

RICHFIELD PUBLIC SCHOOLS

PUBLIC COMMENT

**PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS
AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS**

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on Richfield Public Schools matters. At the same time, the school board recognizes the need to conduct orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage participation in subjects related to the management of the District at school board meetings. The school board may stipulate reasonable time, place, and manner restrictions on public participation within board meetings, but encourage participation with individual board members outside of the formal school board meeting time in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy and law, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:
 - Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last

employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

D. "Educational data" means data maintained by the District which relates to a student.

E. "Student" means an individual currently or formerly enrolled or registered in the District, or applicants for enrollment, or individuals who receive shared time services.

F. Data about applicants for appointments to a public body, including a school board, collected by the District as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final

investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. RIGHTS TO PRIVACY

- A. District employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. Richfield Public Schools students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
 3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give people related to the District an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data). There will be two mechanisms to participate in open meetings:

1. Requesting formal agenda items for board member consideration and discussion and;

2. Making public comment during a regular board meeting. Public comment will occur once monthly on the second regularly scheduled meeting of the month. In a month with only one meeting, public comment will occur at the lone meeting.

VI. PROCEDURES

A. Requesting Formal Agenda Items

1. People who wish to have a subject discussed as part of the agenda at a public school board meeting must notify the superintendent's office and send the request one week in advance of a school board meeting to the school board secretary. The person should provide their name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed. The request will be considered for discussion by the school board chair and superintendent, and brought to the board for consideration as needed. This formal process is intended for items requiring greater scrutiny and discussion from board members. Advance notice is required to allow for administrative staff to gather necessary supporting documents and information and to allow for adequate notice to the general public of items that will be brought before the board for discussion.
2. The school board retains the discretion to limit board discussion of any agenda item to a reasonable period of time as determined by the school board.
3. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
4. The school board chair shall promptly rule out of order any discussion or agenda item by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.

B. Open Public Comment

The school board shall normally provide a specified period of time when citizens may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are study sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

1. People who wish to address the school board on a particular agenda item should identify the subject and identify agenda item(s) to which their comments pertain.
2. The school board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Each speaker will be given up to three minutes, with time extended up to six minutes if translation is necessary. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave. These comments will occur during the public comment section of the board agenda.
3. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
4. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

C. Informal Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in Policy 103: Harassment Prohibition, Policy 115: Title IX, Policy 409: Mandated Reporting of Child Neglect of Physical or Sexual Abuse, Policy 505: Student Disability Nondiscrimination and/or Policy 506: Student Sex Nondiscrimination. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1 of this section or problems concerning the District should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may only be brought before the school board by notifying the school board in writing.

5. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The District is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
Minn. Stat. § 13D.05 (Open Meeting Law)
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
Minn. Stat. § 122A.44 (Contracting with Teachers)
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)
Minn. Stat. § 123B.143, Subd. 2 (Disclose Past Buyouts or Contract is Void)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References:

Policy 103: Harassment Prohibition
Policy 115: Title IX
Policy 208: Open Meetings and Closed Meetings
Policy 409: Mandated Reporting of Child Neglect of Physical or Sexual Abuse
Policy 412: Public and Private Personnel Data
Policy 505: Student Disability Nondiscrimination
Policy 506: Student Sex Nondiscrimination
Policy 581: Protection and Privacy of Pupil Records

- 1 REVIEWED AND REAFFIRMED BY THE BOARD OF EDUCATION:
- 2 REVISED BY THE BOARD OF EDUCATION: April 4, 2023

RICHFIELD PUBLIC SCHOOLS
GUIDELINES - PUBLIC COMMENT

I. RESPONSIBILITY FOR PUBLIC COMMENT

The Richfield Public Schools administration shall be responsible for the procedural implementation of the public comment portion of board meetings. This implementation shall include preparation, sign up, the comment session, communication during and communication processes related to public comment.

II. PREPARATION FOR PUBLIC COMMENT

The public comment portion of the meeting shall occur on the second meeting of the month, typically held on the 3rd Monday of the month. In months with only one meeting, that meeting shall include public comment.

Public comment will be available in person in the boardroom of the District Office, located at 401 70th St. West, Richfield, MN, 55423.

Public comment will be the first agenda item. The time period for public comment will be a maximum of 30 minutes.

III. SIGN UP FOR PUBLIC COMMENT

Individuals requesting to participate in public comment must sign up in advance by emailing or calling the board secretary or by filling out the form available on the District website. Advance sign up may occur until noon on the day of the board meeting.

Individuals must indicate their name, address, phone number or email and the subject they are addressing. Individuals should also note if their public comment will address something directly related to an agenda item or a non-agenda related item.

If multiple individuals wish to address the same subject during public comment, they may be asked to select a representative to speak for the group. Speakers may be asked to submit a written copy of their prepared statement in advance of the meeting.

If individuals are attending a board meeting without public comment on the agenda, they may write down comments and deliver them to the board secretary who will share them with all board members.

If an interpreter is needed for public comment or to view a board of education meeting, please contact the board secretary at least 1 week in advance.

