

WAYZATA PUBLIC SCHOOLS

Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION

Regular Meeting - February 26, 2007 - 4:00 PM
District Administration Building
210 County Rd. 101, N, Plymouth, MN

AGENDA

- | | | |
|----|---|-----|
| 1. | CALL TO ORDER - Board Chair Cohen | 3 |
| 2. | ADMINISTRATIVE | |
| | A. Review of Board Email and Data Privacy Procedures - Gloria Olsen | 4 |
| | B. Middle School Boundary Discussion - Bob Ostlund, Alan Hopeman | 54 |
| | C. Pandemic Flu Plan Draft - Bob Noyed | 58 |
| | D. Kindergarten Open Enrollment at Plymouth Creek Elementary Discussion - 2007-08 - Bob Ostlund | 74 |
| 3. | CURRICULUM AND INSTRUCTION | |
| | A. Literacy Presentation from National Social Studies Conference - Amy Swenson | 75 |
| | B. Gleason Lake Elementary Site Plan Presentation - Bev Borgstrom | 145 |
| 4. | FINANCIAL | |
| | A. Review of Proposed 07-08 Budget Changes - Alan Hopeman | 186 |
| 5. | HUMAN RESOURCES | |
| 6. | SCHOOL BOARD | |
| | A. Tentative Board Agenda for March 12, 2007 - Linda Cohen, Board Members, Bob Ostlund | 202 |
| 7. | ADJOURN | 204 |

POSTED: 2/22/07

WAYZATA PUBLIC SCHOOLS

Independent School District 284

Wayzata, Minnesota

MISSION

Our Core Purpose:

The mission of Wayzata Public Schools is to ensure a world-class education that prepares each and every student to thrive today and excel tomorrow in an ever-changing global society.

VISION

What We Intend to Create and Experience:

The vision of Wayzata Public Schools is to be a model of excellence where all students discover their unique talents, develop a love and tenacity for learning and demonstrate confidence and capacity for success through:

Exceptional Student Learning, Experiences and Relationships:

- High achievement by each and every student—no exceptions, no excuses;
- Content-rich, rigorous and personalized education;
- Meaningful relationships with teachers, staff, mentors and peers in a welcoming, nurturing and safe environment where all are valued for who they are and the contributions they make.

Community Trust, Confidence and Partnership:

- Comprehensive learning opportunities meeting diverse learner needs and community aspirations;
- Committed to being the first choice for students and families;
- Maintaining the highest levels of satisfaction and pride by staff, parents and community.

Operational Excellence:

- Attraction, development and retention of exemplary, creative and engaged employees;
- Accountability by all staff for individual and collective performance;
- Effective and efficient use of time and human, financial and physical resources;
- Culture of continuous improvement and responsive innovation;
- High performing district governance, management and partnerships.

WAYZATA PUBLIC SCHOOLS
Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION

Regular Meeting – February 12, 2007

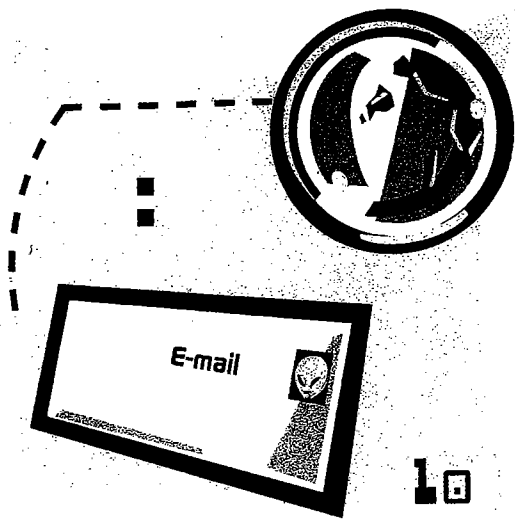
AGENDA SECTION: 1. CALL TO ORDER/ROLL CALL

ITEM: _____

COMMENTS BY: Board Chair Cohen

Susan Droegemueller, Board Clerk, will call the roll:

| | <u>PRESENT</u> | <u>ABSENT</u> |
|-----------------------------------|-----------------------|----------------------|
| Mr. Gregory D. Baufield | _____ | _____ |
| Ms. Linda A. Cohen | _____ | _____ |
| Ms. Susan J. Droegemueller | _____ | _____ |
| Ms. Patricia L. Gleason | _____ | _____ |
| Mr. Gary W. Landis | _____ | _____ |
| Mr. John A. Moroz | _____ | _____ |
| Ms. Carter G. Peterson | _____ | _____ |
| Mr. Robert J. Ostlund, Ex Officio | _____ | _____ |



E-MAILS:

SCHOOL BOARD MEMBERS

and LEGAL PITFALLS

Gloria Blaine Olsen

The efficiency and presumed privacy of e-mails may lead an e-mail correspondent to a false sense of security that only the person or persons to whom the e-mail is sent will have access to it. Consider these examples:

A school board member e-mails other board members about a motion he plans to make at that evening's board meeting and asks the board members to let him know how they will vote on the motion if it is made.

The superintendent e-mails board members some information she has obtained about a teacher who has been proposed for discharge. She warns the school board members to keep the information "confidential" because it would be unfavorable to the district's case at the discharge hearing.

The district business manager e-mails board members an analysis of how the district could reorganize facility use in the event the upcoming bond referendum fails. The business manager suggests the board not discuss this analysis at a board meeting until after the election because it might cause citizens to vote "no."

The director of special education e-mails the superintendent about the troublesome parents of a special education student and expresses his hope the family will move to another district. He mentions that the student has symptoms related to his mother's mental illness and his father's criminal activity. Later, the superintendent learns the parents are coming to a school board meeting to complain, and he forwards the special education director's e-mail to the board members as "background information."

As illustrated by the above examples, e-mail often replaces other more traditional methods of communication—memoranda, letters, telephone calls, face-to-face meetings and one-on-one conversations. But uninformed use of e-mail can lead to embarrassing and legally troublesome consequences. Several legal principles, noted below, apply.

Open Meeting Law. Minnesota law requires that all meetings of the board, including executive sessions, shall be

open to the public. A "meeting" means a gathering of at least a quorum of the school board or a quorum of a committee or subcommittee of the school board members at which members discuss, decide or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

Case law interpreting the law recognizes that board members need to receive information outside of the crowded agenda of an open meeting and that one-on-one mere exchanges of information and ideas between two members can be acceptable. However, case law also recognizes that the law can be circumvented illegally by several face-to-face or telephone conversations between board members which have the purposes of reaching a consensus on a matter and avoiding consideration in an open meeting. The courts have noted that a case-by-case determination is required.

In the first example, it appears that reaching a consensus to contravene the Open Meeting Law is being attempted. E-mail communications, like "serial" one-on-one meetings and telephone discussions, can constitute a violation of the law. In addition, e-mails may present more of a danger because they leave behind a written trail, unlike phone calls and personal conversations.

The Open Meeting Law also requires that a copy of any printed materials relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public. In the third example above, the business manager's e-mail analysis could be subject to this legal requirement, particularly if the board members print it, take it to the meeting and discuss a related agenda item.

Public Data. The Minnesota Government Data Practices Act generally provides that all government data are public unless otherwise provided by law. Government data means "all data collected, created, received, maintained or disseminated by

... e-mail can lead to troublesome consequences.

[a school district] regardless of its physical form, storage media or conditions of use." The business manager's analysis could be subject to a request of a citizen or the media for all public data related to facility planning and use.

Private Personnel Data. Personnel data, with a few exceptions, are private and cannot be obtained by the public or the media. However, the subject of the personnel data has the right to obtain his or her private personnel data. The e-mail in the second example would be subject to the teacher's request to review all private personnel data regarding the teacher.

Educational Data. State law defines educational data as "records which are directly related to a student and are maintained by the school district or a party acting for the school district." Regulations under the federal law include stored electronic data in the definition of educational records. The e-mail in the fourth example contains educational data about the student, and parents have access to the educational data concerning their children. Thus, the parents could obtain a copy of the special education director's e-mail. The parents' review of this e-mail may result in embarrassment and further deterioration of the relationship between the district and the parents.

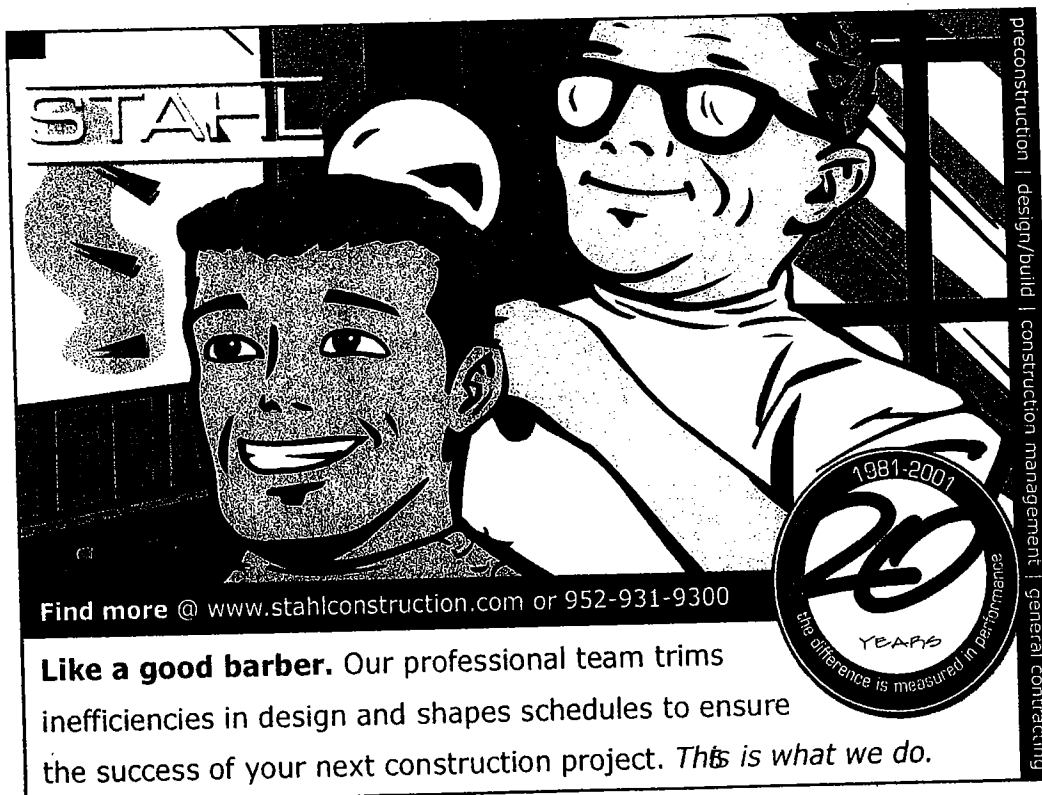
Legal Proceedings and "Discovery." In civil litigation, attorneys often demand production of all documents that could lead to the discovery of relevant evidence, including e-mails. E-mail messages can be required to be turned over to the opposing party as paper documents. Therefore, the e-mails in all the above examples could be subject to disclosure if litigation occurs over any of the issues. They may also be discoverable and become evidence in other

legal proceedings such as arbitration hearings, termination hearings, special education due process hearings, and un-requested leave of absence hearings. School board members and administrators should consider these questions before sending an e-mail:

- *Is the e-mail an attempt to reach a consensus on a matter before the board or to avoid the "sunshine" requirements of the Open Meeting Law?*
- *Does the e-mail constitute public data that could be obtained upon request of the media or the public?*
- *Does the e-mail constitute personnel data on an employee that can be obtained by the subject of the data?*
- *Does the e-mail constitute private educational data on a student that can be obtained by the student or the student's parents?*
- *Would the content of the e-mail be embarrassing or compromising if it was obtained by a citizen or appeared in the media?*
- *Will the e-mail be subject to disclosure and discovery as a written memorandum or letter?*

Understanding the legal implications of using e-mail will assist board members in protecting the district, staff, students and board members.

Prepared by the law firm of Rider, Bennett, Egan & Arundel, LLP. This article is only a general summary of the topics discussed here and is not a substitute for legal advice. If you have any questions regarding these topics, please call (612) 340-7951. (c) 2002, by Rider, Bennett, Egan & Arundel, LLP.



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205 OPEN MEETINGS AND CLOSED MEETINGS

[Note: The provisions of this policy accurately reflect the Open Meeting Law statute and are not discretionary in nature. It does not address meetings held by interactive television pursuant to the 1997 legislation. The statute should be reviewed with legal counsel prior to such meetings.]

I. PURPOSE

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at its primary offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

B. Votes

The votes of school board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

1. In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

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.

3. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.

- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.

8. Meetings to Discuss Certain Not Public Data

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 investigative data collected or created by a law enforcement agency; or
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and

- (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
 - c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
 - d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting 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.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four (4) years.

11. Other Meetings

Other meetings shall be closed as provided by law.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Legal References: Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
Department of Administration Advisory Opinion 04-004 (February 3, 2004)
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)
Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. App. 1988)
Moberg v. Independent School District No. 281, 336 N.W.2d 510 (Minn. 1983)
Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)

Cross References: MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Service Manual, Chapter 13, School Law Bulletin "C" (Minnesota's Open Meeting Law)



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13.32, Minnesota Statutes 2006

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13.32 EDUCATIONAL DATA.

Subdivision 1. **Definitions.** As used in this section:

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student. Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section [13.82](#) and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section [13.861](#).

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section [13.43](#).

(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

(c) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

(d) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

Subd. 2. **Student health and census data; data on parents.** (a) Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses are educational data. Access by parents to student health data shall be pursuant to section [13.02, subdivision 8](#).

(b) Pupil census data, including emergency information and family information are educational data.

(c) Data concerning parents are private data on individuals but may be treated as directory information if the same procedures that are used by a school district to designate student data as

directory information under subdivision 5 are followed.

Subd. 3. Private data; when disclosure is permitted. Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to disclose information in health and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;
- (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, and 99.35;
- (f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
- (g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;
- (h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;
- (i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;
- (j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
- (k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;
- (l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
- (m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7; or
- (n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by section 626.556. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to

the commissioner, including, but not limited to, the following:

- (1) information regarding the student alleged to have been maltreated;
- (2) information regarding student and employee witnesses;
- (3) information regarding the alleged perpetrator; and
- (4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district.

Subd. 4. **Student's access to private data.** A student shall not have the right of access to private data provided in section 13.04, subdivision 3, as to financial records and statements of the student's parents or any information contained therein.

Subd. 4a. **Nonpublic school students.** Data collected by a public school on a child or parent of a child, whose identity must be reported pursuant to section 120A.24, is private data which:

- (1) shall not be designated directory information pursuant to subdivision 5 unless prior written consent is given by the child's parent or guardian; and
- (2) may be disclosed only pursuant to subdivision 3, clause (a), (b), (c), or (f).

This provision does not apply to students who receive shared time educational services from a public agency or institution.

Subd. 5. **Directory information.** Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

Subd. 5a. **Military recruitment.** A secondary institution shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12 within 60 days after the date of the request, except as otherwise provided by this subdivision. A secondary institution shall give parents and students notice of the right to refuse release of this data to military recruiting officers. Notice may be given by any means reasonably likely to inform the parents and students of the right. Data released to military recruiting officers under this subdivision:

- (1) may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
- (2) shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.

Subd. 6. **Admissions forms; remedial instruction.** (a) Minnesota postsecondary education institutions, for purposes of reporting and research, may collect on the 1986-1987 admissions form, and disseminate to any public educational agency or institution the following data on individuals: student sex, ethnic background, age, and disabilities. The data shall not be required of any individual and shall not be used for purposes of determining the person's admission to an institution.

(b) A school district that receives information under subdivision 3, paragraph (h) from a postsecondary institution about an identifiable student shall maintain the data as educational data and use that data to conduct studies to improve instruction. Public postsecondary systems annually shall provide summary data to the Department of Education indicating the extent and content of

the remedial instruction received in each system during the prior academic year by, and the results of assessment testing and the academic performance of, students who graduated from a Minnesota school district within two years before receiving the remedial instruction. The department shall evaluate the data and annually report its findings to the education committees of the legislature.

(c) This section supersedes any inconsistent provision of law.

Subd. 7. Uses of data. School officials who receive data on juveniles, as authorized under section 260B.171, may use and share that data as provided in section 121A.75. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Subd. 8. Access by juvenile justice system. (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):

- (1) use of a controlled substance, alcohol, or tobacco;
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);
- (3) possession or use of weapons or look-alike weapons;
- (4) theft; or
- (5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.

(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a

government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.

Subd. 9. **Forms.** To make a data request under subdivision 8, paragraph (b), a member of the juvenile justice system must use the following form:

REQUEST FOR INFORMATION
Family Educational Rights and Privacy Act/
Minnesota Government Data Practices Act

| |
|---|
| DATE/TIME OF REQUEST |
| <hr/> |
| TO: |
| (Superintendent of school district or chief administrative officer of school) |
| FROM: |
| (Requester's name/agency) |
| STUDENT: |
| <hr/> |
| BASIS FOR REQUEST |
| ... Juvenile delinquency investigation/prosecution |
| ... Child protection assessment/investigation |
| ... Investigation/filing of CHIPS or delinquency petition |

REASON FOR REQUEST (requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

RESPONSE TO REQUEST

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

| INFORMATION REQUESTED (mark all that apply) | RESPONSE |
|---|-------------|
| Indicate whether you have data that document the student's: | (yes or no) |
| use of a controlled substance, alcohol, or tobacco | |

| | |
|---|-------|
| assaultive or threatening conduct as defined in Minnesota Statutes, section 13.32, subdivision 8 | |
| possession or use of weapons or look-alike weapons | |
| theft | |
| vandalism and damage to property | |

CERTIFICATION: The undersigned certifies that the undersigned is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that the undersigned understands that by signing this request, the undersigned is subject to the penalties in Minnesota Statutes, section 13.09.

Signature/Title

Subd. 10. **Education records; child with disability.** Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority, to exercise their right to inspect and review those records.

History: 1979 c 328 s 18; 1980 c 603 s 26; 1981 c 311 s 14,39; 1982 c 545 s 24; 1984 c 436 s 14; 1985 c 298 s 9,10; 1986 c 444; 1989 c 351 s 4,5; 1993 c 13 art 1 s 9,10; 1993 c 351 s 2-4; 1994 c 618 art 1 s 4; 1994 c 636 art 4 s 1; 1995 c 259 art 1 s 6; 1Sp1995 c 3 art 16 s 13; 1996 c 440 art 1 s 3,4; 1Sp1997 c 3 s 1-3; 1999 c 139 art 4 s 2; 1999 c 227 s 3,4,22; 2000 c 451 s 1; 2000 c 468 s 10; 2000 c 489 art 1 s 1; 2001 c 178 art 2 s 2; 2001 c 202 s 4; 2002 c 352 s 3-5; 2003 c 130 s 12; 1Sp2003 c 8 art 2 s 5; 2005 c 10 art 1 s 3; 2005 c 163 s 32; 1Sp2005 c 5 art 2 s 1

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13.43, Minnesota Statutes 2006

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13.43 PERSONNEL DATA.

Subdivision 1. **Definition.** As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity. Personnel data includes data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.

Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

- (1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 - (2) job title and bargaining unit; job description; education and training background; and previous work experience;
 - (3) date of first and last employment;
 - (4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
 - (5) the final disposition of any disciplinary action 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;
 - (6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section [123B.143, subdivision 2](#), paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;
 - (7) work location; a work telephone number; badge number; and honors and awards received; and
 - (8) 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.
- (b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of

arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

- (1) the head of a state agency and deputy and assistant state agency heads;
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions.

Subd. 2a. **Data disclosure by statewide pension plans.** Notwithstanding any law to the contrary, with respect to data collected and maintained on members, survivors, and beneficiaries by statewide retirement systems that is classified as public data in accordance with subdivision 2, those retirement systems may be only required to disclose name, gross pension, and type of benefit awarded, except as required by sections 13.03, subdivisions 4 and 6; and 13.05, subdivisions 4 and 9 .

Subd. 3. **Applicant data.** Except for applicants described in subdivision 5, the following personnel data on current and former applicants for employment by a government entity is public: 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.

Subd. 4. **Other data.** All other personnel data is private data on individuals but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

Subd. 5. **Undercover law enforcement officer.** All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

Subd. 5a. **Limitation on disclosure of certain personnel data.** Notwithstanding any other provision of this section, the following data relating to employees of a secure treatment

facility defined in section 253B.02, subdivision 18a, employees of a state correctional facility, or employees of the Department of Corrections directly involved in supervision of offenders in the community, shall not be disclosed to facility patients, corrections inmates, or other individuals who facility or correction administrators reasonably believe will use the information to harass, intimidate, or assault any of these employees: place where previous education or training occurred; place of prior employment; and payroll timesheets or other comparable data, to the extent that disclosure of payroll timesheets or other comparable data may disclose future work assignments, home address or telephone number, the location of an employee during nonwork hours, or the location of an employee's immediate family members.

Subd. 6. Access by labor organizations. Personnel data may be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and to the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation Services.

Subd. 7. Employee assistance data. All data created, collected or maintained by any state agency or political subdivision to administer employee assistance programs similar to the one authorized by section 43A.319 are classified as private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to authorize the establishment of employee assistance programs.

Subd. 8. Harassment data. When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would:

- (1) threaten the personal safety of the complainant or a witness; or
- (2) subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

Subd. 9. Peer counseling debriefing data. (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed. (b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

Subd. 10. Prohibition on agreements limiting disclosure or discussion of personnel data. (a) A state agency, statewide system, or political subdivision may not enter into an agreement settling a dispute arising out of the employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable. (b) Paragraph (a) applies to the following, but only to the extent that the data or information could otherwise be made accessible to the public:

- (1) an agreement not to discuss, publicize, or comment on personnel data or information;
 - (2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data; or
 - (3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees.
- (c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a).

Subd. 11. Protection of employee or others. (a) If the responsible authority or designee of a state agency, statewide system, or political subdivision reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision.

(b) The data may be released:

- (1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order;
- (2) to a prepetition screening team conducting an investigation of the employee under section 253B.07, subdivision 1; or
- (3) to a court, law enforcement agency, or prosecuting authority.

(c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm.

Subd. 12. Sharing of law enforcement personnel background investigation data. A law enforcement agency shall share data from a background investigation done under section 626.87 with the Peace Officer Standards and Training Board or with a law enforcement agency doing an investigation of the subject of the data under section 626.87.

Subd. 13. Dissemination of data to Department of Employment and Economic Development. Private personnel data must be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment benefits program under chapter 268.

Subd. 14. Maltreatment data. When a report of alleged maltreatment of a student in a school facility, as defined in section 626.556, subdivision 2, paragraph (f), is made to the commissioner of education under section 626.556, data that are relevant to a report of maltreatment and are collected by the school facility about the person alleged to have committed maltreatment must be provided to the commissioner of education upon request for purposes of an assessment or investigation of the maltreatment report. Data received by the commissioner of education pursuant to these assessments or investigations are classified under section 626.556.

Subd. 15. Dissemination of data to law enforcement. Private personnel data, or data on employees that are confidential data under section 13.39, may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime committed or allegedly committed by an employee.

Subd. 16. School district or charter school disclosure of violence or inappropriate sexual contact. The superintendent of a school district or the superintendent's designee, or a person having administrative control of a charter school, must release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data.

History: 1979 c 328 s 17; 1980 c 603 s 24,25,29; 1981 c 311 s 12,13,17,39; 1982 c 545 s 9,10,24; 1984 c 436 s 17; 1984 c 544 s 89; 1985 c 298 s 12; 1987 c 186 s 15; 1987 c 284 art 1 s 1; 1987 c 351 s 7; 1987 c 384 art 1 s 2; 1988 c 598 s 1; 1990 c 550 s 1; 1991 c 319 s 4-6; 1993 c 351 s 6,7; 1994 c 618 art 1 s 9; 1995 c 259 art 1 s 7-9; 1Sp1995 c 3 art 9 s 1; 1996 c 440 art 1 s 10-12; 1997 c 214 s 2; 1998 c 397 art 11 s 3; 1999 c 107 s 66; 1999 c 182 s 1; 1999 c 227 s 6; 1999 c 250 art 1 s 114; 2000 c 343 s 4; 2001 c 70 s 1; 2001 c 178 art 2 s 3; 2002 c 243 s 1; 2002 c 352 s 6; 2002 c 396 s 1; 2003 c 130 s 12; 1Sp2003 c 8 art 2 s 8; 2004 c 137 s 1; 2004 c 206 s 52; 2004 c 288 art 3 s 1,2; 2004 c 290 s 4,5; 2005 c 163 s 37-39

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**Minnesota Statutes 2006
Chapter 13D. Meetings Of Public Bodies**

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| <u>13D.01</u> | Meetings must be open to the public; exceptions. |
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| <u>13D.06</u> | Civil fines; forfeiture of office; other remedies. |
| <u>13D.07</u> | Citation. |

13D.01 MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.

Subdivision 1. **In executive branch, local government.** All meetings, including executive sessions, must be open to the public

(a) of a state

(1) agency,

(2) board,

(3) commission, or

(4) department,

when required or permitted by law to transact public business in a meeting;

(b) of the governing body of a

(1) school district however organized,

(2) unorganized territory,

(3) county,

(4) statutory or home rule charter city,

(5) town, or

(6) other public body;

(c) of any

(1) committee,

(2) subcommittee,

(3) board,

(4) department, or

(5) commission,

of a public body; and

(d) of the governing body or a committee of:

(1) a statewide public pension plan defined in section 356A.01, subdivision 24; or

(2) a local public pension plan governed by section 69.77, sections 69.771 to 69.775,

or chapter 354A, 422A, or 423B.

Subd. 2. **Exceptions.** This chapter does not apply

- (1) to meetings of the commissioner of corrections;
- (2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings; or
- (3) as otherwise expressly provided by statute.

Subd. 3. **Subject of and grounds for closed meeting.** Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 4. **Votes to be kept in journal.** (a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal kept for that purpose.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Subd. 5. **Public access to journal.** The journal must be open to the public during all normal business hours where records of the public body are kept.

Subd. 6. **Public copy of members' materials.** (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and:

- (1) distributed at the meeting to all members of the governing body;
- (2) distributed before the meeting to all members; or
- (3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.

(b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2001 c 10 art 4 s 1

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. **Conditions.** A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public.

Subd. 2. **Members are present for quorum, participation.** Each member of a body

participating in a meeting by electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. **Monitoring from remote site; costs.** If interactive television is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.

Subd. 4. **Notice of regular and all member sites.** If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, subdivision n 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. **Meeting must be recorded.** (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. **If violation claimed.** (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313

s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room.

(b) The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

(c) As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority.

(d) A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects.

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

Subd. 3. **Emergency meetings.** (a) For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.

(b) Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body.

(c) Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members.

(d) Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

(e) An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body.

(f) If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.

(g) The notice requirement of this subdivision supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

Subd. 4. **Recessed or continued meetings.** (a) If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

(b) For purposes of this subdivision, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

Subd. 5. **Closed meetings.** The notice requirements of this section apply to closed meetings.

Subd. 6. **State agencies.** For a meeting of an agency, board, commission, or department of the state:

(1) the notice requirements of this section apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice; and

(2) all provisions of this section relating to publication are satisfied by publication in the State Register.

Subd. 7. **Actual notice.** If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this section are satisfied with respect to that person, regardless of the method of receipt of notice.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.

Subdivision 1. **General principles.** (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.

(b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.

(c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

Subd. 2. **When meeting must be closed.** (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Subd. 3. **What meetings may be closed.** (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body

shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) A public body may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or nonpublic appraisal data under section 13.44, subdivision 3; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section 13D.03, subdivision 3, applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.

(d) 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, in describing the subject to be discussed, must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape recorded at the expense of the governing body, and the recording must be preserved for at least four years.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1999 c 227 s 22; 2002 c 379 art 1 s 5; 2004 c 276 s 1; 2004 c 290 s 18

13D.06 CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.

Subdivision 1. **Personal liability for \$300 fine.** Any person who intentionally violates this chapter shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public body.

Subd. 2. Who may bring action; where. An action to enforce the penalty in subdivision 1 may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

Subd. 3. Forfeit office if three violations. (a) If a person has been found to have intentionally violated this chapter in three or more actions brought under this chapter involving the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving.

(b) The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations, issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body.

(c) As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

Subd. 4. Other remedies; requirements; limits. (a) In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under this chapter.

(b) The court may award costs and attorney fees to a defendant only if the court finds that the action under this chapter was frivolous and without merit.

(c) A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under this chapter.

(d) No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was a specific intent to violate this chapter.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.07 CITATION.

This chapter may be cited as the "Minnesota Open Meeting Law."

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

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1996 OPINIONS

Minnesota Department of Administration Advisory Opinion:96-042

This is an opinion of the Commissioner of Administration, hereinafter "Commissioner," issued pursuant to authority vested in her by Minnesota Statutes 1994, Section 13.072. This opinion is based on the facts and information available to the Commissioner as described below. All correspondence and other information relied on by the Commissioner in issuing this opinion are on file in the office of the Public Information Policy Analysis Division (PIPA) of the Department.



Facts and Procedural History:

For purposes of simplification, the information presented by the person who requested this opinion and the response from the government entity with which the person disagrees are presented in summary form. Copies of the complete submissions are on file at the offices of PIPA and, with the exception of any data classified as not public, are available for public access.

On August 5, 1996, PIPA received a letter from "K" in which K raised certain issues. PIPA wrote to K, in a letter dated August 9, 1996, asking for clarification as to what it was K was requesting. On August 16, 1996, PIPA received a letter from K requesting this opinion. In that letter, K described what K believed to be a violation of K's rights by the University of Minnesota. K enclosed copies of related correspondence.

In response to K's request, PIPA, on behalf of the Commissioner, wrote to Tracy M. Smith, Associate General Counsel, University of Minnesota. The purposes of this letter, dated August 19, 1996, were to inform Ms. Smith of K's request, to ask her to provide information or support for the University's position, and to inform her of the date by which the Commissioner was required to issue this opinion.

On September 3, 1996, PIPA received a response from Ms. Smith. A summary of the detailed facts of this matter follows.

K is a student at the University of Minnesota. According to K, K received a failing grade in a calculus course. K investigated the failure rate among students taking calculus courses at the University, and wrote to University President Nils Hasselmo, via e-mail, to complain. K also wrote a complaint, via e-mail, to United States Representative Gil Gutknecht. After some delay in receiving a response from the University, Representative Gutknecht asked Minnesota Governor Arne Carlson to look into the matter further. K's letter to PIPA indicates that K was aware that Representative Gutknecht had contacted the Governor's office. Governor Carlson asked the University to respond to K, and asked for a copy of its response.

Dr. Willard Miller, Associate Dean of the University's Institute of Technology, and former head of the University's Mathematics Department, investigated K's complaint on behalf of the University. According to Ms. Smith, "[t]o understand K's level of preparedness [for the mathematics course], Dr. Miller reviewed K's

transcript."

Following his inquiry, Dr. Miller communicated his findings to K via e-mail. In his response, Dr. Miller stated "Governor Carlson has asked me to respond to your e-mail message. . . ." Dr. Miller copied that message to Representative Gutknecht via e-mail, and the University provided Governor Carlson with a copy of the response. K then wrote to PIPA, asserting that the University had violated K's privacy rights in the course of its response to K's complaint.



Issues:

In K's request for an opinion, K asked the Commissioner to address the following issues:

1. Pursuant to Minnesota Statutes Chapter 13, did Dr. Willard Miller inappropriately gain access to private data about K, a University of Minnesota student?
2. Did Dr. Willard Miller violate a provision of Minnesota Statutes Section 13.32, subdivision 3 (e), by not documenting the disclosure of private educational data on K?
3. Pursuant to Chapter 13, did Dr. Willard Miller inappropriately disseminate private data about K?



Discussion:

Provisions of both state and federal law govern data about students. Minnesota Statutes Section 13.32 incorporates by reference much of Title 20 of the United States Code, Section 1232g, the federal "Family Educational Rights and Privacy Act of 1974" (FERPA), and its implementing Rules, Title 34 of the Code of Federal Regulations, Part 99.

NOTE: FERPA refers to "education records" and Minnesota Statutes Section 13.32 refers to "educational data." For purposes of this opinion, the definitions are similar enough not to warrant distinction.

Section 13.32 provides that educational data are data about individuals maintained by a public educational agency or institution which relate to a student, and which are classified as private. The University of Minnesota is a state agency under Chapter 13, and a public educational institution that receives federal funds, and as such is subject to regulation under Section 13.32 and FERPA.

According to K, Dr. Miller did not have the right to gain access to K's transcript, because K had not given Dr. Miller written consent to do so. According to Ms. Smith:

In investigating K's complaint of unfair grading, it was entirely reasonable and permissible for Dr. Miller to consult various records, including K's student file, as Dr. Miller had a legitimate reason to know the relevant background. Dr. Miller accessed the information in compliance with the Minnesota Government Data Practices Act, which allows access to private data to individuals 'whose work assignments reasonably require access.' Minn. R. 1205.0400, subp. 2. Dr. Miller also complied with applicable federal law which allows personnel who have a 'legitimate educational interest' access to student information that might otherwise be protected. 20 U.S.C. [Section] 1232g(b)(1)

(A).

Pursuant to state and federal law, under certain circumstances employees of an educational institution may gain access to private data without the written consent of the data subject. The applicable standards for access to educational data are those described above by Ms. Smith. The University did not provide the Commissioner with documentation of its policy for applying those objective standards to particular cases. It is not clear whether, in order to answer K's complaint, Dr. Miller needed to gain access to the whole of K's education record. However, the University has the discretion to make that determination. Absent any other information, it appears that Dr. Miller appropriately gained access to educational data about K.

The second issue raised by K implicates FERPA, by cross reference contained in Section 13.32, subdivision 3 (e). Educational institutions must maintain a record of requests for and disclosures of private education records, with the exception of disclosures to the parent or eligible student, to school officials with a "legitimate educational interest" in the record, and to those persons to whom disclosures are made with written consent. (See 20 U.S.C. 1232g (b)(4)(A).) According to Ms. Smith:

In this case, Dr. Miller noted on his correspondence to K that the correspondence was also being sent to Representative Gutknecht, the Dean's office, and the President's Office. The University has kept all records relating to this complaint and inquiry, including all records documenting that the University responded to the Governor. The University therefore has recorded all communications as required by law, and K is fully aware of all persons who have received educational data about [K] as required by law.

The applicable federal law and rule do not specify the manner in which the record of disclosures must be maintained. According to the information provided by Ms. Smith, it appears that the University has fulfilled its obligation to provide K an opportunity to learn the identity of those persons who have received K's education record. The University has on file all documents relating to K's complaint, and has indicated in correspondence with K all persons who received copies. This appears to be a record of disclosures sufficient to inform K.

The third issue is whether Dr. Miller inappropriately disseminated private data about K. According to the copy K provided of Dr. Miller's e-mail message to K, that message was copied as follows: "CC: gil@hr.house.gov, vanvoorh@mailbox.mail.umn.edu, davis@fs1.itdean.umn.edu." The Commissioner was not provided any information which identifies the holders of those e-mail addresses. However, it appears that "gil@hr.house.gov" is the e-mail address for Representative Gutknecht, and "davis@fs1.itdean.umn.edu" is the e-mail address for Dean Davis of the University's Institute of Technology. The Commissioner cannot determine the identity of the holder of the e-mail address "vanvoorh@mailbox.mail.umn.edu."

As discussed above, pursuant to state and federal law, private data may be disseminated without the data subject's consent to persons within the educational institution whose work assignments reasonably require access to, and who have a legitimate educational interest in the data. According to Ms. Smith, the University determined that the Dean and the President are such persons.

It appears from the e-mail address that the person addressed as "vanvoorh@mailbox.mail.umn.edu" is associated with the University. However, if "vanvoorh" is a member of the University staff, the University provided no information as to whether her/his work assignment reasonably required that she/he gain access to private educational data about K, and that she/he had a legitimate educational interest in the data. Therefore, it is possible that Dr. Miller inappropriately disseminated private educational data about K to someone within the University.

In general, private data may be disseminated to persons outside the government entity without the data subject's written consent only as specifically authorized by state statute, federal law or rule. (See Section 13.05, subdivision 4.) K maintains that Dr. Miller inappropriately disseminated private educational data

about K to Representative Gutknecht and Governor Carlson, because K had not given written consent to do so. According to Ms. Smith:

As for Representative Gutknecht and Governor Carlson, K authorized them to receive information when [K] enlisted them to contact the University on [K's] behalf. . . . A citizen who chooses to involve a government representative on his or her behalf reasonably must believe that the representative will learn the circumstances of the citizen's particular problem.

Ms. Smith appears to be saying that the University had K's implied consent to the release of K's private educational data to Governor Carlson and Representative Gutknecht. Given that K had sought assistance from Representative Gutknecht, who contacted Governor Carlson with K's knowledge, it is reasonable for the University to take that position. However, a strict reading of state and federal law would lead to the conclusion that private data may be disseminated under this kind of circumstance only with the data subject's express written consent. The interests of all parties are best protected, and best served, when the government entity secures the written consent of the data subject. However, given K's actions, it was reasonable for the University to interpret those actions as a form of implied consent.

Again, it is not possible for the Commissioner to determine whether "vanvoorh@mailbox.mail.umn.edu" is a person outside the University to whom it was appropriate for Dr. Miller to have sent a copy of his message to K. (Persons other than University staff have access to University e-mail accounts, which also contain the "umn.edu" identifier in the e-mail address.) According to K, that person's identity is unknown to K. Therefore, it is possible that Dr. Miller inappropriately disseminated private educational data about K to someone outside the University.

