

203.10 OPEN MEETING LAW REQUIREMENTS FOR SCHOOL BOARD MEETINGS AND BOARD-APPOINTED COMMITTEES**I. PURPOSE**

Minnesota's Open Meeting Law pursuant to Minnesota Statutes section 13D applies to all Crosslake Community School (CCS) meetings of the Board of Education and meetings of its Board-Appointed Committees and Subcommittees.

II. GENERAL STATEMENT OF POLICY

Board of Education and Board-Appointed Committees and Subcommittees may possess decision-making authority. Decision-making authority is presumed if Board Directors of the Committee comprise a quorum of the governing body or the governing body has delegated its power to the Committee or Subcommittee.

III. PROCEDURES

- A. Regular meetings of the Board of Education shall be held the third Monday of each month. The monthly meeting date will be published at least five days in advance of the meeting on the school's website. The agenda will be released at the same time and be available on the school's website.
- B. Board-Approved Committees and subcommittees meeting dates will be published at least five days in advance of a meeting on the school's website.
- C. If board directors want to participate in meetings by interactive technology, per Minnesota Statute section 13D.02, each of the following conditions must be met:
 - The meeting agenda requires a five-day advance notice of the meeting that directors will be participating remotely and the addresses of where they would be participating from.
 - This means it cannot be an impromptu decision. The board director must provide notice ahead of time and the public must be notified ahead of time.
 - All board directors have to be able to see, view each board directors' name on a computer, **and** hear each other, all discussion, and any presentations or public input, regardless of where they are located.
 - This means that you cannot just have a laptop set up in the corner. You need to have a setup whereby a person or persons participating remotely can see *all* directors of the board *and* any presenters or directors of the public who speak.
 - This also means that directors cannot call in by telephone. They must be present *for the entire meeting* (not just for votes) on Zoom, Google Meet, Teams, etc.
 - Members of the public present at the regular meeting location must be able to see, view each board director's name on a computer, **and** hear all discussion, testimony, and votes.
 - This means that members of the public must be able to see the person or persons who are participating remotely.
 - At least one director of the board must be present at the regular meeting location.
 - All votes must be conducted by roll call and the minutes must record each director's vote.
 - Each location at which a director of the board is present is open and accessible to the public.
 - This would not include board directors' homes, because it is very unlikely that those spaces meet egress and accessibility requirements of the ADA (generally required of most public spaces).
 - In addition, because Minnesota Statute section 13D.02 Subd. 4 requires notice of all directors' locations, it is not safe to post board directors' home addresses on public meeting notices.
 - If directors cannot be counted for quorum, they also cannot participate in meeting proceedings (e.g. discussion).

- A director can only be present for quorum if they meet all of the above criteria.
- Finally, if interactive technology is used to conduct a meeting (even if it is for only one board director), to the extent practical, the charter school board must also allow directors of the public to observe the meeting remotely.

D. While Minnesota Statute section 13D.021 does provide some additional flexibility for meetings by telephone or interactive technology during a pandemic, in order for this section to apply the school board chair, Director(s), or chief legal counsel of the school must determine "that an in-person meeting...is not practical or prudent because of a health pandemic..." Given that all schools are back in-person with limited or no Covid-19 mitigation measures, Osprey Wilds would question the rationale for meeting under this section of statute absent a local outbreak of a highly communicable disease.

Legal References: Minn. Stat. § 13D.01, Subd. 6 (Open Meeting Law)
Minn. Stat. § 124E.07 (Board of Directors)
Minn. Stat. § 123B.09, Subd. 7 (Boards of Independent School Districts)
Dept. of Admin. Advisory Op. No. 10-013 (April 29, 2010)
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
Dept. of Admin. Advisory Op. No. 13-015 (December 23, 2013)

Cross References: Crosslake Community Schools' Bylaws