IV. PUBLIC COMMENT

Speakers will be called in order as follows: students, speakers on a specific agenda item, then others in order of sign up, with preference given to those who have not spoken in the past six months. Time allotted will be three minutes per speaker, with an additional three minutes allocated if interpretation is utilized. The board secretary will monitor time. There will be a "30 second warning" given when 30 seconds remain and a "times up" warning given if three minutes have expired. Speakers are expected to end comments at the "time's up" warning.

District administration will be responsible for implementation of public comment including sign up, documentation, and sharing of guidelines.

The school board takes into consideration comments made during public comment, but will not hold a two-way dialogue or interactive discussion during public comments. The board may provide a response at a later time and/or may provide clarification of points of fact as appropriate during the meeting.

V. COMMUNICATION DURING PUBLIC COMMENT

Speakers may not make allegations, charges, or complaints against any student or employee during public comment. If a person wishes to make an allegation or to file a charge or complaint against a student or employee, the person should make the allegation, charge, or complaint in writing to the superintendent or the human resources department.

Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual may terminate that person's privilege to address the school board. If the speaker persists in violating any procedure or rule, the speaker may be directed to leave the premises and not to return, a no trespass order may be issued, and a referral may be made to law enforcement.

Members of the public may not engage in conduct that materially and substantially disrupts any part of a school board meeting, or that otherwise impedes the School Board's ability to conduct its business in an orderly and efficient fashion.

VI. COMMUNICATION ABOUT PUBLIC COMMENT

District administration will be responsible for broadly communicating the guidelines for public comment at the board of education meetings. Methods

1 should include website, school handbooks, direct communication to families
2 and more.

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5 Dated: November 20, 2017

6 Revised: September 17, 2021; April 3, 2023



RICHFIELD PUBLIC SCHOOLS

Welcome to a Regular Board Meeting at Richfield Public Schools

- The agenda and supporting board packet are available online at <https://www.richfieldschools.org/about/school-board>
- Paper copies of the agenda are available to all.
- Board meetings are livestreamed and videotaped for the official record.
- Procedures for the implementation of public comment are contained within board policy 216 and administrative guideline 216.1.

Individuals who wish to address the School Board during a regular School Board meeting may do so during the Public Comments portion of the agenda at the beginning of the meeting. To participate in the public comments, individuals must fill out the online form or make a request to the board secretary (cassandra.quam@rpsmn.org or 612-798-6012) up until 12:00 noon on the day of a board meeting. This grants speakers the opportunity to make a presentation of up to three minutes, with time extended up to three additional minutes if translation is needed. (We will have our board secretary indicate with both "30 seconds" and "time is up" warnings.)

- Speakers are asked to refrain from using this forum to criticize, complain, or make allegations about a specific employee by name due to privacy and legal concerns for the employee and the speaker.
- The School Board takes into consideration comments made during public comment, but will not hold a two-way dialogue or interactive discussion during public comments. The board may provide a response at a later time and/or may provide clarification of points of fact as appropriate during the meeting.
- Questions, concerns and requests may be directed to the appropriate administrator for review. Speakers who desire a written response to a specific question may request it.
- If a speaker violates a procedure or rule, they will be given a warning. If they persist in violating any procedure or rule, the speaker will be directed to leave the premises and not to return, a no trespass order may be issued, and a referral may be made to law enforcement.

If you were unable to make a request in advance of tonight's meeting, we have two ways for you to share your thoughts with us:

- One is for you to complete the Board Comment Sheet on the back of this page so that you can write out your thoughts and give them to us tonight. We will review your comments before our next meeting.
- The other is for you to request to participate in public comment for a future board meeting, typically the second meeting of the month, or at any meeting when it is the sole meeting of the month.

Thank you for your attention and your respect for this process.

Board Comment Sheet

Date	Phone/Email Contact
Name	Address

Comment for the School Board:

[illegible]



RICHFIELD PUBLIC SCHOOLS

Board Comment Sign Up

If you wish to share a public comment at a school board meeting, please complete this form with your name and comment information. Comment will occur in the order of sign up, with students speaking first, then individuals who are addressing a specific agenda item, then all other speakers.

Board Meeting Date	Phone/Email Contact
Name	Address
What is your relationship to Richfield Public Schools?	
Student Parent Staff Member Richfield Resident	
Is your comment related to a specific agenda item listed for this board meeting?	What subject would you like to comment on?
Yes No	

By appearing in person to share a public comment with the school board, you agree to the following procedures and requirements outlined in Policy 216: Public Comment and Administrative Guideline 216.1:

- Your time allotted is three minutes, with time extended up to three additional minutes if translation is needed. (The board secretary will indicate with both "30 seconds" and "time is up" warnings.)
- Speakers are asked to refrain from using this forum to criticize, complain, or make allegations about a specific employee by name due to privacy and legal concerns for the employee and the speaker.
- The School Board takes into consideration comments made during public comment, but will not hold a two-way dialogue or interactive discussion during public comments. The board may provide a response at a later time and/or may provide clarification of points of fact as appropriate during the meeting.
- Questions, concerns and requests may be directed to the appropriate administrator for review. Speakers who desire a written response to a specific question may request it.
- If a speaker violates a procedure or rule, they will be given a warning. If they persist in violating any procedure or rule, the speaker will be directed to leave the premises and not to return, a no trespass order may be issued, and a referral may be made to law enforcement.

