

# BOARD AGENDA

## INDEPENDENT SCHOOL DISTRICT 191

Burnsville High School Senior Campus  
Diamondhead Education Center  
Regular Meeting  
May 14, 2015  
6:30 PM

(6:00 PM Board Listening Session with Chair VandenBoom and Director Schmid)

- I. Call to Order
  - A. Welcome Public
  - B. Pledge of Allegiance
  - C. Public Recognition
    - 1. Burnsville Olympic Weightlifting Team
    - 2. John Coskran Volunteer Awards 3
- II. Business Meeting
  - A. Approval of Agenda
  - B. Consent Agenda

Although Board action is required, it is generally unnecessary to hold discussion on these items. In the event a Board member wishes to discuss an item, that item will be moved for separate consideration.

    - 1. Minutes 4
    - 2. Human Resources 6
    - 3. Donations 8
- III. New Business
  - A. Adopt a Resolution Relating to the Termination and Nonrenewal of the Teaching Contracts of Probationary Certified Personnel at the Close of the 2014-2015 School Year 11  
Presenter: Stacey Sovine, Executive Director of Human Resources  
Time: 5 Minutes
  - B. Approve, on a First Reading Basis, Board Policies 204: *School Board Meeting Minutes*, 205: *Open Meetings and Closed Meetings*, 207: *Public Hearings*, 209: *Code of Ethics*, 210: *Conflict of Interest-School Board Members*, 211: *Criminal or Civil Action Against School District, School, Board Member, Employee or Student*, 212: *School Board Member Development*, 213: *School Board Committees*, 214: *Out-of-State Travel by School Board Members*, 301: *School District Administration*, 302: *Superintendent*, 303: *Superintendent Selection*, 304: *Superintendent Contract, Duties, and Evaluation*, 306: *Administrator Code of Ethics* and rescind policies BDDG, BD, BDE, BBF, BBFA, BCG, BH, BCE, CBA & CBA-R, CBB and AFB 13  
Presenter: Dr. Joe Gothard, Superintendent  
Time: 15 Minutes
- IV. Reports
  - A. Student Representative
  - B. Superintendent

C. Board Members

V. Adjourn to a Closed Session as Permitted by Minnesota Statutes §13D.03 to Discuss ISD 191's Labor Negotiation Strategy



Burnsville-Eagan-Savage School District 191

# John Coskran Volunteer Award Ceremony

Thursday, May 14, 2015

Senior Campus, Diamondhead Education Center

Welcome.....Bob VandenBoom, Board Chairperson

Award Presentation:

*Students*

Presenter

**Travis Burg** .....Dan Luth, Board Vice Chairperson

**Sunny Vuong** .....Dan Luth, Board Vice Chairperson

*Parents*

**Karen Oshiro**.....Jim Schmid, Board Director

**Mike Tobias** .....Ron Hill, Board Director

*Community*

**Maggie Cedarberg**.....DeeDee Currier, Board Clerk

*Employee*

**Sahro Abdullahi**.....Abigail Alt, Board Treasurer

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***Congratulations and many thanks to all nominees:***

Sahro Abdullahi, Hodan Ahmed, Cheryl Bardwell, Beth Bennett, Travis Burg, Maggie Cedarberg, Areli Cruz, Sue Datres, Kari Deering, Elaine Fung, Melissa Guertin, Ursula Hartmann, Benjamin Hubbard, Linda Hunter, Husni Hussein, Fern Karpen, Cindy Kohler, Cari Leagjeld, Amy McCutcheon, Mohamedsaid Mohamed, Joanne Morissey, Kari Nurminen, Karen Oshiro, Jenny Peterson, Nisa Rian, Darcy Schatz, Renee Strom, Mike Tobias and Sunny Vuong



▶ Those who can, do. Those who can do more, volunteer. ~ Author Unknown

Special School Board Meeting Minutes  
INDEPENDENT SCHOOL DISTRICT 191  
April 30, 2015

The special meeting of the Board of Education was called to order by Chair VandenBoom at 7:30 p.m. at the Burnsville High School Senior Campus in the Diamondhead Education Center.

Call to Order

Directors Currier, Alt, Luth, Sweep, Hill, Schmid and Chair VandenBoom were present. Others in attendance were Superintendent Gothard, administrators, staff and members of the public.