Finally, in K's correspondence to the Commissioner, K stated: "I would also like to bring to your attention that [sic] the method in which Willard Miller disseminated that information about my transcript. Dr. Willard Miller disseminated that information through e-mail Ñ an unsecured transmission that anyone with access to e-mail could obtain that information." In response, Ms. Smith wrote:

There is nothing in the law that prohibits the University from using perhaps the most common means of communication on university campuses. K initiated and has continued making [K's] communications by e-mail. K e-mailed the President and Representative Gutknecht. The University merely responded in kind. (Ironically, in [K's] letter to PIPA received August 16, K complains that the University used the 'unsecured' medium of e-mail, but in the next paragraph [K] asks that PIPA contact [K] by phone, mail, or 'e-mail' concerning [K's] complaint.)

Ms. Smith is correct that there is nothing in law that specifically prohibits the transmission of private data via e-mail. However, simply because e-mail is widely used does not necessarily mean that it is appropriate for government entities to transmit private data in that manner.

Section 13.05, subdivision 5, provides that responsible authorities shall "establish appropriate security safeguards for all records containing data on individuals." Therefore, in general, government entities must take adequate security precautions when transmitting private data. It may not be appropriate for government entities to use a communications medium, which is widely known to be subject to unauthorized access, to transmit unprotected private data.

However, in this case, K sent K's complaints to the University and Representative Gutknecht via e-mail. Through use of that medium, K provided K's e-mail address (and possibly no other means to contact K) to the recipients of K's e-mail messages. It is therefore reasonable for the University and Representative Gutknecht to have responded to K using the same medium. In addition, in K's correspondence with PIPA, K specifically included e-mail as an acceptable means by which PIPA might contact K to discuss K's opinion request.

Nonetheless, all government entities, for their own protection as well as for the protection of data subjects,

ought to consider carefully the use of e-mail to transmit private data, in light of their obligations under Section 13.05, and the various provisions of state and federal law which classify government data as not public.



Opinion:

Based on the correspondence in this matter, my opinion on the issues raised by K is as follows:

1. Dr. Miller appropriately gained access to private data about K, a University of Minnesota student.
2. Dr. Miller adequately documented the disclosure of private educational data on K.
3. Dr. Miller appropriately disseminated private data about K to the University President and Institute of Technology Dean, because the University determined that their work assignments reasonably required access and they had a legitimate educational interest in the data. The University reasonably believed it had K's implied consent to disseminate private data about K to Representative Gutknecht and Governor Carlson, to whom K had taken K's complaint. However, the interests of all parties would have been better protected if the University had secured K's express written consent. Further, the status of one person to whom private data about K were disseminated is unknown. Therefore, it is possible that Dr. Miller inappropriately disseminated private educational data about K.

Signed:

Elaine S. Hansen
Commissioner

Dated: September 18, 1996



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2000 OPINIONS

Minnesota Department of Administration Advisory Opinion:00-019

This is an opinion of the Commissioner of Administration, hereinafter "Commissioner," issued pursuant to authority vested in him by Minnesota Statutes 1998, Section 13.072. This opinion is based on the facts and information available to the Commissioner as described below. All correspondence and other information relied on by the Commissioner in issuing this opinion are on file in the office of the Information Policy Analysis Division (IPA) of the Department.



Facts and Procedural History:

For purposes of simplification, the information presented by the person who requested this opinion and the response from the government entity with which the person disagrees are presented in summary form. Copies of the complete submissions are on file at the offices of IPA and, except for any data classified as not public, are available for public access.

On November 16, 1999, the Commissioner received a letter dated November 15, 1999, from State Representative Philip Krinkie. In his letter, Representative Krinkie asked the Commissioner to issue an opinion regarding his access to certain data maintained by the Minnesota Department of Transportation (Mn/DOT).

IPA, on behalf of the Commissioner, wrote to Elwyn Tinklenberg, Commissioner of Mn/DOT in response to Representative Krinkie's request. The purposes of this letter, dated November 19, 1999, were to inform him of Representative Krinkie's request and to ask him to provide information or support for Mn/DOT's position. On December 10, 1999, IPA received a response, dated same, from Margo LaBau, Mn/DOT Chief of Staff.

A summary of the facts is as follows. On October 1, 1999, Representative Krinkie wrote to Commissioner Tinklenberg:

As you know, I have repeatedly asked for e-mails relating to a number of topics surrounding the Hiawatha [LRT] project. Since you have not produced any of these documents, I am now making a formal request to access any computer backup tapes for 1999 that contain data from computers used by any members of or support staff for the MnDOT executive office. I also want access to the same information from MnDOT's Metro Office of Rail Transit.

In letters dated October 7 and November 1, 1999, Ms. LaBau responded to Representative Krinkie's request by stating that the back-up tapes are not contained in data base format and that restoring the information would cost approximately \$99,950. In addition, before beginning the "retrieval and restoration process" Ms. LaBau requested a pre-payment of \$51,000. She also stated, "All e-mails that were printed and added to our paper files were subject to your review."

Representative Krinkie objected to Mn/DOT's position and requested this opinion. For reasons

communicated to Representative Krinkie by letter dated January 25, 2000, issuance of this opinion was delayed until this time.

**Issues:**

In his request for an opinion, Representative Krinkie asked the Commissioner to address the following issues:

1. Pursuant to Minnesota Statutes, Chapter 13, are e-mails generated or received by Minnesota Department of Transportation (Mn/DOT) employees and that contain information about the Hiawatha Light Rail Transit (LRT) project public data?
2. Pursuant to Chapter 13, has Mn/DOT complied with a request for access to all e-mails related to the Hiawatha LRT project by allowing access only to e-mails Mn/DOT has printed and has in paper files?
3. Pursuant to Chapter 13, are government data stored on Mn/DOT's computer backup tapes public data?
4. Is Mn/DOT in violation of Chapter 13 by requiring the data requestor to make an initial payment of \$51,000 before Mn/DOT will begin processing the request for access to data?

**Discussion:**

Issue 1: Pursuant to Minnesota Statutes, Chapter 13, are e-mails generated or received by the Minnesota Department of Transportation (Mn/DOT) employees and that contain information about the Hiawatha Light Rail Transit (LRT) project public data?

Pursuant to Minnesota Statutes, section 13.02, subdivision 7, government data are defined as all data collected, created, received, maintained, or disseminated by any government entity regardless of their physical form, storage media or conditions of use. Further, in defining data, Minnesota Rules, 1205.0200, subpart 4, states, "Data can be maintained in any form, including, but not limited to, paper records and files, microfilm, computer medium, or other processes." Section 13.03, subdivision 1, provides that government data are public unless otherwise classified by state statute, federal law, or temporary classification (see section 13.06).

Mn/DOT collected, created, received, maintained, or disseminated the e-mails in question. Therefore, they are government data. Further, the data contained in those e-mails (in paper or electronic form) are treated the same as data contained in any other type of document. In other words, the data are public unless otherwise classified. Access to data in e-mails may be restricted only if those data are classified as not public pursuant to state statute or federal law. Pursuant to Chapter 13, e-mails generated or received by Mn/DOT employees that contain information about the Hiawatha LRT project are presumed public.

Issue 2: Pursuant to Chapter 13, has Mn/DOT complied with a request for access to all e-mails related to the Hiawatha LRT project by allowing access only to e-mails MnDOT has printed and has in paper files?

Pursuant to section 13.03, subdivision 3, an individual has the right to gain access to public government data. Section 13.02, subdivision 7, defines government data as all data collected, created, received, maintained, or disseminated by a government entity. Minnesota Rules, 1205.0200, subpart 4, states that data can be maintained in any form, including, but not limited to, paper records and files, microfilm, computer medium, or other processes.

In her response to the Commissioner, Ms. LaBau wrote, "Mn/DOT, however, has taken the position that an e-mail that is printed and added to file documentation is subject to [Chapter 13] and made those available to Mr. Krinkie at the same time that **all** LRT information was made available." She also wrote, "It is obvious that [Chapter 13 or other current statutes] was not written to accommodate an electronic environment." In his opinion request, Representative Krinkie wrote, "On November 1st, Mn/DOT's Chief of Staff responded by implying I did have access to e-mails. I quote from her enclosed letter to me: All e-mails **that were printed** and added to our paper files were subject to your review." Representative Krinkie is asserting that he is entitled to gain access to e-mails existing in forms other than paper.

Pursuant to section 13.02, subdivision 7, government data are not defined by physical form, storage media, or conditions of use. The Legislature added the "regardless of physical form, storage media, or conditions of use" language to the definition of "government data" specifically to clarify that electronic and other forms of non-traditional government records are subject to Chapter 13. Therefore, any public data collected, created, received, maintained, or disseminated in e-mails are government data and, unless classified as not public, are accessible to the public in printed or electronic form.

Issue 3: Pursuant to Chapter 13, are government data stored on Mn/DOT's computer backup tapes public data?

In her response to the Commissioner, Ms. LaBau wrote:

It is Mn/DOT's position that the computer back-up tapes are not data because they are not in a format that can be used by Mn/DOT personnel nor the public. This back up data, in its current encrypted form is intended to be retrieved only in the wake of a disaster of such magnitude that would justify the cost of such an effort. Back up tapes capture a moment in time and are erased periodically in order to capture more current moments in time so our system could be restored to some working platform but would certainly not return us to a perfect world. Back up tapes are not intended to be a substitute for our responsibility to maintain public data. To what extent there may or may not be e-mail recorded on the back-up tapes regarding LRT is impossible to determine. Only what is active in a mailbox on the day when a back up is made would appear on the tape and would not be in an accessible form. Back up tapes are only made periodically and not daily.

Section 13.02, subdivision 7, defines government data as all data collected, created, received, maintained, or disseminated by a government entity regardless of physical form, storage media, or conditions of use. Therefore, back-up tapes are government data. If the data on the tapes are public, members of the public may gain access to public data contained on the tapes.

Issue 4: Is Mn/DOT in violation of Chapter 13 by requiring the data requestor to make an initial payment of \$51,000 before Mn/DOT will begin processing the request for access to data?

When the Legislature enacted the public access provision in 1979, the following was part of the original statutory language: "The responsible authority in every [government entity] shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use." See section 13.03, subdivision 1, and Minnesota Session Laws 1979, Chapter 328. As discussed above, the back-up tapes are government data. Pursuant to section 13.03, subdivision 3, the public is

entitled to inspect all public data, free of charge, as follows:

Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

Public data, however maintained, as defined by statute, must be provided for simple inspection free of charge. Thus, it is a government entity's responsibility to make public data contained on back-up tapes easily accessible and intelligible for public inspection. For a more extensive discussion of this issue, see [Advisory Opinion 94-032](#).

The issues addressed in this opinion raise questions concerning data practices and management in an increasingly complex environment of electronic use, transmittal and storage of data, both public and nonpublic. Given the complex issues raised in this opinion, the Commissioner would welcome an opinion by the Minnesota Attorney General regarding the application of Minnesota law and regulation to the circumstances of this case.



Opinion:

Based on the facts and information provided:

1. Pursuant to Minnesota Statutes, section 13.03, subdivision 1, e-mails generated or received by the Minnesota Department of Transportation (Mn/DOT) employees and that contain information about the Hiawatha Light Rail Transit (LRT) project are presumed public.
2. Pursuant to Chapter 13, the e-mails in question are government data, regardless of the form in which they are maintained.
3. Pursuant to Chapter 13, Mn/DOT's back-up tapes are government data and are presumed public.
4. Under Chapter 13, a government entity may not require the data requestor to make an initial payment of \$51,000 before processing the request for access to data. In this case, the requestor seeks only to inspect the data; pursuant to section 13.03, subdivision 3, inspection of public government data is free.

Signed:

David F. Fisher
Commissioner

Dated: June 16, 2000



▷ Brainerd Daily Dispatch v. DehenMinn.App.,2005.
Court of Appeals of Minnesota.
BRAINERD DAILY DISPATCH, a division of
Morris Communications Company, LLC, Appellant,
v.
Jim DEHEN, et al., Respondents.
No. A04-909.

March 22, 2005.

Background: Newspaper sued city council members under state open-meeting law, relating to closed meeting with legal counsel appointed by city's insurer, concerning threatened legal action against city after denial of permission for representatives of peace advocacy organization to march in Fourth of July parade. The District Court, Crow Wing County, Richard A. Zimmerman, J., granted summary judgment to city council members. Newspaper appealed.

Holding: The Court of Appeals, Natalie E. Hudson, J., held that need for absolute confidentiality, when balanced against purposes of state open-meeting law, justified closing of city council's meeting with counsel retained by its insurer, under attorney-client privilege exception to state open-meeting law.

Affirmed.

West Headnotes

[1] Appeal and Error 30 ↪ 863

30 Appeal and Error

30XVI Review

30XVI(A) Scope, Standards, and Extent, in General

30k862 Extent of Review Dependent on Nature of Decision Appealed from

30k863 k. In General. Most Cited Cases

In reviewing an appeal from summary judgment where no facts are in dispute, the appellate court will review the decision to determine whether the district court erred as a matter of law.

[2] Administrative Law and Procedure 15A

↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

There is no bright-line rule for application of the attorney-client privilege exception to the state open-meeting law, and instead, the exception must be addressed on a case-by-case determination. M.S.A § 13D.05, subd. 3(b).

[3] Administrative Law and Procedure 15A

↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

A balancing test must be employed to analyze whether the attorney-client privilege exception to the state open-meeting law applies. M.S.A § 13D.05, subd. 3(b).

[4] Administrative Law and Procedure 15A

↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

The fact of threatened litigation in itself does not show the need for absolute confidentiality, under the attorney-client privilege exception to the state open-meeting law; instead, the need for absolute confidentiality is the justification for closing an otherwise open meeting. M.S.A § 13D.05, subd. 3(b).

[5] Courts 106 ↪ 91(1)

106 Courts

106II Establishment, Organization, and Procedure

106II(G) Rules of Decision

106k88 Previous Decisions as Controlling or as Precedents

106k91 Decisions of Higher Court or Court of Last Resort

106k91(1) k. Highest Appellate Court. Most Cited Cases

Minnesota Court of Appeals is bound to follow Minnesota Supreme Court precedent.

[6] Witnesses 410 ↪ 198(1)

410 Witnesses

410II Competency

410II(D) Confidential Relations and Privileged Communications

410k197 Communications to or Advice by Attorney or Counsel

410k198 In General

410k198(1) k. In General. Most Cited

Cases

The attorney-client privilege exists to encourage the client to confide openly and fully in his attorney without fear that the communications will be divulged, and to enable the attorney to act more effectively on behalf of his client.

[7] Administrative Law and Procedure 15A ↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

Witnesses 410 ↪ 198(1)

410 Witnesses

410II Competency

410II(D) Confidential Relations and Privileged Communications

410k197 Communications to or Advice by Attorney or Counsel

410k198 In General

410k198(1) k. In General. Most Cited

Cases

Attorney-client privilege is narrower in the context of the state open-meeting law; thus, the attorney-client privilege exception to the open-meeting law would almost never extend to the mere request for general legal advice or opinion by a public body in its capacity as a public agency, and instead, it is to be employed or invoked cautiously and seldom in situations other than in relation to threatened or pending litigation. M.S.A § 13D.05, subd. 3(b).

[8] Administrative Law and Procedure 15A ↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

Attorney-client privilege exception to the state open-meeting law is not confined to instances in which litigation has actually commenced; it extends to situations where litigation is merely threatened. M.S.A § 13D.05, subd. 3(b).

[9] Municipal Corporations 268 ↪ 92

268 Municipal Corporations

268IV Proceedings of Council or Other Governing Body

268IV(A) Meetings, Rules, and Proceedings in General

268k92 k. Rules of Procedure and Conduct of Business. Most Cited Cases

City was facing threat of litigation, as element for attorney-client privilege exception to the open-meeting law; after denial of permission for representatives of peace advocacy organization to march in Fourth of July parade, organization sent letter to city and to private community-development group that organized the parade and that received substantial sums from city, stating that organization was "seriously considering legal action" if denial was not reversed, the denial was not reversed, organization accepted civil rights advocacy group's offer to assist with case, and such group made data-practices request to city for documents relating to city's ordinances, past parade permits, and other data. M.S.A § 13D.05, subd. 3(b).

[10] Administrative Law and Procedure 15A ↪ 124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

In considering the applicability of the attorney-client privilege exception to the state open-meeting law, a factor is whether the private meeting would contribute to litigation strategy. M.S.A § 13D.05, subd. 3(b).

[11] Municipal Corporations 268 ↪ 92

268 Municipal Corporations

268IV Proceedings of Council or Other Governing Body

268IV(A) Meetings, Rules, and Proceedings in General

268k92 k. Rules of Procedure and Conduct of Business. Most Cited Cases

In most cases, the presence, at a closed meeting, of counsel retained by a city's insurer suggests that the circumstances prompting counsel's presence involve more than a routine request for general legal advice, as factor weighing in favor of finding that attorney-client privilege exception to state open-meeting law is applicable. M.S.A. § 13D.05, subd. 3(b).

[12] Administrative Law and Procedure 15A
↪124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

The state open-meeting law is designed to avoid secret meetings, to allow the public to be informed about public officials' decision-making, and to allow members of the public to present their views to their public officials. M.S.A. § 13D.01 et seq.

[13] Administrative Law and Procedure 15A
↪124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

The statement as to the grounds, under state open-meeting law, for the closure of a meeting must be made with particularity. M.S.A. § 13D.01, subd. 3.

[14] Attorney and Client 45 ↪32(7)

45 Attorney and Client

45I The Office of Attorney

45I(B) Privileges, Disabilities, and Liabilities

45k32 Regulation of Professional Conduct, in General

45k32(7) k. Miscellaneous Particular Acts or Omissions. Most Cited Cases

Witnesses 410 ↪124

410 Witnesses

410II Competency

410II(B) Parties and Persons Interested in Event

410k124 k. Determination as to Competency as Affected by Interest. Most Cited Cases

City attorneys have an ethical duty to assure that the attorney-client privilege exception to the state open-meeting law is properly applied. M.S.A. § 13D.05, subd. 3(b); 52 M.S.A., Rules of Prof. Conduct, Rule 1.13(b) & cmt.

[15] Municipal Corporations 268 ↪92

268 Municipal Corporations

268IV Proceedings of Council or Other Governing Body

268IV(A) Meetings, Rules, and Proceedings in General

268k92 k. Rules of Procedure and Conduct of Business. Most Cited Cases

Need for absolute confidentiality, when balanced against purposes of state open-meeting law, justified closing of city council's meeting with counsel retained by its insurer, under attorney-client privilege exception to state open-meeting law; city was facing threat of litigation after denial of permission for representatives of peace advocacy organization to march in Fourth of July parade, and council needed to have confidential discussions with counsel regarding strategies to avoid or defend against potential claims and avoid or minimize financial damages. M.S.A. § 13D.05, subd. 3(b).

**437 Syllabus by the Court*

Closing a city council meeting pursuant to the attorney-client-privilege exception to the open-meeting law, Minn.Stat. § 13D.05, subd. 3 (2002), was proper when, after balancing the purposes of the attorney-client privilege against those of the open-meeting law, the need for absolute confidentiality justified closing the meeting.

Mark R. Anfinson, Lake Calhoun Professional Building, Minneapolis, MN, for appellant.

George C. Hoff, Justin L. Templin, Kimberly B. Kozar, Hoff, Barry & Kuderer, P.A., Eden Prairie, MN, for respondents.

Susan L. Naughton, League of Minnesota Cities, St. Paul, MN, for amicus curiae League of Minnesota Cities.

Considered and decided by HUDSON, Presiding Judge; MINGE, Judge; and CRIPPEN, Judge.^{FN*}

FN* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

OPINION

HUDSON, Judge.

In 2003, the Brainerd City Council met in closed session pursuant to the attorney-client-privilege exception to the open-meeting law, Minn.Stat. § 13D.05, subd. 3(b) (2002), for a confidential consultation with legal counsel appointed by its insurer concerning a threatened legal action. The Brainerd Daily Dispatch sued for violation of the open-meeting law, and the district court granted summary judgment in favor of the city. Because the district court correctly held that the attorney-client-privilege exception applies, we affirm.

FACTS

The City of Brainerd holds an annual Fourth of July celebration that includes a parade. Brainerd Community Action (BCA), a private community-development organization that receives substantial sums from the city through a tax levy, administers the parade. In 2003, the BCA received a permit to organize the parade. The Brainerd Area Coalition for Peace *438 (peace coalition) applied for permission to march in the parade, but BCA denied the request based on safety concerns.

On July 1, 2003, the city attorney contacted the city's insurer, the League of Minnesota Cities Insurance Trust, for advice as to whether the city would be covered if the peace coalition sued. The peace coalition then sent a July 2, 2003 letter to the city and BCA, claiming that the denial of permission to march in the parade violated its rights and informing them that if the decision was not reversed, the peace coalition would seriously consider legal action against them. According to a news report in the Brainerd Daily Dispatch on July 7, 2003, the peace coalition was considering legal action against the city and BCA and had been contacted by the Minnesota Civil Liberties Union (MCLU) concerning the case. BCA did not reverse its decision, and the peace coalition did not march in the parade.

According to a July 9, 2003 report in the Dispatch, the peace coalition accepted an offer from the MCLU to research the issue of whether a First Amendment violation occurred, although at that time the peace coalition had not decided whether to pursue legal action. In a letter dated July 10, 2003, the MCLU made a data-practices request to the city for documents relating to city ordinances, past parade

permits, and other data. According to another report in the Dispatch on July 23, an MCLU panel recommended that the MCLU represent the peace coalition in a possible legal action against the city and BCA.

The city's insurer retained an attorney as special counsel to represent the city in the dispute. He appeared at an open session of the Brainerd City Council on July 25, 2003. He first explained that he recommended that the council meet with him in closed session so that he could consult with its members in a private, confidential setting. He discussed Prior Lake American v. Mader, 642 N.W.2d 729 (Minn.2002), in which an open-meeting violation was found. He distinguished the case, explaining that he was not going to discuss a matter pending before the city council in the closed session, but instead would discuss the development of a defense strategy or reconciliation to address a threatened lawsuit that appeared imminent. He explained that addressing these issues in open session would have a significant negative impact on the city's ability to protect its rights. He assured the council and members of the public that the discussion would be limited to litigation strategy and that no other public business would be addressed.

The city council announced that it was going into closed session to discuss the matter with its attorney. A representative of the Dispatch objected, but the closed session was nonetheless held. The Dispatch sued the individual council members who attended the closed session, Jim Dehen, Anne Nelson Fisher, Mary Koep, Lucy Nesheim, and Gary Scheeler, and the city, claiming that the closed session violated the open-meeting law.^{FN1} The district court granted summary judgment in favor of the council members and the city, and this appeal followed.

FN1. According to the complaint, council member Bob Olson declined to attend the closed meeting due to concerns it was not permitted by the open-meeting law. Council member Kelly Bevans and Mayor James Wallin also were not present.

ISSUE

Did the district court err in determining that the city properly invoked the attorney-client-privilege exception to the open-meeting law, Minn.Stat. § 13D.05, subd. 3 (2002)?

***439 ANALYSIS**

[1] In reviewing an appeal from summary judgment where no facts are in dispute, the appellate court will review the decision to determine whether the district court erred as a matter of law. Prior Lake American v. Mader, 642 N.W.2d 729, 735 (Minn.2002).

Under the open-meeting law, meetings “of the governing body of a ... statutory or home rule charter city” must be open to the public. Minn.Stat. § 13D.01, subd. 1(b)(4) (2002). The Minnesota Supreme Court recognized that the invocation of the attorney-client privilege may, in the proper circumstances, constitute an exception to the open-meeting law. Minneapolis Star & Tribune Co. v. Hous. & Redev. Auth., 310 Minn. 313, 323, 251 N.W.2d 620, 625 (1976) (*HRA*). In addition, almost 14 years after *HRA*, the legislature enacted a statutory provision recognizing the attorney-client privilege as an exception to the open-meeting law. Minn.Stat. § 13D.05, subd. 3(b) (2002); Prior Lake, 642 N.W.2d at 737. The supreme court then held that the interpretation of the statutory exception should be consistent with the law as set out in *HRA*. Prior Lake, 642 N.W.2d at 737.

[2][3][4] In analyzing the issue, the supreme court in *Prior Lake* first rejected the argument that there should be a per se exception to the open-meeting law when there is threatened or pending litigation. *Id.* at 738. The court explained that there is no bright-line rule in the area but instead the exception must be addressed on “a case-by-case determination.” *Id.* Second, a balancing test must be employed to analyze whether the exception applies. *Id.* Third, the exception will be invoked “cautiously and seldom in situations other than in relation to threatened or pending litigation.” *Id.* (quoting *HRA*, 310 Minn. at 324, 251 N.W.2d at 626). Finally, the fact of threatened litigation in itself does not show the need for absolute confidentiality; instead, the “overriding message” in *HRA* was that “[t]he need for absolute confidentiality is the justification for closing an otherwise open meeting.” *Id.*

Applying *Prior Lake*, the district court here weighed the purposes of the attorney-client privilege against the purposes of the open-meeting law and determined that the need to have absolutely confidential discussions with specially appointed counsel to discuss strategies to defend against potential legal claims prevailed. We agree.

A. Applicability of *Prior Lake*

[5] The Dispatch argues that for the attorney-client exception to be workable and to avoid the exception from swallowing the rule, courts should not employ a balancing test to resolve whether a meeting should be closed. Rather, the Dispatch argues for what it calls a “categorical” approach, which in our view, is effectively a bright-line rule. Under such an approach, the attorney-client privilege would only extend with rare exception to cases that involve active litigation. The Dispatch also contends that use of a case-by-case analysis would produce chaos and provide little guidance to the practicing bar or trial courts.^{FN2} Further, the Dispatch argues that public officials would escape any effective review of their use of the exception because case-by-case litigation is usually financially prohibitive. Although these concerns are not without merit, we are bound to follow Minnesota Supreme *440 Court precedent. Jendro v. Honeywell, Inc., 392 N.W.2d 688, 691 n. 1 (Minn.App.1986), review denied (Minn. Nov. 19, 1986). Accordingly, like the district court, we apply the *Prior Lake* balancing test, which requires us to “balance the purposes served by the attorney-client privilege against those served by the Open Meeting Law. The exception applies when this balancing dictates the need for absolute confidentiality.” Prior Lake, 642 N.W.2d at 731.

^{FN2}. The Dispatch acknowledges that *Prior Lake* refers to a case-by-case approach and calls for a balancing of the competing policies; but contends that the court, in fact, adopted the “categorical” bright-line approach that the Dispatch advocates here. Based on the plain language in *Prior Lake*, we find no merit in this position.

B. Attorney-client privilege

[6][7] We now turn to the application of the attorney-client privilege. The privilege exists “to encourage the client to confide openly and fully in his attorney without fear that the communications will be divulged and to enable the attorney to act more effectively on behalf of his client.” Prior Lake, 642 N.W.2d at 738-39 (quotations omitted). But “the privilege is narrower in the context of the Open Meeting law.” *Id.* at 739. Thus, “[t]he attorney-client exception ... would almost never extend to the mere request for general legal advice or opinion by a public body in its capacity as a public agency.” HRA,

310 Minn. at 323-24, 251 N.W.2d at 626. Instead, it “is to be employed or invoked cautiously and seldom in situations *other than in relation to threatened or pending litigation.*” *Id.* at 324, 251 N.W.2d at 626 (emphasis added).

[8] Nevertheless, the Dispatch argues that the exception should be confined to instances in which litigation has actually commenced and not to situations such as this where litigation is merely threatened. Otherwise, it argues, the privilege will have virtually no boundaries because cities are routinely threatened with legal action, some meritorious, some not. In turn, it contends, the myriad threats of litigation will enable numerous meetings to be closed, thus undermining the court's admonition that the attorney-client privilege be strictly construed. *Prior Lake, 642 N.W.2d at 736.* There is merit to this argument, but we are bound by the clear and explicit language of the supreme court, which allows consideration of the exception in cases of threatened as well as actual litigation. *Id.* It is for the legislature or the supreme court to apply the limits the Dispatch urges.

[9] The Dispatch also argues that the evidence does not show that litigation was in fact likely. But the Dispatch's contention is belied by the undisputed evidence to the contrary. First, after the decision to deny the peace coalition the opportunity to participate in the parade, the peace coalition sent a letter on July 2, 2003, to the city and BCA stating that it was “seriously considering legal action” against both if the decision was not reversed. The decision was not reversed. As reported by the Dispatch on July 7, 2003, the peace coalition stated it was “considering legal action” against the city and BCA, pending a response from the city and consultation with legal counsel. Further, it was reported that the MCLU had expressed interest in the case to the peace coalition's legal counsel. Next, as reported on July 9, 2003, by the Dispatch, the peace coalition accepted the offer from the MCLU to assist with the case but had not decided whether to pursue legal action. In a letter dated July 10, 2003, the MCLU made a data-practices request to the city for documents relating to the city's ordinances, past parade permits, and other data. As reported in the Dispatch on July 23, 2003, an MCLU panel recommended that the MCLU represent the peace coalition in possible legal action against the city and BCA. On this record, we conclude that these were not vague, idle statements thrown in the wind. To the contrary, it is *441 clear from both the statements and conduct of the peace coalition that litigation was seriously threatened and

indeed appeared imminent.

[10] In considering the applicability of the exception for the attorney-client privilege, another factor is whether the “private meeting would contribute to litigation strategy.” *Id.* at 740. The Dispatch argues that this factor does little to contain the boundaries of the attorney-client exception because the term “litigation strategy” is so generic that a city will almost always be able to claim that it was meeting to discuss litigation strategy whenever a public body is threatened with litigation. But the supreme court held that the attorney-client exception applies “when a public body seeks legal advice concerning litigation strategy.” *Id.* In the adversarial system, “certain phases of litigation strategy may be impaired if every discussion is available for the benefit of opposing parties who may have as a purpose a private gain in contravention to the public need as construed by the agency.” *Id.* (quoting *HRA, 310 Minn. at 323, 251 N.W.2d at 625*). Significantly, attorneys' professional obligation to protect the confidentiality of their client's communications and the advice given was the basis for the supreme court's recognition of the attorney-client exception to the open-meeting law. *HRA, 310 Minn. at 319, 251 N.W.2d at 623.* And in *HRA*, an affidavit by an attorney showed that the closed meetings were necessary to protect the “trial strategy and settlement proposals.” *Id.* at 316-17, 251 N.W.2d at 622. In contrast, in *Prior Lake*, there was no such affidavit with this type of information. *Prior Lake, 642 N.W.2d at 740.*

Here, special counsel addressed the city council concerning the need for absolute confidentiality and also submitted an affidavit outlining his concerns. He explained that a closed session was necessary for the following reasons: (1) he needed a candid and open discussion regarding matters that could affect litigation, including defense strategy and possible areas of reconciliation; (2) the scope of representation was limited to claims by the peace coalition regarding denial of permission to march in the parade and no other business would be addressed; (3) nothing was pending before the city council on the decision as to the parade; (4) the open session would be detrimental because it would take place in the presence of potential litigants; and (5) a closed session would benefit the public because any financial liability incurred would be taxpayer-funded. We have no reason to doubt these assertions, and nothing in the record suggests that anything other than litigation strategy and settlement options was discussed.

In addressing the attorney-client-privilege exception, courts have also considered whether the attorney advising a closed meeting was an attorney provided by the city's insurer. In *HRA*, the supreme court found it significant that:

The record discloses that tort cases against the HRA are handled by lawyers retained by insurance companies. Certainly, in this respect, if the board were required to meet with the insurance company's lawyer on a specific case, that consultation should not be subject to public scrutiny as an "open meeting" contemplated by the statute.

310 Minn. at 323, 251 N.W.2d at 625-26.

[11] The Dispatch contends that this factor is not especially relevant because the critical question is not who retains the attorney, but what circumstances prompt the closing of the meeting. This argument is not without merit. But we must also acknowledge that in most cases, the presence of counsel retained by the city's insurer suggests that the circumstances *442 prompting counsel's presence involve more than a routine request for general legal advice.

In conclusion, based on the undisputed facts presented in this case, we conclude that the purposes of the attorney-client privilege were legitimately served here.

We now turn to the other side of the balancing test and examine the purposes of the open-meeting law. The primary question concerns "the public's right to be informed of all actions and deliberations made in connection with activities geared to ultimately affect the public interest." Prior Lake, 642 N.W.2d at 739 (quoting *HRA*, 310 Minn. at 318, 251 N.W.2d at 623).

[12][13] The open-meeting law is designed to avoid secret meetings, to allow the public to be informed about public officials' decision-making, and to allow members of the public to present their views to their public officials. St. Cloud Newspapers, Inc. v. Dist. 742 Cmty. Sch., 332 N.W.2d 1, 4 (Minn.1983). We note that the legislature has largely eliminated concerns about secret meetings by specifically requiring notice for all closed meetings, which would include those closed pursuant to the attorney-client privilege. Minn.Stat. § 13D.04, subd. 5 (2002). Even when the meeting is closed under the attorney-client-privilege exception, the city council must inform the public of the subject of the closed meeting and the grounds for closure. Minn.Stat. § 13D.01, subd. 3 (2002). Further, the statement as to the

grounds for the closure must be made with particularity. Free Press v. County of Blue Earth, 677 N.W.2d 471, 477 (Minn.App.2004).

When meetings are properly closed under the attorney-client-privilege exception, the public is denied access only to the legal advice that the attorney gives the city council regarding litigation strategy and there is to be no discussion or decisions about other city business. Further, the supreme court has recognized that there are times when the public does not have a right to know the legal advice given a governmental body: "A basic understanding of the adversary system indicates that certain phases of litigation strategy may be impaired if every discussion is available for the benefit of opposing parties who may have as a purpose a private gain in contravention to the public need as construed by the agency." HRA, 310 Minn. at 323, 251 N.W.2d at 625. Nevertheless, the supreme court has cautioned against abuse of the attorney-client privilege: Public board members, sworn to uphold the law, may not arbitrarily or unnecessarily inflate confidentiality for the purpose of deflating the spread of the public meeting law. Neither the attorney's presence nor the happenstance of some kind of lawsuit may serve as the pretext for secret consultations whose revelation will not injure the public interest.

Id. at 321, 251 N.W.2d at 624 (quotation omitted).

In addressing this factor, courts have questioned whether the legal advice was part of the decision-making process that should have been open to the public. Prior Lake, 642 N.W.2d at 739-40. In *HRA*, the closed session was sought for the express purpose of discussing litigation strategy in a lawsuit challenging the adequacy of an environmental-impact statement. 310 Minn. at 315, 251 N.W.2d at 621. In *Prior Lake*, the city council sought a closed session to obtain legal advice on whether to require an environmental-assessment worksheet in conjunction with an application for a conditional-use permit currently pending before the council. 642 N.W.2d at 739. Significantly, in *Prior *443 Lake*, the supreme court held that the city council did not need information concerning possible litigation to decide the specific issue before them, namely whether to require an environmental-assessment worksheet. Id. at 739. Further, given the contentious nature of development decisions, the court was "concerned about the ramifications of holding that open meetings may be closed to allow council members to meet with an attorney about how to view a threat of litigation relating to a public matter that has yet to be decided."

Id. at 739-40.

Here, the city sought legal advice regarding threatened litigation as a result of BCA's denial of the parade permit. The Dispatch contends that whether a decision had been made or not should not be a determinative factor because a city council can always change its mind. Thus, the Dispatch argues that it is irrelevant that BCA had already denied the peace coalition permission to march in the parade when the council voted to close the meeting. But unlike in *Prior Lake*, no decision was pending before the city in which public involvement could change the result, and no other meetings were held to discuss the issuance of a permit. This court must decide the case on the facts before the court, not on facts that may some day be present in other cases. Thus, the concern that a closed meeting will prevent citizens from having input as to public matters is not present here.

[14] We also note that safeguards are in place to ensure that the privilege is not abused. First, we take very seriously the fact that city attorneys have an ethical duty to assure that the exception is properly applied. Minn. R. Prof. Conduct 1.13(b) (providing that a lawyer for an organization may take reasonable measures to address an officer's unlawful conduct); *id.* cmt. (providing a government lawyer has greater authority than a private lawyer to question a client's conduct because public business is involved). Second, the penalties for violating the open-meeting law, including civil penalties and the possibility of ouster from public office upon three violations, serve as strong incentives to prevent abuse of the exception. Minn.Stat. § 13D.06, subs. 1, 3 (2002). Third, attorney fees of up to \$13,000 may be awarded for violations. *Id.*, subd. 4(a). And finally, voters have the authority to vote elected officials out of office if they abuse the exception.

[15] We now turn to the ultimate question of whether the balancing of the purposes of the attorney-client privilege against those served by the open-meeting law dictates the need for absolute confidentiality. See *Prior Lake*, 642 N.W.2d at 731. Here, in a thorough and well-reasoned order, the district court found that the city's need for absolute confidentiality outweighed the purposes served by the open-meeting law. Specifically, the district court determined: In applying the preceding balancing test, the Court finds that the scales tip in [respondents'] favor in this case. Absolute confidentiality was necessary so that the City and the council could determine the available legal options to avoid litigation for a

decision that had already been made. No action that the Council took could change that decision, but there clearly were actions that could be taken to minimize liability of the City and to avoid litigation. The purpose of the closed meeting was not to make a decision behind closed-doors as was the case in *Prior Lake American*, but instead the purpose of the meeting was to determine and deal with the consequences of a publicly made decision that had led to imminent legal action.

