting minutes to report the board's conclusions:

Sample 1 (For a Positive Evaluation, continued):

The board expressed its appreciation for the director's continued commitment to the school and commended him/her for very effective organization, follow-through, and communication with all stakeholders. Especially noteworthy was the director's success in leading the school in its quest for increased and sustainable student enrollment and improved academic outcomes as measured by performance on Exhibit G of the charter contract. The director is encouraged to continue his/her efforts to seek opinions and ideas from a wide range of sources as he/she develops plans of action and implements initiatives. *Name of director* is a valued asset to the ABC charter school."

Sample 2 (For an Evaluation with Performance Concerns):

"In accordance with ABC School Board Policy #123 on Director Evaluation, the board conducted the annual summative evaluation of *name of director*, School Director. The board-approved Director's job description formed the basis of the evaluation. The board expressed its appreciation for the director's hard work on behalf of the school and commended him/her for demonstrating a sincere effort to assist the school and its students to be successful.

The director provided the board with written and verbal descriptions of the activities and milestones accomplished in each area of the job description, survey data from stakeholders was reviewed by the board, and several strengths and areas of required professional performance improvement were identified.

Of concern to the board was the director's consistent lack of effective organization, follow-through, and communication with all stakeholders. This resulted in confusion and uncertainty about School policies and procedures and in several cases led to unnecessary verbal conflict among staff members and failure to meet several job description requirements.

In order to continue in his/her role as ABC Charter School director after the upcoming school year, the director will need to demonstrate significant improvement in the areas identified in a separate document that will be provided to the director within 30 days.

The board calls on all stakeholders of ABC Charter School to work cooperatively with the director and with the school board in order that collectively and individually everyone will be successful, especially the children who attend our school."



2. To evaluate the performance of the school's director.

Meeting minutes to report the board's conclusions (continued):

Sample 3 (For a Negative Evaluation Resulting in the Director's Release from Employment):

"In accordance with ABC School Board Policy #123 on Director Evaluation, the board conducted the annual summative evaluation of *name of director*, School Director. The board-approved Director's job description formed the basis of the evaluation. The board expressed its appreciation for the director's hard work on behalf of the school and commended him/her for demonstrating a sincere effort to assist the school and its students to be successful.

The director provided the board with written and verbal descriptions of the activities and milestones accomplished in each area of the job description, survey data from stakeholders was reviewed by the board, and several strengths and areas of required professional performance improvement were identified.

Of very serious concern to the board was the director's consistent lack of effective organization, follow-through/timeliness, and communication with all stakeholders. This resulted in confusion and uncertainty about School policies and procedures and in several cases led to unnecessary verbal conflict among staff members and failure to meet many job description requirements.

The director was provided ongoing feedback as to the board's concerns about his/her performance as they arose during the school year. It is with regret that the board determined that the director's professional performance is below the standard the board expects, thus the director will not be returning for the next school year. The board thanks the director for all of his/her efforts on the school's behalf and wishes him/her the very best in his/her professional career in the future."



Note: Savvy board chairs, prior to the board meeting at which the director's evaluation will be conducted, and based on data sources the board will use for the evaluation, will draft one or more versions in the appropriate category above (Positive Evaluation, Performance Concerns Evaluation, or Negative Evaluation) for the board's consideration. At the end of the evaluation discussion the board chair can then ask the full board which of the statements they feel most accurately reflects the views of a majority of its members. They also might then edit the one they like the best to make it suit their consensus.

For example, if the data sources indicate that it is likely the board will determine the director's performance will be in the positive category, the board chair will create a DRAFT statement to that effect for the board's consideration and as a starting point. This is in lieu of the board attempting to group-write and group-edit the summary at the conclusion of the meeting, or to postpone writing the summary statement. It is best to conclude the evaluation by having the board come to a consensus on a summary statement at the time of the evaluation when the data and the deliberations are fresh in board members' minds, rather than to defer writing it at a future time when such might not be the case.



Minnesota Statute 13D – Part IV

OPEN MEETING LAW

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Holding Open Meetings Consistent with MN Statute 13D

The Minnesota Open Meeting Law contains provisions related to:

1. Availability of meeting materials to the public,
2. Meeting by telephone or email, and
3. Meeting by video.

Below are the relevant statute references on each provision, along with a brief explanation of the practical aspects of them.

Availability of meeting materials to the public

(Statute is in *gold*, ACNW comments are in regular font)

13D.01 Subd. 6. Public copy of members' materials.

- (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and
- (1) distributed at the meeting to all members of the governing body;
 - (2) distributed before the meeting to all members; or
 - (3) Available in the meeting room to all members; shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.
- (b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

What this means: Even in this age of electronic communications, statute requires that one “copy” of any printed materials related to agenda items for a public meeting, including charter school board meetings, be available to the public in the meeting room.