Attendance

VandenBoom welcomed the audience and asked Schmid to lead the Pledge of Allegiance.

Pledge of Allegiance

VandenBoom thanked the public and staff for comments and feedback regarding the FY16 budget and gave background information regarding the budget and the purpose of the special board meeting.

Opening Statement from Board Chair

Moved by Hill, seconded by Luth, to approve the agenda. Motion carried unanimously (7, 0).

Agenda

Moved by Alt, seconded by Sweep, to approve the meeting minutes of the April 23, 2015 board meeting without reading. Motion carried unanimously (7, 0).

Minutes

Received a presentation on the FY16 Budget from Lisa Rider, executive director of business services

Presentation on FY16 Budget

Moved by Hill, seconded by Alt, that the fund balance for the FY 15-16 should be designated at 9% versus the 8% in policy and/or modify the fund balance assumption from what is currently roughly 10% to 9%.

Modify Fund Balance Guidance

Moved by Luth, seconded by Alt, to amend the motion on the table as follows revenue growth on the formula be changed from \$500,000 to \$1,000,000 in both 2015-16 and in 2016-17 plus the additional change of-under additional committed-in the projected 2016-17 year [of] \$1,000,000.

Amendment to the motion on the table

Moved by Hill, seconded by Schmid, to amend the current

Amendment to

amendment to reduce the committed down from \$1,000,000 to \$500,000. Amendment to amendment of the main motion failed (3, 4 with Currier, Alt, Luth and VandenBoom voting against and Hill, Sweep and Schmid voting in favor.) Amendment to the main motion failed (3, 4 with Alt, Hill, Sweep and Schmid voting against and Currier, Luth and VandenBoom voting in favor.) Main motion carried unanimously with discussion (7, 0).

the amendment

Closing comments regarding the budget were given by VandenBoom and Gothard.

Closing  
Comments

Moved by Schmid, seconded by Sweep, to adjourn at 8:42 p.m. Motion carried unanimously (7, 0).

Adjourn

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DeeDee Currier, clerk

May 12, 2015  
Date Approved

DRAFT

**Burnsville-Eagan-Savage Public Schools  
Independent School District 191  
Human Resources**

TO: Members, Board of Education  
Joe Gothard, Superintendent

FROM: Stacey Sovine, Executive Director of Human Resources

DATE: May 14, 2015

RE: Recommended Personnel Changes

**Certified  
Appointment**

Julie Isakson -Replacement-Long term substitute, Grade 4, 1.0 FTE,  
Byrne, effective 4/14/15-6/5/15

Andrew Tofte -Replacement-Long term substitute, Grade 4, 1.0 FTE,  
effective 4/13/15 -6/5/15

**Leave of Absence**

Bridgette Andrews -Teacher, NJH, requests a .2 FTE general leave of absence,  
working .8 FTE, effective 2015/16 school

Melissa Grover -Teacher, VV, requests a .5 FTE general leave of absence,  
working .5 FTE, effective 2015/16 school year

Christine Knutson -Teacher , Byrne, requests a 1.0 FTE parental leave of  
absence, effective 5/29/15 - 6/5/15 and also the 2015/16  
school year

Kirstin Larson \*Teacher (currently on leave), requests a 1.0 FTE parental  
leave special circumstances, effective 2015/16 school year

Corbin Orlenko -Teacher, VV, requests a .5 FTE general leave of absence,  
working .5 FTE, effective 2015/16 school year

Emily Robb -PBIS District Coordinator, Districtwide, requests a .8 FTE  
general leave of absence, working .2 FTE, effective 2015/16  
school year

**Modification of Contract**

David Weinberg \*Teacher, English, Senior Campus, contract has been  
reduced to .1 FTE, effective 2015/16 school year

**Resignation**

Shelby Gernon -Teacher, Rahn, effective 6/5/15

Sean Ko -Teacher, MWS, effective 6/5/15

Alexandria Mason -Teacher, VV, effective 6/5/15

\*added to original report  
Burnsville-Eagan-Savage #191  
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Jennifer Walls