*444 The need to have confidential discussions with specially appointed counsel and to discuss strategies to defend against potential claims and avoid financial damages outweighs the purposes of the Minnesota Open Meeting Law in this case. The Court further concludes that the [respondents] invoked the attorney-client privilege in good faith and not to thwart the purpose of the Minnesota Open Meeting Law.

The district court properly considered and balanced the competing factors, and we conclude that the attorney-client exception to the open-meeting law was properly invoked based on the need for absolute confidentiality.

DECISION

The decision by the district court granting summary judgment on the Dispatch's claim of an open-meeting law violation is affirmed.

Affirmed.

Minn.App.,2005.
Brainerd Daily Dispatch v. Dehen
693 N.W.2d 435

END OF DOCUMENT

H

Columbus Concerned Citizens, Inc. v. Minnesota Racing Com'nMinn.App.,2006.Only the Westlaw citation is currently available.

NOTICE: THIS OPINION IS DESIGNATED AS UNPUBLISHED AND MAY NOT BE CITED EXCEPT AS PROVIDED BY MINN. ST. SEC. 480A.08(3).

Court of Appeals of Minnesota.

COLUMBUS CONCERNED CITIZENS, INC.,

Appellant,

v.

MINNESOTA RACING COMMISSION, et al.,

Respondents,

andNorth Metro Harness Initiative, LLC, intervenor,

Respondent.

No. A05-1743.

June 6, 2006.

Background: Citizen group brought action against racing commission and individual commissioners alleging that commissioners violated open meeting law by engaging in ex parte communications with each other and with racetrack license applicant. The District Court, Ramsey County, entered summary judgment in favor of commissioners. Citizen group appealed.

Holdings: The Court of Appeals, Klaphake, J., held that:

(1) restriction of discovery and denial of discovery continuance was warranted ;

(2) commissioners did not violate the open meeting law; and

(3) remedy to any violation of open meeting law did not include invalidation of commission decision.

Affirmed.

West Headnotes

[1] Pretrial Procedure 307A  41

307A Pretrial Procedure

307AII Depositions and Discovery

307AII(A) Discovery in General

307Ak41 k. Objections and Protective Orders. Most Cited Cases

Pretrial Procedure 307A  255

307A Pretrial Procedure

307AII Depositions and Discovery

307AII(D) Interrogatories to Parties

307AII(D)1 In General

307Ak255 k. Protective Orders. Most Cited Cases

Trial court's protective order, in action brought by citizen's group alleging that racing commission violated open meeting law, which order limited citizen group's discovery of individual commissioners to written interrogatories and which restricted the time period for which commissioners' activities could be discovered was designed to limit discovery to the activity relevant to the complaint and, thus, was warranted. Minn.Stat. § 13D.01-.07 (2004).

[2] Pretrial Procedure 307A  25

307A Pretrial Procedure

307AII Depositions and Discovery

307AII(A) Discovery in General

307Ak25 k. Sequence and Timing; Condition of Cause. Most Cited Cases


Trial court was warranted in denying citizen group's request for a discovery continuance in action alleging that racing commission violated open meeting law, even though the time for discovery had not yet expired, where the court determined that based on the extensive discovery already conducted, any further discovery was unlikely to produce additional evidence that would affect the outcome. Minn.Stat. § 13D.01-.07 (2004).

[3] Administrative Law and Procedure 15A  124

15A Administrative Law and Procedure

15AII Administrative Agencies, Officers and Agents

15Ak124 k. Meetings in General. Most Cited Cases

Public Amusement and Entertainment 315T  35(2)

315T Public Amusement and Entertainment

315TII Licensing and Regulation
315TII(A) In General
315Tk31 Racing in General
315Tk35 Administrative Agencies and Proceedings

315Tk35(2) k. Horse and Dog Racing. Most Cited Cases

Any ex parte conversations between individual commissioners of racing commission and representatives of group applying for racing license regarding whether to reconsider commission's decision denying applicant's licensure, or off-the-record conversations among individual commissioners regarding the issue, did not constitute gatherings of a quorum of commissioners, and therefore, did not violate the open meeting law. Minn.Stat. § § 13D.01-.07 (2004).

[4] Administrative Law and Procedure 15A
⌨️ 124

15A Administrative Law and Procedure
15AII Administrative Agencies, Officers and Agents
15Ak124 k. Meetings in General. Most Cited Cases

Administrative Law and Procedure 15A ⌨️ 816

15A Administrative Law and Procedure
15AV Judicial Review of Administrative Decisions
15AV(F) Determination
15Ak816 k. Annulment, Vacation or Setting Aside of Administrative Decision. Most Cited Cases

Public Amusement and Entertainment 315T
⌨️ 35(2)

315T Public Amusement and Entertainment
315TII Licensing and Regulation
315TII(A) In General
315Tk31 Racing in General
315Tk35 Administrative Agencies and Proceedings
315Tk35(2) k. Horse and Dog Racing. Most Cited Cases

Public Amusement and Entertainment 315T
⌨️ 36(2)

315T Public Amusement and Entertainment
315TII Licensing and Regulation
315TII(A) In General

315Tk31 Racing in General
315Tk36 Judicial Review or Intervention
315Tk36(2) k. Horse and Dog Racing. Most Cited Cases

Sole remedy available to citizen's group alleging that racing commission violated open meeting law was a civil penalty against any individual commissioners shown to have intentionally violated the law, and the possible award of attorney fees, and therefore, any violation of the open meetings law would not permit a declaration of invalidity of the racing commission's decision to grant racing license to applicant. Minn.Stat. § § 13D.01-.07 (2004).

Ramsey County District Court, File No. C3-04-12118.

Byron E. Starns, Timothy J. Keane, James A. Stein, Jeffrey Harrington, Leonard, Street and Deinard, P.A., Minneapolis, MN, for appellant.
Mike Hatch, Attorney General, Kenneth E. Raschke, Jr., Darren Dejohn, Assistant Attorneys General, St. Paul, MN, for respondents Minnesota Racing Commission, et al.
John E. Drawz, Jay M. Quam, Mollie M. Smith, Fredrikson & Byron, P.A., Minneapolis, MN, for respondent North Metro Harness Initiative.

Considered and decided by SHUMAKER, Presiding Judge, KLAPHAKE, Judge, and ROSS, Judge.

UNPUBLISHED OPINION

KLAPHAKE, Judge.

*1 Appellant Columbus Concerned Citizens, Inc. challenges the district court's grant of summary judgment to respondents Minnesota Racing Commission and its eight individual commissioners, and North Metro Harness Initiative, LLC, intervenor, dismissing appellant's complaint for violation of the Minnesota Open Meeting Law, Minn.Stat. § § 13D.01-.07 (2004). Appellant alleged that the commissioners violated the open meeting law by engaging in ex parte communications with each other and with representatives of North Metro regarding the commission's sua sponte decision to reconsider its denial of North Metro's application for a Class A racetrack license. Appellant's certiorari challenge to the commission's ultimate decision to grant the license was recently rejected by this court, which concluded that the commission has inherent authority to reconsider its decision, appellant's due process rights were not violated, and substantial evidence in the record supported approval of the license. In re Application of N. Metro Harness, Inc., 711 N.W.2d

129, 131 (Minn.App.2006).

*1 In this appeal, appellant argues that (1) its discovery was impermissibly restricted and prematurely terminated; (2) it need not establish evidence of a private meeting of a quorum of members to show a violation of the open meeting law; and (3) violations of the open meeting law can form the basis to invalidate actions of an administrative agency. Because the district court did not abuse its discretion by restricting the scope of appellant's discovery or by denying appellant's request for a continuance, and did not err by granting summary judgment because appellant was not entitled to the relief it requested, we affirm.

DECISION

*1 On review of a grant of summary judgment, this court asks whether there are any genuine issues of material fact and whether the district court erred in its application of the law. WDSI, Inc. v. County of Steele, 672 N.W.2d 617, 620 (Minn.App.2003). Genuine issues of material fact do not exist "when the nonmoving party presents evidence ... which is not sufficiently probative with respect to an essential element of the nonmoving party's case to permit reasonable persons to draw different conclusions." DLH, Inc. v. Russ, 566 N.W.2d 60, 71 (Minn.1997).

I.

*1 Appellant complains that the district court improperly restricted its discovery by prohibiting it from taking oral depositions of the individual commissioners, by impermissibly restricting its discovery to the time period between October 21, 2004, to November 17, 2004, and by prematurely terminating its discovery when it denied appellant a continuance.

*1 A district court has broad discretion in shaping the type and scope of discovery. Erickson v. MacArthur, 414 N.W.2d 406, 407 (Minn.1987) (stating that district court "has considerable discretion in granting or denying discovery requests"); WDSI, 672 N.W.2d at 622 (stating that rules of civil procedure "give the district court broad discretion when granting protective orders"). While discovery is to be liberally granted, a district court may deny or limit discovery to protect a party from unnecessary annoyance, embarrassment, undue burden, or expense. See Minn. R. Civ. P. 26.03; Erickson, 414 N.W.2d at 407;

WDSI, 672 N.W.2d at 622.

*2 Protective orders are appropriate when the proposed discovery involves matters outside the scope of a legitimate cause of action or attempts to delve into the mental processes of administrative officials. See, e.g., In re Application of Lecy, 304 N.W.2d 894, 900 (Minn.1981); Mampel v. Eastern Heights State Bank of St. Paul, 254 N.W.2d 375, 378 (Minn.1977). This court has concluded that "Mampel and subsequent cases demonstrate an exception to the general principle of wide-ranging discovery [and that] [i]nquiry of administrative executives is limited to written query." Ellingson & Assocs., Inc. v. Keefe, 396 N.W.2d 694, 696 (Minn.App.1986), review denied (Minn. Jan. 21, 1987). Such reasonable limits are necessary to conserve the time and energy of public officials, who are often parties to a substantial volume of litigation. See id. at 696-97.

*2 [1] The district court limited appellant's discovery of the individual commissioners to written interrogatories and restricted the time period to that framed by the complaint. The court recognized that appellant's attacks on the validity of the commission's actions that were based on alleged procedural irregularities or off-the-record discussions were issues addressed in appellant's certiorari appeal and were not properly before the court in this case involving violation of the open meeting law. The district court also limited appellant's discovery to the allegations framed by the complaint, which involved whether any of the commissioners had violated the open meeting law between October 21 and November 17, 2004. Because the district court's protective order was designed to limit discovery to the content of conversations between commissioners during the relevant time period, we conclude that the district court did not abuse its discretion.

*2 [2] Appellant further complains that the district court abused its discretion by denying its request for a continuance. While we are somewhat troubled by the district court's denial of a continuance when the time for discovery had not yet expired, the district court acted reasonably based on the record before it. After considering appellant's offer of proof, the district court determined that based on the extensive discovery that appellant had already conducted, any further discovery was unlikely to produce additional evidence that would affect the outcome. The district court did not abuse its discretion in ruling that appellant had a "fair and adequate opportunity" to conduct discovery and in denying any further continuances at that point.

II.

*2 The district court determined that because the only meetings that are subject to the open meeting law are gatherings of a quorum or more of members of the governing body, appellant failed to establish any violation. By its terms, the open meeting law applies to “gatherings of a quorum or more members of the governing body, ... at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.” Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510, 518 (Minn.1983). This court has recognized that this “quorum requirement in *Moberg* reflects the supreme court’s unwillingness to subject gatherings of public officials to the open meeting law where the group lacks the power to actually transact business.” Sovereign v. Dunn, 498 N.W.2d 62, 66 (Minn.App.1993), review denied (Minn. May 28, 1993) (quotation omitted). In addition, a meeting between a member of a governing body and a non-member generally is not subject to the open meeting law. Minn. Educ. Ass’n v. Bennett, 321 N.W.2d 395, 398 (Minn.1982) (holding that telephone conversation between school superintendent and board member did not violate open meeting law because superintendent was not entitled to vote and was not member of governing body).

*3 [3] Thus, any ex parte contacts between individual commissioners and representatives of North Metro or other third parties are not subject to the open meeting law. In addition, any conversations between the commissioners that constitute less than a quorum of the commission do not violate the open meeting law. Here, no evidence was presented to show that a quorum of the commissioners engaged in conversations regarding the commission’s decision to reconsider its denial of North Metro’s license application; at most, three commissioners may have had some contact with each other between October 21 and November 17, 2005, regarding this issue.

*3 Appellant insists that meetings of less than a quorum of the commissioners can constitute a violation of the open meeting law. *Moberg* recognizes that “serial meetings in groups of less than a quorum for the purposes of avoiding public hearings or fashioning agreement on an issue [before it is raised at a public hearing] may also be found to be a violation of [the open meeting law] depending upon the facts of the individual case.” *Id.* at 518. *Moberg* further recognizes that “[i]ntra-agency

persuasion and discussion become improper when designed to avoid public discussion altogether, to forge a majority in advance of public hearings on an issue, or to hide improper influences such as the personal or pecuniary interest of a public official.” *Id.* at 336 N.W.2d at 517-18.

*3 Here, while several commissioners discussed the commission’s denial of North Metro’s application and possibly discussed how they might go about persuading their fellow commissioners to reconsider that denial, there is no evidence to suggest that these commissioners were able to “forge a majority in advance of the public hearing” on the issue or that they engaged in these off-the-record discussions to avoid public discussion of the issue altogether. To the contrary, the commission held several public hearings on the issue of reconsideration, reopened the record, and allowed consideration of additional evidence prior to voting. And this court has already determined that the commission had the inherent authority to reconsider its decision and that due process was not violated by the process followed by the commission. See N. Metro Harness, 711 N.W.2d at 134-39. We therefore conclude that the district court did not err in determining that appellant failed to establish that a gathering of a quorum or more of the commissioners had occurred in violation of the open meeting law.

III.

*3 [4] Minnesota courts have specifically held that a violation of the open meeting law does not justify invalidation of actions of a government body. See, e.g., Sullivan v. Credit River Twp., 299 Minn. 170, 176-77, 217 N.W.2d 502, 507 (1974); In re Petitions of D & A Truck Line, Inc., 524 N.W.2d 1, 6 (Minn.App.1994). The law does not provide a separate remedy against the commission, nor does it provide for any declaratory relief. See Rupp v. Mayasich, 561 N.W.2d 555, 558 (Minn.App.1997) (upholding district court’s dismissal of declaratory judgment action as nonjusticiable when appellants failed to seek injunctive relief or civil damages under the open meeting law). The sole remedy available to appellant in this case is a civil penalty of up to \$300 against any individual commissioners shown to have intentionally violated the open meeting law,^{FNI} and the possible award of attorney fees. Minn.Stat. § 13D .06 (2004). We therefore conclude that the district court did not err in determining that even if appellant established a violation of the open meeting law, that violation would not permit a declaration of invalidity of the commission’s decision to grant the

Not Reported in N.W.2d
Not Reported in N.W.2d, 2006 WL 1529494 (Minn.App.)
(Cite as: Not Reported in N.W.2d)

license application, which is the ultimate relief sought by appellant here.

FN1. Given our determination that appellant has failed to show that a meeting or gathering of a quorum of commissioners occurred, the issue of intent becomes irrelevant.

*4 The district court did not err in granting summary judgment to respondents and in dismissing appellant's complaint.

***4 Affirmed.**

Minn.App.,2006.
Columbus Concerned Citizens, Inc. v. Minnesota Racing Com'n
Not Reported in N.W.2d, 2006 WL 1529494
(Minn.App.)

END OF DOCUMENT

| <u>Neighborhood</u> | <u>Current Middle School</u> | <u>Proposed Middle School</u> | <u>2007-08 Enrollment</u> | | | <u>Total</u> |
|-------------------------------------|------------------------------|-------------------------------|---------------------------|------------------|------------------|------------------|
| | | | <u>6th</u> | <u>7th</u> | <u>8th</u> | |
| Plumtree | CMS | WMS | 12 | 9 | 12 | 33 |
| Plymouth Creek (East of Dunkirk) | CMS | EMS | 11 | 12 | 17 | 40 |
| Golfview | CMS | EMS | 1 | 5 | 7 | 13 |
| TimberCreek/ Harvest Hills | CMS | EMS | 13 | 7 | 4 | 24 |
| <i>Sub Total CMS to EMS</i> | | | <i>25</i> | <i>24</i> | <i>28</i> | <i>77</i> |

Middle School Projections

| | 2006 | 2007 | 2008 | 2009 | 2010 |
|--------------|---------------|------------------|--------------|--------------|--------------|
| | Actual | Projected | -----/ | | |
| Grade 6 | 770 | 753 | 759 | 760 | 776 |
| Grade 7 | 802 | 791 | 777 | 783 | 783 |
| Grade 8 | 854 | 813 | 805 | 791 | 797 |
| TOTAL | 2,426 | 2,357 | 2,341 | 2,334 | 2,356 |

From Lukermann Merged Model, January 2007

Middle School New Students due to Growth, Fall 2007 to 2011

| | Child Factor | West | Central | East |
|-----------------------------|--------------|-----------|-----------|-----------|
| Total Single Family | 0.22 | 144 | 376 | 244 |
| Total Townhomes | 0.039 | 43 | 37 | 371 |
| Total Apts | 0.018 | 0 | 0 | 36 |
| # Students Predicted | | 33 | 84 | 69 |
| # Students per grade | | 11 | 28 | 23 |

(Note that this is the increase over four years, not annually)

MIDDLE SCHOOL ASSIGNMENTS OF CURRENT ELEMENTARY STUDENTS

WEST

| Address Path | Current Grade in 2006-2007 | | | | | |
|-------------------------|----------------------------|------------|------------|------------|------------|------------|
| | Gr 5 | Gr 4 | Gr 3 | Gr 2 | Gr 1 | Kgtn |
| | Grad Year | | | | | |
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
| GL WEST SENIOR | 95 | 86 | 84 | 89 | 81 | 97 |
| GW WEST SENIOR | 91 | 69 | 75 | 83 | 67 | 56 |
| KLWEST SENIOR | 9 | 4 | 6 | 2 | 5 | 4 |
| OW WEST SENIOR | 32 | 27 | 33 | 20 | 37 | 19 |
| Totals | 227 | 186 | 198 | 194 | 190 | 176 |
| Grade 6 Projection--WMS | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 |

CENTRAL

| Address Path | Current Grade in 2006-2007 | | | | | |
|-------------------------|----------------------------|------------|------------|------------|------------|------------|
| | Gr 5 | Gr 4 | Gr 3 | Gr 2 | Gr 1 | Kgtn |
| | Grad Year | | | | | |
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
| BV CEN SEN | 56 | 56 | 48 | 59 | 53 | 63 |
| GL CENTRAL SENIOR | 27 | 18 | 25 | 17 | 16 | 16 |
| GREEN CENT SENIOR | 25 | 33 | 21 | 33 | 19 | 23 |
| KL CENTRAL SENIOR | 97 | 114 | 115 | 109 | 117 | 119 |
| OK CENTRAL SENIOR | 43 | 53 | 42 | 51 | 49 | 43 |
| PC CENTRAL SENIOR | 14 | 20 | 16 | 22 | 16 | 18 |
| Totals | 262 | 294 | 267 | 291 | 270 | 282 |
| Grade 6 Projection--CMS | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 |

EAST

| Address Path | Current Grade in 2006-2007 | | | | | |
|-------------------------|----------------------------|------------|------------|------------|------------|------------|
| | Gr 5 | Gr 4 | Gr 3 | Gr 2 | Gr 1 | Kgtn |
| | Grad Year | | | | | |
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
| BV EAST SENIOR | 16 | 24 | 23 | 23 | 26 | 25 |
| KL EAST SENIOR | 0 | 2 | 0 | 1 | 3 | 1 |
| PC EAST SENIOR | 68 | 53 | 76 | 40 | 64 | 66 |
| SUNSET EAST SENIOR | 86 | 78 | 70 | 73 | 86 | 62 |
| Totals | 170 | 157 | 169 | 137 | 179 | 154 |
| Grade 6 Projection--EMS | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 |

Note: Above tables do not include nonresidents



Pandemic Flu Preparedness Plan

(WORKING DRAFT – February 16, 2007)

Purpose of the Plan

The purpose of the Wayzata Public Schools Pandemic Flu Preparedness Plan is to outline action steps that will be taken in case of an influenza pandemic. The plan was developed by a team of district administrators and staff using information resources provided by the U.S. Department of Health and Human Services, the Centers for Disease Control (CDC), and the Minnesota Department of Health. This plan is necessary because a pandemic will place extraordinary and sustained demands on public institutions as well as providers of essential services in the community. While many of the issues related to a potential pandemic are not yet fully understood, it is helpful to have guidelines in place for these decisions.

In addition, the primary focus of this plan is to protect the health and wellness of district students and staff. All district efforts including communication to parents and staff members will have health and wellness at the forefront.

Background Information

An influenza pandemic is a global outbreak of disease that occurs when a new flu virus appears that can spread easily from person to person. Because people have not been exposed to this new virus before, they have little or no immunity to the virus. Consequently, serious illness and death is more likely to result than during a seasonal flu outbreak.

It is difficult to predict when the next influenza pandemic will occur or how severe it will be. However, many health experts consider an influenza pandemic to be a relatively high probability event, even inevitable. In addition, a pandemic may come and go in waves, each of which can last months.

In 1918, pandemic influenza spread across the country in less than a month. Now, with international air travel, a pandemic will probably spread much faster. Experts at the CDC estimate that up to 180 million individuals across the world could die as a result. Estimates in the U.S. include the following:

- Up to 200 million people will be infected
- Fifty million people will require outpatient care
- Two million people will be hospitalized
- Between 100,000 and 500,000 people will die

The illness rates for both seasonal and pandemic influenza are high among children, and schools will be places where the spread of influenza will be the highest. It is believed that closing schools at the onset of a pandemic could significantly decrease the spread of the disease. The decision to close schools would come from the governor, based on recommendations from county and state health departments.

Differences between Seasonal Flu and Pandemic Flu

It is important to understand the differences between seasonal flu, a mild to moderate flu pandemic and a severe flu pandemic. Understanding these differences will help in planning and preparation, and will better prepare the district for what may occur during a pandemic.

The seasonal flu virus is caused by influenza viruses that are closely related to viruses that have previously circulated. Most people will have immunity to these viruses. Symptoms include fever, cough, runny nose and muscle pain. Complications such as pneumonia are most common in young children or older adults, and may result in death. A vaccine is produced each season to protect people from the three influenza strains predicted to most likely cause illness. Seasonal flu kills about 36,000 Americans each year and hospitalizes more than 200,000 children and adults.

The virus in a mild to moderate pandemic is caused by a new influenza that has not previously circulated among people and that can be easily spread. Because most people will have no immunity to the new virus, it will likely cause illness in high numbers of people or more severe illness and deaths than seasonal influenza. Symptoms are similar to seasonal flu, but may be more severe and have more frequent serious complications and healthy adults may be at increased risk for serious complications. The impact of a mild to moderate pandemic may cause some short-term school closings and encouragement of people who are sick to stay home.

The virus in a severe pandemic causes more severe illness, results in greater loss of life and has a greater impact on society. During the peak of a severe pandemic, workplace absenteeism could reach up to 40 percent. The impact may include closing schools and childcare facilities, discouraging public and social gatherings, and the patterns of daily life could be changed for some time with basic services and access to supplies possibly disrupted.

Influenza Case Definition

The Centers for Disease Control and Prevention defines an influenza-like illness as having the following symptoms:

- Fever of 101.5 degrees or higher
- Cough
- Sore throat
- Headache
- Muscle ache

Measures to Limit Spread of Flu

Human influenza virus is mainly transmitted from person to person when an infected person coughs or sneezes. A lesser mode of transmission occurs when a person touches something that has the flu virus on it and then touches his or her mouth or nose. Some individuals who are infected may never show symptoms or have mild symptoms, but could still spread the virus to others.

The supply of anti-viral drugs will likely be limited throughout the pandemic. Scientists cannot be certain that these drugs will be effective against a pandemic virus. In addition, a virus-specific vaccine may not be available until four-six months after identification of a pandemic virus. For these reasons, infection control and social distancing will be the keys to limited transmission, delaying the spread of the virus and protecting people. Social distancing is a measure to decrease the frequency of contact among people in order to diminish the risk of spread of communicable diseases.

The following measures are recommended to limit the spread of seasonal flu:

- Promote hand washing and cough hygiene among students and staff
- Encourage people to get the flu vaccine
- Encourage people to stay home who are sick or show flu symptoms

Along with the measures listed for seasonal flu, the following additional measures are recommended to limit the spread of influenza during a mild to moderate pandemic:

- Encourage the use of social distancing at the work place, schools and in the community
- Possible school closures for a short amount of time, from a few days to two-three weeks

Along with the measures listed for seasonal flu and a mild to moderate pandemic, the following additional measures are recommended to limit the spread of influenza during a severe pandemic:

- Possible extended school closures, which could range from weeks to up to three months
- Promote social distancing of children and teens outside of schools by reducing their social circulation and contacts

Community Disease Containment

The Minnesota Department of Health (MDH) is the lead state agency for isolation, quarantine and community-wide infection control recommendations. The Minnesota Department of Public Safety is the lead state agency for all other community-level disease containment measures, with MDH making recommendations to activate the measures in consultation with the CDC.

When sustained disease transmission is occurring in Minnesota, the MDH will consider use of community-based containment measures such as closing schools and restricting public gatherings. The MDH's role is to recommend school closures and other community restrictions. Under Minnesota statutes, the governor may, during a national-security or peacetime emergency, authorize the Commissioner of Education to alter school schedules, curtail school activities or order schools closed. The governor has emergency authority to implement other community restrictions.

Social distancing in office settings may include establishing policies for telecommuting, staggered shifts, limitation of face-to-face meetings and prompt exclusion of people with influenza symptoms. Social distancing measures in other settings such as grocery stores and places of worship may also be considered. Measures may include limiting the number of people who are in the same area of the building at one time.

Closure of schools and child care centers may be particularly effective during a pandemic since children are efficient transmitters of seasonal influenza. Closing schools may reduce disease transmission, but will undoubtedly cause increased hardship to parents and caregivers and could have significant effect on the business sector, since parents/caregivers may need to take time off work to provide child care. Significant planning must be done to prepare for the potential of school closures that could last, in the worst case, for six-eight weeks. The MDH will continue to work to identify criteria and triggers for such recommendations and will also provide recommendation on infection control at schools.

Disease containment refers to measures that decrease contact among people in order to slow transmission of influenza virus. These measures will be particularly important in the absence of an effective vaccine and may become less important if a vaccine becomes widely available. Disease containment includes individual-level measures such as isolation and quarantine, and community-level measures such as suspension of public gatherings to limit or slow transmission of the influenza virus.

Phases of Pandemic

The World Health Organization (WHO) has established six pandemic influenza response alert phases as part of its global plan. The district's plan is aligned to these phases. In actual practice, the distinction between the various phases of a pandemic may be blurred or shift in a matter of days or hours. The phases include the following:

Interpandemic Period

- *Phase One* – No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infection or disease is considered to be low.
- *Phase Two* – No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.

Pandemic Alert Period

- *Phase Three* – Human infection(s) with a new subtype, but no human-to-human spread, or at most rare instances of spread to a close contact.
- *Phase Four* – Small cluster(s) with limited human-to-human transmission, but spread is highly localized, suggesting that the virus is not well adapted to humans.
- *Phase Five* – Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).

Pandemic Period

- *Phase Six* – Pandemic: increased and sustained transmission in the general human population.

Planning Guidelines Using Pandemic Severity Index

To assist school district and communities in matching appropriate interventions to the severity of the pandemic, the Centers for Disease Control and Prevention (CDC) has developed the Pandemic Severity Index. The Index is based primarily on the case fatality ratio, which is a measurement that is useful in estimating the severity of a pandemic on a population level. It also advises possible mitigation measures to match the five severity categories of the index.

The table below provides a categorization of pandemic severity by case fatality ratio – the key measurement in determining the Pandemic Severity Index – and the excess mortality rate. In addition, the table displays ranges of illness rates with potential numbers of U.S. deaths per category, with recent U.S. pandemic experience and U.S. seasonal influenza to provide historical context.

| Characteristics | Category 1 | Category 2 | Category 3 | Category 4 | Category 5 |
|--|---|--------------------------------------|---------------------------------------|---|--------------------------|
| Case fatality ratio (percentage) | Less than/equal to 0.1 | 0.1 to less than/equal to 0.5 | 0.5 to less than/equal to 1.0 | 1.0 to less than/equal to 2.0 | Greater than 2.0 |
| Excess death rate (per 100,000) | Less than/equal to 30 | 30 to less than/equal to 150 | 150 to less than/equal to 300 | 300 to less than/equal to 600 | Greater than 600 |
| Illness rate (percentage of population) | 20-40 | 20-40 | 20-40 | 20-40 | 20-40 |
| Potential number of deaths (based on 2006 U.S. population) | Less than/equal to 90,000 | 90,000 to less than/equal to 450,000 | 450,000 to less than/equal to 900,000 | 900,000 to less than/equal to 1.8 million | Greater than 1.8 million |
| 20 th century U.S. experience | Seasonal influenza (illness rate 5-20%) | 1957, 1968 | None | None | 1918 pandemic |

In developing the Pandemic Severity Index, the CDC carefully matched interventions to the pandemic severity level to minimize economic and social costs. These mitigation measures include the following:

- Isolation and treatment (as appropriate) with influenza antiviral medications of all persons with confirmed or probably pandemic influenza. Isolation may occur in the home or healthcare setting, depending on the severity of an individual’s illness and/or the current capacity of the health care infrastructure.

- Voluntary home quarantine of members of households with confirmed or probable influenza case(s) and consideration of combining this intervention with the prophylactic use of antiviral medications, providing sufficient quantities of effective medications exist and that a feasible means of distributing them is in place.
- Dismissal of students from school (including public and private schools as well as colleges and universities) and school-based activities and closure of childcare programs, coupled with protecting children and teenagers through social distancing in the community to achieve reductions of out-of-school social contacts and community mixing.
- Use of social distancing measures to reduce contact between adults in the community and workplace, including, for example, cancellation of large public gatherings and alternation of workplace environments and schedules to decrease social density and preserve a healthy workplace to the greatest extent possible without disrupting essential services. Enable institution of workplace leave policies that align incentives and facilitate adherence with the non-pharmaceutical interventions outlined above.

The categories and the mitigation measures are combined in the table below.

| Interventions by Setting | Category 1 | Categories 2 and 3 | Categories 4 and 5 |
|--|---------------------------|---------------------------|---------------------------|
| Home – voluntary isolation of ill at home (adults and children; combine with use of antiviral treatment as available and indicated) | Recommend | Recommend | Recommend |
| Home – voluntary quarantine of household members in homes with ill persons (adults and children); consider combining with antiviral prophylaxis if effective, feasible and sufficient quantities are available | Generally not recommended | Consider | Recommend |
| School – dismissal of students from schools and school-based activities and closure of childcare programs | Generally not recommended | Consider up to 4 weeks | Recommend up to 12 weeks |
| Child social distancing – reduce out-of-school social contacts and community mixing | Generally not recommended | Consider up to 4 weeks | Recommend up to 12 weeks |
| Workplace/community adult social distancing – decrease number of social contacts (encourage teleconferences or other alternatives to face-to-face meetings) | Generally not recommended | Consider | Recommend |
| Workplace/community adult social distancing – increase distance between persons (reduce density in public transit, workplace) | Generally not recommended | Consider | Recommend |
| Workplace/community adult social distancing – modify, postpone or cancel selected public gatherings to promote social distance | Generally not recommended | Consider | Recommend |
| Workplace/community adult social distancing – modify workplace schedules and practices (telecommuting or staggered shifts) | Generally not recommended | Consider | Recommend |

Core Operations Functions

In planning for a potential flu pandemic, Wayzata Public Schools has focused its planning on five major core operations functions:

- Personnel
- Educational planning
- Health support
- Building operations
- Communications

Sub-committees of staff led by district administrators have considered action steps for each function area in event of a pandemic. Specifically, the groups considered action steps that would be needed if schools were closed for an extended period of time. Detailed action steps for each core operation function are listed on the following pages.

Personnel – Core Operations Function

Use of Employee Sick Leave

Because of the broad impact of a pandemic, the district will likely allow employees to liberally use accrued sick-leave time. Specific details and decisions related to the use of sick leave will be made when necessary or on a case by case basis.

Substitute Employees

The district's human resources department will prepare a list of administrators (current and retired) and appropriately licensed staff members who could substitute during the illness of a principal or administrator. Regular lists of substitute teachers and other employee groups will also be maintained. As much as possible, the department will work to provide appropriate substitutes when employees are unable to report to work.

Employees Who Refuse to Report to Work

If schools are closed during a pandemic, only designated employees will be required to report to work. If schools are open and an employee refuses to report to work, the human resources department and appropriate administrator will address the situation. Each situation will be handled on a case by case basis.

Educational Planning – Core Operations Function

Teachers' Responsibility if Schools are Closed

If schools are closed during a pandemic, teachers will not be expected to report to work.

However, teachers should have a list of student phone numbers and email addresses in case it is necessary to contact students to provide optional instructional delivery options.

Basic Considerations for Curriculum/Educational Planning

The district's first consideration will be focused on what is best for students in general along with what's best for individual students. When considering options for delivering instruction if schools are closed, many of these decisions hinge on the length of time schools will be closed. The needs and instructional delivery options will be different for grade levels.

Considerations for High School Instruction

The available instructional delivery options for high school students will largely depend on the timing and length of the pandemic. If schools are closed for an extended period of time, considerations for high school instruction include the following:

- Course and lesson templates will be available online so teachers can post curriculum materials that can be accessed by students. The templates will be posted using Moodle so it will be necessary for teachers to know how to use the program.
- If students have completed more than half of a course and have a passing grade, the grade of "P" could be posted so that students would be allowed to continue on and the grade would not affect their GPA.
- If the course material were a prerequisite for another course, a student could do a "Credit for Learning" test (which is already in place). If they pass the test, they could go to the next course.
- Another option is to allow students to take an incomplete and finish the coursework by allowing extra time in the summer to earn the credit.
- Advisory committees may be necessary to review individual student issues related to courses and credit.
- For students who do not have access to the Internet at home, we may be able to use the call-out system to notify them of instructional options.
- Students will need to take home all books with them when a school closing is announced or will need to know Web site addresses to use for instruction.

Considerations for Middle School Instruction

If schools are closed for an extended period of time, considerations for middle school instruction include the following:

- Course delivery could occur using Moodle or assignments could be delivered to students using the call-out system.
- Students will need to take home all books with them when a school closing is announced or will need to know Web site addresses to use for instruction.
- Teachers will need to have class lists, telephone numbers and email addresses of students with them at home.
- Since credits are not granted at the middle school level, the primary focus will be on knowledge that students will need to gain to be prepared to move to the next grade level.

Considerations for Elementary School Instruction

If schools are closed for an extended period of time, considerations for elementary school instruction include the following:

- It is not developmentally appropriate to think that all elementary students can learn through the use of technology and online learning.
- Teachers could develop learning activities in language arts, math and writing for students to work on at home.
- Parents could communicate with teachers using technology, but it is not reasonable to expect students to interact with teachers through Moodle like middle and high school students.
- Teachers will need to have class lists, telephone numbers and email addresses of students with them at home.
- At the end of the school year, students could be assessed to determine progress in basic skills. Students who have not mastered these skills could be provided with additional instruction in the summer.

Considerations for Activities and Athletics

If schools are closed, all school activities and athletics would be cancelled. The primary area of consideration will be at the high school with issues such as lettering, scholarships and admission to college programs. Decisions will be made on a case by case basis by a committee of a building administrator, athletic/activities director and coach.

Considerations for Special Education

The specific needs of each special education student are outlined in the individual education plan (IEP). If schools are closed for an extended period of time, considerations for special education instruction include the following:

- Decisions about the completion of the plan or the need for continuation of service will need to be made by the IEP, depending on each child's disability.
- If possible and appropriate, technology may be used to deliver instruction to special education students.
- Teachers will need to have class lists, telephone numbers and email addresses of students with them at home.
- An individual student's program may have to continue to an extended year, if appropriate.

Impact on Home Base Program

If schools are closed during a pandemic, the district's Home Base program will also be closed. No service will be provided for parents. In addition, the district's early childhood programs will also be closed.

Ongoing Issues for Curriculum/Educational Planning

The following issues will need to be discussed and considered in the event of a pandemic:

- All teachers will need to receive training in the use of Moodle and the template.
- A decision will be needed on whether the required number of teacher contract days will be suspended until school reconvenes.
- A decision will be needed on whether the district will consider teachers providing online instruction as contract days.
- A decision will be needed on whether teacher contracts can be extended into the summer.
- A decision will be needed on who will be responsible for training teachers on Moodle and when it will occur.
- A decision will be needed on who will be responsible for posting curriculum content on the Web site.

Technology Support

If schools are closed for an extended period of time during a pandemic, technology may be used extensively. Along with the need to maintain technology to support the district's Web page and other necessary functions, other possible technology uses may put pressure on the district's technology staff. Decisions will need to be made on priorities for the technology staff on whether time will be available to properly support possible technology uses such as telecommuting and online instruction by teachers.

Health Support – Core Operations Function

Basic Role of Health Support Function

The most significant role of the health support function is to provide accurate information to parents, students and staff members on flu-related issues. The district nurses will be responsible for developing information that can then be shared through the communication office. Information on understanding the flu pandemic and prevention steps will be shared in the early phases of the pandemic. Information on when students and staff should be sent home when showing flu-like symptoms will be used in later phases. District nurses will play a critical role in leading the surveillance and reporting aspects of the plan, noted on page 13.