This requirement can be confusing since some charter school boards distribute their meeting materials via email and/or other electronic means which means there are no “printed materials” related to agenda items for their meetings. Nonetheless, and given the environmental advantages to keeping all materials electronic, charter school boards should print and have available at their meetings at least one physical paper copy of all meeting materials which include the materials that typically are sent out to board members in a “meeting materials packet” in advance of a board meeting, AND any meeting materials that are distributed to board members after the meeting materials packet has been distributed, AND any materials that are distributed at the meeting itself.

What else this means: ACNW suggests that the “Public Copy” of members’ meeting materials be placed in a conspicuous location in the meeting room for ease of access by the public who may be in attendance.

What else this means: The above requirements DO NOT APPLY to any meeting materials that are used in Closed Meetings conducted in accordance with other provisions within MN Stat. 13D.

Meetings by telephone or email

(Statute is in *gold*, ACNW comments are in regular font)

13D.015 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.

Subdivision 1. Application

This section applies to:

1. a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and
2. a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

What this means: This part of the statute is often misinterpreted as meaning that charter school boards may have meetings via telephone or that individual members may call in to a board meeting and participate in it by telephone. A careful reading of the above will provide information that indicates it DOES NOT APPLY to many public bodies including charter schools. It is intended to serve state boards, commissions, and other similar agencies only. Thus, charter school boards MAY NOT have meetings via telephone.

What else this means: Charter school boards may not have meetings via other electronic means, such as email. So charter schools boards MAY NOT hold votes via email.

What else this means: If a charter school board member calls in to a meeting via telephone to listen to the proceedings, that board member is not considered present, may not vote, and does not count towards quorum.



Meetings by video (such as Skype, Google Hangouts, or similar)

(Statute is in *gold*, ACNW comments are in regular font)

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. Conditions: A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

1. all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
2. members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
3. at least one member of the body is physically present at the regular meeting location; and
4. each location at which a member of the body is present is open and accessible to the public

What this means: This part of MN Stat 13D DOES apply to charter school boards and members' participation by way of "Interactive TV" (e.g. Skype, Google Hangouts, etc.). There are several key conditions, all of which must be met, in order for board members to participate in charter school board meetings via interactive TV and they can be summarized as follows:

- All meeting participants must be able to both see AND hear all other participants.
- Members of the public who are at the regular meeting location (typically the school) can see AND hear all participants in the meeting.
- At least one board member must be present at the regular meeting location (typically the school).
- The posting of a board meeting at which member(s) may participate from remote sites via video must provide information about ALL of the sites from which members will be participating, including their specific location(s) which must be accessible to the public.

What else this means: Participation in a board meeting via interactive TV by any board members must be known before the meeting is posted and clearly identified in the meeting posting or agenda. In other words, a board member cannot "skype in" at the last minute because of an unexpected inability to attend the meeting in person.

What else this means: A board member who does participate in a meeting via interactive TV must do so from a place that is accessible to the public, such as a public library, coffee shop or other public area, NOT from home.

Continued on page 5.



Meetings by video (such as Skype, Google Hangouts, or similar)

Continued from page 4.

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

What this means: Members participating in the board meeting from remote sites are considered to be “present” for the meeting, are counted towards meeting the required “quorum” count, and may make motions and vote on motions.

Subd. 4. Notice of regular and all member sites. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

What this means: The posting of a board meeting at which member(s) may participate from remote sites via video must provide information about ALL of the sites from which members will be participating, including the regular meeting location and the other specific location(s) which must all be accessible to the public.

What else this means: Notice must be provided in advance consistent with provisions of Open Meeting Law, for regular meetings, special meetings or emergency meetings.

Subd. 5. School boards; interactive technology with an audio and visual link. A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.

What this means: This section applies to charter school boards.

4.8 TOBACCO PRODUCTS

The use of tobacco products is not permitted anywhere on the School's premises. ~~Staff Members~~ must follow all rules posted and adhere to all policies associated with this policy (See Sections 3.7, Break Periods and 3.16, Safety).]

4.9 INTERNET USE

~~Staff Members~~ are allowed use of the Internet and e-mail when necessary to serve our students and conduct the School's business.

~~Staff Members~~ may use the Internet when appropriate to access information needed to conduct business of the School. ~~Staff Members~~ may use e-mail when appropriate for school correspondence.

Use of the Internet must not disrupt operation of the School's computer network and use of the Internet must not interfere with a staff member's productivity. ~~Staff Members~~ are responsible for using the Internet in a manner that is ethical and lawful.

Internet messages are public and not private. Academic Arts High School ~~EdVisions Cooperative~~ reserves the right to access and monitor all files and messages of its staff ~~members~~.

4.10 EMPLOYEE SOCIAL MEDIA PERSONAL USE POLICY

Academic Arts High School strives to uphold a positive image in the community. As such, AAHS has adopted a social media use policy to ensure that our employees are aware of their responsibility to maintain a positive image as a representative of our school. AAHS employees that maintain personal social media pages (including, but not limited to, forms of online publishing and discussion, such as blogs, wikis, file-sharing, user-generated video and audio, virtual worlds and social networks) are expected to comply with the guidelines set out within this policy.

