

OPEN MEETING LAW SUMMARY

Minnesota's Open Meeting Law (M.S. Ch. 13D) requires all school board meetings to be open to the public with few exceptions. A public body must begin in an open meeting and state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed. A majority vote is needed to close the meeting, with the time and place announced at the public meeting before going into closed session. For specific questions, consult with legal counsel.

THE EXCEPTIONS A school board **MUST** close

1. **Discussion of Not Public Data** (M.S. § 13D.05, Subd. 2(a)). The school board must close a meeting to discuss certain data that is not public. Any portion of a meeting must be closed if the following types of data are discussed: (a) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; (b) active criminal investigation data; (c) student educational data (personally identifiable and not directory information), health data, medical data, welfare data, or mental health data; (d) an individual's medical records. This closed meeting must be electronically recorded at the expense of the school district. The recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
2. **Discussion of Preliminary Consideration of Allegations or Charges** (M.S. § 13D.05, Subd. 2(b)). The school board must close a meeting to discuss preliminary consideration of allegations or charges against a school district employee. The employee can request* the meeting be open. If the meeting is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
3. **Dismissal of a Licensed Teacher** (M.S. § 122A.40, Subd. 14). A hearing on the dismissal of a licensed teacher must be closed unless the teacher requests* it to be open. If this hearing is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
4. **Student Expulsion Hearing** (M.S. § 121A.47, Subd. 5). A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act must be closed unless the pupil, parent, or guardian requests* an open hearing. If a student dismissal hearing is held before the school board and is closed, this closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

A school board **MAY** close

5. **Labor Negotiations Strategy** (M.S. § 13D.03). A school board may, by majority vote in a public meeting, decide to close a meeting to consider strategy for labor negotiations. The time and place of the closed meeting shall be announced at the public meeting. A written

* MSBA recommends you get this request in writing.

roll call of members and other persons at the closed meeting must be made available after the meeting. This meeting must be electronically recorded and the recording kept for two years after the contract discussed at the meeting is signed. Recordings will be public after all collective bargaining agreements for that budget period are settled.

6. **Sessions Closed by the Bureau of Mediation Services** (M.S. § 179A.14, Subd. 3). All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services (BMS) or when another exception applies. If BMS closes the meeting, no recording is allowed. Minn. Rules 5510.2810, Subp. 5.
7. **Employee Evaluations** (M.S. § 13D.05, Subd. 3(a)). A school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board must identify (and notify) the individual to be evaluated before closing the meeting. The employee can request* the meeting be open. If the evaluation is closed, at the next open meeting, the school board must give a detailed summary of its conclusions regarding the evaluation. This closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
8. **Attorney-Client Privilege** (M.S. § 13D.05, Subd. 3(b)). The school board may close a meeting to consult with the school board's attorney on pending litigation or litigation that appears imminent (not just threatened). If the attorney is not present, the meeting cannot be closed. The school board must describe the subject to be discussed before closing a meeting. This closed meeting does **not** have to be recorded.
9. **Purchase or Sale of Property** (M.S. § 13D.05, Subd. 3(c)). The school board may close a meeting to determine the asking or offering price or consider offers for buying or selling property. The property must be identified and this closed meeting must be electronically recorded and the recording made available after the property is purchased or sold. The recording must be preserved for eight years after the date of the meeting.
10. **Security Issues** (M.S. § 13D.05, Subd. 3(d)). The school board may close a meeting to discuss issues, other than financial, related to security. Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this paragraph, the public body must describe the subject to be discussed by referring to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. This closed meeting must be electronically recorded at the expense of the governing body. The recording must be preserved for at least four years after the date of the meeting.

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