

Open Meetings and Closed Meetings Policy

Adopted: April 2005

Modified: December 2016, January 2024

Last review: February 2024

1 Purpose

2 The purpose of this policy is to provide guidelines to assure the rights of the public to be present at MNOHS
3 Board of Directors (hereafter referred to as “Board”) meetings, while also protecting the individual's rights
4 to privacy under law, and to close meetings when the public interest so requires as recognized by law.

5 General Statement of Policy

6 Except as otherwise expressly provided by statute, all meetings of the MNOHS Board, including executive
7 sessions, shall be open to the public in compliance with MN Statute 13D.

8 Meetings shall be closed only when expressly authorized by law.

9 Definitions

10 "Meeting" means a gathering of at least a quorum of members of the Board, or quorum of a committee or
11 subcommittee Board members, at which members discuss, decide, or receive information as a group on
12 issues relating to the official business of the Board. The term does not include a chance or social gathering
13 or the use of social media by members of a public body so long as the social media is limited to exchanges
14 with all members of the general public. For purposes of the Open Meeting Law, social media does not
15 include email..

16 "Interactive technology" means a device, software program, or other application that allows individuals in
17 different physical locations to see and hear one another.

18 Meetings

19 1. Regular Meetings

20 A. A schedule of the regular meetings of the Board shall be posted on the MNOHS website. If the
21 Board decides to hold a regular meeting at a time or place different from the time or place stated in
22 its schedule, it shall give the same notice of the meeting as for a special meeting.

23 2. Special Meetings

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25 A. For a special meeting, the Board shall post written notice of the date, time, place, and purpose of
26 the meeting on the Board of Directors page of the MNOHS website. The notice shall also be emailed
27 to each person who has filed a written request for notice of special meetings.

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28 B. This notice shall be posted on the website and emailed to each person who has filed a request for
29 notice of special meetings at least three days before the date of the meeting

30 C. A person filing a request for notice of special meetings may limit the request to particular
31 subjects, in which case the Board is required to send notice to that person only concerning those
32 particular subjects.

33 D. The Board will establish an expiration date on requests for notice of special meetings and require
34 refiling once each year. Not more than sixty (60) days before the expiration date of request for
35 notice, the Board shall send notice of the refiling requirement to each person who filed during the
36 preceding year.

37 3. Emergency Meetings

38 A. An emergency meeting is a special meeting called because of circumstances that, in the judgment
39 of the Board, require immediate consideration.

40 B. If matters not directly related to the emergency are discussed or acted upon, the minutes of the
41 meeting shall include a specific description of those matters.

42 C. The Board shall make good faith efforts to provide notice of the emergency meeting to each news
43 medium that has filed a written request for notice if the request includes the news medium's
44 telephone number or email.

45 D. Notice of the emergency meeting shall be given by telephone or email to members of the Board.

46 E. Notice shall be provided to each news medium that has filed a written request for notice as soon
47 as reasonably practicable after notice has been given to the Board members.

48 F. Notice shall include the subject of the meeting.

49 G. Posted or published notice of an emergency meeting shall not be required.

50 H. The notice requirements for an emergency meeting as set forth in this policy shall supersede any
51 other statutory notice requirement for a special meeting that is an emergency meeting.

52 4. Recessed or Continued Meetings

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53 A. If a meeting is a recessed or continued session of a previous meeting, and the time and place of
54 the meeting was established during the previous meeting and recorded in the minutes of that
55 meeting, then no further published or mailed notice is necessary.

56 5. Closed Meetings

57 A. The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

58 6. Meetings during Pandemic or Chapter 12 Emergency

59 A. In the event of a health pandemic or an emergency declared under Minnesota Statute, chapter 12,
60 a meeting may be conducted by telephone or technology in compliance with Minnesota Statute,
61 section 13D.021.

62 7. Meetings by Interactive Technology

63 A. A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic
64 means in compliance with Minnesota Statute, section 13D.02.

65 8. Actual Notice of Meeting

66 A. If a person receives actual notice of a meeting of the Board at least 24 hours before the meeting,
67 all notice requirements are satisfied with respect to that person, regardless of the method of receipt
68 of notice.

69 **Votes**

70 The votes of Board members shall be recorded in a journal or minutes kept for that purpose. The journal or
71 any minutes used to record votes of a meeting must be publically posted on the MNOHS official website for
72 at least 365 days from the date of publication.

73 **Written Materials**

74 In any open meeting, a copy of any printed materials, including electronic communications, relating to the
75 agenda items prepared or distributed by the Board or its employees and distributed to or available to all
76 Board members shall be available in the meeting room for inspection by the public while the Board
77 considers their subject matter.