It is expected that all employees continue to serve as positive representatives for Academic Arts High School and remain appropriate role models for students outside of regular business hours. It is vital that staff maintain professionalism in their interactions with students and the community. When using social media outlets, employees should conduct themselves in a manner that is appropriate. Failure to do so is a violation of AAHS policy and could put staff at risk of disciplinary action up to and including termination.

What is written or published is the employee's responsibility. What a person publishes is widely accessible, and while it can be removed by the owner, all others who can view the content, can save it to their own files, so consider what is published carefully. Trademark, copyright, and fair use requirements must be respected, and sources and references, whenever possible, should be cited and linked to.

Academic Arts High School employees that maintain personal social media pages or accounts are required to comply with the following guidelines as they relate to their association with AAHS:

1. Use of personal social media may not conflict with any of AAHS' existing policies.
2. As an employee of AAHS, online postings always have the potential to impact the school, even those made on a personal level. Online postings should always represent a personal point of view and not necessarily that of AAHS. When posting a point of view, it should neither claim nor imply speaking on AAHS' behalf.
3. Employees may not disclose information on any social media network that is confidential or proprietary to AAHS, its students, its employees or that is protected by data privacy laws.
4. Social fraternization through media and the sharing of personal contact information between school staff and students is strictly prohibited (e.g. the mutual linking of personal accounts, exchanging of cellular telephone number, etc.) Staff may link professional social media accounts with students for the purposes of contact with students regarding school related items or issues the student reports to the staff person.
5. Posts involving the following will not be tolerated and will subject the individual to disciplinary action:
 - a. Discriminatory statements or sexual innuendos regarding co-workers, students, or affiliated community members.
 - b. Defamatory statements regarding AAHS, its employees, or students.
 - c. Negative comments regarding AAHS, its employees, or students.
 - d. Any other statement or pictures deemed offensive to AAHS.
 - e. Employees must be respectful and professional in all communications. Employees shall not use obscene, profane or vulgar language on any social media network or engage in communications or conduct that is harassing, threatening, bullying, libelous, or defamatory or that discusses or encourages any illegal activity or the inappropriate use of alcohol, use of illegal drugs, sexual behavior, sexual harassment, or bullying.
 - f. Employees must avoid posting any information or engaging in communications that violate state or federal laws.

BYLAWS REVIEW ARTICLES I THROUGH III – SECOND READING

ARTICLE I PURPOSE, MISSION, AND VISION

The purposes of Academic Arts High School, henceforth referred to as AAHS, are as stated in its Articles of Incorporation, formerly River Heights Charter School, for nonprofit and educational purposes pursuant to the school's mission and vision which are as follows:

Vision: A generation of young people who navigate the world with the awareness, knowledge, attitudes, and skills necessary to make a positive impact.

Mission Statement: Learn by doing. Embrace your place in the world. Prepare for the future. And make friends along the way.

ARTICLE II OFFICES

AAHS shall have and maintain a registered office in the state of Minnesota which may be, but not need be, identical with the principal office in the State of Minnesota.

ARTICLE III MEMBERSHIP

Section 1. Members: Members of the Board of Directors of AAHS shall consist of parents, guardians of currently or previously enrolled students, community members, and staff employed by AAHS.

Section 2. Annual Meeting: The annual meeting of the members and Board Elections of AAHS (pursuant to Article IV hereafter) shall be held at such time and location as determined by the Board of Directors. Board Elections and the Annual Meeting will be held on a day in which Academic Arts High School is in session. Notification shall be by a posting on the Academic Arts High School website and posting in the front entryway of the school premises. Notice of the meeting will contain the date, time and place of the meeting and will be posted at least thirty (30) days prior to the meeting date.

Section 3. Special Meeting: A Special Meeting of Members may be called at any time by a majority vote of the Board of Directors. Notification of the meeting shall be via posting in the front entryway of the school premises, school website, email, telephone, or postal service no fewer than three (3) days prior to the meeting. Such notice shall contain the date, time, place and purpose of the meeting.

Section 4. Quorum: For any annual or special meeting, a majority of the voting members shall constitute a quorum.

Section 5. Voting: At each annual meeting of the membership, every voting member shall have one (1) vote. Members may vote in person or by proxy when voting in new Member(s) of the Board of Directors. The affirmative vote of a majority of a quorum of voting members shall constitute a duly authorized action of the membership.

REVISIONS

Section 4. Voting Members: Voting members eligible to vote in Members of the Board of Directors shall include staff of the school, board members, and parents/guardians of students enrolled in the school.

Section 5. Voting: At each annual meeting of the membership, every voting member shall have one (1) vote. Members may vote in person or by proxy when voting in new Member(s) of the Board of Directors. The affirmative vote of a majority or plurality of votes shall constitute a duly authorized action of the membership.