

Board Member _____ introduced the following Resolution and moved its adoption:

RESOLUTION DETERMINING THE STATUS OF SCHOOL BOARD MEMBERS
FOR PURPOSES OF MINNESOTA GOVERNMENT DATA PRACTICES ACT

WHEREAS, the Minnesota Court of Appeals and the Minnesota Department of Administration have concluded that the classification of data on elected officials depends upon whether the entity considers its elected officials to be “employees” for purposes of the Minnesota Government Data Practices Act (“MGDPA”);

WHEREAS, most data on individual “employees” of a school district are classified as private personnel data pursuant to the MGDPA and, specifically, Minnesota Statutes section 13.43;

WHEREAS, the School Board has weighed various political, educational, social, and economic considerations in deciding whether its members should be considered to be employees for purposes of the MGDPA; and

WHEREAS, the School Board has determined that the public interest in transparency outweighs any competing privacy interest that individual Board members may have regarding most data that the District maintains about individual Board members;

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 877 as follows:

1. Members of the School Board are not considered to be employees for purposes of the MGDPA, Minnesota Statutes chapter 13. Accordingly, data that the District maintains on School Board members are not considered “personnel data” under Minnesota Statutes section 13.43.
2. This Resolution does not impact the determination of whether School Board members are employees for purposes of other laws, including, but not limited to, any federal or state tax laws.
3. This Resolution only applies to whether data on School Board members are considered “personnel data” specifically for purposes of determining the classification of data under Minnesota Statutes section 13.43. This Resolution does not alter the classification of data that are protected from disclosure under any other statute or legal authority.

The motion for the adoption of this Resolution was duly seconded by _____.

Upon a vote being taken, the following Board members voted in favor of this Resolution:

And the following Board members voted against this Resolution:

Whereupon said Resolution was declared duly passed and adopted.