-Teacher, SO, effective 6/5/15

**Retirement**

Jeff Walsh

-Counselor, BHS, after 25 years in the District, effective 6/5/15

**Classified**

**Appointment**

Lola Battleson

\*Replacement-Food Service Associate, 3.25 hrs/day, ERJH, effective 8/24/15

Ashley Schneider

\*Replacement-Food Service Manager, 7 hrs/day, MWS, effective 8/24/15

Dale Westlund

\*Replacement-Custodian, 8 hrs/day, NJH, effective 5/13/15

**Change in Assignment**

Karra Hartog

\*Assignment changes to Food Service Manager, 7.5 hrs/day, VV, effective 8/24/15

Cheryl Schmid

\*Assignment changes to Food Service Associate, 3.5 hrs/day, MJH, effective 8/24/15

**Resignation**

Lisa Compton

\*Custodian, MJH, effective 5/6/15

**Community Education**

**Resignation**

Jane Jirik

-Program Supervisor, DEC, effective 6/30/15



**Agenda II.B.3  
May 14, 2015**

**To:** Members, Board of Education  
Dr. Joe Gothard, superintendent

**From:** Lisa K. Rider, Executive Director of Business Services

**Date:** May 8, 2015

**Re:** Donations

**RECOMMENDATION:** To adopt a resolution to approve and accept donations as presented.

**RESOLUTION TO APPROVE AND ACCEPT DONATIONS**

**WHEREAS,**

1. School Board Policy 706 establishes guidelines for the acceptance of gifts to the District; and
2. Minnesota Statute 123B.02 states the School Board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated; and
3. Minnesota Statute 465.03 states the School Board may accept a gift, grant, or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members; and
4. Businesses and individuals have submitted donations to the district;

**THEREFORE, BE IT RESOLVED** by the School Board of ISD 191 to approve and accept with appreciation the donations as presented below and to permit their use as designated by the donors.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Members in favor of the motion:

Members opposed:

Whereupon said Resolution was declared duly passed and adopted on May 14, 2015.

\_\_\_\_\_  
Bob VandenBoom  
Chair - Board of Education

\_\_\_\_\_  
DeeDee Currier  
Clerk – Board of Education

Date	Donor	Recipient	Terms	Donation
1/9/2015	Donna Dobrzynski	Sioux Trail Elementary	for use in music and band	percussion set
12/22/2014	Barb & Roger Wahl	Sioux Trail Elementary	For 5th grade classroom to use	1 year subscription to Learning A-Z value \$99.95
3/11/2015	SIOUX TRAIL FAMILIES	Sioux Trail Elementary	PURCHASE OF BOOKS FOR MEDIA & LIT LIBRARY	PLEDGES TOWARD READ-A-THON \$5356.59
3/2/2015	ALLINA HEALTH (JUDY ERICKSON VOLUNTEER)	Sioux Trail Elementary	SUPPORT SERVICES	\$100.00
2/27/2015	TARGET CORPORATION	Sioux Trail Elementary	TAKE CHARGE OF EDUCATION	\$1303.56
1/8/2015	FOUNDATION 191	Sioux Trail Elementary	DIVERSITY GRANT	\$475.27
1/8/2015	<a href="http://GIVEMN.ORG">GIVEMN.ORG</a>	Sioux Trail Elementary	SUPPORT SERVICES	\$47.55
1/8/2015	BOX TOPS FOR EDUCATION	Sioux Trail Elementary	SCHOOL SUPPLIES	\$797.50
11/7/2014	Sioux Trail PTO	Sioux Trail Elementary	PLAYGROUND EQUIPMENT INSTALLED THIS WEEK	\$22,724.15
10/15/2014	SIOUX TRAIL FAMILIES	Sioux Trail Elementary	shirts for 50th celebration	\$2,832.00
10/15/2014	TARGET CORPORATION	Sioux Trail Elementary	TAKE CHARGE OF EDUCATION	\$2,956.35
10/15/2014	DONATED CANS TO RECYCLE	Sioux Trail Elementary	SCHOOL SUPPLIES	\$68.40
4/10/2015	Sue Schultz	Sioux Trail Elementary	USED BY ALL CLASSROOMS	4 large boxes of envelopes
4/10/2015	Sue Schultz	Sioux Trail Elementary	USED BY ALL CLASSROOMS	4 large boxes of envelopes
8/25/2014	Leslie Horwart	Sioux Trail Elementary	books for lit library	A thousand plus books for lit library (value about \$3000)
4/8/2015	Janet Cazares - Unique Burnsville	Eagle Ridge Junior High School	Theater Costumes	20+ pieces for Theater
4/16/2015	Peter & Monica Dorow	Burnsville High School	Additional supplies for science	\$300.00
4/23/2015	Ann Fasching	John Metcalf Junior High	Metcalf Strings Program	3 Violins & extra bow
4/23/2015	Marilyn K. Bader	John Metcalf Junior High	Metcalf Band Program	Clarinet, reeds, & sheet music
4/23/2015	Stanley and Gayle Gaffin	ISD 191	BrainPower in a Backpack Food	\$500.00
4/23/2015	Valley Natural Foods	BHS / Giving Garden	Supplies for the Giving Garden	\$500.00
5/5/2015	Joanna Bryant	Burnsville High School	Costume Rentals	\$420.00