In addition to meeting the physical needs of students and staff, attention will be given to supporting the social/emotional health of students and their families as well as district employees. Building crisis teams may be called on to provide this type of support.

Building Operations – Core Operations Function

Essential School Personnel during Shutdown

During an extended school shutdown, the following school employees will be considered “essential employees” and required to report to work:

- Head principal
- Head custodian
- Head building secretary
- High school activities director
- High school activities clerical staff

Essential District Office Personnel during Shutdown

During an extended school shutdown, the following district office employees will be considered “essential employees” and required to report to work:

- Superintendent’s office
- Payroll staff
- Director of human resources and human resources manager
- Director of communications and communications specialist
- Tech office support
- Controller
- Finance office support
- Director of community services and office staff

Contingency plans will need to be made to cover critical functions if employees are sick and unable to report to work.

Contract with Hennepin County

The district has a contract with Hennepin County Public Health Department for use of its schools in a health emergency. The contract specifically references Wayzata High School. The most likely use of WHS by Hennepin County would be as a “mass dispensing site,” distributing medications to the public in response to a smallpox or anthrax threat. If such an event were to occur, schools would likely be closed. The district would have to provide minimal support for building operations such as HVAC operation, building access, possible access to copiers and computers and some assistance in providing food for workers. Any district employees providing these services would receive the same prophylaxis as the health workers.

It is unlikely that Hennepin County will want to use WHS in the event of a flu pandemic. It would be unwise to bring large numbers of people together during a flu pandemic. In addition, there would not be any vaccine available for at least four-six months, so the use of the school for mass dispensing is not likely.

Building Shutdown during Flu Pandemic

If schools are closed for an extended period of time during a flu pandemic, it will continue to be necessary to do building checks. The buildings and grounds department will follow current established procedures to check buildings. Buildings that are occupied need boiler checks every 24 hours and buildings not occupied need boiler checks every 48 hours. The district's buildings and grounds department has staffing in place, including back-up, to complete these checks. Specific assignments will be outlined in case of a shutdown. Qualified staff members will also need to check swimming pools.

Protective Equipment

Custodians have supplies of N-95 respirators (masks) and have been trained in their use. The respirators are to be used when performing dusting activities such as boiler cleansing or replacing air filters. The respirators are personal protective equipment that is somewhat effective against the flu virus. During a flu pandemic, the respirators will be made available to other staff members required to report to work. Adequate supplies of respirators and other necessary protective equipment will need to be stockpiled.

Communications – Core Operations Function

Communication Strategies

All pandemic flu related communication and messages will come through the district's communication department. The department will use existing communication strategies to share information with staff, parents and community residents. The department will focus on sharing consistent messages. It will be necessary to use communication strategies that can deliver information quickly and through a variety of methods. The major communication strategies to be used will include the following:

- District's Web site
- Schools' Web site
- Mass emails sent to staff and parents
- Mass voice messages sent through a call-out system
- Dedicated phone line with posted messages
- Letters to parents and staff
- Information shared with electronic media

Pre-planning communication activities

The following activities are those that can be completed now or prior to the flu pandemic that will assist in the communication process:

- Have principals obtain phone number and email addresses for parents and staff, if not already available
- Establish hotline phone number to be used to post announcements
- Obtain home email address for staff members

Types of Information to be Communicated

The type of information that the district shares with staff members, parents, students and community members will vary depending on the phase of the pandemic. The following are the major types of information that will be shared:

- Preventative information – symptoms of influenza, steps to prevent transmission, respiratory and cough etiquette, and hand-washing hygiene
- Information on preparedness measures for families
- Information to staff and parents on the district's pandemic preparedness and response plan
- Information on when not to send children to school
- Information on when employees should not report to work
- Information on school closing status and updates on school activities

Action Steps – Prevention and Mitigation, Phases 1 and 2

The following are the recommended action steps to be taken by the district during the prevention and mitigation phases of a potential pandemic:

- Continue to review and modify pandemic flu preparedness plan
- Establish contact with key public health and community partners to coordinate pandemic planning activities
- Develop list of alternative vendors and resources to deal with potential disruption of deliveries and shortage of supplies
- Share pandemic awareness information with parents, students and staff

Action Steps – Preparedness, Phase 3 (pandemic alert)

The following are the recommended action steps to be taken by the district during the preparedness phase of a potential pandemic:

- Continue to review and modify pandemic flu preparedness plan
- Continue to share pandemic awareness information with parents, students and staff
- Implement process to monitor daily student attendance for increased reports of absence due to flu-like illness
- Implement necessary procedures for making staffing adjustments when staff members become ill
- Review quantities and develop distribution plan for personal protective equipment, and cleaning supplies
- Implement daily cleaning procedures of high contact surfaces in schools and on buses to reduce spread of infection
- Establish procedures for transporting students that are ill

Action Steps – Response, Phase 4 (pandemic alert)

The following are the recommended action steps to be taken by the district during the response, phase 4 of a potential pandemic:

- Continue to share pandemic awareness information with parents, students and staff, including infection control information, and possible impact if schools are closed
- Continue to implement process to monitor daily student attendance for increased reports of absence due to flu-like illness
- Continue to implement daily cleaning procedures of high contact surfaces in schools and on buses to reduce spread of infection
- Provide personal protective equipment to designated staff members

Action Steps – Response, Phase 5 (pandemic alert)

The following are the recommended action steps to be taken by the district during the response, phase 5, of a potential pandemic:

- Continue to share pandemic awareness information with parents, students and staff, including infection control information, and possible impact if schools are closed
- Continue to implement process to monitor daily student attendance for increased reports of absence due to flu-like illness
- Continue to implement daily cleaning procedures of high contact surfaces in schools and on buses to reduce spread of infection
- Report number of students who are absent with flu-like symptoms to public health officials on a weekly basis
- Implement “core function” activities if schools are closed

Action Steps – Response, Phase 6 (pandemic)

The following are the recommended action steps to be taken by the district during the response, phase 6, of a potential pandemic:

- Provide regular information updates to parents, students and staff on extent of pandemic and effects on the district
- Implement intensive surveillance process to monitor daily student and staff attendance for increased reports of absence due to flu-like symptoms
- Consider screening process of all students, staff and visitors at point of entry for signs and symptoms of influenza, and restrict entrance
- Report number of students who are absent with flu-like symptoms to public health officials on a daily basis
- Continue to implement daily cleaning procedures of high contact surfaces in schools and on buses to reduce spread of infection
- Modify work responsibilities as needed
- Implement “core function” activities if schools are closed

Action Steps – Recovery, Phase 7 (post-pandemic)

The following are the recommended action steps to be taken by the district during the recovery phase of a potential pandemic:

- Work with emergency officials to implement re-opening of schools and other facilities
- Continue to provide information updates to parents, students and staff
- Activate district-wide and/or building crisis teams to provide emotional/psychological support for students and staff
- Conduct debriefings on how crisis was handled

Surveillance and Reporting

During all stages of a pandemic flu outbreak, it will be essential to monitor and document the number of students and faculty who are absent and meet the definition of influenza-like illness. Keeping track of these numbers will help health officials determine when and whether to close schools, and when to make other related decisions. School offices will be asked to monitor the illness rate and potential epidemic using the following surveillance levels:

Standard surveillance (no flu activity reported in the community)

- Monitor daily attendance for increased reports of absence due to flu-like illness
- Do not report absences to the health department unless greater than 10 percent

Heightened surveillance (flu activity reported in the community; less than 10 percent school absenteeism due to flu-like illness)

- Monitor daily attendance for flu-like illness/absences
- Log absences due to flu-like illness
- Send weekly absence report to health department

Intensive surveillance (high number of flu illness reported in the community; 10 percent or greater school absenteeism due to flu-like illness)

- Monitor daily attendance and log absences
- Send daily absence report to health department
- Prepare for potential school closure

Summary

There was extensive planning that went into the development of this plan. It will be necessary to regularly review the plan and make updates as more information becomes available from federal and state agencies. Significant adjustments to the plan may be necessary depending on when the pandemic occurs. In addition, it is important to emphasize that while this plan provides a framework for action steps, many decisions on potential issues cannot yet be made. It is also likely that the Minnesota Department of Health and Minnesota Department of Education will provide further direction on key issues.

PLYMOUTH CREEK ELEMENTARY KINDERGARTEN ENROLLEMENT

With the recent change in the attendance boundary between Kimberly Lane and Plymouth Creek elementaries, it is projected that our kindergarten enrollment next fall at Plymouth Creek will be approximately 70 – 75 students. Our current year enrollment at Plymouth Creek shows grade level numbers ranging from a low of 90 in our current 4th grade class, to a high of 106 in 3rd grade. The current kindergarten class has 91 students enrolled.

Optimal kindergarten enrollment at Plymouth Creek would be in the range of 90 - 100 students. New residential development in the Plymouth Creek attendance area is moving forward at a much slower rate than both the city and the developers projected. As a result, the projected kindergarten enrollment of 70 - 75 students is significantly lower than projected.

Forty-three non-resident students have applied for open enrollment into our District as kindergarten students next fall. Five have been assigned to Plymouth Creek with regard to the fact they have older siblings attending there. Those five students are included in the projected 70 - 75 kindergarten student enrollment for next fall. Several non-resident applicants who have not been assigned a school for next fall have included Plymouth Creek as a requested school. If the Board were to open Plymouth Creek to non-resident students at the kindergarten level for 2007-08, some or all of those applicants would be assigned to Plymouth Creek. It is also likely that other non-resident families would request kindergarten enrollment at Plymouth Creek between now and the start of school next fall. There would be a reasonable chance of achieving a kindergarten enrollment of 90 students.

If the Board decides to open Plymouth Creek to non-resident kindergarten students, the administration would recommend doing so for 2007-08 only. It is recommended that consideration beyond 2007-08 be based upon resident student enrollment on a year-to-year basis.



Putting the Social Studies Back Together Again
- Creating a Senior Capstone Experience -

2006 NCSS Conference
Washington, D.C.

Presented by
Peter Schmit and Amy Swenson
Wayzata Public Schools
Minnesota

1

2 Putting the Social Studies Back Together Again

A Senior Capstone Experience

3 Once upon a time...

- Trimester System
- Economics, Sociology, Political Science and Psychology
- Individual teachers teaching to their particular strengths and passions
- No continuity or flow from one subject area to the next
- All seniors took three of the four; had an AP option which kept kids tracked

4 Vision Statement

- Reunite the social sciences into a multi-faceted approach that enables students to develop a rich understanding of the complexities associated with an increasingly global society
- Create a credible academic experience for AP and non-AP scholars alike

5 Where are we now?

- 4x4 Block Schedule
- Semester Course
- A senior social studies requirement
- 12th grade team with synthesized, "inter-disciplinary" social science curriculum
- Culminating and Embedded Assessment
- Capstone Course

6 Course Characteristics

- Integrated social studies content areas
 - Expressed - sociology, economics, political science (public policy)
 - Implied – utilization of prior social studies course experiences (e.g. CAPSTONE)
- Embedded "life" skills
 - E.g. conducting research, critical analysis of issues, arguing and presenting research-based positions, developing civic engagement

7 Integrated Disciplines

- Utilize the social sciences to:
 - Better understand how and why policy decisions are made from a sociological perspective
 - Better understand how and why policy decision are made from an economic perspective
 - Better understand the sociological and economic impacts of existing policy decisions
 - Better evaluate the successes and failures of policy actions


8 Embedded "Life" Skills

- Provide opportunities to develop skills needed for success in an inter-dependent world:
 - Bi-weekly, whole group, scored Issue Discussions
 - Source Analyses (skill development)
 - "Appropriate" Source Material
 - Bias
 - Source Credibility
 - MLA Style
 - Senior Research Project


9 Challenges Along the Way...

- Holding the Line (Academic Rigor and Accountability)

- "All kids can learn...but..."
- No second chances
- "...but my kid..."
- Reputation, Rumor and Misinformation
- Fear of Failure

10  **Successes**

- Addresses both the Character and Scholarship aspects of WHS mission statement
- Academically challenging senior class for all
- Keeps kids academically engaged their senior year
- Meets the diverse needs of our students
 - College Prep; Development of Life Skills
- Deconstructing Tracking
- Student Thanks and Testimonials

11  **Contact Information**

- Peter Schmit
 - 12th Grade Mo Pro Teacher
 - Social Studies Department Chairperson
 - peter.schmit@wayzata.k12.mn.us
- Amy Swenson
 - 12th Grade Mo Pro Teacher
 - K-12 Social Studies Resource Teacher (TOSA)
 - amy.swenson@wayzata.k12.mn.us

Sample Senior Project Requirement

Modern Problems

Part I - Developing a Thesis/Project Overview

Due Date:

1. Identify a significant, current public policy that interests you.

Take into consideration your expertise on the policy as well as the breadth of the topic you will research. Is it too large? Too small? Will you be able to find adequate information to write a research paper? Will the policy hold your interest?

2. Identify the controversy associated with this public policy.

Keep in mind that a public policy has at least two distinct, opposing viewpoints and incorporates a government entity as well as private responses. The conflicting viewpoints are often the result of a conflict of values and/or beliefs. Keep in mind that the presentation of the opposing views should be balanced and equally represented in your research.

3. Craft your research question.

Please follow the prescribed question format illustrated below:

Should [government actor][action connected to a specific public policy]...because (2-3 reasons), or should [government actor][action connected to a specific public policy]...because (2-3 reasons)...?

Sample Question: Should the Corcoran City Counsel amend the zoning guidelines for new construction, passed as part of the 2006 City Plan, to allow for more multi-unit housing projects because there is an increased demand by "empty nesters" for affordable, maintenance free homes in the area... or should the Corcoran City Counsel continue to approve/reject housing projects based on the current guidelines because they fit within the overall plan for the city, control growth and protect existing wetlands from development...?

4. Complete "Project Overview" for Part I and submit to your instructor at the beginning of class on the assigned due date. (Attached to this packet)

1. Conduct research on a public policy and record useful information.

Things to Keep in Mind:

- Develop a consistent note taking method. Note Cards are a very useful tool for keeping track of information and provide flexibility when organizing information.
- Keep track of bibliographic information for each source. Usually this includes author, title, publisher, date of publication and PAGE NUMBERS!
- If an idea was not originally yours, or if a source helped you to develop an idea, give credit to the source! Failure to do so means you are guilty of plagiarism.
- Refer to the Wayzata Style Guide for assistance in citing bibliographic information (MLA Style)
- Good research means "digging". Think of it as a treasure hunt. The better your sources, the better your paper. Go beyond the surface in your research. Don't take the first 5 items from an internet search. Think! Ponder! Be of discriminating taste!
- You will need to find information on:

- | | | |
|----------------------------------|-----------------------|--------------------|
| • Background | • Cause and Effect | • Key Players |
| • Government legislation (laws) | • Statistics and data | • Definitions |
| • Real-life stories | • Costs and benefits | • Related Issues |
| • Potential solutions (programs) | • Social Implications | • Economic Impacts |
| • Other | • Other | • Other |

2. Complete and submit a Bibliography of the sources you have found so far.

The bibliography should be word-processed, error free and follow the format outlined in the Wayzata Style Guide.

3. Complete and submit a minimum of 8 - 10 Source Analyses.

Follow the format attached to this packet. Your source analyses are your research notes that will be used in writing your Part III. Don't wait until the last minute for this one. It is THE MOST TIME CONSUMING aspect of your senior project! You must include 1 - 2 sources from each of the following categories:

- ✓ Mass Media (e.g. newspaper or magazine)
- ✓ Government (e.g. Congressional Quarterly)
- ✓ Advocacy Groups (e.g. research group, PAC, Interest group)
- ✓ Scholarly Journal (e.g. JAMA, NCSS)
- ✓ Book (e.g. a chapter or section)

4. Write a rough draft of your introduction and submit a works cited page for all sources cited in your introduction.

Your introduction should set the stage for your research project. Don't forget that you need to maintain balance in establishing both sides of the controversy. Include at least two in-text citations as well as a "grabber" - an interesting quote, fact statistic or story.

1. Write a Research Paper that includes the following information:

a. Research Question (use as the title of your paper)

- MUST be stated in the form of a question. (Should...because...or...)
- Clear, unbiased, balanced identification of a public policy and opposing viewpoints
- Revise from Part I of this project

b. Introduction

- Introduce the reader to your topic.
- Draw the reader in with an interesting beginning or “grabber”
- Restate research question at the end of the introduction to transition into the body of your research paper.
- Clarify the public policy for the reader.
 - Define terms and concepts
 - Provide statistics and relevant facts (how many, what, when, who)
- Incorporate revisions from Part II of this project.
- DO NOT USE: *In this report I am going to...Through my research I will show you both sides of the issue...In this paper I will tell you about the background of my issue, the social implications, the economic implications...*

c. Background Information/Public Policy Overview

- Provide background information on this policy (causes). Use your research question for guidance on how far back to go...how detailed to be...
- Public Policy Elements
 - Explain the various viewpoints on this policy and how various groups propose to answer the question you have posed. Who is making demands for change? Who is resisting? Who are the policy makers involved and what have they proposed? Why?
 - Current guidelines, laws, policies in effect? Lacking?
 - Incorporate significant, relevant and appropriate policy concepts discussed in class (e.g. democracy as an argument, political spectrum, federalism, iron triangle, etc.)
- Be specific. Add details. Avoid generalizations. Carry your thoughts through to the end.
- Show evidence of your research (use in-text citations).

d. Social Analysis

- Clarify this policy from a sociological perspective. What impact does this policy have on a segment of society or society at large (e.g. sociological imagination)? How do sociological concepts provide insight into the causes and/or effects associated with this policy?
 - How does this sociological concept help us to better understand the issue? Refer to Modern Problems Key Concepts (Attached)
- Use at least 1 sociological theory that was studied in class to further clarify the issue. Identify the theory, define it and develop the connection to your topic.

- Identify and explain at least two additional sociological terms/concepts and develop the connection to this policy.
- Use specific information from your research in support of your analysis. Use in-text citations of your research as well as information from class notes.

e. Economic Analysis

- Identify and explain at least three economic terms/concepts that were studied in class and explain how these relate to this policy.
 - What are the economic implications associated with this policy?
- Use specific information from your research in support of your analysis. Use in-text citations of your research as well as information from class notes.

f. Policy Analysis and Your Recommendation

- How would you answer your research question?
 - Be detailed in your answer. Go beyond the surface and the quick fix. Include the manifest and latent consequences as well as what is and what is not working.
 - What might be the pitfalls associated with your answer?
 - How might you fund your recommendation? Think about taxes, equity, incentives, impact of implementation, policy outputs, inputs...
- Use specific information from your research in support of your response. Use in-text citations of your research as well as information from class notes.

g. Conclusion

- This is your last chance to pull it all together for the reader. Why should the reader care? Motivate the reader to do something. In the words of Margaret Mead, "One person can make a difference. Indeed it is the only thing that ever has."

h. Works Cited Page

- Include a works cited page for every source that is cited (used) in your paper.

i. Bibliography

- Include a bibliography of all of the sources identified from your research. You may not have "used" all of these sources in your paper. Your bibliography will be longer than your works cited page. At least 15-20 different sources is suggested.
- Use the Wayzata Style Guide to identify the correct format. Remember to make the corrections that were identified in Part II.

j. Research

- You will be evaluated on the depth of your research, use of research in your paper and citing the information correctly.

k. Mechanics

- Paper should be word-processed and double spaced.
- Grammar and spelling should be accurate and not detract from the author's message.

- Word choice should be varied, interesting and YOUR OWN. Remember, if you didn't come up with it, give credit to the person who did.
- Use clear transitions between ideas. How does this idea connect to the next?
- Label each section of your paper to coincide with assignment sheet.

Part IV – Taking Action

Due Date:

1. Choose a platform that will demonstrate your involvement and/or commitment to this policy. Take action that involves someone other than yourself and your instructor. Provide a copy of the platform to your instructor for evaluation.

For example, if you choose to make a video, give a copy of that video to someone who can use it. If you choose to create an original work of art, find a business that would display your work. Take a photo of your work and give to the instructor. If you write a letter, mail it and provide evidence to your instructor that it was mailed. Also give your instructor a copy of the letter. If you created a pamphlet, provide a copy of that pamphlet to your instructor along with evidence that someone else read that information.

2. Write a brief justification for the action you took. If you write a letter, why did you choose that platform? Why did you choose to send the letters to the people you did? If you volunteered, why did you decide to take that action? Remember, failed action is also action. This information will help your instructor in assessing your involvement and commitment to the issue.

Remember that **NOT ALL ACTION IS EQUAL**. For example, volunteering your time will be rewarded more than writing a letter. Grades will be awarded based on the quality of the product, the appropriateness of the action, the power of the message, the amount of action taken and the impact of that action.

3. Ideas for action include: writing a letter to the editor, creating a public service announcement, writing a letter to an elected official, creating a brochure, developing a web site, addressing the city council or other organization, volunteering your time, creating a program or implementing your solution as well as many others.

Part II - Conducting, Evaluating and Utilizing Research "What do I need to do?"

My grade on this assignment will be earned according to the quality by which I completed each of the following... **Points: /50**

Source Analysis

- _____ A Source Analysis has been completed for 8 -10 sources. Pick your BEST sources for this part of the assignment.
- _____ Source Analyses follow the assigned format and are clearly labeled.
- _____ Each section of the Source Analysis is thoroughly completed.
- _____ Specific references to the source (and citations) are used in your analysis.
- _____ Responses provide evidence of thought.

Research to Date

- _____ At least 8 - 13 sources have been identified
- _____ Source types are varied (at least five different types)
e.g. books, mass media, government sites, advocacy groups, scholarly journal
- _____ Source types serve different purposes (e.g. bias, advocacy, opposing viewpoints etc.)
- _____ Reflect current research and trends and relate to the topic
- _____ Copies of your notes are included (e.g. highlighted copies, note-cards)
- _____ Demonstrates evidence of "digging"; reputable sites, authors, etc., not the "first" source on the google list
- _____ Sources are reliable and timely

Bibliographic Format

- _____ Follows the format prescribed by the *Wayzata Style Guide*
- _____ Necessary bibliographic information is provided
- _____ Format is free from punctuation, style and spelling errors
- _____ Sources are alphabetized
- _____ Source information is indented after the second line
- _____ Page numbers used are included for books, magazines and newspaper articles

Rough Draft of Introduction

- _____ Draws the reader in with an interesting beginning.
- _____ Clear identification of topic - a controversial public policy
- _____ Balanced and unbiased
- _____ Incorporates research; Includes at least two in-text citations
- _____ Works Cited page included.

Quality of Assignment

- _____ Bibliography and Introduction are typed
- _____ Required Format is used for Source Analysis
- _____ Attention to detail; Organized and Complete
- _____ Each section of the assignment is clearly labeled

SAMPLE: Part II Rubric

| <u>Source Analyses</u> (25 – 23) | (22 – 20) | (19 – 18) | (17 – 10) |
|--|--|---|--|
| <p>Contains 8-10 source analyses. Sources selected for analysis are representative of quality sources.</p> <p>Source Analyses clearly and deliberately follow the format outlined in your senior project packet (e.g. detailed label such as “Credibility of Source”). Includes all information asked for.</p> <p>Includes specific information from source to support your analysis. Cites information appropriately and accurately.</p> <p>Evaluation of source credibility goes beyond the surface and thoughtfully considers each of the suggested categories as well as both manifest and latent elements for each source. Insights and potential implications are specified and are supported with evidence. Your sources will add significance to your Part III. Bravo!</p> <p>Developed a clear and consistent method for taking notes. Method provides clear connection between the information and the source as well as detailed uses for that information. All aspects of Part III have been considered.</p> | <p>Contains the required minimum of 8 source analyses. Most of the sources selected for analysis are representative of quality.</p> <p>Source Analyses mostly follow the format outlined in your senior project packet. Lacking some details making it more difficult to follow along (e.g. incomplete labels such as “A” or “B”). Includes most of the information asked for.</p> <p>Includes references from source to support your analysis. Cites information, although format errors are present.</p> <p>Evaluation of credibility goes beyond the surface on some sources, but on others only surface consideration is given. Does not consistently or thoroughly consider all of the suggested categories for evaluation. Lacks support for some of your thoughts; broad generalizations included. Your sources will add significance to your Part III, although you may not have tapped into their potential uses as of yet.</p> <p>Developed a clear and mostly consistent method for recording information for use in Part III; a few instances where the bibliographic information could not be found or is incomplete. Includes possible uses for information in Part III.</p> | <p>Contains slightly less than the required minimum of 8 source analyses. Some of the sources might be questionable, especially if this is representative of your “best” sources.</p> <p>Source Analyses incorporate some of the elements as outlined in your senior project packet, but in places information is missing. Lacks organization and details making it very difficult to determine if all steps were done. Not labeled.</p> <p>Vague references to source are used but do not lend much support to your analysis. Incomplete citations.</p> <p>Evaluation of source credibility does not go beyond the surface and lacks the necessary depth required to determine the credibility of the author and/or the merits of the source as reliable (or useful) research material. Either the sources are weak or you need to think more deliberately about how they will be used in your Part III. Elaborate! Add details!</p> <p>Note taking method is present, but lacks one+ of the following: details, consistency, organization, or utility making it more difficult to access /utilize for Part III. Connection to bibliographic information is lacking.</p> | <p>Contains significantly fewer than the required 8 source analyses. Significant issues associated with quality are present in the sources selected for analysis.</p> <p>Does not include many of the elements specified in your senior project packet. Did not follow directions. No consistent format present; reader does not know why information was included (purpose). Information is sketchy (random).</p> <p>Generalized statements do not incorporate references from sources. No attempt to cite.</p> <p>Evaluation of source credibility is too incomplete to be of much use to you as the researcher or to me as the reader. Little (or no) consideration given to the specifics outlined in the assignment. Sources are weak or repetitive. You need to find additional sources to support your Part III and be more active in the research process.</p> <p>Information is provided, but has not been adequately recorded (e.g. copy of source provided but not highlighted). Bibliographic information is missing. Does little to prepare you for Part III – failed to see a connection with information and the paper.</p> |

| | | | |
|---|----------------|----------------|----------------|
| <u>Research to Date</u> (10 – 9) | (9 – 8) | (7 - 6) | (5 – 2) |
|---|----------------|----------------|----------------|

| | | | |
|---|--|---|---|
| <p>Located a significant (10-13) number of quality sources, related to your public policy.</p> <p>Source types are varied and at least five different source types have been utilized (books, mass media, government sites, advocacy groups, scholarly journals). Source types serve different purposes (e.g. bias, advocacy, opposing viewpoints, etc.) Evidence of digging!</p> <p>Sources appear to be reliable, valid and timely (reflective of current research/trends). Sources are indicative of extensive research. You were able to find sources that tie directly to your thesis, yet they are not the average, first source on the list, type of selections. Looks like you are in great shape and have found a wealth of information to support you in writing your Part III.</p> | <p>Located the required minimum (8-10) sources related to your public policy.</p> <p>Source types are varied and include at least four different source types (books, mass media, government sites, advocacy groups, scholarly journals). Source types tend to serve the same purpose (e.g. bias, background, opposing viewpoints).</p> <p>Most sources appear to be reliable, valid, and timely. It appears as though you took the research phase of this project seriously. Sources are connected to your thesis. Some are unexpected “gems” (way to dig) and others I’ve seen before. Overall, you appear to be in good shape to start writing your Part III.</p> | <p>Located at least 8 sources that are related to your public policy issue.</p> <p>Sources rely heavily on one source type/format (e.g. INET (mostly .com) or magazines). Expand your search for information.</p> <p>Some of your sources may be questionable – either they are outdated or their reliability is not up to par and therefore may be of limited value. Sources are connected to your thesis. You have some holes in your research so you may find yourself looking for more information as you prepare to write your Part III.</p> | <p>Located significantly fewer than the required minimum of 8 sources.</p> <p>Source types are unclear or not appropriate for this type of assignment (e.g. Grolier’s and Britannica and...)</p> <p>Sources are questionable and may have originated from disreputable or questionable agents. Sources are loosely connected to your topic. It appears as though you still do not have a focus for your research, spent little time “digging” for information and/or were unclear as to how to go about finding relevant information. Please see me for help!</p> |
|---|--|---|---|

| | | | |
|---|----------------|----------------|----------------|
| <u>Draft of Bibliography</u> (5) | (4 – 3) | (3 – 2) | (2 – 1) |
|---|----------------|----------------|----------------|

| | | | |
|--|--|--|---|
| <p>Correct bibliographic format is used and is extremely useful to the reader in locating sources (and specific information). Follows the <i>Wayzata Style Guide</i>.</p> <p>Proper punctuation and spelling with few, if any, errors. Sources are alphabetized and indented after the first line. Page numbers are included for books, magazines, and newspaper articles. Date accessed is included for INET sources; date format is accurate. Bibliography is typed.</p> | <p>Correct bibliographic format is used (although there are some minor errors) and is very useful to the reader in locating sources (and specific information). Mostly follows the <i>Wayzata Style Guide</i>.</p> <p>Attention to punctuation and spelling although some errors are present. Minor errors in alphabetization and indenting sources. Page numbers were included for most sources but others were left out. Date accessed included for most INET sources; date format contains minor errors. Bibliography is typed.</p> | <p>Attempt was made to provide the necessary bibliographic information; numerous format errors are present. The reader has difficulty locating sources (and/or specific information) based on information provided.</p> <p>Several spelling and punctuation errors. Sources are not alphabetized or indented after the second line. Page numbers are not included. Date accessed is not included; contains errors in date format. Bibliography is typed or neatly written.</p> | <p>No adherence to the proper format as outlined in the <i>Wayzata Style Guide</i>. Extremely difficult for the reader to use. The reader cannot locate a specific source or information. Bib. information included in SA only.</p> <p>So many errors in spelling and punctuation that readability is extremely difficult. No attention to the details (e.g. alphabetization, page numbers, indenting, etc.) Not typed and difficult to read.</p> |
|--|--|--|---|

Rough Draft of Introduction

(10 – 9)

(8 – 7)

(6 – 5)

(4 – 1)

Grabs the reader’s attention and makes the reader excited to read the rest of the paper. Skillfully weaves facts together with story and insight. Correct use of in-text citations. Includes >2 references to research.

There is no doubt about thesis and direction of this paper. Thesis question is directly stated and is in the form of a balanced, multi-sided question. Thesis does not interrupt the flow of the paper.

Both sides of the controversy are equally represented and clearly defined. Conflicting values/beliefs are identifiable. Little bias present. I can not tell which side you are on.

Works Cited page is included and follows the format outlined in the *Wayzata Style Guide*. Free from spelling and format errors.

Introduction is pretty interesting. At this point, the reader believes this paper will be interesting and informative. Incorporates facts or story but not both, though information is cited. Includes two in-text citations.

Direction of paper is identified, but details may be lacking. Thesis is stated in the form of a multi-sided question, but the question lacks balance or details. Thesis is incorporated into a reasonable section of your introduction. Wordsmith your question to add clarity.

Opposing viewpoints are present and identifiable. If not directly stated, they can be inferred by the reader. Conflicting values/beliefs can be identified, although maybe not as the author intended. Slight bias present, but overall a neutral set-up of this social problem.

Works Cited page is included and follows the format outline in the *Wayzata Style Guide*. Minimal format errors are present in works cited page or in-text citation.

Introduction is jumbled and does not engage the reader at a deeper level. Elements of the assignment are restated. Introduction is forced and does not reveal anything new. Token citations included (<2).

Thesis is stated in the form of a one-sided question or statement. Opposing viewpoints are not adequately clarified; more informational than controversial. Introduces additional questions that confuse the reader. Pick a direction and go with it. Thesis interrupts the flow of the paper.

Both sides of the issue are not equally represented. Values/beliefs are unclear. Develop! Be deliberate in your explanation. Add the “because” and “why” statements...at this point the information is still in your head, put it down on paper. Don’t assume! Author infers or states their position on the issue.

Works Cited page is included by does not follow the format outlined in the *Wayzata Style Guide*. Significant format errors in both works cited page and in-text citation.

Introduction is ineffective. It does not engage the reader at any level. Lacks focus, direction and clarity. It is unclear where you will go from here. Difficult to follow. No citations.

Thesis is implied, not directly stated, or unclear. The controversy has not been clarified although a topic can be inferred by the reader. Intro does not set the stage for the rest of the paper. At this point, I don’t know where you are going. I am willing to help you organize your thoughts. Set up an appointment!

Either completely one-sided or Multiple issues and positions present, though not necessarily related. You chose a topic, but did not select a focus for your efforts. Conflicting values/beliefs are not identifiable. Author answers the thesis question. You need to include both sides of the controversy and remain neutral until the Policy Rec. section of Task III.

Works Cited page is incomplete, filled with format errors and as a result is of little use to the reader. In-text citation does not match information provided in works cited.

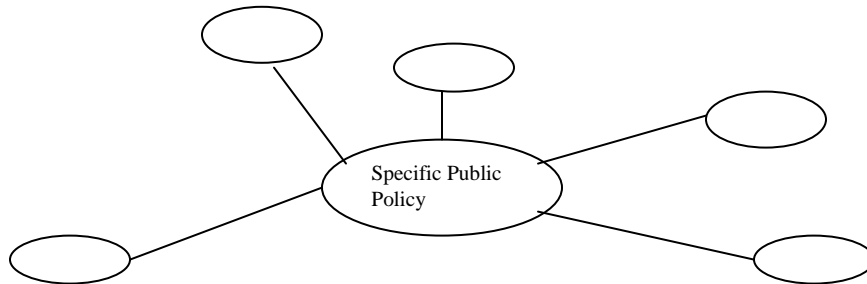
Clarifying Your Thinking Regarding the Senior Project

Thinking Maps Appendix

Complete a draft of your “thoughts” utilizing a minimum of four of the “Thinking Maps” illustrated below. You must incorporate your research into each map, remembering to use in-text citations.

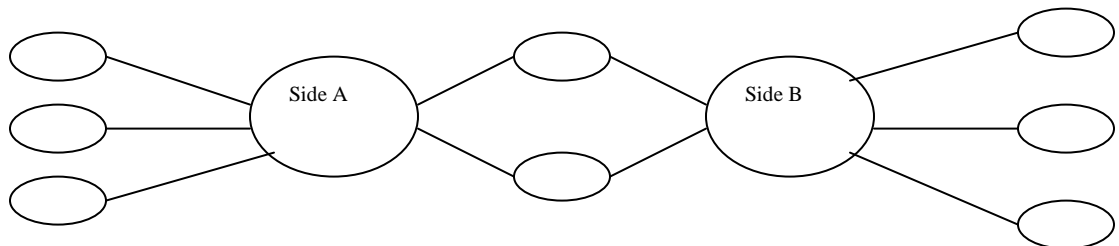
Bubble Map → Identification of characteristics, components or attributes
“Describing Elements”

E.g.



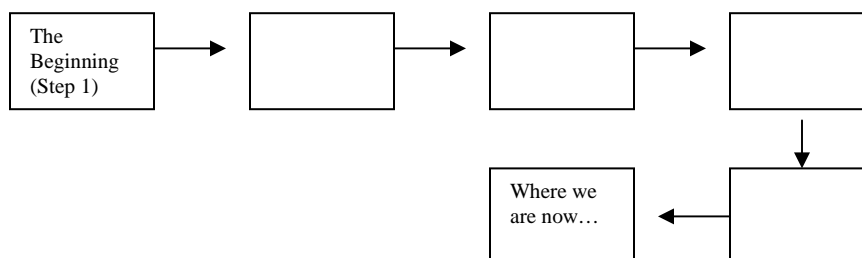
Double Bubble Map → Identification of commonalities and differences between two variables (sides)
“Compare and Contrast”

E.g.

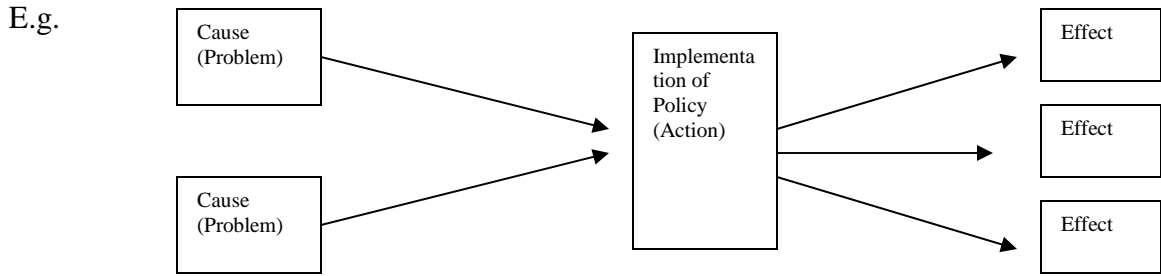


Flow Map → Illustrating step-by-step process or the sequence of events (overview/background)
“Sequencing”

E.g.

