

From: **Erin Anderson** <anderson@ospreywilds.org>

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Subject: A reminder of your charter school board's obligations to Open Meeting Law

To: Erin Anderson <anderson@ospreywilds.org>

Cc: Addie Washington <washington@ospreywilds.org>, Ashley Estis <estis@ospreywilds.org>, Jolene Palme <palme@ospreywilds.org>, Emily Edstrom Moore <edstrommoore@ospreywilds.org>, Patrick Hartman <hartman@ospreywilds.org>, Charter School Admin <csdadmin@ospreywilds.org>

Hi School Leaders,

As a new school year gets underway, I want to remind you of your legal obligations when it comes to MN Stat. 13D, Open Meeting Law. While statute allows some flexibility to meet remotely during a pandemic, those same flexibilities do not apply all the time.

As a reminder, if board members want to participate in meetings by interactive technology, per [MN Stat. §13D.02](#), each of the following conditions must be met:

- The meeting agenda must include advance notice that members will be participating remotely and the addresses of where they would be participating from.
 - 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.
- 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.
 - 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.
 - This means that members of the public must be able to see the person or persons who are participating remotely.
- At least one member 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 member's vote.
- Each location at which a member of the board is present is open and accessible to the public.
 - 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.
- If members cannot be counted for quorum, they also cannot participate in meeting proceedings (e.g. discussion).
 - A member 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 member), to the extent practical, the charter school board must also allow members of the public to observe the meeting remotely.

While MN Stat. §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 board chair, school leader, or chief legal

counsel of the school 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.

I understand these requirements are less convenient and flexible than what you may have operated under for the past three years and may require some adjustment. Please communicate your concerns to your state legislators and advocate for greater flexibility in this section of statute in order to encourage broader participation from your school stakeholders. You are still welcome to stream your board meetings for greater participation from the public and your school community.

Please share this communication with your entire board and let me know what questions you have.

If you would like a refresher on MN Stat. 13D, Open Meeting Law, please join us tomorrow afternoon (Tuesday, August 1) at 1:30 PM for a no cost training available to all members of school boards authorized by Osprey Wilds: [What Boards Needs to Know About Open Meeting Law](#).

Sincerely,
Erin

Erin E. Anderson

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She / Her / Hers

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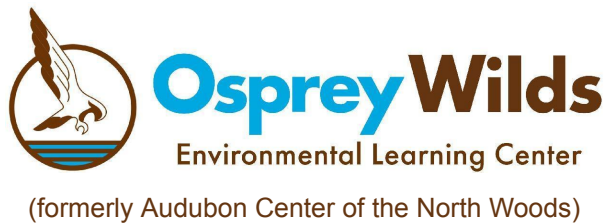
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