

## MN Open Meeting Law and Virtual Attendance Checklist

Below is a list of requirements that a school board must meet in order to have any members of the board attend and participate in board meetings virtually (see [MN Stat. §13D.02](#)). **ALL** requirements on this list must be met in order for a member to participate remotely.

- The meeting agenda must include advance notice that members will be participating remotely and the addresses of where they would be participating from. (13D.02 Subd. 4)
  - This means it cannot be an impromptu decision. The board member must provide notice ahead of time and the public must be notified ahead of time.
  
- Each location at which a member of the board is present is open and accessible to the public. (13D.02 Subd. 1 (a) (5))
  - This would not include board members' 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 MN Stat. §13D.02 Subd. 4 requires notice of all member locations, it is not safe to post board members' home addresses on public meeting notices.
  
- At least one voting member of the board must be physically present and attend the board meeting at the board's regular meeting site, which also must be open and accessible to the public. An ex-officio member's presence at the regular meeting site does not satisfy this requirement. (13D.02, Subd. 1 (a) (3))
  
- All board members have to be able to see **and** hear each other, all discussion, and any presentations or public input, regardless of where they are located. (13D.02 Subd. 1 (a) (1))
  - 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* members of the board *and* any presenters or members of the public who speak.
  - This also means that members 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 **and** hear all discussion, testimony, and votes. (13D.02 Subd. 1 (a) (2))
  - This means that members of the public must be able to see the person or persons who are participating remotely.
  
- All votes must be conducted via roll call whenever any member is participating virtually. It is important to remember to document the voting as a roll call in meeting minutes, which means listing each board member and how they voted on each motion or resolution. (13D.02 Subd. 1 (a) (4))

- Meeting minutes must document the names of board members who attended virtually and the reason(s) the board member(s) appeared via online format. (13D.02 Subd. 6)
- If members cannot be counted for quorum, they also cannot participate in meeting proceedings (e.g. discussion). (13D.02 Subd. 2)
  - A member can only be present for quorum if they meet all of the above criteria.
- If interactive technology is used to conduct a meeting (even if it is for only one board member), to the extent practical, the charter school board must also allow members of the public to observe the meeting remotely. (13D.02 Subd. 3)