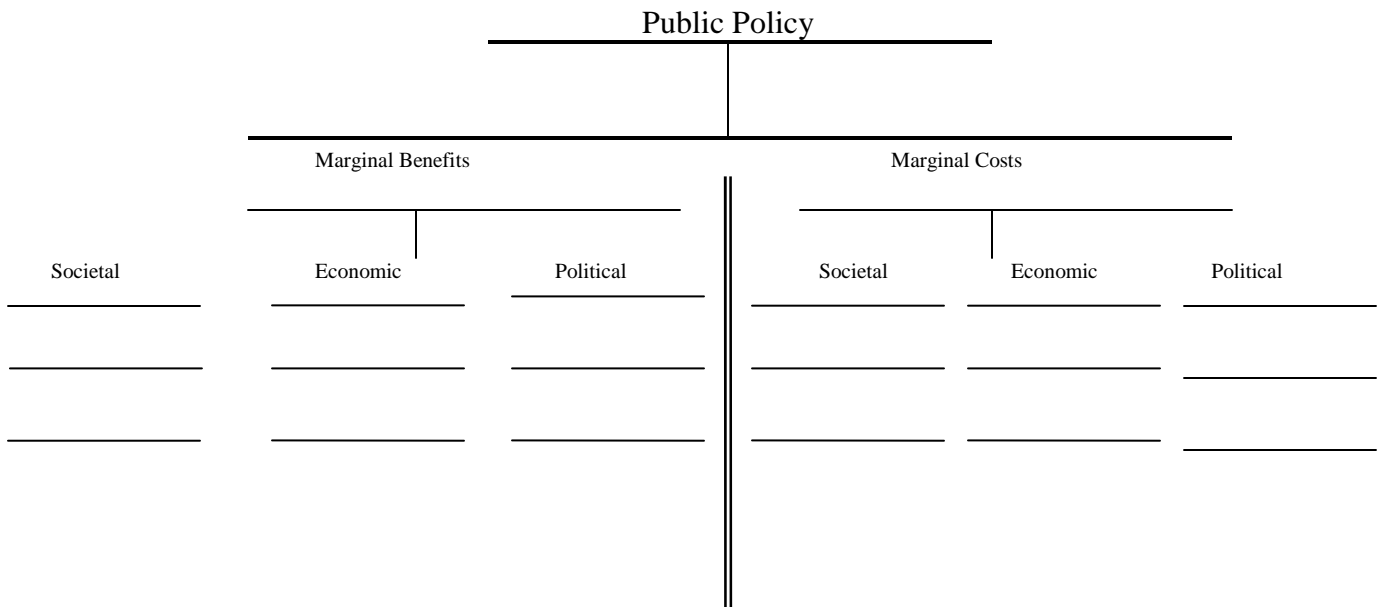


Multi-Flow Map → Identification of cause and effect
 “Cause and Effect”



Tree Map → Identification of impacts and/or connections
 and/or relationships
 “Classification”

E.g.



**Skill Development (Issue Analysis)
Modern Problems**

| | |
|---------------------|-----------------------|
| Date of Discussion: | Topic For Discussion: |
|---------------------|-----------------------|

You will need to locate a minimum of two sources that address the topic for discussion. Each source should be different in its focus and address opposing sides of the issue. Please complete the following (for each source) prior to the start of the discussion so that you will be prepared to meaningfully participate in the discussion. This assignment will be checked at the beginning of class and will be considered late once the discussion has begun.

Using the Correct Bibliographic Format Refer to the Wayzata Style Guide and provide the appropriate bibliographic information.

Source Analysis Determine the credibility/usefulness of the source material by providing the following:

1. Source Type: scholarly journal, mass media, advocacy group, book, government source
2. Timeliness:

| | | |
|-------------------------------------|-----|----|
| Is the information current? | Yes | No |
| Is it important that it is current? | Yes | No |
| Why? | | |
3. Identification of Bias:
 - a. What impact does the word choice have on the reader and how they receive the information that has been presented (value-laden, confrontational, glossy)?
 - b. What did the author leave out? Remember, they chose to include the information they did for a reason. What was that reason?
 - c. What is the author’s position on the topic (for, against, neutral)? What evidence supports this conclusion?
4. Information Provided: Briefly **summarize** the significant information the author was trying to convey in this source (a minimum of 3). Summarizing information is different from highlighting your source. Please use appropriate bibliographic references in the citing of this information. Attach source.
 - a.
 - b.
 - c.

Additional information may be provided on a separate sheet of paper.

4. Authority/Credibility: Is the information presented by this author trustworthy and therefore worthy of inclusion into the discussion because it will inform the group? Provide evidence (e.g. author’s credentials as an expert, presence of outside sources, etc.)

Understanding the Issue *For the following section, you must use in-text citation in at least one response. Follow the format outlined in the Wayzata Style Guide.*

1. What is a significant controversy associated with this topic (*competing values or beliefs*)? Why does this controversy exist?

2. Based on your research, what conclusions can you draw at this time about this topic?
 - a.

 - b.

3. What would you like to learn about this topic during the discussion? Write 1 – 3 good questions in the space below.

4. What specific connection(s) can you make between course content and this topic (cause/effect)? Please note that as the course progresses, connection(s) will be expected to be more sophisticated.

| Area | Specific Concept (refer to your notes) | Connection (refer to your research) |
|---------------|---|--|
| Soc | | |
| Econ | | |
| Policy | | |

P – Position CS – Cite Source SP – Supports Position(s) with Research MDA – Moves Discussion Along RC – Relevant Comment/personal connection
 CI – Offers clarifying information regarding previous point DI – Draws someone into the discussion CC – Connection to Course Content ? – Asks a
 clarifying question RCON – Recognizes contradiction CHP – Challenges a position AV – Offers an Alternative Viewpoint (e.g. to classroom consensus)

Masterful **Score 10 – 9**

P CS SP MDA RC CI DI CC ? RCON CHP AV

Comments are supported with quality research
 Comments go beyond what is obvious or explicitly taught; actively engaged
 Able to make subtle connections; novel thinking is displayed that increases the overall understanding of the group on this issue
 Masterfully develops cause and effect relationships; identifies key events
 Able to connect “research” with course content; seamless
 Able to anticipate the needs of the group and adapt to changing role (e.g. group leader, listener, role of expert, asking clarifying questions, moves discussion along)
 Demonstrates ability to actively listen to others
 Able to structure comments and questions in a way that furthers core understanding of the topic at hand without seeming to attack or demean; deliberately considers diverse points of view
 Skillfully argues an alternative viewpoint to the group’s consensus. As a result the group has a deeper understanding of diverse perspectives. (Introduces some heat into the discussion and manages the flames...)
 Demonstrates persistence (e.g. making sure the group addresses an issue)

Developing **Score 7 – 6**

P CS SP MDA RC CI DI CC ? RCON CHP AV

Comments mostly surface-oriented; lack depth or development
 Comments tend to be more repetitive rather than expansive
 Use of sarcasm or side comments detracts from the overall discussion
 Questions and comments may be perceived as attacks, though not your intent; Is there another way you could voice your concern?
 Appears to struggle with identifying or understanding alternative points of view
 Makes sweeping generalizations that are largely unsupported
 Shows a somewhat limited understanding of the topic
 Demonstrates a limited proficiency in utilizing small group discussion skills (comments limited to one aspect of discussion – e.g. relevant comment)
 Plays a limited role in the discussion; more of a passive participant, but willing to participate when given an opportunity
 Repetitive; can’t let go of the dead horse

Intermediate **Score 8 – 7**

P CS SP MDA RC CI DI CC ? RCON CHP AV

Evidence of some in-depth and personalized ideas
 Goes beyond the given in some examples; doesn’t elaborate on others
 Relies on the thoughts and ideas of others to make a point (e.g. “I agree with...”)
 Has great information and ideas, but is not always aware of the needs of the group (e.g. speaks significantly more than other members of the group; does not apply different skills)
 Few references from credible sources; mostly your opinion
 References imply connection to course content; doesn’t deliberately make connection
 Mostly an active and engaged participant, although there were moments when you were distracted
 Overall demonstrates understanding; the next challenge is to take it to the highest level
 Moves discussion on to new “topic” before the last point has been fully explored

Novice **Score 5 ↓**

P CS SP MDA RC CI DI CC ? RCON CHP AV

Comments demonstrate little understanding of the topic
 Overlooks or ignores many of the key developments related to this issue
 Excessive talking, little discussion...cut out the side conversations and get involved or at least be polite and listen to your classmates
 Questions and/or comments were taken as personal attacks; change tone of voice or word choice to be more appropriate
 Minimal contribution made to overall discussion although the opportunity existed to do so
 Disengaged; an inactive participant (event though asked to participate)
 Works on other homework during the discussion
 Has not provided enough evidence to evaluate proficiency in utilizing small group discussion skills

Social Issue Discussion – Mo Pro

- +2 Takes a position on an issue. States a position and gives a reason why. I believe...because...
Example: I agree the U.S. should increase regulations on immigration due to the loss of jobs to illegal workers.
- +3 Uses evidence gained from research to meaningfully contribute to the conversation. Cites factual information from source(s) and accurately identifies source(s). According to...
Example: I found in a Time magazine article that the Department of Labor estimates approximately 10% of the workforce in California is made up of illegal immigrants.
- +1 Makes a relevant comment either in support or against the previous speaker, in response to a general question that is asked of the group or gives their own unique perspective on the issue. (One point per comment with a maximum of four points in this category).
Example: Immigrants founded our country in the 1700s and we should not be so hard on those wanting to come to America now.
- +2 Draws another person into the discussion by asking a relevant question or follow-up. Points will be awarded on the basis that a genuine interest in what someone else has to say has been expressed, not because you called on someone because they “hadn’t talked”.
*Example: Steve your research pointed to an increase in immigration from South America, what do you think may be causing this?
Erica, I’m interested in what you found out about this issue through your research.*
- +2 Makes a specific reference to course content – applies or explains a specific theory or concept that was addressed in class.
Example: Immigration is just another example of our global interdependence; without immigrants we would not have the diversity of foods, language, customs and religions that makes America so great.
- +1 Asks a clarifying question Does anyone know? Did anyone find? Can someone explain?
Example: Does anybody have research on how illegal immigrants are actually helping our economy?
- +2 Moves the Discussion along at an appropriate time. A topic or thought had been fully explored and you were able to shift the discussion on to new territory. Acts as a catalyst. We’ve been discussing....let’s consider....
- +2 Points out contradictions associated with the issue. Challenges irrelevant comments or sweeping generalizations.
Example: You stated that illegal immigrants are taking advantage of our welfare system, yet your statistics show that only a small percent of them are actually receiving welfare.
- +2 Respectfully challenges an idea by bringing up an opposing viewpoint. As a result a more “holistic” understanding of this issue emerges. Able to introduce and/or manage “heat” in a discussion. Willing to take a risk and challenge the consensus of the group by voicing a minority opinion.

- 2 Not paying attention, daydreaming, sleeping, distracting others, passing notes, making side comments, and/or completing Source Analyses or other homework.
- 3 Interrupts the speaker in some way.
- 1 Makes an irrelevant comment that does not add to others' understanding of the discussion topic. Makes an unnecessary comment that sidetracks the discussion to an unrelated topic.
- 3 Monopolizes the discussion. Does not allow others to speak or offer their opinions (by talking all the time) or speaks a disproportionate amount when others are willing to participate.
- 3 Uses sarcasm in such a way that it does not productively contribute to the discussion and in fact acts as a deterrent to others voicing their opinions.
- 5 Makes a personal attack on someone because of his or her views. If perceived as a personal attack, the speaker will be cut off and be removed from the discussion.
- 1 Repeats a comment or point that had been previously made, thereby, not adding anything to the discussion - evidence of not listening to the discussion.

Increasing the Literacy of Our Social Studies Students



Practical Applications

Bootsie Anderson, Mark McIlmoyle, Amy Swenson, Adam Tillotson

Our Objectives...



- Define literacy in the context of the 21st century
- Establish the importance of literacy in the social studies content areas
- Provide numerous, practical strategies designed to address the development of literacy skills in the classroom

Text Example

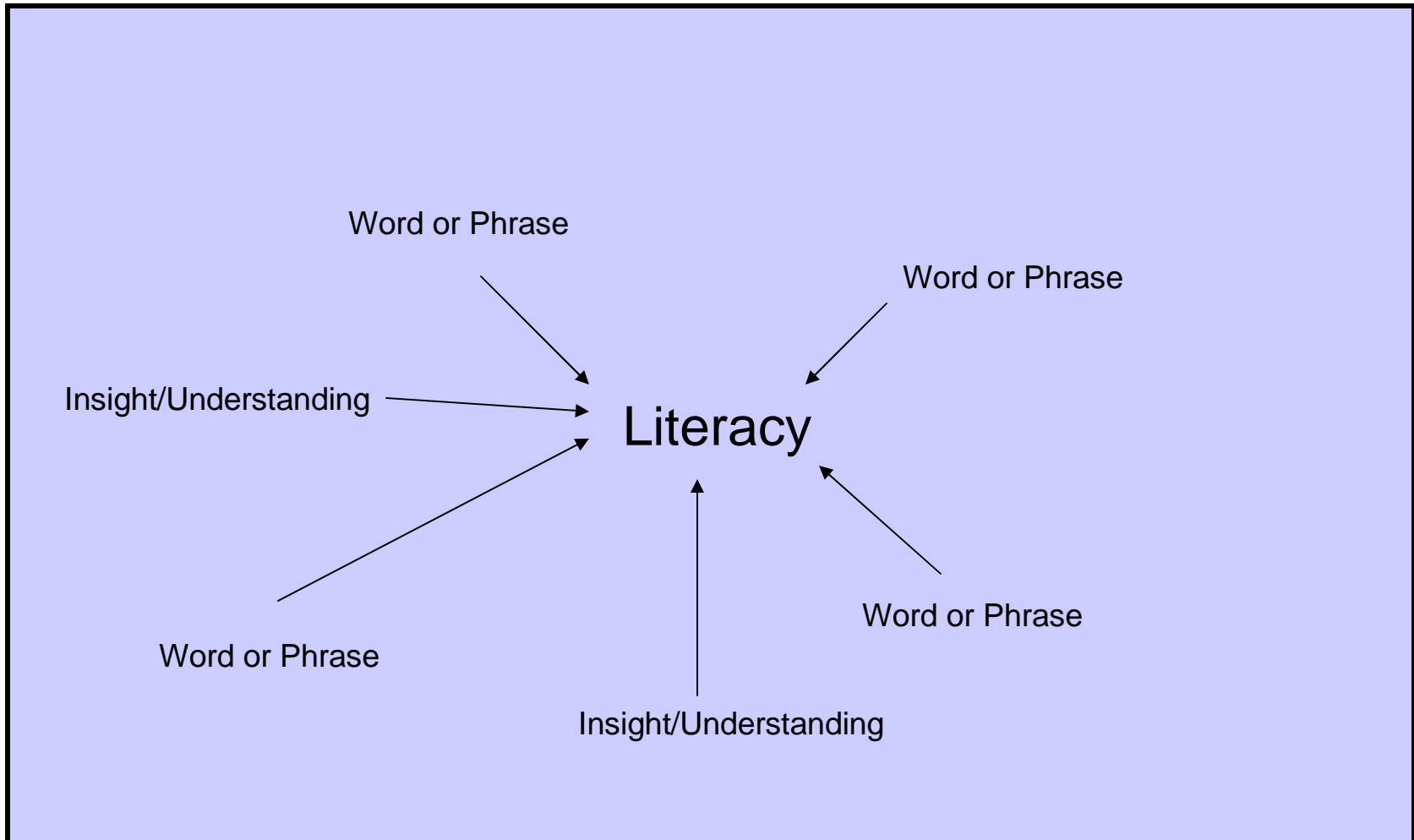


When I used to hear the word illiterate, I thought of adults who couldn't read to their children, interpret street signs, or write their name. However my understanding of literacy has evolved over the past decade. Today's global, technology-rich world demands citizens who can not only read and write, but also recognize the difference between a legitimate weight loss program and a money-making infomercial. They need be able to make informed choices about political candidates with different perspectives on international policy. Literacy isn't format specific, it's about the evaluation and application of the information represented in a book, video, or email message. Literacy is more than knowledge and skills, it's also the disposition toward lifelong learning and global awareness in the information age.

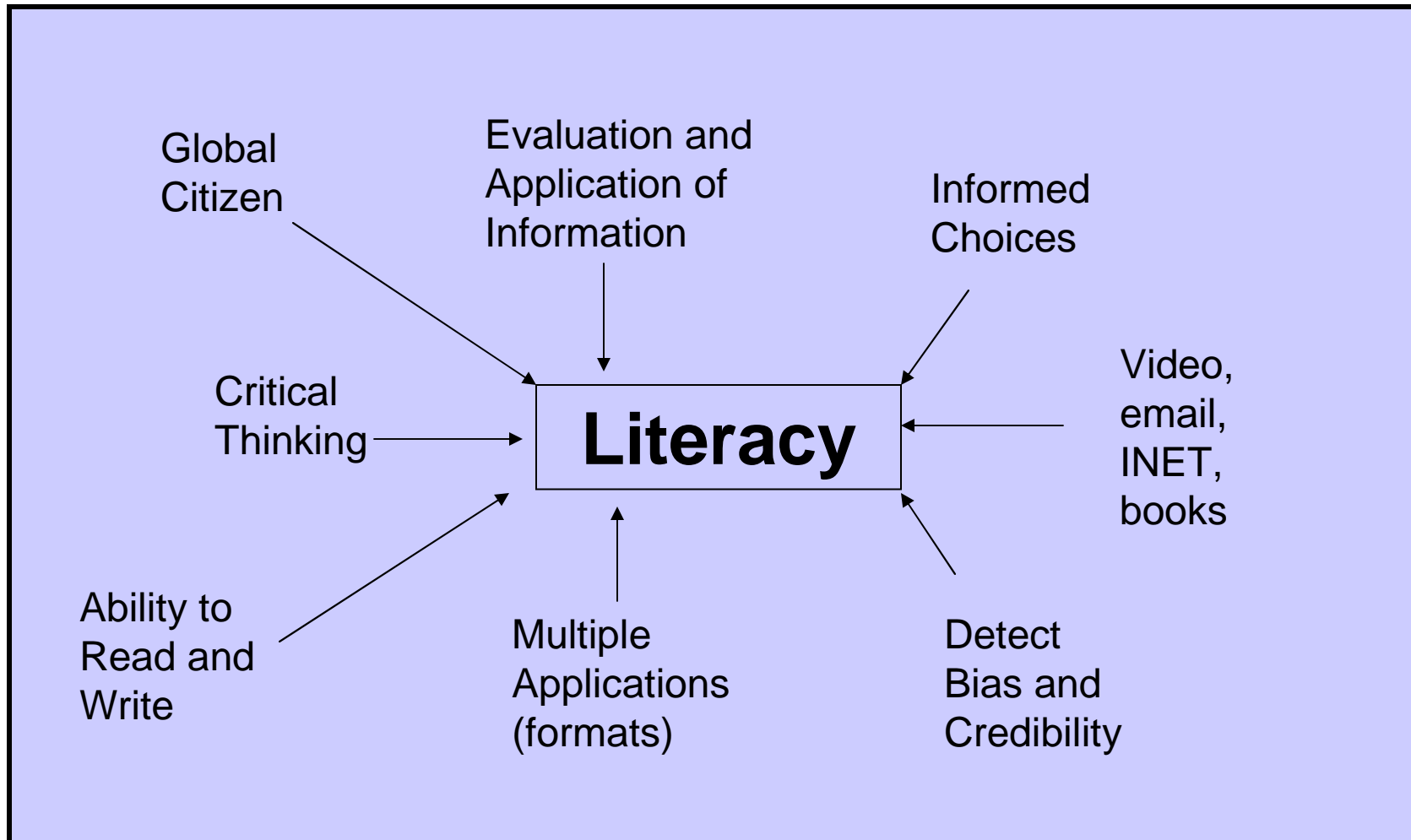
A Definition of Literacy

Literacy

A Definition of Literacy



A Definition of Literacy





Complete the Following Prompt

(in your notebooks, utilizing full sentences)

- Literacy is...



Changing our Paradigm

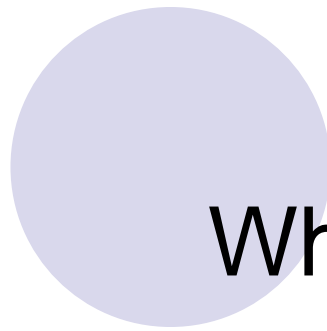
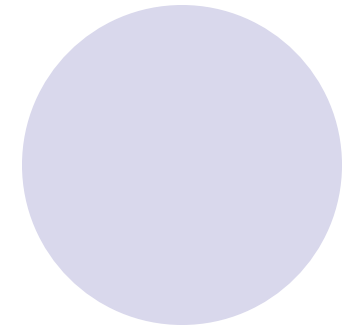
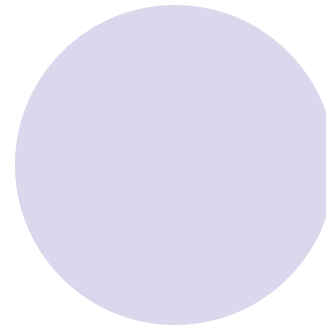
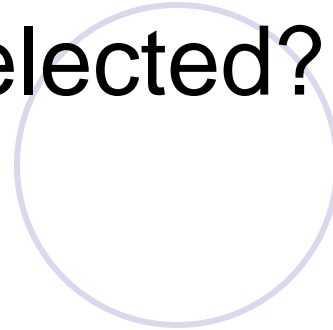
- The Workforce Investment Act of 1998 defines literacy as “an individual’s ability to read, write, speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family or the individual and in society (National Institute for Literacy).
- To be fully literate [in the 21st century] is to have the disposition to engage appropriately with texts of different types in order to empower action, feelings, and thinking in the context of purposeful social activity (Wells).

Quotable Quotes and a Gallery Walk




- 1. Posted around the room are various quotes designed to stimulate conversation.**
- 2. Take a moment to read each quote.**
- 3. Go to the quote that interests you the most.**
- 4. Have a conversation about the “Promises” and the “Dangers” associated with that quote.**

What promises are reflected in the quote you selected?

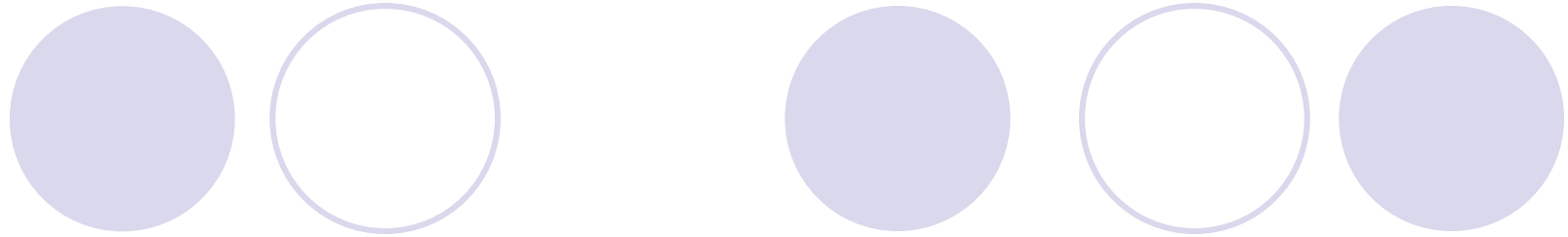


What dangers are present in the quote you selected?



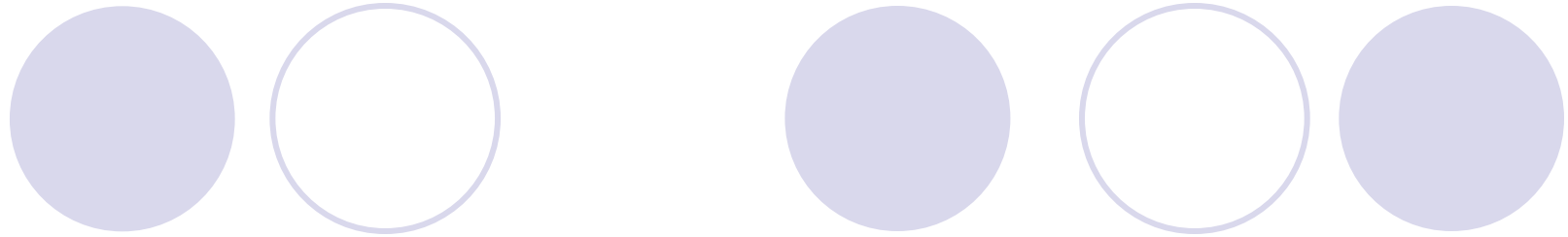
It is through reading, writing, and talking that students most directly acquire a facility with what Lisa Delpitt calls the “dominant discourse”. It is the language of the educated, the language of the ruling and decision making class. Those who master this language can influence others are the least susceptible to being manipulated by those who wield language for unwholesome purposes (Delpitt, qtd. in Schmoker 56).

Schmoker, Mike. Results Now: How we can Achieve Unprecedented Improvements in Teaching and Learning. Association for Curriculum and Development, Alexandria, VA 2006.



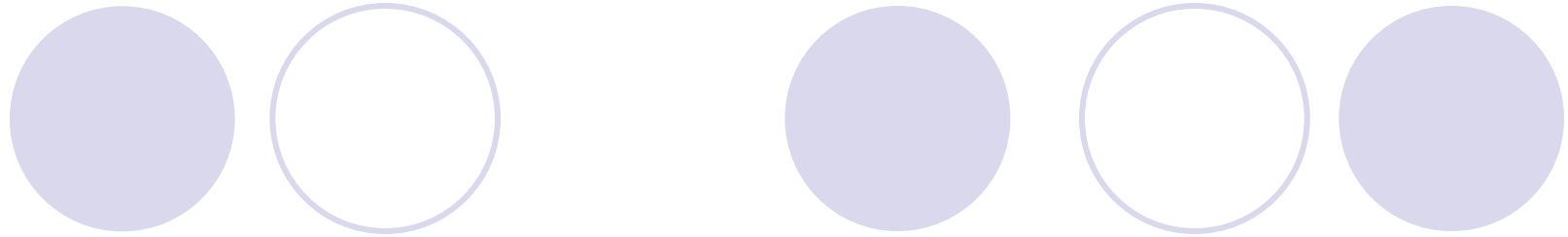
Textbooks are not the only materials that are used in the study of social studies. Supplemental readings, newspaper articles, maps, guest speakers, video, and internet are all examples of materials that are used by teachers to provide different access points to content.

Quote obtained from <http://www.readingquest.org>



The lifelong consequences of good – or poor – literacy skills are monumental. Whether we acquire them in science, social studies or English, they affect not only school success, but intelligence itself – the ability to think (Schmoker 52).

Schmoker, Mike. Results Now: How we can Achieve Unprecedented Improvements in Teaching and Learning. Association for Curriculum and Development, Alexandria, VA 2006.



Literacy determines who will – or won't
garner respect from peers and authority.
It speaks to the larger social issues of
access and equity (Ferradino, qtd. in
Schmoker 54).

Schmoker, Mike. Results Now: How we can Achieve Unprecedented Improvements in Teaching and Learning.
Association for Curriculum and Development, Alexandria, VA 2006.

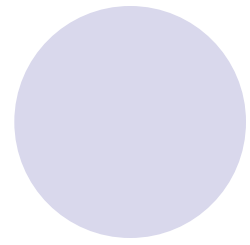
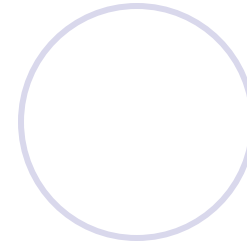
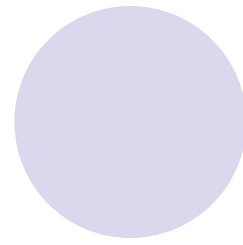
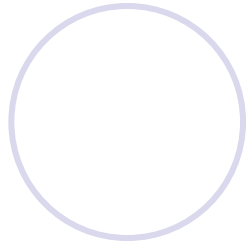
Unpacking our Tool Box

Priming (Anticipatory Set)

Thinking Maps

*Stimulating Text-Based
Comprehension and
Conversations*

Priming



- Engagement with [learning] involves the active, constructive exchange between the known and the new. The [student] connects with the text by using prior knowledge as well as his or her present mental, physical, and emotional state to construct meaning.

Robb, Laura. Teaching Reading in Social Studies, Science, and Math.
Scholastic Professional Books, New York, NY 2003.

“Priming the Pump”

- Quotable Quotes
- Gallery Walk
- Poetry
- Song Lyrics
- Pictures
- Provocative Question
- Video Clip
- Journal Response
- Cartoon
- Current Event

“Priming the Pump”

A Classroom Example:

*Congress is so strange.
A man gets up to speak
and says nothing.
Nobody listens – and
then everybody
disagrees.*

-- Boris Marshalov (a Russian observer, after visiting the House of Representatives)

- Quotable Quotes
- Gallery Walk
- Poetry
- Song Lyrics
- Pictures
- Provocative Question
- Video Clip
- Journal Response
- Cartoon
- Current Event

Examples of Student Responses

- **Student #1:**

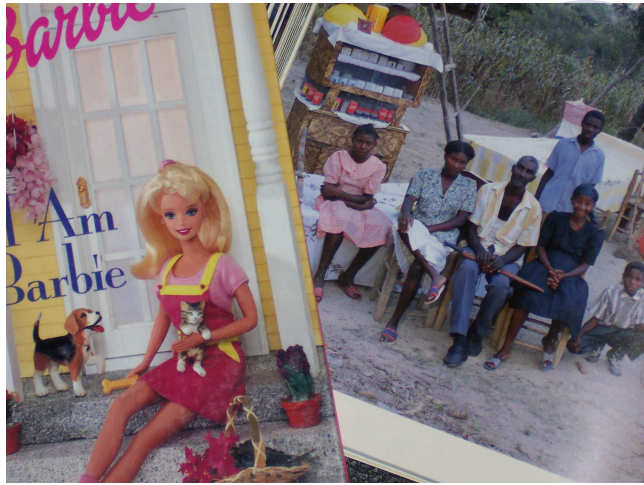
Pre: “I agree because it seems to me when a bill is brought to the floor, every member has already made up their mind so they don’t have to listen.”

- **Student #2**

Pre: “I disagree because although things may be chaotic, something has to be accomplished otherwise our government wouldn’t function properly.”

- **Student #3:**

Pre: “I agree because everything in Congress seems so elaborate and organized at first glance, but it turns out that everything is really messy and pretty confusing.”



Interest Development Center “Perspectives”

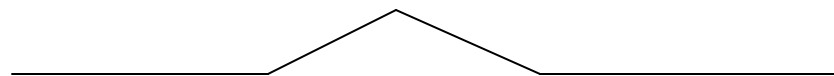
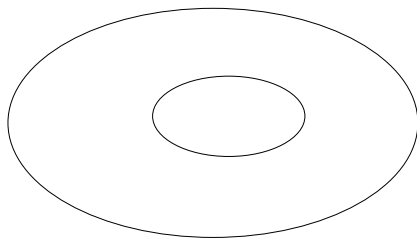
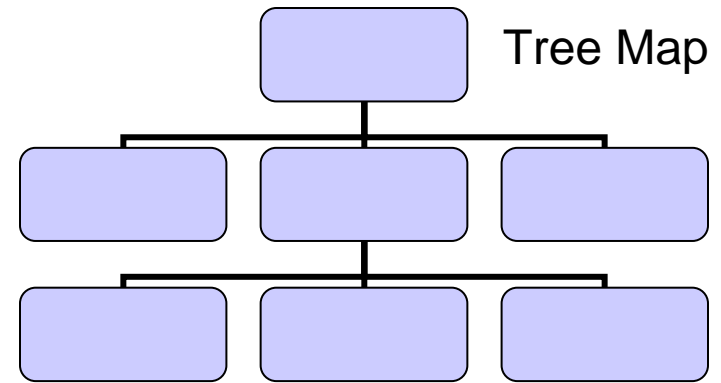
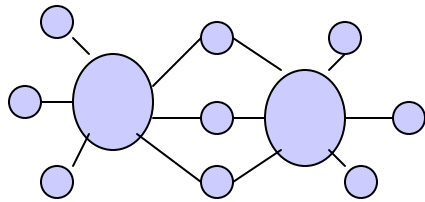
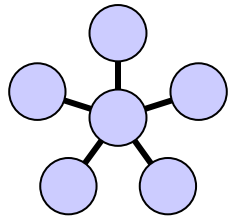
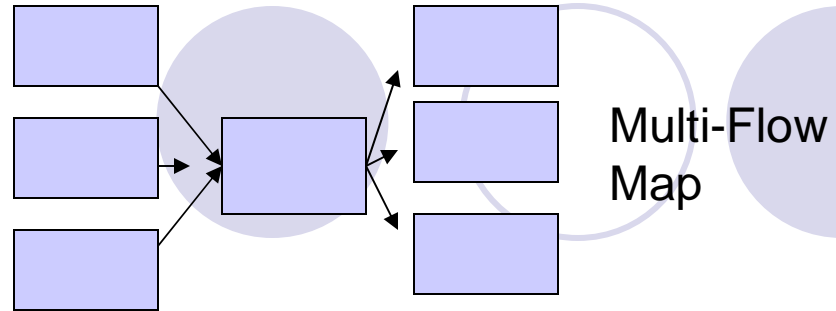


Thinking Maps



- The difference between thinking maps and graphic organizers is that each Thinking Map is based on a fundamental thinking skill.
- Thinking Maps provide a common visual language that helps students integrate the thinking processes with their learning.