78 This provision does not apply to materials not classified by law as public, or to materials relating to the
79 agenda items of a closed meeting.

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80 Open Meetings and Data

81 Members of the public have the right to attend open meetings to watch and listen to the proceedings.

82 Attendance does not guarantee the right to speak at an open meeting.

83 Meetings may not be closed merely because the data to be discussed are not public data, except as provided
84 under Minnesota law.

85 Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within
86 the scope of the Board's authority and is reasonably necessary to conduct the business or agenda item before
87 the Board.

88 Data discussed at an open meeting retain the data's original classification; however, a record of the meeting,
89 regardless of form, shall be public.

90 Closed Session for all or a Part of the Meeting

91 1. Preliminary Consideration of Charges

92 A. The Board shall close one or more meetings for preliminary consideration of allegations or
93 charges against an individual subject to its authority.

94 B. If the Board members conclude that discipline of any nature may be warranted as a result of those
95 specific charges or allegations, further meetings or hearings relating to those specific charges or
96 allegations held after that conclusion is reached must be open.

97 C. A meeting must also be open at the request of the individual who is the subject of the meeting.

98 4. Performance Evaluations

99 A. The Board may close a meeting to evaluate the performance of an individual who is subject to its
100 authority. The Board shall identify the individual to be evaluated prior to closing a meeting. At its
101 next open meeting, the Board shall summarize its conclusions regarding the evaluation.

102 B. A meeting must be open at the request of the individual who is the subject of the meeting.

103 5. Attorney-Client Meeting

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104 A. A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege
105 applies when litigation is imminent or threatened, or when the Board needs advice above the level of
106 general legal advice, i.e., regarding specific acts and their legal consequences.

107 B. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat
108 that litigation might be a consequence of deciding a matter one way or another does not, by itself,
109 justify closing the meeting.

110 C. The motion to close the meeting must specifically describe the matter to be discussed at the
111 closed meeting, subject to relevant privacy and confidentiality considerations under state and federal
112 law

113 6. Dismissal Hearing

114 A. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's
115 discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be
116 public.

117 B. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed
118 unless the pupil, parent or guardian requests an open hearing.

119 7. Meetings to Discuss Certain Not Public Data

120 A. Any portion of a meeting must be closed if the following types of data are discussed:

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

123 (2) Active investigative data collected or created by a law enforcement agency; or

124 (3) Educational data, health data, medical data, welfare data, or mental health data that are
125 not public data.

126 (4) An individual's medical records governed by the Minnesota Health Records Act (Minn
127 Statute 144.291 to 144.298)

128 8. Security Matters

129 A. Board meetings may be closed to receive security briefings and reports, to discuss issues related
130 to security systems, to discuss emergency response procedures and to discuss security deficiencies in

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131 or recommendations regarding public services, infrastructure and facilities, if disclosure of the
132 information discussed would pose a danger to public safety or compromise security procedures or
133 responses.

134 B. Financial issues related to security matters must be discussed and all related financial decisions
135 must be made at an open meeting.

136 C. Before closing a meeting the Board must refer to the facilities, systems, procedures, services, or
137 infrastructures to be considered during the closed meeting.

138 D. A closed meeting must be recorded at the expense of the governing body, and the recording must
139 be preserved for at least four years.

140 9. Other Meetings

141 Other meetings shall be closed as provided by law. A closed meeting must be electronically recorded at the
142 expense of MNOHS, and the recording must be preserved for at least four years after the date of the
143 meeting. The recording is not available to the public.

144 **Procedures for Closing all or Part of a Meeting**

145 The Board shall provide notice of a closed meeting just as for an open meeting. A Board meeting may be
146 closed only after a majority vote at a public meeting. Before closing a meeting, the Board shall state on the
147 record the specific authority permitting the meeting to be closed and shall describe the subject to be
148 discussed. If the meeting is closed for only a portion of the meeting, for a selected agenda item(s), it will be
149 re-opened immediately after the agenda item(s) discussion has concluded.

150 ***Legal References:***

151 Minn. Stat. Ch. 13 (Government Data Practices)

152 Minn. Stat. Ch. 13D (Open Meeting Law)

153 Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)

154 Minn. Stat. Ch124E (Charter Schools)

155 Minn. Stat. Ch124E.07, Subd. 8b (Charter School Board of Directors)

156 Minn. Stat. Ch144.291- 144.298 (Minnesota Health Records Act)