Thinking Maps



Possible Uses for Thinking Maps

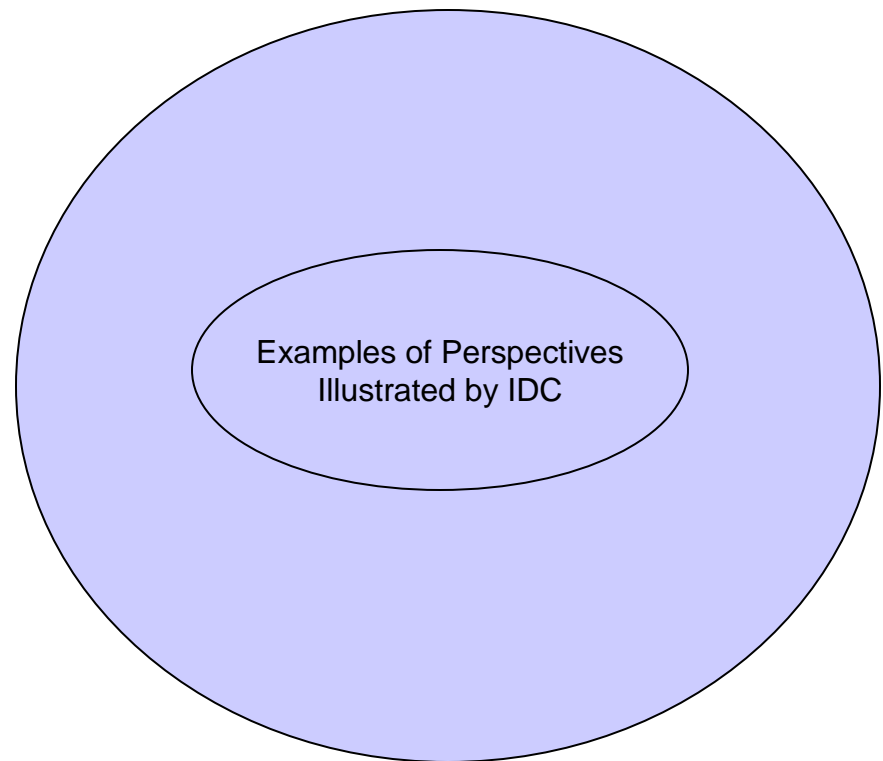
- Priming
- Vocabulary Development
- Pre-Writing Strategy
- Text Comprehension
- Concept Review
- Developing Higher Order Thinking Skills
(e.g. defining, describing, comparing/ contrasting, classifying, sequencing, identifying cause/effect)



Possible Uses for Thinking Maps

- Priming
- Vocabulary Development
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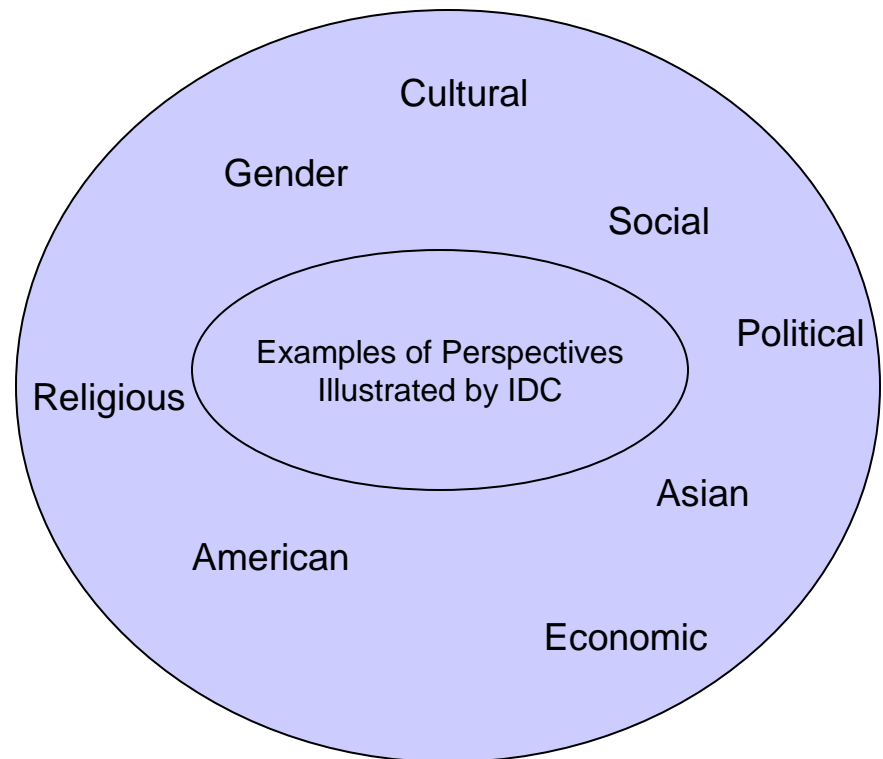
Student Example:



Possible Uses for Thinking Maps

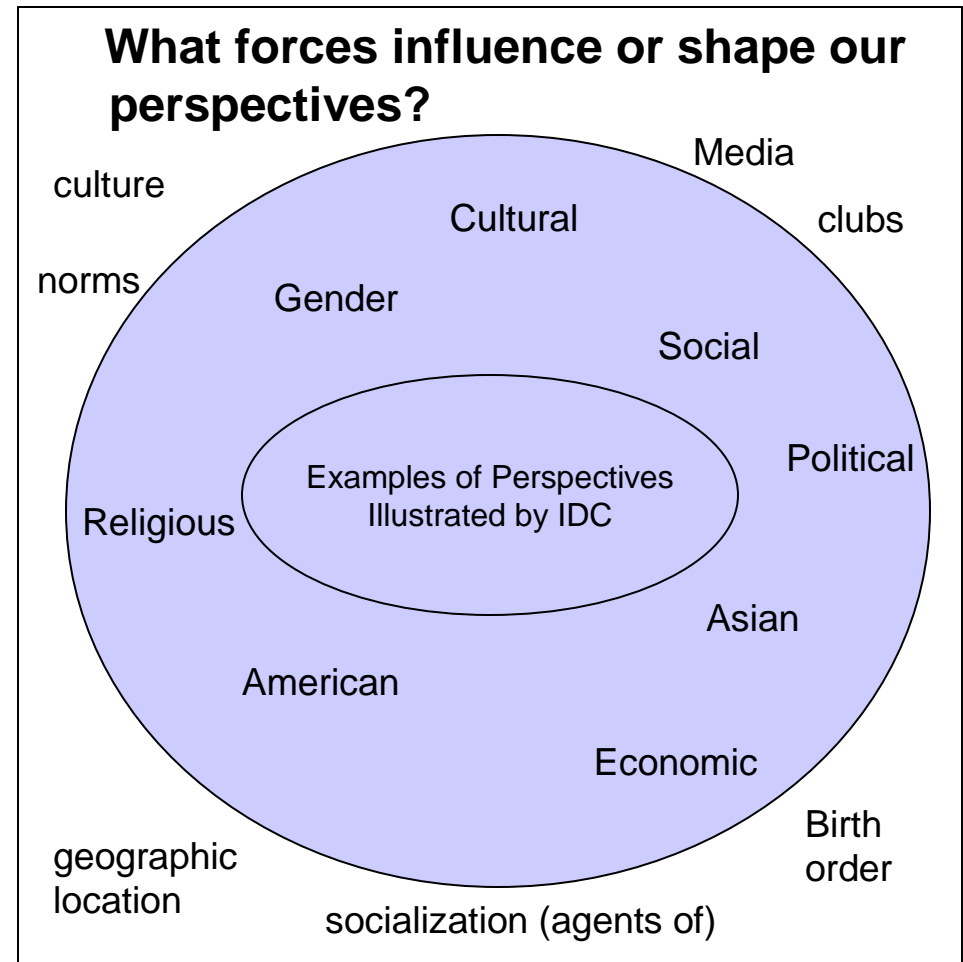
- Priming
- Vocabulary Development
- Pre-Writing Strategy
- Text Comprehension
- Concept Review
- Developing Higher Order Thinking Skills
(e.g. defining, describing, comparing/ contrasting, classifying, sequencing, identifying cause/effect)

Student Example:

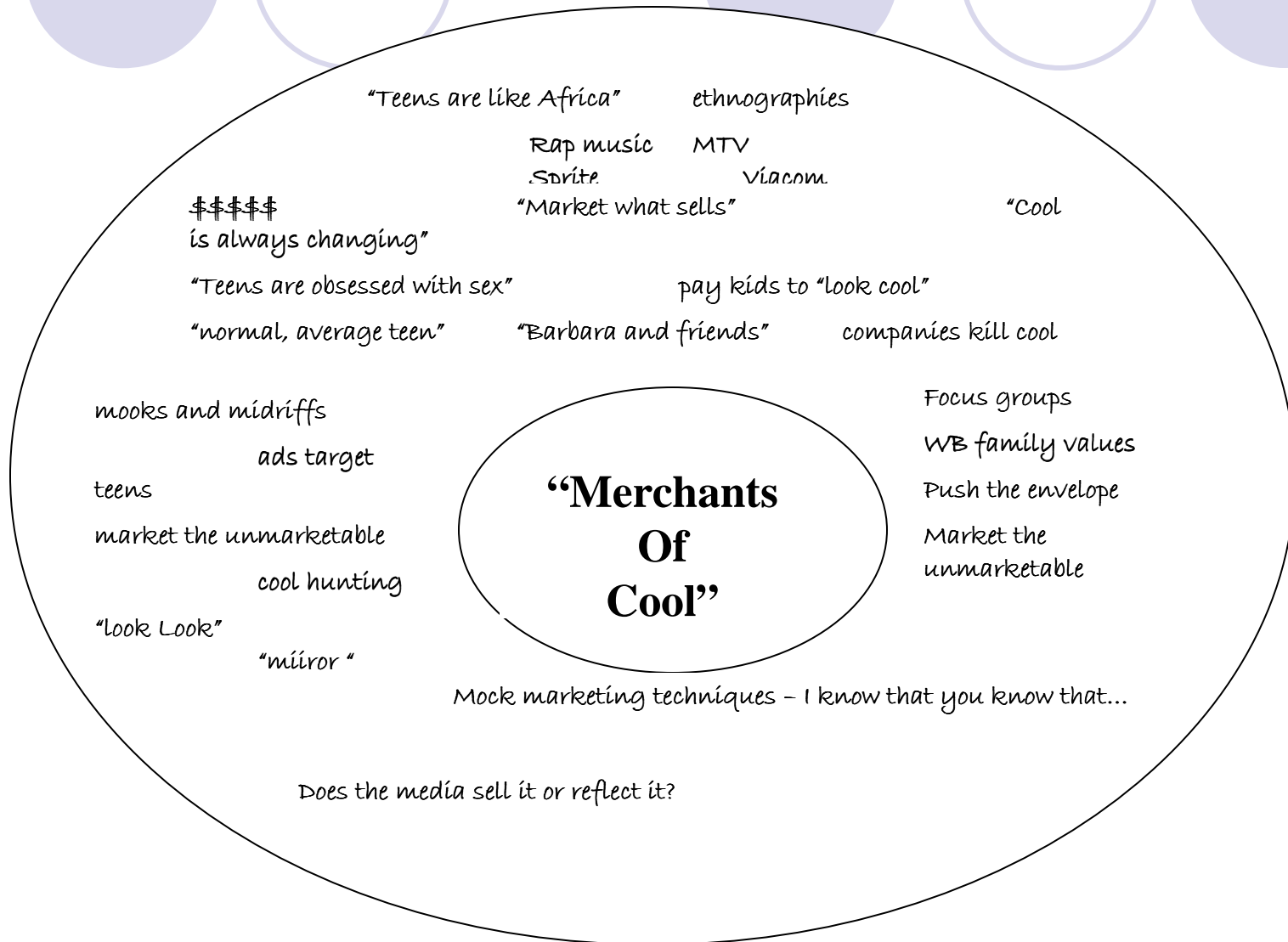


Possible Uses for Thinking Maps

- Priming
- Vocabulary Development
- Pre-Writing Strategy
- Text Comprehension
- Concept Review
- Developing Higher Order Thinking Skills
(e.g. defining, describing, comparing/ contrasting, classifying, sequencing, identifying cause/effect)



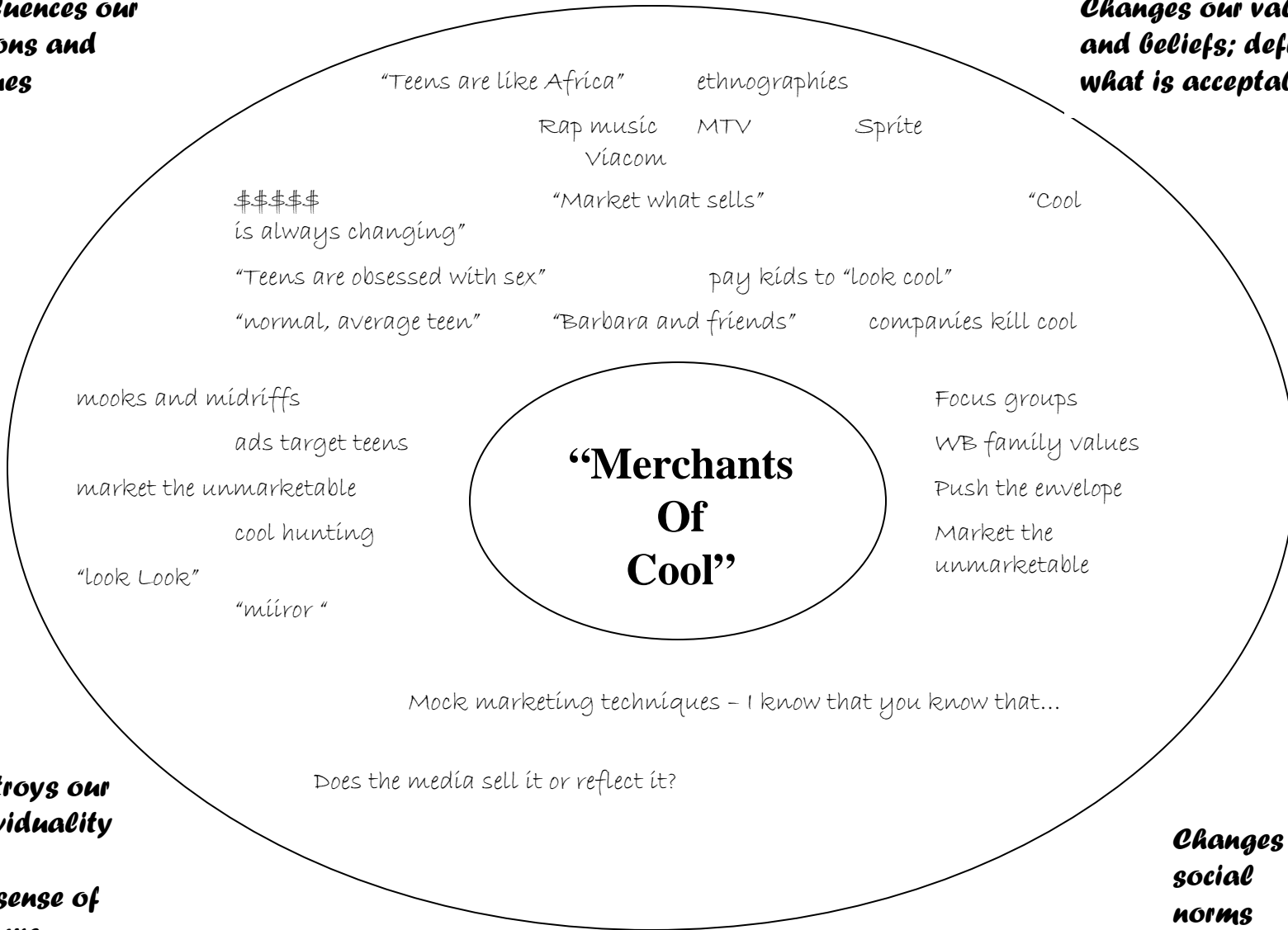
Another Student Example:



What impact does corporate America (mass media) have on your generation?

Influences our actions and values

Changes our values and beliefs; defines what is acceptable



Destroys our individuality

Changes social norms (sanctions)

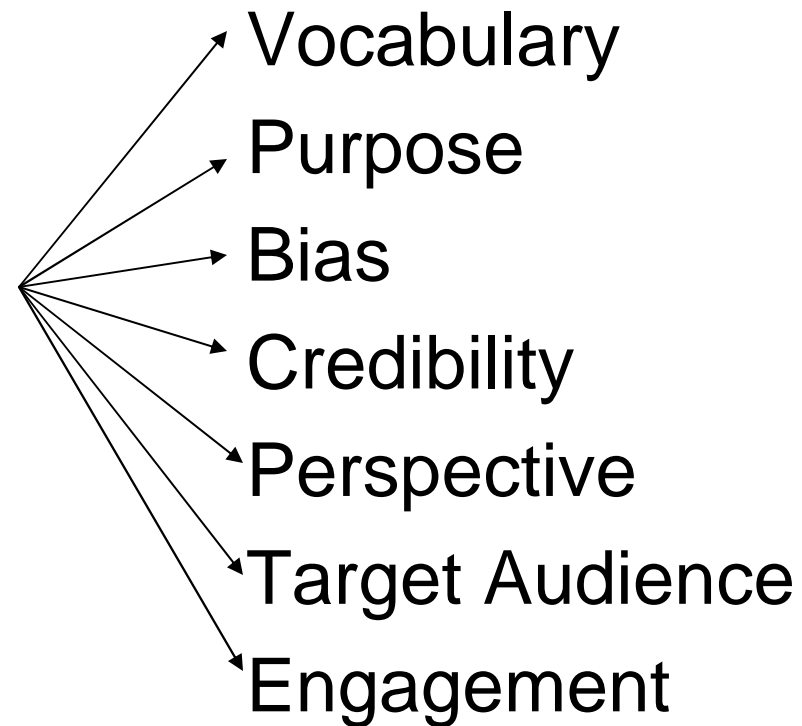
No sense of who we really are

Makes us grow up fast

feeling of powerlessness

Unveiling the Mystery of the Text

"The process through which students come to understand something from a text is called comprehension."



Skill Development (Issue Analysis)

You will need to locate a minimum of two sources that address the topic for discussion. Each source should be different in its focus and address opposing sides of the issue. Please complete the following (for each source) prior to the start of the discussion so that you will be prepared to meaningfully participate in the discussion. This assignment will be checked at the beginning of class and will be considered late once the discussion has begun.

Using the Correct Bibliographic Format

Refer to the Wayzata Style Guide and provide the appropriate bibliographic information.

Source Analysis *Determine the credibility/usefulness of the source material by providing the following:*

1. Source Type: scholarly journal, mass media, advocacy group, book, government source

| | | | |
|----------------|-------------------------------------|-----|----|
| 2. Timeliness: | Is the information current? | Yes | No |
| | Is it important that it is current? | Yes | No |
| | Why? | | |

3. Identification of Bias:

- What impact does the word choice have on the reader and how they receive the information that has been presented (value-laden, confrontational, glossy)?
- What did the author leave out? Remember, they chose to include the information they did for a reason. What was that reason?
- What is the author's position on the topic (for, against, neutral)? What evidence supports this conclusion?

4. Information Provided: Briefly **summarize** the significant information the author was trying to convey in this source (a minimum of 3). Summarizing information is different from highlighting your source. Please use appropriate bibliographic references in the citing of this information. Attach source.

-
-
-

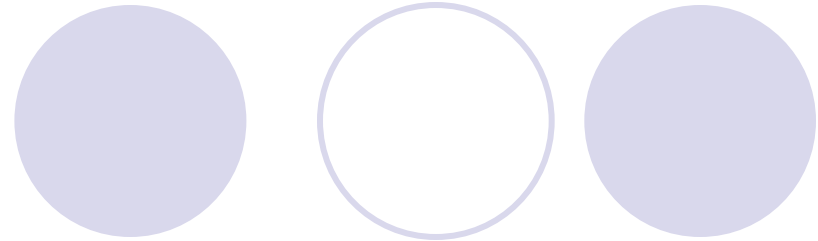
Additional information may be provided on a separate sheet of paper.

5. Authority/Credibility: Is the information presented by this author trustworthy and therefore worthy of inclusion into the discussion because it will inform the group? Provide evidence (e.g. author's credentials as an expert, presence of outside sources, etc.)

Examples to Facilitate Comprehension and Spark Stimulating Text-Based Conversations

- Magnet Summaries
- Viewpoint Map
- Double Entry Journal
- Read, Talk, Write
- The Final Word
- Think, Pair, Share
- Jig-Saw

Sample Viewpoint Map



Text: Social Problems for the Twenty-First Century

The following are quotes taken from the text. They may or may not be taken out of context. Explain what the statement represents or means to you including whether or not you agree or disagree with the statement(s) as presented. As you read the article, try to determine the author's position on each statement and then explain the author's purpose in including the statement.

1. Lower-class individuals commit more crime than members of the upper classes...churchgoers are less racially prejudiced than people who don't go to church...Catholics have fewer divorces than Protestants, and far more husbands murder their wives than wives murder their husbands.

Agree

Disagree

Explain your Viewpoint:

Clarify the Author's Intent:

2. Americans stress personal individualism and commonly think of problems as individual rather than group issues. We are more likely to think in terms of the individual "deviant" and his or her problem rather than the social, economic, and historical circumstances that produced the problem.

Agree

Disagree

Explain your Viewpoint:

Clarify the Author's Intent:

Double Entry Journal

Quotes Selected

- Identify 3 - 5 quotes from the text and copy the quote in the column below. Don't forget quotation marks and the appropriate in-text citation (Author Page#).

Reason for Selection

- Next to each quote answer one of the following questions:
What was the significance of the statement for you? What needs to be clarified – what didn't you understand? Did you agree or disagree with the statement? Why?

The Final Word

The Set-Up

Have students read the text and highlight examples of the text that “struck” them.

Students should be prepared to discuss these examples with others.

The Process

Sit in a Circle, facing each other. Identify who will be the “Time Keeper”.

The “First Person” begins by identifying a quote from the text and sharing their thoughts regarding the quote with the group (2-3 minutes).

In turn, each person in the group has 1 minute to respond (e.g. question, their interpretation).

The person that began the series has 1 minute to respond to, rebut, or summarize for the group. Repeat process with next person in the group.

Read, Talk, Write



1. **READ:** Students will read a text for a set period of time. Students can read the same material or the teacher can select variations of text.
2. **TALK:** Pair students and designate (A) and (B). Have all the A members talk to their partners simultaneously, for a specific amount of time, telling their partner as much as they can remember about the text. Repeat process. The speakers should do their best to talk nonstop. The listeners may not speak until it is their turn.
3. **WRITE:** Each student now writes what he or she learned from the text, without looking at the text. When students are done writing, they can refer to the text to check details and understanding.

Think, Pair, Share

The teacher poses a question or provides a prompt.

THINK (individually about possible responses and decide what to say).

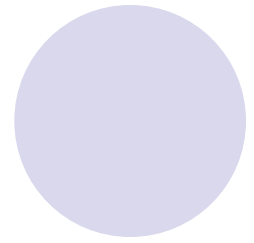
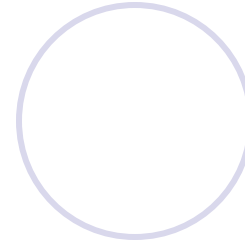
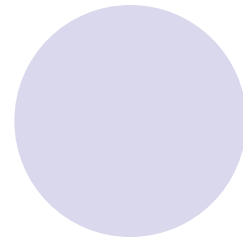
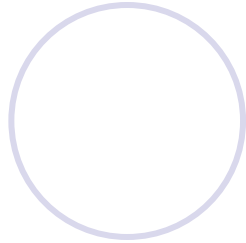
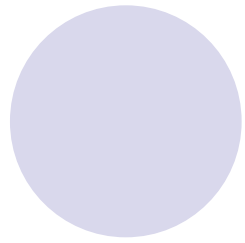
PAIR with another student and discuss your ideas.

SHARE your idea/response with the whole class when it is your turn.



Resources: Tried and True

- National Urban Alliance
<http://www.nuatc.org/newsite/home.html>
- Thinking Maps, Inc.
401 Cascade Pointe Lane
Cary, NC 27513
- Jensen, Eric. Teaching with the Brain in Mind. ASCD, Alexandria, VA 2005.
- Marzano, Robert, et.al. Classroom Instruction That Works. ASCD, Upper Saddle River, NJ 2001.
- Nessel, Denise and Joyce Graham Baltas. Thinking Strategies for Student Achievement. Corwin Press, Thousand Oaks, CA 2000.



Questions



“Ticket Out the Door”

Define Literacy.

Give two reasons why literacy has a special place within the context of the social studies.

Identify one strategy from this presentation you could add to your toolbox to help students become more literate.

Contact Information



By Email:

bootsie.anderson@wayzata.k12.mn.us

mark.mcilmoyle@wayzata.k12.mn.us

amy.swenson@wayzata.k12.mn.us

adam.tillotson@wayzata.k12.mn.us

By Mail:

Wayzata High School
4955 Peony Lane
Plymouth, MN 55446






Putting the Social Studies Back
Together Again



A Senior Capstone Experience

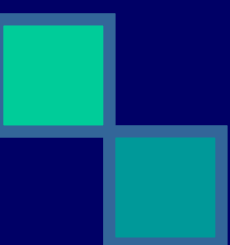



Once upon a time...

- Trimester System
 - Economics, Sociology, Political Science and Psychology
 - Individual teachers teaching to their particular strengths and passions
 - No continuity or flow from one subject area to the next
 - All seniors took three of the four; had an AP option which kept kids tracked
- 




Vision Statement

- 
- Reunite the social sciences into a multi-faceted approach that enables students to develop a rich understanding of the complexities associated with an increasingly global society
 - Create a credible academic experience for AP and non-AP scholars alike
- 




Where are we now?

- 4x4 Block Schedule
 - Semester Course
 - A senior social studies requirement
 - 12th grade team with synthesized, “inter-disciplinary” social science curriculum
 - Culminating and Embedded Assessment
 - Capstone Course
- 

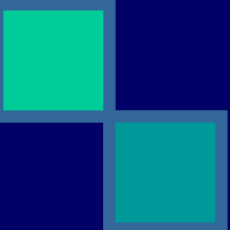



Course Characteristics

- Integrated social studies content areas
 - Expressed - sociology, economics, political science (public policy)
 - Implied – utilization of prior social studies course experiences (e.g. CAPSTONE)
 - Embedded “life” skills
 - E.g. conducting research, critical analysis of issues, arguing and presenting research-based positions, developing civic engagement
- 

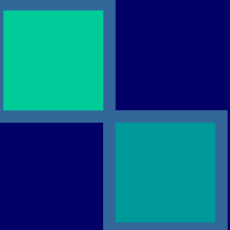



Integrated Disciplines

- 
- Utilize the social sciences to:
 - Better understand how and why policy decisions are made from a sociological perspective
 - Better understand how and why policy decision are made from an economic perspective
 - Better understand the sociological and economic impacts of existing policy decisions
 - Better evaluate the successes and failures of policy actions
- 




Embedded “Life” Skills

- Provide opportunities to develop skills needed for success in an inter-dependent world:
 - Bi-weekly, whole group, scored Issue Discussions
 - Source Analyses (skill development)
 - “Appropriate” Source Material
 - Bias
 - Source Credibility
 - MLA Style
 - Senior Research Project
- 
- 

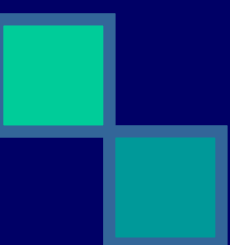



Challenges Along the Way...

- Holding the Line (Academic Rigor and Accountability)
 - “All kids can learn...but...”
 - No second chances
 - “...but my kid...”
 - Reputation, Rumor and Misinformation
 - Fear of Failure
- 



Successes

- Addresses both the Character and Scholarship aspects of WHS mission statement
 - Academically challenging senior class for all
 - Keeps kids academically engaged their senior year
 - Meets the diverse needs of our students
 - College Prep; Development of Life Skills
 - Deconstructing Tracking
 - Student Thanks and Testimonials
- 
- 




Contact Information



■ Peter Schmit

- 12th Grade Mo Pro Teacher
- Social Studies Department Chairperson
- peter.schmit@wayzata.k12.mn.us

■ Amy Swenson

- 12th Grade Mo Pro Teacher
 - K-12 Social Studies Resource Teacher (TOSA)
 - amy.swenson@wayzata.k12.mn.us
- 



SCHOOL IMPROVEMENT PLAN

FOR

Gleason Lake Elementary

Principal: Beverly Borgstrom



Independent School District 284
Wayzata, Minnesota

VISION

A model of excellence among learning communities

MISSION

The mission of the Wayzata School District is to prepare all students for the future by providing a challenging education which builds academic competence, develops responsible citizenship, encourages creativity, promotes lifelong learning, advances critical thinking skills, instills a commitment to personal wellness, and fosters respect for self and others.

DISTRICT DIRECTIONS for 2005-2007

- *Apply our vision to all components of District*
- *Erase organizational barriers that limit participation of all cultural groups*
- *Strive for smaller class sizes*
- *Work toward a more individualized model of education*
- *Promote a “client-centered” District*



**Shared Decision Agreement
Between School and the Wayzata
School Board for**

Gleason Lake Elementary

This plan was reviewed on: _____

Signature of District Design Team _____

This plan was approved on: _____

Signature of School Board Chair _____



Shared Decisions Agreement Review Team Check List Form

Procedure:

Prior to presentation to the Board, Site Improvement Plans will be reviewed for compliance with statutes, contracts, policies, and administrative regulations. Site Teams are advised that plans should be submitted at least thirty (30) days prior to date of desired Board action.

- Site Improvement Plans are sent to the Office of the Superintendent of Schools.
- Copies of the Site Improvement Plan will be sent to the following members of the review team as designated by the District Shared Decisions Design Team.
- This response sheet will be returned by reviewer to the Superintendent’s Office within ten (10) days.
- Any areas of concern will be noted on response sheet along with suggestions for waivers where applicable.
- All response sheets will be forwarded to the chair of the site team.
- Review team members will decide if the Site Improvement Plan should be reviewed by any other departments such as Transportation, Food Service, Building and Grounds, etc. and forward a copy with a cover sheet for check-off response to the appropriate individual.

Review Team Response

Office of the Superintendent

Check here if an additional page is attached detailing questions or concerns.

Signature and Date

Executive Director of Curriculum and Instruction

Check here if an additional page is attached detailing questions or concerns.

Signature and Date

Executive Director of Finance

Check here if an additional page is attached detailing questions or concerns.

Signature and Date

Executive Director of Human Resources

Check here if an additional page is attached detailing questions or concerns.

Signature and Date

Wayzata Education Association Representative

Check here if an additional page is attached detailing questions or concerns.

Signature and Date



Site Team Members:

| <u>Name</u> | <u>Position</u> |
|--------------------------------|-------------------------|
| Melody Baker | teacher |
| Monica Bongart | parent |
| Beverly Borgstrom | principal |
| Marlys Dorfer | Homebase |
| Maureen English-Carroll | parent |
| Dave Hogshire | parent |
| Annalise Munnich | teacher |
| Cindy Olmanson | parent |
| Sarah Parry | teacher |
| Becky Prigge | teacher |
| Matt Rohweder | teacher |
| Shelley Woodbury | paraprofessional |
| Kitty Yancey | parent |



**Gleason Lake Elementary
Student Demographics**

Student Population by Grade

| | 2005-2006 | | | 2004-2005 | | | 2003-2004 | | |
|-------|------------|--------------|-----------------|------------|--------------|-----------------|------------|--------------|-----------------|
| Grade | # of Males | # of Females | Avg. Class Size | # of Males | # of Females | Avg. Class Size | # of Males | # of Females | Avg. Class Size |
| K | 61 | 40 | 19.4 | 56 | 48 | 20.6 | 65 | 49 | 21.4 |
| 1 | 51 | 54 | 21.0 | 55 | 51 | 21.0 | 42 | 58 | 22.9 |
| 2 | 57 | 53 | 26.8 | 42 | 57 | 24.8 | 72 | 58 | 24.0 |
| 3 | 41 | 59 | 25.0 | 68 | 53 | 24.0 | 50 | 55 | 25.8 |
| 4 | 66 | 56 | 29.5 | 52 | 58 | 27.3 | 54 | 64 | 27.3 |
| 5 | 54 | 48 | 25.0 | 51 | 58 | 26.3 | 64 | 69 | 29.8 |
| Total | 330 | 310 | | 324 | 325 | | 347 | 353 | |



**Gleason Lake Elementary
Student Demographics**

Ethnic Distribution

| | 2005-2006 | 2004-2005 | 2003-2004 |
|--------------------------|------------------|------------------|------------------|
| White American | 570 | 586 | 636 |
| African American | 19 | 19 | 24 |
| Asian American | 28 | 26 | 24 |
| Hispanic/Latino American | 23 | 18 | 16 |
| Indian American | 0 | 0 | 0 |

Percent of Students on Free/Reduced

| | 2005-2006 | 2004-2005 | 2003-2004 |
|---------------|------------------|------------------|------------------|
| Free | 5.2 | 3.9 | 4.8 |
| Reduced Price | 2.3 | 1.9 | .3 |

Student Mobility

The percent of students entering and leaving during the year, computed by dividing the number of transfers by the October 1 enrollment.

| 2004 - 2005 | 2003 - 2004 | 2002 - 2003 |
|--------------------|--------------------|--------------------|
| 4.93 | 6.29 | 7.21 |



**Gleason Lake Elementary
Student Demographics**

Average Daily Attendance

| 2004 - 2005 | | | | 2003 - 2004 | | | | 2002 - 2003 | | | |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 1 st | 2 nd | 3 rd | 4 th | 1 st | 2 nd | 3 rd | 4 th | 1 st | 2 nd | 3 rd | 4 th |
| 96.41 | 97.14 | 97.40 | 96.97 | 96.88 | 97.26 | 97.59 | 97.40 | 96.96 | 96.78 | 96.55 | 96.25 |

Percent of Parents Attending Conferences

| 2005 - 2006 | | 2004 - 2005 | | 2003 - 2004 | |
|-------------|--------|-------------|--------|-------------|--------|
| Fall | Spring | Fall | Spring | Fall | Spring |
| 98 | 97 | 97 | 96 | 97 | 96 |



**Student Achievement
Gleason Lake Elementary
Minnesota Comprehensive Assessment (MCA)**

READING GRADE 3

| Year | 1999-2000 | | | | | 2000-2001 | | | | | 2001-2002 | | | | | 2002-2003 | | | | | 2003-2004 | | | | | 2004-2005 | | | | |
|---|---------------------------|----------|----------|-----------|----------|---------------------------|----------|-----------|-----------|----------|---------------------------|----------|-----------|-----------|----------|---------------------------|----------|-----------|-----------|----------|---------------------------|----------|----------|-----------|----------|---------------------------|----------|----------|-----------|----------|
| Average Score | 1638 | | | | | 1627 | | | | | 1582 | | | | | 1612 | | | | | 1656 | | | | | 1640 | | | | |
| Percent Change | 5.4% | | | | | 0.7% | | | | | -2.8% | | | | | 1.9% | | | | | 2.7% | | | | | -1.0% | | | | |
| % of Students in each level | I 2 | IIa 6 | IIb 7 | III 47 | IV 37 | I 5 | IIa 7 | IIb 14 | III 34 | IV 41 | I 6 | IIa 8 | IIb 16 | III 43 | IV 27 | I 3 | IIa 4 | IIb 16 | III 46 | IV 31 | I 2 | IIa 6 | IIb 8 | III 43 | IV 41 | I 2 | IIa 4 | IIb 9 | III 42 | IV 42 |
| Rank order of strands including the average percent correct (average points earned divided by total points possible). | Information Processing 81 | | | | | Information Processing 93 | | | | | Main Idea 85 | | | | | Information Processing 88 | | | | | Main Idea 91 | | | | | Compare/Contrast 96 | | | | |
| | Inference 79 | | | | | Main Idea 87 | | | | | Information Processing 85 | | | | | Main Idea 87 | | | | | Information Processing 87 | | | | | Main Idea 89 | | | | |
| | Analysis 77 | | | | | Analysis 86 | | | | | Compare/Contrast 82 | | | | | Inference 80 | | | | | Inference 81 | | | | | Information Processing 89 | | | | |
| | Main Idea 75 | | | | | Inference 82 | | | | | Analysis 80 | | | | | Compare/Contrast 79 | | | | | Analysis 79 | | | | | Inference 82 | | | | |
| | Compare/Contrast 71 | | | | | Compare/Contrast 81 | | | | | Inference 79 | | | | | Analysis 69 | | | | | Compare/Contrast 78 | | | | | Analysis 77 | | | | |

MATHEMATICS GRADE 3

| Year | 1999-2000 | | | | | 2000-2001 | | | | | 2001-2002 | | | | | 2002-2003 | | | | | 2003-2004 | | | | | 2004-2005 | | | | |
|---|----------------------------|----------|----------|-----------|--------------------|----------------------------|----------|----------|-----------|----------|-------------------------------|-----------|-----------|-----------|----------|-------------------------------|----------|-----------|-----------|----------|-------------------------------|----------|----------|-----------|----------|-------------------------------|----------|----------|-----------|----------|
| Average Score | 1719 | | | | | 1627 | | | | | 1628 | | | | | 1681 | | | | | 1636 | | | | | 1732 | | | | |
| Percent Change | 7.2% | | | | | 5.3% | | | | | 0.1% | | | | | 3.3% | | | | | -2.7% | | | | | 5.9% | | | | |
| % of Students in each level | I 0 | IIa 8 | IIb 5 | III 46 | IV 41 | I 5 | IIa 8 | IIb 4 | III 51 | IV 32 | I 4 | IIa 10 | IIb 16 | III 45 | IV 25 | I 3 | IIa 4 | IIb 17 | III 31 | IV 46 | I 1 | IIa 8 | IIb 8 | III 57 | IV 25 | I 0 | IIa 6 | IIb 6 | III 37 | IV 51 |
| Rank order of strands including the average percent correct (average points earned divided by total points possible). | Procedures and Concepts 88 | | | | | Measurement 89 | | | | | Number Sense 83 | | | | | Space, Shape & Measurement 87 | | | | | Space, Shape & Measurement 88 | | | | | Number Sense 90 | | | | |
| | Measurement 87 | | | | | Number Sense 85 | | | | | Space, Shape & Measurement 80 | | | | | Problem Solving 87 | | | | | Procedures and Concepts 88 | | | | | Space, Shape & Measurement 89 | | | | |
| | Number Sense 83 | | | | | Problem Solving 83 | | | | | Problem Solving 80 | | | | | Data Categorization 85 | | | | | Number Sense 84 | | | | | Problem Solving 89 | | | | |
| | Shape and Space 83 | | | | | Shape and Space 82 | | | | | Procedures and Concepts 80 | | | | | Number Sense 82 | | | | | Data Categorization 82 | | | | | Procedures and Concepts 88 | | | | |
| | Problem Solving 78 | | | | | Procedures and Concepts 81 | | | | | Data Categorization 70 | | | | | Procedures and Concepts 77 | | | | | Problem Solving 82 | | | | | Data Categorization 86 | | | | |
| Chance and Data 75 | | | | | Chance and Data 67 | | | | | | | | | | | | | | | | | | | | | | | | | |



**Student Achievement
Gleason Lake Elementary
Minnesota Comprehensive Assessment (MCA)**

READING GRADE 5

| Year | 1999-2000 | | | | | 2000-2001 | | | | | 2001-2002 | | | | | 2002-2003 | | | | | 2003-2004 | | | | | 2004-2005 | | | | |
|---|------------------------------|---------|----------|-----------|----------|------------------------------|---------|---------|-----------|----------|------------------------------|---------|---------|-----------|----------|------------------------------|---------|---------|-----------|----------|------------------------------|--------|--------|---------|---------|------------------------------|--------|--------|---------|---------|
| Average Score | 1604 | | | | | 1685 | | | | | 1737 | | | | | 1726 | | | | | 1761 | | | | | 1780 | | | | |
| Percent Change | 2.2% | | | | | 5.1% | | | | | 3.1% | | | | | -0.6% | | | | | 2.0% | | | | | 1.1% | | | | |
| % of Students in each level | I 6 | Ia 6 | Ib 16 | III 42 | IV 29 | I 7 | Ia 5 | Ib 9 | III 31 | IV 48 | I 1 | Ia 5 | Ib 3 | III 31 | IV 60 | I 3 | Ia 3 | Ib 2 | III 35 | IV 57 | I 1 | 2 3 | 3 7 | 4 27 | 5 58 | I 1 | 2 3 | 3 3 | 4 30 | 5 63 |
| Rank order of strands including the average percent correct (average points earned divided by total points possible). | Main Idea 75 | | | | | Information Processing 87 | | | | | Main Idea 91 | | | | | Main Idea 89 | | | | | Main Idea 90 | | | | | Information Processing 92 | | | | |
| | Analysis 74 | | | | | Compare/Contrast 87 | | | | | Compare/Contrast 90 | | | | | Information Processing 88 | | | | | Information Processing 90 | | | | | Main Idea 91 | | | | |
| | Information Processing 72 | | | | | Main Idea 86 | | | | | Information Processing 89 | | | | | Inference 87 | | | | | Inference 90 | | | | | Analysis 91 | | | | |
| | Inference 70 | | | | | Inference 83 | | | | | Inference 86 | | | | | Compare/Contrast 85 | | | | | Analysis 86 | | | | | Inference 90 | | | | |
| | Compare/Contrast 63 | | | | | Analysis 76 | | | | | Analysis 84 | | | | | Analysis 75 | | | | | Compare/Contrast 82 | | | | | Compare/Contrast 71 | | | | |

MATHEMATICS GRADE 5

| Year | 1999-2000 | | | | | 2000-2001 | | | | | 2001-2002 | | | | | 2002-2003 | | | | | 2003-2004 | | | | | 2004-2005 | | | | |
|---|-------------------------------|----------|----------|-----------|-----------------------|-------------------------------|----------|----------|-----------|----------|----------------------------------|---------|---------|-----------|----------|----------------------------------|---------|---------|-----------|----------|-------------------------------|--------|--------|---------|---------|----------------------------------|--------|--------|---------|---------|
| Average Score | 1606 | | | | | 1626 | | | | | 1679 | | | | | 1681 | | | | | 1675 | | | | | 1755 | | | | |
| Percent Change | 4.4% | | | | | 1.3% | | | | | 3.3% | | | | | 0.1% | | | | | -0.4% | | | | | 4.8% | | | | |
| % of Students in each level | I 4 | Ia 10 | Ib 17 | III 41 | IV 28 | I 5 | Ia 11 | Ib 11 | III 37 | IV 36 | I 3 | Ia 6 | Ib 6 | III 41 | IV 44 | I 3 | Ia 5 | Ib 5 | III 41 | IV 46 | I 0 | 2 9 | 3 5 | 4 45 | 5 41 | I 1 | 2 7 | 3 3 | 4 27 | 5 63 |
| Rank order of strands including the average percent correct (average points earned divided by total points possible). | Shape and Space 82 | | | | | Space and Shape 83 | | | | | Procedures and Concepts 88 | | | | | Procedures and Concepts 88 | | | | | Chance and Data 84 | | | | | Chance and Data 89 | | | | |
| | Measurement 78 | | | | | Procedures and Concepts 83 | | | | | Space, Shape & Measurement 85 | | | | | Space, Shape & Measurement 86 | | | | | Procedures and Concepts 83 | | | | | Procedures and Concepts 85 | | | | |
| | Procedures and Concepts 78 | | | | | Number Sense 81 | | | | | Number Sense 84 | | | | | Number Sense 86 | | | | | Number Sense 82 | | | | | Number Sense 84 | | | | |
| | Chance and Data 76 | | | | | Measurement 79 | | | | | Chance and Data 83 | | | | | Chance and Data 84 | | | | | Problem Solving 82 | | | | | Problem Solving 83 | | | | |
| | Problem Solving 73 | | | | | Chance and Data 78 | | | | | Problem Solving 80 | | | | | Problem Solving 83 | | | | | Shape, Space and 81 | | | | | Shape, Space & Measurement 82 | | | | |
| Number Sense 72 | | | | | Problem Solving 77 | | | | | | | | | | | | | | | | | | | | | | | | | |



**2006 MCA – II Results
Gleason Lake Elementary**

| | Grade 3 Math | | Grade 3 Reading | |
|--------------|--------------|------------|-----------------|------------|
| | % Proficient | Avg. Score | % Proficient | Avg. Score |
| Gleason Lake | 92.1 | 365.5 | 93.9 | 375.1 |
| Wayzata | 92.0 | 365.2 | 89.5 | 373.1 |
| State | 77.8 | 357.8 | 81.6 | 365.3 |

| | Grade 4 Math | | Grade 4 Reading | |
|--------------|--------------|------------|-----------------|------------|
| | % Proficient | Avg. Score | % Proficient | Avg. Score |
| Gleason Lake | 84.7 | 461.5 | 89.6 | 465.9 |
| Wayzata | 87.3 | 463.0 | 90.5 | 467.3 |
| State | 69.0 | 455.0 | 76.7 | 459.6 |

| | Grade 5 Math | | Grade 5 Reading | |
|--------------|--------------|------------|-----------------|------------|
| | % Proficient | Avg. Score | % Proficient | Avg. Score |
| Gleason Lake | 94.1 | 566.4 | 97.0 | 571.9 |
| Wayzata | 85.0 | 562.8 | 90.6 | 567.8 |
| State | 59.0 | 551.8 | 76.9 | 559.1 |



**Student Achievement
Gleason Lake Elementary
Minnesota Comprehensive Assessment (MCA)**

Writing

| Year | 1999-2000 | | | | | 2000-2001 | | | | | 2001-2002 | | | | |
|----------------------------------|-----------------------------------|-----------|------------------|---------------|---------|-----------------------------------|-----------|------------------|---------------|----------|-----------------------------------|-----------|------------------|---------------|----------|
| | Percent of Students at each Level | | | | | Percent of Students at each Level | | | | | Percent of Students at each Level | | | | |
| | I 2 | II 18 | III 8 | IV 68 | IV 5 | I 0 | II 11 | III 12 | IV 64 | IV 13 | I 0 | II 3 | III 2 | IV 66 | IV 29 |
| Type of writing | Descriptive | Narrative | Problem Solution | Clarification | | Descriptive | Narrative | Problem Solution | Clarification | | Descriptive | Narrative | Problem Solution | Clarification | |
| Average Score by type of writing | 1632 | 1547 | 1676 | 1502 | | 1800 | 1661 | 1725 | 1636 | | 1726 | 1971 | 1917 | 1790 | |
| Percent change * | -5.6% | -6.0% | 2.2% | -6.2% | | 10.3% | 7.4% | 2.9% | 8.9% | | -4.1% | 18.7% | 11.1% | 9.4% | |
| Composing | 66 | 69 | 75 | 69 | | 63 | 63 | 73 | 73 | | 74 | 86 | 75 | 78 | |
| Style | 67 | 71 | 75 | 67 | | 83 | 76 | 73 | 73 | | 73 | 85 | 76 | 78 | |
| Sentence Formation | 69 | 69 | 69 | 69 | | 83 | 76 | 69 | 75 | | 82 | 95 | 87 | 91 | |
| Usage/ Grammar | 88 | 88 | 88 | 88 | | 90 | 84 | 84 | 88 | | 95 | 98 | 94 | 94 | |
| Mechanics/ Spelling | 75 | 75 | 75 | 75 | | 84 | 83 | 80 | 85 | | 86 | 98 | 89 | 90 | |

| Year | 2002-2003 | | | | | 2003-2004 | | | | | 2004-2005 | | | | |
|----------------------------------|-----------------------------------|-----------|------------------|---------------|----------|-----------------------------------|-----------|------------------|---------------|---------|-----------------------------------|-----------|------------------|---------------|---------|
| | Percent of Students at each Level | | | | | Percent of Students at each Level | | | | | Percent of Students at each Level | | | | |
| | I 2 | IIa 10 | IIb 3 | III 35 | IV 50 | 1 1 | 2 2 | 3 3 | 4 41 | 5 54 | 1 0 | 2 4 | 3 2 | 4 36 | 5 59 |
| Type of writing | Descriptive | Narrative | Problem Solution | Clarification | | Descriptive | Narrative | Problem Solution | Clarification | | Descriptive | Narrative | Problem Solution | Clarification | |
| Average Score by type of writing | 1985 | 1663 | 1812 | 1857 | | 2046 | 1913 | 1982 | 1991 | | 2080 | 1993 | 2027 | 1990 | |
| Percent change * | 15.0% | -15.6% | -5.5% | 3.7% | | 3.1% | 15.0% | 9.4% | 7.2% | | 1.7% | 4.2% | 2.3% | -0.1% | |
| Composing | 78 | 72 | 72 | 81 | | 89 | 82 | 80 | 86 | | 86 | 87 | 84 | 83 | |
| Style | 83 | 75 | 75 | 83 | | 90 | 83 | 80 | 88 | | 90 | 93 | 84 | 84 | |
| Sentence Formation | 88 | 75 | 75 | 75 | | 89 | 87 | 81 | 83 | | 84 | 83 | 83 | 84 | |
| Usage/ Grammar | 88 | 75 | 75 | 75 | | 91 | 91 | 89 | 89 | | 90 | 86 | 83 | 88 | |
| Mechanics/ Spelling | 88 | 75 | 75 | 75 | | 89 | 88 | 80 | 88 | | 86 | 78 | 84 | 83 | |



**Student Achievement
Gleason Lake Elementary
Wayzata Achievement Level Testing**

| 2005-06 WALT Reading | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 209 | 79 | 217 | 82 | 224 | 86 |
| District | 208 | 76 | 216 | 79 | 221 | 79 |
| National | 200 | 50 | 207 | 50 | 212 | 50 |

| 2004-05 WALT Reading | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 209 | 77 | 216 | 78 | 222 | 78 |
| District | 207 | 73 | 215 | 75 | 221 | 76 |
| National | 198 | 50 | 205 | 50 | 212 | 50 |

| 2003-04 WALT Reading | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 208 | 75 | 216 | 78 | 222 | 78 |
| District | 207 | 73 | 215 | 75 | 221 | 76 |
| National | 198 | 50 | 205 | 50 | 212 | 50 |

| 2002-03 WALT Reading | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 206 | 70 | 26 | 78 | 223 | 81 |
| District | 208 | 75 | 215 | 75 | 222 | 78 |
| National | 198 | 50 | 205 | 50 | 212 | 50 |



Student Achievement
Gleason Lake Elementary
Wayzata Achievement Level Testing

| 2005-06 WALT Math | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 215 | 88 | 225 | 87 | 241 | 95 |
| District | 216 | 89 | 227 | 90 | 236 | 90 |
| National | 202 | 50 | 211 | 50 | 219 | 50 |

| 2004-05 WALT Math | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 212 | 84 | 225 | 89 | 237 | 91 |
| District | 214 | 88 | 227 | 91 | 236 | 90 |
| National | 200 | 50 | 208 | 50 | 215 | 50 |

| 2003-04 WALT Math | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 210 | 80 | 221 | 83 | 235 | 89 |
| District | 211 | 82 | 226 | 90 | 232 | 85 |
| National | 200 | 50 | 208 | 50 | 215 | 50 |

| 2002-03 WALT Math | Grade 3 | | Grade 4 | | Grade 5 | |
|-------------------------|---------|----|---------|----|---------|----|
| | SS | PR | SS | PR | SS | PR |
| Gleason Lake Elementary | 208 | 75 | 222 | 84 | 233 | 86 |
| District | 211 | 82 | 226 | 90 | 232 | 85 |



**Gleason Lake Elementary
Staff Demographics**

| Experience Profile of Staff (Percent of Licensed Staff by Years of Teaching Experience) | | | | Education Profile of Staff (Percent of Licensed Staff by education/training) | | |
|--|--------------|---------------|------------|---|----------------|------------------|
| 1st Year | 2 - 7 | 8 - 20 | 20+ | BA | Masters | Doctorate |
| 27% | 40% | 33% | 0% | 44% | 56% | 0% |

Staff Roster

| Last Name | First Name | Position | Assignment |
|------------------|-------------------|-----------------|-------------------|
| ENGLUND | KATHLEEN | TEACHERS | 1ST GRADE |
| HAIGHT | SARAH | TEACHERS | 1ST GRADE |
| HRUZA | STACEE | TEACHERS | 1ST GRADE |
| PARRY | SARAH | TEACHERS | 1ST GRADE |
| REHNKE | DEANNA | TEACHERS | 1ST GRADE |
| SNYDER | KAREN | TEACHERS | 1ST GRADE |
| BLOMLIE | BETH | TEACHERS | 2ND GRADE |
| HASSELFELDT | DEANNA | TEACHERS | 2ND GRADE |

| | | | |
|-----------|-----------|-------------------|--------------------------------|
| KOPPERUD | ADAM | TEACHERS | 2ND GRADE |
| SOUKUP | JEFFREY | TEACHERS | 2ND GRADE |
| STERUD | GLORIA | TEACHERS | 2ND GRADE |
| STERUD | GLORIA | TEACHERS | 2ND GRADE |
| ABRAMSON | BARBARA | TEACHERS | 3RD GRADE |
| HORVATH | JERILYNN | TEACHERS | 3RD GRADE |
| ROTH | DANIEL | TEACHERS | 3RD GRADE |
| RYSTED | REBECCA | TEACHERS | 3RD GRADE |
| WALL | KARI | TEACHERS | 3RD GRADE |
| BAKER | MELODY | TEACHERS | 4TH GRADE |
| KILDAL | AMY | TEACHERS | 4TH GRADE |
| LEPPER | TIFFANY | TEACHERS | 4TH GRADE |
| LITWAK | AMY | TEACHERS | 4TH GRADE |
| ROLLAND | ELISA | TEACHERS | 4TH GRADE |
| BREYER | CATHERINE | TEACHERS | 5TH GRADE |
| COLEMAN | MARY | TEACHERS | 5TH GRADE |
| GASCH | DIANNE | TEACHERS | 5TH GRADE |
| HYVARE | JANELLE | TEACHERS | 5TH GRADE |
| ROHWEDER | MATTHEW | TEACHERS | 5TH GRADE |
| DEWITT | MELANIE | TEACHERS | ACADEMIC INTERVENTION SPECIALI |
| MARTINSON | KAJA | TEACHERS | ART |
| DEWITT | MELANIE | TEACHERS | DIFFERENTIATED LEARNING |
| SWENSON | ERIK | TEACHERS | ELEMENTARY SPANISH |
| BRADFORD | KORENA | TEACHERS | KINDERGARTEN |
| BRANSON | SUSAN | TEACHERS | KINDERGARTEN |
| MOON | TIFFANY | TEACHERS | KINDERGARTEN |
| MUNNICH | ANNALISE | TEACHERS | KINDERGARTEN |
| MUNNICH | ANNALISE | TEACHERS | KINDERGARTEN EXT DAY (CES) |
| HAUGEN | SARAH | TEACHERS | LITERACY SPECIALIST |
| SWENSON | ERIK | TEACHERS | MATH INTERVENTION |
| PRIGGE | REBECCA | TEACHERS | MEDIA SPECIALIST |
| PEICKERT | CAROL | TEACHERS | MUSIC/VOCAL |
| COLE | NEAL | TEACHERS | PHYSICAL EDUCATION |
| COLE | NEAL | TEACHERS | PHYSICAL EDUCATION |
| HAUGEN | SARAH | TEACHERS | READING RECOVERY (INT) |
| BLAUFUSS | GREGORY | TEACHERS | SPECIALIST - TECHNOLOGY |
| KAPHERS | ANGELA | TEACHERS | SPSVC - EBD |
| RADFORD | MARY | TEACHERS | SPSVC - ECSE |
| BEEBE | ROSEMARY | TEACHERS | SPSVC - LD |
| KAPHERS | ANGELA | TEACHERS | SPSVC - LD |
| TRUDELL | CINDY | TEACHERS | SPSVC - SOCIAL WORK (01) |
| TRUDELL | CINDY | TEACHERS | SPSVC - SOCIAL WORK (08) |
| TRUDELL | CINDY | TEACHERS | SPSVC - SOCIAL WORK (CD) |
| REIDEL | MARTHA | TEACHERS | SPSVC - SPEECH |
| RUNYON | NANCY | TEACHERS | SPSVC - SPEECH (ECSE 01) |
| VONESCHEN | PAULA | TEACHERS | VISION 21 |
| RETZLAFF | BARBARA | SECRETARIES | ELEMENTARY PRINCIPAL |
| BORGSTROM | BEVERLY | PRINCIPALS | ELEMENTARY PRINCIPAL |
| HOUG | JENNIFER | PARAPROFESSIONALS | COMPUTER PARA |
| HOUG | JENNIFER | PARAPROFESSIONALS | COMPUTER PARA TECH |
| FLIES | ARDYCE | PARAPROFESSIONALS | EXTENDEND DAY KINDERGARTEN |
| FORE | JULIENE | PARAPROFESSIONALS | EXTENDEND DAY KINDERGARTEN |
| FORE | JULIENE | PARAPROFESSIONALS | GENERAL PARA |
| GEBHARDT | JENNIFER | PARAPROFESSIONALS | GENERAL PARA |
| JANSKI | JUDY | PARAPROFESSIONALS | GENERAL PARA |
| JIRJIS | JANET | PARAPROFESSIONALS | GENERAL PARA |
| LEE | DIANE | PARAPROFESSIONALS | GENERAL PARA |

| | | | |
|-------------|-----------|-------------------|--------------------------------|
| OSLUND | KATHLEEN | PARAPROFESSIONALS | GENERAL PARA |
| WOODBURY | SHELLEY | PARAPROFESSIONALS | GENERAL PARA |
| GESSNER | KIMBERLY | PARAPROFESSIONALS | INSTR PARA |
| MANCUSO | JANET | PARAPROFESSIONALS | INSTR PARA |
| JANSKI | JUDY | PARAPROFESSIONALS | INSTR PARA (08) |
| LEE | DIANE | PARAPROFESSIONALS | INSTR PARA (08) |
| OSLUND | KATHLEEN | PARAPROFESSIONALS | MEDIA PARA |
| COLEMAN | DONNA | PARAPROFESSIONALS | SPSVC - CLERICAL (08) |
| FISH | JANET | PARAPROFESSIONALS | SPSVC - CLERICAL (08) |
| GEBHARDT | JENNIFER | PARAPROFESSIONALS | SPSVC - CLERICAL (08) |
| HUNZ | MOLLY | PARAPROFESSIONALS | SPSVC - CLERICAL (08) |
| COLEMAN | DONNA | PARAPROFESSIONALS | SPSVC - DCD-MM |
| GEBHARDT | JENNIFER | PARAPROFESSIONALS | SPSVC - DCD-MM |
| KEMMITT | JEAN | PARAPROFESSIONALS | SPSVC - DCD-MM |
| FISH | JANET | PARAPROFESSIONALS | SPSVC - EBD |
| JIRJIS | JANET | PARAPROFESSIONALS | SPSVC - EBD |
| CHIDESTER | MAUREEN | PARAPROFESSIONALS | SPSVC - EBD (08) |
| HUNZ | MOLLY | PARAPROFESSIONALS | SPSVC - ECSE |
| MANGAN | HEIDI | PARAPROFESSIONALS | SPSVC - ECSE |
| CHRISTOPHER | PAMELA | PARAPROFESSIONALS | SPSVC - EDK |
| FLIES | ARDYCE | PARAPROFESSIONALS | SPSVC - ELL |
| JANSKI | JUDY | PARAPROFESSIONALS | SPSVC - ELL |
| RICE | NANCY | PARAPROFESSIONALS | SPSVC - HEALTH PARA |
| GOOD | BETTY | PARAPROFESSIONALS | SPSVC - LD |
| KULICH | KATHY | PARAPROFESSIONALS | SPSVC - LD |
| WOODBURY | SHELLEY | PARAPROFESSIONALS | SPSVC - LD |
| CHRISTOPHER | PAMELA | PARAPROFESSIONALS | SPSVC - PH |
| MCAIFF | AMY | PARAPROFESSIONALS | SPSVC - PRIMARY PROJECT |
| BOWERS | MATTHEW | HOME BASE | HB PROG ASST-SCHOOL |
| BRANDL | CATHERINE | HOME BASE | HB PROG ASST-SCHOOL |
| BRANDL | CATHERINE | HOME BASE | HB PROG ASST-SCHOOL |
| FLECK | ALLISON | HOME BASE | HB PROG ASST-SCHOOL |
| MARQUETTE | MARIA | HOME BASE | HB PROG ASST-SCHOOL |
| OLINGER | AMY | HOME BASE | HB PROG ASST-SCHOOL |
| SCHELLHAASS | ANNA | HOME BASE | HB PROG ASST-SCHOOL |
| CADY | MILES | HOME BASE | HB PROG INST-SCHOOL |
| SOLSTAD | KAREN | HOME BASE | HB PROG INST-SCHOOL |
| DORFER | MARLYS | HOME BASE | HB SITE MGR |
| DORFER | MARLYS | HOME BASE | HB SITE MGR-SCHOOL |
| LEHMAN | CARRIE | HOME BASE | HOME BASE SPEC NEED ASST SCHOO |
| FROST | MAVIS | HOME BASE | HOME BASE SPEC NEEDS INST SCHO |
| GARSTER | IRENE | FOOD SERVICE | CULINARY EXPRESS LEVEL 2 |
| JACENKO | SUSAN | FOOD SERVICE | CULINARY EXPRESS LEVEL 2 |
| SAWINA | CAROLYN | FOOD SERVICE | CULINARY EXPRESS LEVEL 2 |
| WILLEMSEN | TARA | FOOD SERVICE | CULINARY EXPRESS LEVEL 2 |
| LINDVALL | BETTY | FOOD SERVICE | CULINARY EXPRESS LEVEL 3 |
| BRETHORST | JOHN | CUSTODIAN | CUSTODIAN |
| HARGREAVES | JON | CUSTODIAN | CUSTODIAN |
| TUDAHL | RONALD | CUSTODIAN | CUSTODIAN/HOME BASE |
| MONSON | DALE | CUSTODIAN | ELEMENTARY HEAD CUST |



School Name: Gleason Lake Elementary

School Year: 2006-2007

| | |
|--|---|
| ED-02382-01 School Districts Page 13 | Application for Quality Compensation Aid (continued) |
|--|---|

1. Integrated, ongoing, site-based and teacher-led professional development activities to improve instructional skills and learning that are aligned with student needs under section 122A.413 and 122A.60 and led during the day by trained teacher leaders.

Directions: Select one goal from the district’s educational improvement plan that will be the Q Comp focus (more that one goal may be selected with the understanding that each goal must link student achievement to teacher instruction, professional development, and teacher evaluation).

Each site must complete all of section 2, using the same chosen district goal(s), an aligned site educational improvement goal, site specific disaggregated data, and a measurable objective based on that data.

NOTE: A school site’s and/or district’s goal should be updated annually as necessary. Both goals must align with each other.

2.1 District goal for Q Comp focus

Improve students’ achievement in the areas of reading, math and writing as measured by performance on Minnesota Comprehensive Assessments (MCA 11) or Measures of Academic Progress (MAP).

School Site goal for Q Comp focus

Goal: One percent of the total number of students at Gleason Lake Elementary will increase one level in reading as measured by MAP assessment from fall, 2006, to spring, 2007.

Disaggregated student data used to determine each measurable objective

NOTE: MAP WILL BE THE NEW ASSESSMENT TOOL BEGINNING WITH THE 2006-2007 SCHOOL YEAR. IT IS VERY SIMILAR TO THE WALT IN CONTENT, RELIABILITY AND SCOPE.

After looking at various forms of disaggregated data there weren’t any defined or significant trends. The identified strand areas proved to be most beneficial in guiding our measurable objective and defining our instructional strategies.

The following data gives the number of students in each quartile of the various subtests in the WALT reading test.

QuickTime™ and a
TIFF (LZW) decompressor
are needed to see this picture.

QuickTime™ and a
TIFF (LZW) decompressor
are needed to see this picture.

Measurable objective based on student achievement gains (site-targeted goal)

One percent of the total number of students in grades 3-5 at Gleason Lake elementary will increase their subtest scores in the area of Word Recognition, Analysis, and Vocabulary Expansion as measured by the MAP assessment.

| | | | |
|--|--|--|--|
| ED-02382-01 School Districts Page 14 | | Application for Quality Compensation Aid (continued) | |
| Number of Students 675 | Number of Teachers 42 | Number of Lead Teachers (see career ladder*) 1 Peer Coach, .5 Literacy Specialist, .5 Intervention Specialist, .5 Differentiated Instruction Specialist, .5 Reading Recovery Specialist | |
| Team configuration at elementary, middle school, high school, and other school sites Peer Coach, Literacy Specialist, Content Specialist, Data Coach, Mentor and classroom teachers tied to Alt. Comp goal | Number of teachers on the team 4-5 | Team meeting length and frequency Weekly/biweekly meetings | |
| Professional Development Activities: (What types of activities will be included?) Check all that apply and add others if needed. | <input checked="" type="checkbox"/> Team Meetings <input checked="" type="checkbox"/> Modeling of Instructional Strategies Work <input checked="" type="checkbox"/> Demonstration Teaching/ Coaching <input checked="" type="checkbox"/> Team Teaching <input checked="" type="checkbox"/> Mentoring <input type="checkbox"/> Lesson Study <input checked="" type="checkbox"/> Analysis of Student Work <input checked="" type="checkbox"/> Content Coaching <input checked="" type="checkbox"/> Book Study | | |
| <p>2.2 Describe how ongoing, site-based, and teacher-led professional development activities will be scheduled during the individual employment contract day for teachers at each site. (Attach a staff development calendar for the school year with professional development activities mapped out and a typical weekly meeting schedule of team meetings). See the example in the Sample Q Comp Application.</p> | | | |
| <p>2.3 Describe how the professional development model will ensure teacher's continuous improvement in content knowledge, instructional strategies, and the use of best practices. Through the professional development model teachers will continuously focus on instructional strategies to accelerate student achievement. They will share these strategies and best practice techniques with their colleagues during the scheduled professional development allotted time. The structure of the staff development time will also provide an opportunity for educators to focus on and develop a deeper understanding of the identified content knowledge. Teachers will continuously focus on assessment of student performance throughout this process.</p> <p>The terms Career Ladder and Career Advancement Options will be used interchangeably. The definition of both under the law is from 122A.414 subdivision 2 section b1: "describe how teachers can achieve career advancement and additional compensation..."</p> | | | |

Application for Quality Compensation Aid (continued)

Professional Development Program Evaluation Framework Worksheet (see Killion, manual references)

| Objective: What is the goal of the professional development offered and how will it change teachers' knowledge and skills? | Change in Teacher's Knowledge and skills | Measures of Teacher Success |
|---|--|---|
| Ex. Teachers will demonstrate proficiency in implementing graphic organizer (ex. Hyerle's thinking map for double bubble) to increase student achievement in writing compare and contrast essays. | Ex. Teachers will model using thinking strategy. Teachers will develop teacher-made assessments to measure student progress. | Ex. Classroom Observation Rubric Individual Growth Plan with documentation of changes in teacher practice and pre/post student assessments using local standardized assessment. |
| <p>Teachers will demonstrate proficiency in implementing researched based instructional strategies. The specific strategies used to increase student reading achievement will be:</p> <ol style="list-style-type: none"> 1. Identifying similarities and differences 2. Creating nonlinguistic representations (graphic representations, making physical models, drawing pictures and pictographs, engaging in kinesthetic activity). | <p>Teachers will model and incorporate into the curriculum the use of graphic organizers and nonlinguistic representations to increase word recognition, analysis, and vocabulary expansion.</p> | <p>Teachers' success will be determined by Observation Rubric, Professional Growth Plan and results from standardized assessment.</p> |



**Gleason Lake Elementary
Alternative Compensation
Professional Development Calendar**

As elementary teachers there are four professional development days built into the current school calendar. Our building provides one day of release time for professional development each quarter. In addition, our staff is provided with a 60 minute block of common planning time five times per week for each grade level. It is our goal to remain flexible and responsible to our changing needs during the first year of implementation

In addition to each teacher being accountable for our school goal and student achievement gains, it is of equal importance to embed best practices associated with learning committees, team meetings, staff meetings, and/or implementing/reflecting on academy coursework.

Summer 2006:

- Teacher leaders review disaggregated data, develops alternative compensation goal and identifies instructional strategies to meet goal
- Identify what professional development is needed in order to accomplish the goal.

Summer 2006, 8 Days of Training for Peer Coaches: Peer Coaches will receive professional training in peer coaching, SMART goals, teacher evaluation and Data Warehousing (Just 5 Clicks)

Workshop Week:

- **August 28, 2006: Staff Meeting:** Building principal and Leadership Team will disseminate and discuss with the teaching staff the building alternative compensation goal and professional development calendar.
- **August 29, 2006:** Peer Coaches will meet with his/her assigned colleagues and training will include:
 - Teacher evaluation process
 - Professional growth plan
 - Peer coaching sessions- pre-conferencing, conferencing, post-conferencing
- **August 29, 2006:** All teachers will have the option to receive training on our district data warehousing system (Just 5 Clicks).
- **August 31, 2006:** Submit names for Leadership Team to Professional Development Committee member – Jerilynn Horvath

September:

Week of September 5

- Peer Coach will receive four half days of training on literacy, math, National Urban Alliance strategies and instructional strategies.

Week of September 11

- Peer Coach focuses on the development of classroom management, rules, procedures & consequences, analyzing and interpreting student data (Just 5 Clicks)
- Peer Coach meets with each teacher and helps guide in the development of his/her Professional Growth Plan-include setting student achievement gains
- September 14, 2006: Leadership Team meets with Alternative Compensation district coordinator

Week of September 25

- Peer Coach will begin first formative observations of teachers and reflections.
- Teacher reviews their classroom data to inform instruction

October:

Week of October 2

- Staff Meeting (October 3, 2006): Leadership Team will model instructional strategy #1 – Compare & Contrast - as identified in the site plan.

Week of October 9

- Peer Coach focuses on communication techniques (domain 4)
- Peer Coach will continue to do formative observations of teachers and reflections.
- Teacher teams will meet and articulate progress on instructional strategy #1 – *Compare & Contrast* – and will share related student work samples.

Week of October 23

- Teachers will complete Individual Professional Growth Plan and submit to principal and give a copy to their peer coach
- Peer Coach will complete the formative observations of teachers and reflections.

November:

Week of November 6

- Focus on questioning strategies (Bloom's Taxonomy) with support from Peer Coach
- November 10, Site Based Professional Development Half Day focusing on instructional strategy #1- *Compare & Contrast* - and review of student samples
- Teachers will meet and articulate progress on instructional strategy #1 – *Compare & Contrast*. Teachers will share related student work samples.

Week of November 20

- First Formal Observations by Peer coaches of Teachers implementing instructional strategy #1 – *Compare & Contrast* - to meet Alt. Comp goal, reflecting on session

- Staff Meeting (November 28, 2006): Leadership Team will engage in a formal discussion of what is working and not working with instructional strategy #1 – Compare & Contrast - as identified in the site plan.

December:

Week of December 11

- Continue with First Formal Observations by Peer coaches of Teachers implementing instructional strategy #1 – *Compare & Contrast* - to meet Alt. Comp goal, reflecting on session
- Staff Meeting (December 12, 2006): Leadership Team will organize cross grade level teacher groups. The teachers will engage in a formal discussion of what is working and not working with instructional strategy #1 – Compare & Contrast.

January:

Week of January 8

- Peer coach focuses on differentiated instructional strategies for meeting the needs of all learners based on classroom and building data (grouping of students, tiered & scaffold assignments)

Week of January 22

- Peer Coach discusses progress of Teachers' Professional Growth Plans & provide support and resources
- Peer Coach continues to focus on differentiated instructional strategies for meeting the needs of all learners based on classroom and building data (grouping of students, tiered & scaffold assignments).
- Staff Meeting (January 23, 2007): Leadership Team will model instructional strategy #2 – Non-Linguistic as identified in the site plan.

February:

Week of February 5

- Peer Coach focuses on Interactive Instruction which engage students for example they may include: Think-Pair- Share, Jigsaw
- Peer Coach will begin second formative observations of teachers and reflect on observation

Week of February 26:

- Peer Coaches will continue second formative observations of teachers and reflect on observation
- Teachers will meet and articulate progress on instructional strategy #2 – *Non-Linguistic Representation*. Teachers will share related student work samples.

March:

Week March 5

- Peer Coach focuses on Interactive Instruction which engage students for example they may include: Think-Pair- Share, Jigsaw
- Peer Coach will finish second formative observations of teachers and reflect on observation

Week of March 19

- Teams/Departments will meet and articulate progress on instructional strategy #2. Teachers will share related student work
- Staff Meeting(March 20, 2007): Classroom teachers will evaluate and summarize student work samples which incorporated instructional strategy #2 – Non-Linguistic Representation.

April:

Week of April 9

- Begin final formal observations by Peer coaches of Teachers implementing instructional strategy #2 – *Non-Linguistic Representation* - to meet Alt. Comp goal, reflecting on session
- Peer Coach will review with Teachers their attainment of Professional Growth Plan
- Teams will meet and articulate progress on instructional strategy #2 – *Non-Linguistic Representation*. Teachers will share related student work samples.

Week of April 23

- Continue with final Formal Observations by Peer Coaches of Teachers implementing instructional strategy #2 to meet Alt. Comp goal, reflecting on session
- Teams will meet and articulate progress on instructional strategy #3.
- Staff Meeting(April 24, 2007): Leadership Team will organize cross grade level teacher groups. The teachers will engage in a formal discussion of what is working and not working with instructional strategy #2 – Non-Linguistic Representation.

May

- Complete final Formal Observation by Peer Coach of Teachers Implementing Instructional Strategies to meet Q Comp goal and the Wayzata Frameworks for Effective Instruction
- Peer Coaches develops a summary report indicating the amount of professional development colleagues received throughout the year and forms a board presentation for the June work session.
- Peer Coaches reflect on alt comp. Initiate and make recommendations for the following 07-08 year
- Peer Coach and leadership team analyzes student data from MAP testing and MCA testing and begins to look at goals for the 2007-08 school year
- Staff Meeting (May 22, 2007): Leadership Team will organize cross grade level teacher groups. The teachers will meet to compare and contrast between instructional strategy #1 – Compare & Contrast and strategy #2 – Non-Linguistic Representation.

Team Planning Days

Round 1: September 29 – November 16: Day 4

5th Grade Friday, September 29

4th Grade Friday, October 6

3rd Grade Friday, October 13

2nd Grade Tuesday, October 24

1st Grade Thursday, November 16

Kindergarten Tuesday, November 7

Special Ed. Tuesday, October 31

Round 2: November 28 – January 23: Day 4

5th Grade Tuesday, November 28

4th Grade Tuesday, December 5

3rd Grade Tuesday, December 12

2nd Grade Tuesday, December 19

1st Grade Monday, January 8

Kindergarten Tuesday, January 16

Special Ed. Tuesday, January 23

Round 3: January 31 – March 15: Day 4

5th Grade Wednesday, January 31

4th Grade Wednesday, February 7

3rd Grade Thursday, March 15

2nd Grade Thursday, February 22

1st Grade Thursday, March 1

Kindergarten Thursday, March 8
Special Ed. Wednesday, February 14

Round 4: March 22 – May 21: Day 4

5th Grade Thursday, March 22

4th Grade Monday, April 16

3rd Grade Monday, April 23

2nd Grade Monday, April 30

1st Grade Monday, May 7

Kindergarten Monday, May 14

Special Ed. Monday, May 21

Specialists:

Spanish @ Birchview

Technology @ Plymouth Creek

Oct. 11 – Day 2

Dec. 5 – Day 4

Feb. 8 – Day 5

April 19 – Day 2

Vocal Music @ Greenwood

Oct. 13 – Day 4

Dec. 6 – Day 5

Feb. 5 – Day 2

April 23 – Day 4

Art @ Gleason Lake

Physical Education @ Sunset Hill

Oct. 16 – Day 5

Dec. 1 – Day 2

Feb. 7 – Day 4

April 24 – Day 5

Vision 21 @ CMS (will schedule specific days with Lois Robbins)

Media @ Plymouth Creek (will schedule specific days with Mark Manning)

Literacy Specialists @ CMS (will schedule specific days with Nancy McCoy)

Each round will require 7 days for grades K-5 and Sp. Services. Each building will determine their own schedule and procedure for scheduling reserve teachers.



**PREVIOUS GOAL UPON WHICH
CURRENT Q COMP GOAL IS BASED 2005-2007**

Goal: CRITICAL THINKING

By emphasizing research based instructional strategies that have been found to have a high probability of enhancing student achievement (Marzano, Pickering, Pollock 2001), Gleason Lake students will maintain their current level of exemplary achievement as assessed by the Minnesota Department of Education. In addition, by focusing on three key instructional strategies that pertain to critical thinking, students will strengthen their overall critical thinking skills as evidenced by 2.5% of students within each grade moving from one level to a higher level on the MCAs or from one quartile to the next on the WALT, as compared to their performance last year. The focus of the assessment would be on the tracking of individual student's growth from year to year. For example, a student's movement from Level 2 on the MCA at the end of grade 3 to Level 3 on the MCA at the end of grade 4 would indicate success. In a second example, a student's movement from Quartile 3 on the WALT at the end of grade 4 to Quartile 4 on the WALT at the end of grade 5 would also indicate success.

The instructional strategies listed below will be used. Professional development would center around the study and application of the three strategies through Spring 2007. They are listed in rank order in terms of their effectiveness as measured by average effect size and percentile gain. (Marzano, Pickering, Pollock, 2001)

1. **Identifying similarities and difference**, e.g. comparing, classifying, using metaphors and analogies
2. **Summarizing and note taking** (omitted for Q comp goal)
3. **Nonlinguistic representations that elaborate on knowledge**, e.g. graphic representations, making physical models, drawing pictures and pictographs, engaging in kinesthetic activity

Reference: Marzano, R., D. Pickering & J. Pollock, (2001), *Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement*.

Jan. 21, 2006 revision



Other Building Initiatives.

Initiative #1:

Maximize the effective use of technology to improve communication in the Gleason Lake community.

Baseline Data:

Results from staff and parent needs assessments

Strategies/Activities:

- **Update computers so all are functioning with uniform operating systems.**

Status: Added memory and OSX

Date Completed: 2/06 and during summer, 2006 most everyone received new computers.

- **Professional Development training: Word (Office), OSX, transferring Works documents to Word, web pages and phasing out use of Appleworks**

Status: Staff members are regularly updating their web pages. Word is being used and ongoing professional development occur in areas of need (e.g. Tech Thursdays)

Date Completed: Spring, 2007 and ongoing

- **Functioning PTA website, showing increased usage (number of hits)**

Status: Recently updated

Date completed: Spring 2007

Person/Group Responsible:

Technology Committee: Becky Prigge, Greg Blaufuss, Bev bOrgstrom, Dede Hasselfeldt, Dan Roth, Jennifer Houg, Monica Bongart
PTA web editor: Jeff Hagen



Initiative #2:

Maintain, strengthen, model and celebrate our learning community, promote responsible citizenship and foster respect for self, others and the world around us.

Baseline Data:

Surveys from students, staff and parents

Strategies/Activities

- **Partner with First Student bus company to implement bus patrols on each bus**

Status: Application submitted in spring 2006. Training took place during the first few weeks of the 2006-2007 school year. Program began September 18, 2006.

Date Completed: Ongoing. While the total number of bus misbehavior reports have not significantly decreased, based on bus driver satisfaction surveys response, this will continue next year. Refer to documents entitled Driver Survey Results and Bus Misbehavior Reports.

- **Promote “Six Pillars of Character” via Student Council**

Status: Members of student council have presented this to each classroom. Teachers vary in how they are promoting/implementing it.

Date Completed: spring 2007

- **Parent Volunteers for lunchroom assistance**

Status: Put on hold due to difficulty in getting volunteers for existing volunteer programs (greeter desk)

Person/Group Responsible:

Driver Survey Results
Gleason Lake Bus Patrols
 January 2007

| | Yes | Most of the time | Some of the time | No | NA |
|--|-----|---------------------|---------------------|----|----|
| Have the patrols been courteous and respectful towards you? | 9 | 1 | 0 | 0 | |
| Have the patrols been courteous and respectful towards other students? | 9 | 1 | 0 | 0 | |
| Have the patrols helped you maintain your focus on the road and not student behaviors? | 9 | 1 | 0 | 0 | |
| Do you feel inappropriate behaviors are down from this point last year? | 6 | 0 | 1 | 1 | 2 |
| Have the patrols helped maintain order when the bus is loading and unloading? | 6 | 2 | 2 | 0 | |
| Do you feel the students are listening to the bus patrols? | 3 | 4 | 3 | 0 | |

Written Responses;

How have the patrols helped you do your job?

- They free me up so I can concentrate on my driving.
- I am able to focus on my driving. I wish all schools had this.
- They help keep the younger kids quieter and better behaved.
- They make sure the students are sitting down while the bus is moving, they really help the other students in finding their seats.
- I can concentrate on my driving.
- The bus patrols have helped me tremendously! I do not have to keep looking in my mirrors to see what's going on behind me. I am able to concentrate 100% safely on my driving which also leads to a more positive attitude on my part, the driver. The younger kids learn respect and cooperation skills from the older kids and the older kids learn to be responsible for, and set good examples for, the younger children.

It's definitely a win-win situation for all, and I commend you for your excellent effort in making this the most well-organized, safest school that I have ever driven bus for! The children are also extremely respectable and a pleasure to drive. You are definitely doing something good at this school.

Do you have any suggestions that might help the patrols do their jobs better?

- Be sure to follow the rules if they don't other students will not follow them. Set a good example. It is good for the patrols to explain to riders why the safety rules are important.
- Encourage the body of kids that they must cooperate more than they do. Stay in one seat for the whole bus ride, or else they will get written up more often. I have heard from the patrols of occasional disrespect towards them from larger or bigger kids.
- There are a couple of the kids who do not behave and ignore the patrols. I wrote them up for it but it did not work.
- None that I can think of, my bus patrol is great help to me and the other students. I can't say enough about my safety patrol.
- Keep the patrols, I think it works great.

Bus Misbehavior Reports Gleason Lake Elementary

2005 – 2006

2006 – 2007


| <u>Month</u> | <u>#of Reports</u> | <u># of Students</u> | <u># of Reports</u> | <u># of Students</u> |
|--------------------|--------------------|----------------------|--------------------------|----------------------|
| September | 9 (6 on Bus 21) | 6 | 10 (Bus 12-4, Bus 44-3) | 8 |
| October | 19 (14 on Bus 21) | 15 | 2 (Bus 40) | 1 |
| November | 2 (1 on Bus 21) | 2 | 3 (Bus 83) | 2 |
| December | 7 (Bus 21) | 7 | 2 (Bus 62) | 2 |
| January | 2 (Bus 21) | 1 | 15 (Bus 62-6, Bus 83-5) | 14 |
| Subtotal | | 31 | | 27 |
| February | 8 (6 on Bus 21) | 4 | | |
| March | 20 (13 on Bus 36) | 19 | | |
| April | 7 (5 on Bus 16) | 7 | | |
| May | 3 (2 on Bus 16) | 3 | | |
| Grade Total | | 64 | | |

Revised 2/1/07



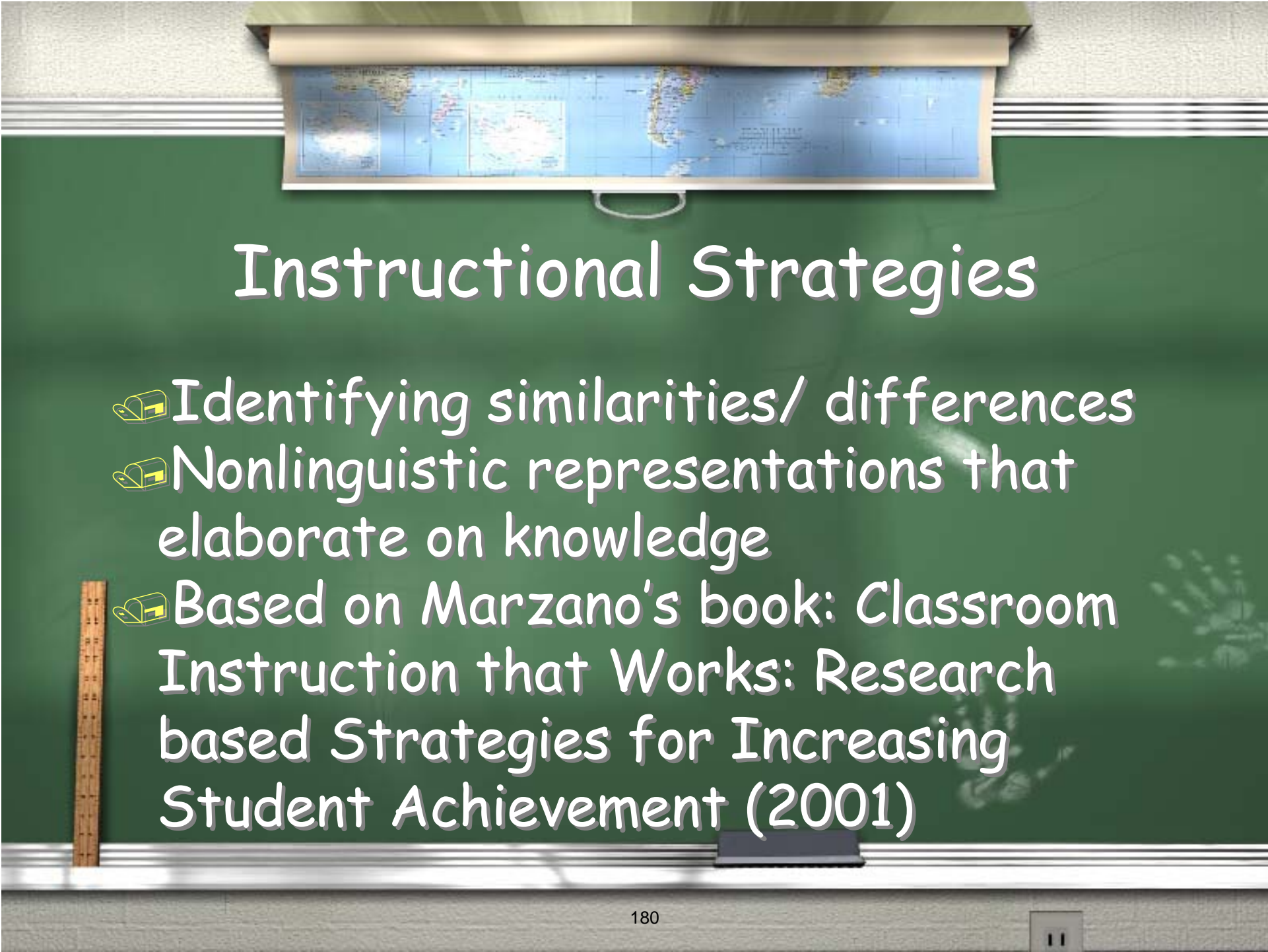
School Improvement Plan

Gleason Lake
Elementary

A world map is mounted on a wall above a green chalkboard. The map is partially unrolled and shows the Americas and parts of Europe and Africa. The chalkboard is green and has a wooden ruler on the left side. The title 'Data Analysis' is written in white on the chalkboard.


Data Analysis

- 📖 Looked for patterns over time - areas for growth
- 📖 Previous Goal - Critical Thinking
- 📖 **READING** - Alt. Comp goal
- 📖 Word acquisition
- 📖 Analysis
- 📖 Vocabulary development
- 📖 Based on WALT '06 and classroom assessments



Instructional Strategies

- 📁 Identifying similarities/ differences
- 📁 Nonlinguistic representations that elaborate on knowledge
- 📁 Based on Marzano's book: *Classroom Instruction that Works: Research based Strategies for Increasing Student Achievement* (2001)

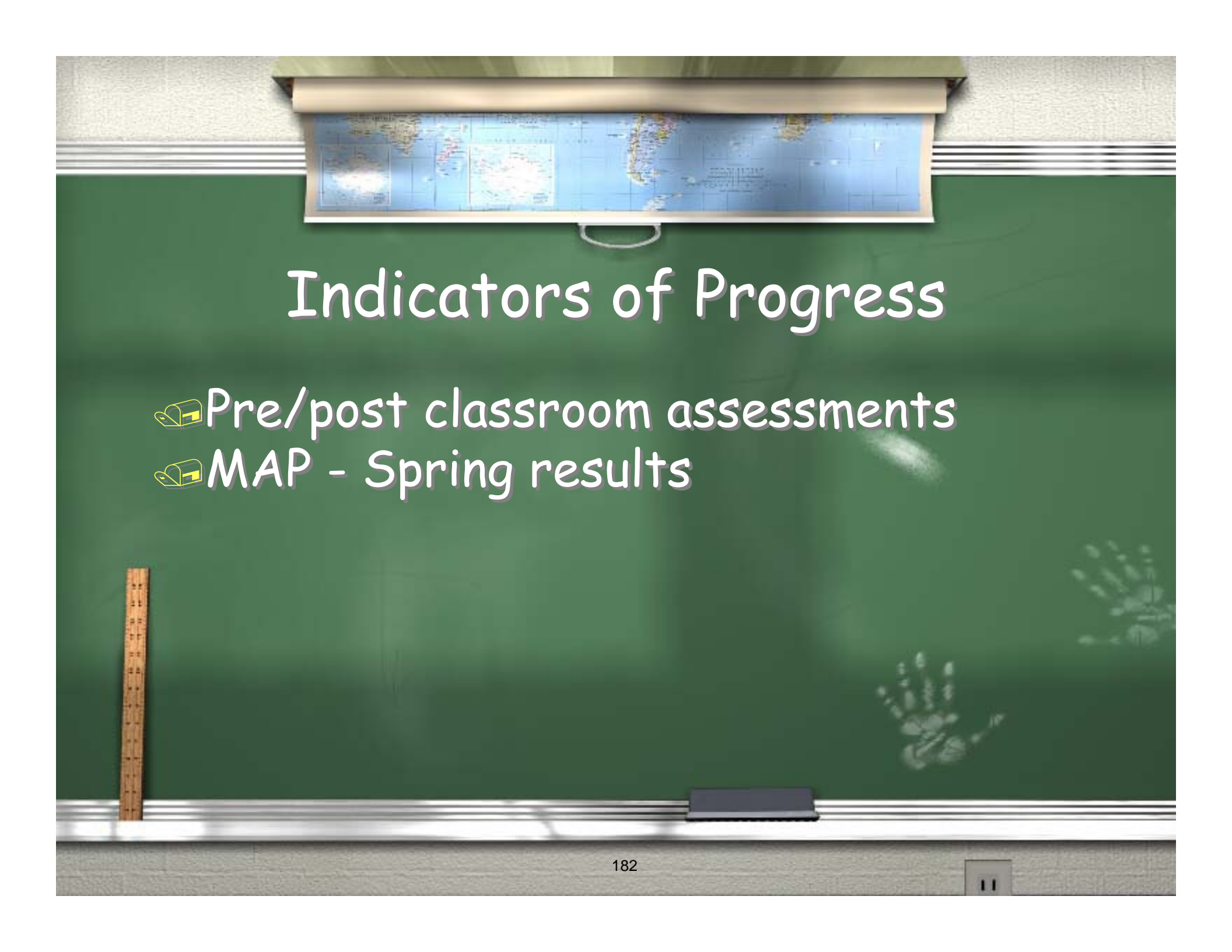


Meeting Students Needs

 Venn Diagrams

 Analogies

 KWL charts



Indicators of Progress

- 📁 Pre/post classroom assessments
- 📁 MAP - Spring results



Professional Development

-  Peer observations
-  Carrousel activity
-  Rubric development
-  Modeling of the two instructional strategies
-  Cross grade discussions



Other Initiatives

- 📁 Technology- functioning computers, web pages, and using Word
- 📁 Climate - bus patrols/crossing guards, and Six Pillars



What It All Looks Like

| REQUEST | COST |
|--|---|
| Elementary | |
| Convert office paras to 10 mo, hour postions | \$121,478 |
| Middle Schools | |
| 1.0 FTE Dean/Counselor at each school | \$162,900 |
| .5 FTE additional Read 180 tchr at each sch | \$81,450 |
| Security Monitors at each school--8 hrs | \$85,560 |
| MS Keyboarding teacher --.5 FTE for district | \$27,150 |
| High School | |
| Math Center --1 FTE for 10th Grade | \$54,300 |
| Counselor -- 1 FTE | \$59,730 |
| Secondary Instruction and Technology Repair | \$ |
| ALC | |
| HS--.33 FTE math | \$17,919 |
| HS--.33 FTE science | \$17,919 |
| HS--.33 FTE work experience coord. | \$17,919 |
| EMS--.5FTE Lang Arts or Soc Studies | \$27,150 |
| EMS--.5 FTE Math | \$27,150 |
| EMS--6 hour para | \$21,390 |
| Special Services | |
| Deaf/HH teacher 1.0 FTE | (\$20,000) net savings \$20,000 |
| Setting 3 Related Service Professional 2.7 FTE | \$54,300 state aid approx 1/2 in 2 years Also net fed. savings of \$77,387 |
| School Psychologist (replace contract) 1.0 FTE | \$10,000 state aid approx 1/2 in 2 years |
| EBD Teacher @ WHS 1.0 FTE | \$54,300 state aid approx 1/2 in 2 years |
| Health para support at WHS | \$3,224 |
| Districtwide Administration | |
| Assessment: Add 1 hour to Secretary | \$6,500 |
| C & I: 1.5 FTE Resource teachers | \$81,450 |
| Human Resources: Clerical to 8 hr, 12-month | \$18,649 |
| Transportation: Clerical from 1/2 to 1.0 FTE | \$25,155 Desegregation Aid may fund |
| Athletics and Activities | |
| Athletics uniforms | \$30,000 |
| Supplies etc. for new & increased activities | \$7,500 |
| Total, all requests | \$993,093 |

INTEROFFICE MEMORANDUM

TO: ALAN HOPEMAN
FROM: STEVE MUMMA
SUBJECT: ALC STAFFING REQUESTS FY 08
DATE: 2/22/2007
CC: JANE SIGFORD

**ALC New Staffing Requests
FY 08**

High School

.33 FTE Science
.33 FTE Math
.33 FTE Work Experience Coordinator

Rationale: We currently offer one science and one math class in TAP with an enrollment hovering around 20 in each. By offering only one section of science, students are forced into other academic sections creating overloads in those sections. With the additional math and science graduation requirement and MCA II testing we anticipate additional students needing these classes.

Middle School - East

.5 FTE Language Arts or Social Studies (additional)
.5 FTE Math
6 hour paraprofessional

Rationale: In the original ALC design, each middle school was provided a .5 FTE and 2 hours of para time to be used as deemed appropriate. At its inception MAP-East chose to increase the teaching position to 1.0 FTE using the para money and supplementing with building resources. In FY 08 demand for enrollment in the ALC will exceed our staffing ability to meet the building requests. Additionally, we have recognized a great need to add mathematics to the ALC offerings. Many students enrolled in the ALC are not prepared to meet the demands of a mainstream curriculum without additional support. Through this year space has been a limiting factor in program expansion. In FY 08 the ALC will be placed in a larger classroom that will accommodate more students. Additional staffing will assure meeting the service needs at East.



Lois Robbins
Director of Assessment & Evaluation
763.745.5065
Fax-763.745.5067

TO: Alan Hopeman
FROM: Lois Robbins
DATE: 2-14-07
RE: Cheryl Warzеха's Position

In November Annie approved an additional hour for Cheryl's position with the Office of Assessment. With this addition, Cheryl is currently working an 8.0 hour/day. At the time of the approval, Annie reminded me that I also needed to put in a request with you during February budget change proposals.

Due to new testing requirements within the district and from the state, along with added data requests from schools for No Child Left Behind and Alternative Compensation, I am requesting a permanent budget change increase of Cheryl's contract to an 8.0 hour/day, beginning with the 2007-08 school year.

Attached are the reasons for submission of this budget change proposal.

Thank you for your consideration.

cc: Annie Doughty
Jane Sigford

Rationale for permanently increasing Cheryl Warzaha's contract hours

There have been a great deal more work demands put on the Assessment office, including:

- Switching to NWEA/MAP assessment
 - ✓ Added the fall testing for grades 3-5
 - ✓ Added the fall/spring testing of ALC
 - ✓ Added the spring testing for grade 8
 - ✓ Testing of new students throughout the district, including the high school
 - ✓ Help organize three separate MAP training days
 - ✓ Maintaining the district student roster for all NWEA tests
 - ✓ Uploading MAP tests throughout the year
- State Testing
 - ✓ Responsible for keeping the district up-to-date on testing procedures and compliance with state mandates
 - ✓ Added additional grades to MCA testing (3-8, 10 & 11)
 - ✓ On-line Science testing for all grades 5, 8 & 10 students
 - ✓ ELL testing on line - MTELL
 - ✓ Order and organize the data for EXPLORE & PLAN for grade 8 & 10
 - ✓ BST data for the WHS
 - ✓ This spring starts tracking of the GRAD requirement for all high school students (This will include processing the appeals for passing the new GRAD requirement)
- Other demands
 - ✓ Increased demand of data using Just 5 Clicks

- ✓ Site Council data – this year alone, 7 schools are presenting to the Board
- ✓ ALT Comp data for schools to examine
- ✓ Training staff on testing programs (and Excel)
- ✓ Ad-Hoc Research, i.e. Equity Team document
- ✓ Help organizing Professional Development Days for Gradebook (Secondary and Elementary), Just 5 Clicks

To: Alan Hopeman, Director of Finance
From: Jaime C. Sherwood, Director of Athletics & Activities
Date: January 24, 2006
Re: Budget Increase

I am requesting an increase to the high school athletic and activity budget of \$37,500 to replace previous budget reductions and provide new dollars for supplies, entry fees, and transportation for clubs and activities.

Reinstate Reductions **\$30,000**

In the early 1990's when the school district had severe budget cuts, the Wayzata Athletic Boosters was formed to offset the cuts in the athletic programs at the high school and junior high. It has been the past practice, that the Wayzata Athletic Boosters would fundraise and gift \$30,000 a year to provide new uniforms to high school athletic teams. The Wayzata Athletic Boosters Executive Board would like to request that the expense of uniform replacements be covered by the school district.

Uniforms are replaced on a three year rotation:
Year 1: Alpine Skiing, Baseball, Basketball – Boys, Cross Country/Track – Boys, Cross Country/Track – Girls, Gymnastics, Lacrosse – Girls, Nordic Skiing, Soccer – Boys, Soccer – Girls, Tennis – Boys
Year 2: Basketball – Girls, Cross Country/Track – Boys, Cross Country/Track – Girls, Football, Hockey – Boys, Hockey – Girls, Lacrosse – Boys, Soccer – Girls, Volleyball
Year 3: Cheerleading, Cross Country/Track – Boys, Cross Country/Track – Girls, Dance Team, Football, Golf – Boys, Golf – Girls, Swimming/Diving – Boys, Swimming/Diving – Girls, Synchronized Swimming, Tennis – Girls, Wrestling

Increase in Supplies, Entry Fees, and Transportation for Clubs and Activities **\$ 7,500**

With the addition of new clubs and competitive activities additional dollars are needed for supplies, entry fees, and transportation.

Memorandum

To: Alan Hopeman

CC:

From: Jane Sigford

Date: 2/22/2007

Re: increased 1.5 FTE

I am requesting 1.5 FTE as curriculum resource teachers. The responsibilities of this office have grown over the past few years because of alternative compensation and the increase in testing and demands of statewide and national accountability.

The demands of accountability make it necessary to have curriculum resource positions permanently in the areas of math, language arts, social studies, and science. In addition, I use a .5 to manage district-wide professional development. At one time this position was a full-time administrator that was eliminated when we were in a budget crunch.

That leaves only a .5 out of my allotted FTE from the sabbatical positions to do the work of curriculum review.

Next year I need to begin world language and music, plus have a full-time math position to match the professional development and curriculum needs that are met through a full-time language arts person.

Therefore, I need an additional 1.5 FTE to cover the other curricular areas under review.

0-350

**INDEPENDENT SCHOOL DISTRICT 284
Wayzata, Minnesota**

**TO: Alan Hopeman
Administration Building**
FROM: Elementary Principals
DATE: February 8, 2007
SUBJECT: REQUEST FOR 10-MONTH OFFICE PARAPROFESSIONALS

The Elementary Principals are requesting that our current Office Paraprofessionals be expanded from an hourly Class IV position to a 10-month, eight (8) hour per day Class III position, which we understand may be the creation of a new position. Electronic data entry, expanded testing procedures, and family access are but some of the reasons that demands on our Secretaries and Office Paraprofessionals have increased dramatically.

If each of seven elementary buildings were to decrease General (office) Paraprofessional by six hours there would be a savings of \$149,730.00. The cost of seven Class III Paraprofessionals working eight hours, five days a week on a 10-month contract would be \$271,208.00 Therefore, the budget increase for our request is \$121,478.00.

| | |
|---|---------------------|
| 10-Month Paraprofessionals for 7 elementaries: | \$271,208.00 |
| Reduction of 6 hour General Paraprofessionals: | \$149,730.00 |
| NET INCREASE: | \$121,478.00 |



Memo

To: Alan Hopemen, Executive Director of Finance
 From: Annie Doughty,
 Executive Director of Human Resource Services
 Date: February 12, 2007
 Re: Budget Request

During the 2001-02 budget cuts, the Human Resource Services Department reduced their 12-month/8 hour/day clerical position to a 10-month clerical position. Since that time, the Department has seen a significant increase in work load due to the growth in FTE's and numerous programs. (See following FTE comparison)

| | 2001-02 | 2006-06 |
|-----------------------|----------------|----------------|
| Custodian | 74.00 | 75.88 |
| ECFE | 4.34 | 15.23 |
| Food Service | 41.07 | 42.85 |
| Home Base | 63.83 | 137.59 |
| Para | 191.26 | 219.90 |
| Principal | 17.00 | 18.00 |
| Secretary | 44.00 | 47.00 |
| Teacher | 566.93 | 664.60 |
| Unaffiliated | 62.00 | 62.00 |
| Total | 1064.43 | 1283.05 |
| Increased FTE: | | 218.62 |

I am requesting we return to the 2000-01 Human Resource Department's staffing; therefore, increasing the 10-month (6 hour/day) to a 12-month (8 hour/day) position. This would be an increase of 774 hours/year (.37 FTE). The cost would be \$18, 649.

Thank-you for your consideration.

Email from Craig Paul to Alan Hopeman, 2-13-07

1. Math Center FTE for 10th grade. 1 FTE

With the increased state math requirements, this years 9th graders have to pass the equivalent of Alg II/Int Math II to graduate. The math center is a safety net began this year for 9th grade with our building staffing. We need to maintain the 9th next year and add the 10th grade next year to get as many through this requirement as we can manage. The math center is open each period and is additional math time for struggling math students that are pulled from their elective class.

2. Counselor 1 FTE

We need to get closer to other conference school ratios for counselors/students. We are at 400:1 (425:1 next year) in 9th grade. That leaves a 400:1 ratio @ 10-12th grades. To begin career planning, e-portfolios and increased personal counseling we need to decrease the ratio.

3. Building dollars for instruction increase.

We need \$ in Sec Instruction and Technology repair. Department shave dollars they are saving for replacement and repairs now that we are 10 years old. The new district tech plan does not include tech repair and replacement. We are adding new and not replacing old with tech dollars according to Mark's presentation. We will have most of our monies going to tech replacement and repair from now on.

INDEPENDENT SCHOOL DISTRICT 284
Wayzata, Minnesota

MEMO TO: Alan Hopeman
FROM: Steve Root, Mike Trewick, Susan Sommerfeld
DATE: February 9, 2007
RE: Budget requests for 2007-08

Middle school principals have met and are making the following budget requests for the 2007-08 school year.

1. Additional 1.0 dean/counseling position at each school (3.0 additional staff)

Rationale: Presently, we have three counselors for 2400 students at the middle level. We ask that the staffing ratio be consistent with HS ratio.

Anticipated costs: \$165,000

2. Additional .5 teacher allocation per building (1.5 total staffing) to the current Read 180 staffing.

Rationale: Currently we are receiving .5 staffing per building to staff our Read 180 program. In order to meet the needs of all of our students at the three grade levels, and to follow the suggested Read 180 format for the implementation of the program, a full-time teacher in each building is needed.

Anticipated costs: \$82,500

3. Additional 8 hours per building (24 hours total) of paraprofessional time for Security Monitor.

Rationale: Need for greeters/hall monitors to monitor the flow of visitors in and out of each building.

Anticipated costs: \$90,000

4. MS Keyboarding teacher (.5 FTE)

Rationale: Increased expectations for MS students regarding the skills that they are expected to possess upon entering the HS need to be taught by a teacher trained in the subject area. Teacher would be split between the three middle schools during the first half of the year.

Anticipated costs: \$27,500

C: Annie Doughty
Bob Ostlund

Memo

To: Alan Hopeman
From: Special Services Department
CC: PST
Date: 2/22/2007
Re: 2007-08 Special Services Staffing Requests

The following are staffing requests from Special Services for the 2007-08 year. Some of these requests are cost neutral and replace staffing models that are currently being funded in another manner. A description of the requests are described below:

1. 1.0 Deaf and Hard of Hearing (DHH) Teacher – cost savings

$$1.0 \times \$54,301+ = \$54,301+$$

Wayzata Public Schools has contracted with Intermediate District 287 for DHH services. Wayzata Public Schools has a predictable number of students requiring DHH services which now allows us to employ a full-time FTE for this service. Therefore, we have submitted an intent to withdraw from 287 DHH services for the 2007-08 school year. The cost of this service is currently covered by State Special Education funds through tuition bills paid to 287. This position will be offset by a reduction in 287 billing to the District. It is likely that our District will be responsible for assuming the contract of a 287 employee due to our withdrawal of this service. We will assume an employee who is lowest on the seniority list. However, this employee's education and experience will likely exceed the \$54,301 licensed staff planning figure. It is probable that we will experience a cost savings of approximately \$20,000.

2. 2.7 FTE Licensed Related Service Professional

$$2.7 \times \$54,301 = \$146,613$$

We have supported our four Setting III programs for students with emotional behavioral disorders and with educational autism through the following personnel: 1.0 FTE teacher position in each program, paraprofessionals, and through independent contracts with a certified behavior analyst and a local contracted mental health provider. We have been reviewing the effectiveness of this model and believe that a change needs to be made. These students have significant needs for social/emotional and behavioral support. The independent contracts together total \$224,000 and do not provide for full day everyday social emotional support. This expenditure has been applied to the Federal Special Education Budget. We believe an effective model would provide for 2 fulltime

licensed staff in each program, the first staff being the teacher and the second would provide for a new position for a full-time related services provider in each Setting III building that would have licensure in school social work or another related field. We believe this model would provide for a safer and more effective environment for our students, build the opportunity to expand the program's capacity, which could avoid future referrals to Setting IV programs. 1.7 of the requested FTE would be funded through the Federal budget and 1.0 FTE funded through the State budget. The increase cost to the District would be \$54,301 for the 1.0 FTE and a cost savings to the Federal budget of \$94,068.

3. 1.0 FTE Licensed School Psychologist

$$1.0 \times \$54,301 = \$54,301 \text{ (offset by current model)}$$

The District currently employs 3.6 FTE licensed school psychologists, contracts for a .2 independent psychologist and contracts on an annual basis for a school psychology intern. The .2 independent contract and school psychology intern contracts total approximately \$50,420. This model no longer supports the needs for school psychology services which include participation in pre-referral activities, attendance at child study meetings, evaluation of students for special education, evaluation of students for acceleration, attendance at IEP meetings, and for social/emotional and behavioral support. The average general population ratio of school psychologist to student in the western suburbs is 1:1461. The current ratio for Wayzata is 1:2039 (including the .2 FTE independent contract and the approximate 30 days provided by the intern). An increase of 1.0 FTE would not reduce the ratio, but would allow for a more efficient service delivery model by employing a full-time school psychologist who is our employee. The approximate cost to the District would be \$3,881. However, it is likely that a school psychologist would come with a minimum of a specialist's level education. This expense would be applied to the State Special Education budget.

4. 1.0 FTE Licensed Emotional and Behavioral Disorders (E/BD) Teacher, Setting III

$$1.0 \times \$54,301 = \$54,301$$

Wayzata High School currently has a 1.0 FTE assigned to Setting III EBD. The current FTE is challenged to support the number of students requiring intensive EBD services. A general IEP management load for this population is 1:12 with paraprofessional support. The number of students requiring Setting II to Setting III intervention on a regular basis at Wayzata High School has been identified to number from 20-30 students at any given time. These students pose the following challenges: they may have mental health issues, they may have chemical dependency, are considered transient students, may have learning disabilities, are significantly behind in credits, have verbal and physical maladaptive behaviors they have difficulty controlling, are suspended regularly, may be involved with corrections, etc. The addition of a licensed professional in EBD would provide the necessary personnel to serve the needs of this population.

All four of the above requests would be offset by State Aid that would be generated as per the State MDE formula or the Federal Budget as described.

5. 20 days (140 hours) of Health Paraprofessional support to Wayzata High School

$$140 \text{ hours} / 175 \text{ days} = .8$$

$$.8 \times \$4030 \text{ Para/hour cost} = \$3,224 \text{ total cost}$$

The Wayzata High School Health Office experiences short spurts of time where the demand for assistance in the office is at a critical level. This typically occurs at the following times:

1. The beginning of the school year when the current staff are verifying no shots no school data and generating student health plans for distribution to classroom teachers.
2. During the height of the cold and flu season, and;
3. At the end of the school year when the health office is closing out student records for students who have graduated.

I am requesting for the flexibility to call in a health paraprofessional substitute for up to 140 hours if needed, to support this office during the identified peak times.

Thank you for your consideration of each of these requests.

February 14, 2007

TO: ALAN HOPEMAN
FROM: FRED RETZLOFF
RE: ***REQUEST FOR CHANGE OF JOB POSITION
TRANSPORTATION SECRETARY/TECHNICIAN***

Alan, the position of Transportation Department secretary/technician was changed from full-time to part-time during our last round of budget adjustments several years ago.

I am requesting this position be adjusted back to a full time position at the beginning of the next fiscal school year.

Several primary tasks/programs have resulted in significantly increased time demands placed on this position:

- Choice Is Yours Program:
 - ✓ Increase in total student enrollment from 48 at the inception of this program to in excess of 250 for the current school year.
 - ✓ Frequent, often monthly, student residence changes requiring increased communication with WATS/Airport Taxi to coordinate transportation .
 - ✓ Increased phone calls from parents of students in this program requesting substitute transportation due to the fact their child missed the bus/was late for the bus.
 - ✓ Maintenance of the Edulog database for these students

- Special Education:
 - ✓ Increase in total students transported from 248 in 2003-2004 to in excess of 300 to include the High School Work Program.
 - ✓ Services for these students have been expanded for many of these students.
 - ✓ Maintenance of the special education emergency form files for each student to include photographs as required by the state.

- Increased number of schools:
 - ✓ Providence Academy has been added to our department's transportation responsibilities since the reduction in this position.

In addition, clerical tasks must be performed on a timely basis to assure the accurate and efficient operation of the department and its reporting functions:

- MARSS/Skyward Databases: All changes in skyward need to be manually entered into Edulog to assure the accuracy of the routing database and that it mirrors the student information contained in Skyward. This report must be done daily and can take up to 2 hours each day. Presently, it is not being maintained on a timely basis.
- State Reporting: All information must be maintained during the year on a timely basis for inclusion in the State Reports that are required. Once the reports have been submitted, any errors/discrepancies must be researched and corrected.
- Non-Public School Student Transportation Reimbursement: The total process of tracking each student by each non-public school and then the dollar reimbursement for transportation at the end of the year must still be coordinated. Again, a very time intensive/technical accounting process that must be accurate.

I have tried to pick up as many of the tasks as I am able to do since the reduction in hours, since the work must still be completed regardless of the staff hours available.

At peak times of the year I have had to request temporary office help, which has not always been productive because of the time spent training a new person and the quantity/quality of work they are able to accomplish in the required time frame.

Thank you for your consideration of this request.

WAYZATA PUBLIC SCHOOLS

Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION

Regular Meeting - March 12, 2007 - 7:30 PM
Wayzata City Hall
600 Rice Street, Wayzata

AGENDA

1. CALL TO ORDER/ROLL CALL
2. APPROVAL OF AGENDA AND CONSENT AGENDA ITEMS
Consent Agenda items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed as a Consent Agenda item and addressed. Consent Agenda Items are as follows:
 - A. Approval of Minutes
 - B. Finance and Business Recommendations
 - C. Bid Award - Exterior Wall Repair
 - D. Human Resource Recommendations
 - E. Professional Leaves of Absence – 2007-2008 School Year
3. RECOGNITIONS
 - A. March Employee of the Month -Birthview Elementary
 - B. Trojet Jazz Funk State Champions
 - C. 2006 Presidential Award for Excellence in Mathematics Teaching - State Level Finalist - Barb Abramson
 - D. Wayzata Public Schools 2007 Retirees
4. REPORTS FROM ORGANIZATIONS
This section of the agenda provides the opportunity for parent, teacher, and/or student associations/organizations to provide the School Board with reports/updates.
 - A. Student Council - Sarah Sanders
5. SUPERINTENDENT'S REPORTS AND RECOMMENDATIONS
 - A. Superintendent
 1. Approval of Middle School Attendance Boundary Changes
 2. Approval of Non-Resident Kindergarten Open Enrollment at Plymouth Creek Elementary - 2007-08
 3. Required Board Review of Policies (Per 3-year Cycle)
 - a. Board Policies and Regulations (No Changes)
 1. Board Policy and Regulations - 602 & 602-R - "Acceleration of Students" - First Reading
 2. Board Policy and Regulations 604 & 604-R - "Development of Parental Involvement Policy for Title I Programs" - First Reading
 3. Board Policy 607 - "School Calendar" - First Reading
 4. Board Policy 611 - "Home Base (Child Care) Program" - First Reading
 5. Board Policy and Regulations 612 & 612-R - "Student Overnight Travel" - First Reading
 6. Board Policy and Regulations 614 & 614-R - "Credit for Online Learning" - First Reading
 7. Board Policy and Regulations 620 & 620-R - "Student Activities Fees" - First Reading
 - b. Proposed Amendments to Board Policies and Regulations (Minor Changes)
 1. Board Policy and Regulations 101 & 101-R - "School District Legal Status" - First Reading
 2. Board Policy 526 - "Policies Incorporated By Reference" - First Reading
 3. Board Policy and Regulations 601 & 601-R - "Graduation Requirements" - First Reading
 4. Board Policy 608 - "Programs for Gifted Students" - First Reading

- 5. Board Policy 610 - "Family Life Education" - First Reading
- 6. Board Policy and Regulations 615 & 615-R - "Graduation Exercises" - First Reading
- 7. Board Policy 616 - "Summer School" - First Reading
- 8. Board Policy and Regulations 619 & 619-R - "Educational Surveys and Research/Effective Schools Research - First Reading
- 9. Board Policy and Regulations 621 & 621-R - "Interscholastic Athletics" - First Reading
- c. Proposed Amendments to Board Policies and Regulations
 - 1. Board Policy 102 - "Vision and Mission Statements" - First Reading
 - 2. Board Policy 603 - "Instructional Goals" - First Reading
 - 3. Board Policy and Regulations 605 & 605-R - "Teaching About Religion" - First Reading
 - 4. Board Policy and Regulations 609 & 609-R - "Commercial Media Use" - First Reading
 - 5. Board Policy 613 - "Curriculum Adoption" - First Reading
- d. Proposed Deletion of Board Policies and Regulations
 - 1. Board Policy 606 - "Instructional Arrangements - Class Size - First Reading
- B. Curriculum and Instruction
 - 1. Gleason Lake Elementary Student Presentation
 - 2. Approval of Proposed Gleason Lake Elementary School Site Plan - Bev Borgstrom
 - 3. Approval of 2008-09 School Calendar
- C. Finance and Business Services
 - 1. Monthly Financial Reports
 - 2. Budget Adjustments - 2006-07
- D. Human Resource Services

6. OTHER BOARD ACTION

7. AUDIENCE OPPORTUNITY TO ADDRESS SCHOOL BOARD

This section of the agenda provides an opportunity for those who have called and placed their names on the list and for members of the audience to address the School Board.

8. BOARD REPORTS

9. NEW BUSINESS

10. ADJOURN

POSTED: 3/8/07

WAYZATA PUBLIC SCHOOLS

Independent School District 284
Wayzata, Minnesota

BOARD OF EDUCATION

Work Session – February 26, 2007

AGENDA SECTION: 7. Adjourn

ITEM: _____

COMMENTS BY: Board Chair Cohen

If there is no additional business before the School Board, the Chair will adjourn the meeting.