<b>Date</b>	<b>Donor</b>	<b>Recipient</b>	<b>Terms</b>	<b>Donation</b>
5/5/2015	Sharon Broich	Burnsville High School	Theatre Department / Mraz	\$120.00
5/5/2015	Doug Sperl	Burnsville High School	Burnsville Theatre / Mraz Center	\$120.00
5/5/2015	Kellye Rose	Burnsville High School	BHS Theatre / Mraz Center	\$120.00
5/5/2015	Beth Anderson	Burnsville High School	BHS Theatre / Mraz Center	\$120.00

Total monetary contributions to accept: **\$38,941.59**

**BURNSVILLE – EAGAN – SAVAGE  
INDEPENDENT SCHOOL DISTRICT 191  
HUMAN RESOURCES**

AGENDA ITEM: III.A

To: Members of the Board of Education  
Superintendent Joseph Gothard

From: Stacey Sovine  
Executive Director of Human Resources

Date: May 14, 2015

RE: **Resolution relating to the Termination and Nonrenewal of the Teaching Contracts of Probationary Certified Personnel at the close of the 2014 - 2015 school year**

**RECOMMENDATION:** It is the recommendation that the Board of Education adopt the following resolution:

**BE IT RESOLVED, by the School Board of Independent School District 191, pursuant to Minnesota Statute § 122A. 40 that the teaching contracts of the following licensed probationary teacher in Independent School District 191 be terminated at the end of the 2014 - 2015 school year.**

Name	Location	FTE Amount
Barron, Thomas	Central Cluster	0.5 FTE
Bayrashev, Marina	CE	0.4 FTE
Mayne, Robert	District Wide	0.5 FTE
Brandon, Debra	District Wide	0.5 FTE
Henke, Lori	ECSE	0.87 FTE
Larabee, Kaitlyn	ECSE Cluster	1.0 FTE
Torralba, Kathleen	Neill	0.5 FTE
Pettes, Julie	Neill	Release .5/retain .5
Bielke, Kelly	Neill	1.0 FTE
Gilray, Rebecca	Neill	1.0 FTE
Knutzen, Diana	Neill	0.5 FTE
Burke, Maureen	GP	1.0 FTE
Stewart, Allison	GP	1.0 FTE
Lynch, Michelle	GP	1.0 FTE
Marcotte, Jennifer	GP	1.0 FTE
Aronson, Roberta	GP	0.6 FTE
Teich, Jessica	GP/Byrne	1.0 FTE
Fiagle, Bethany	HB	0.6 FTE
Baranaukas, Charles	HV	1.0 FTE
Edwards, Laura	MWS	1.0 FTE
Vins, Marielle	MWS	1.0 FTE
Schmidt, Jennifer	MWS	0.9 FTE

Sherer, Carol	MWS	0.6 FTE
Jacobson, Daniel	Rahn	1.0 FTE
Olsen, Susan	Rahn	1.0 FTE
Blake, Julie	Rahn	1.0 FTE
Marquardt, Lisa	SO	1.0 FTE
Sifferle, Greg	SO	1.0 FTE
Volkart, Stesha	SO	1.0 FTE
Beenken, Julie	SO	1.0 FTE
Zaborowski, Alyssa	ST	1.0 FTE
Hendrickson, Caroline	ST	Release .2/retain .8
Mayasich, Jennifer	St. Johns	0.25 FTE
Theis, Nicole	St. Johns	0.56 FTE
Miller, Alicia	VV	1.0 FTE
Herkenhoff, Alyssa	Byrne	1.0 FTE
Khanhkeo, Katherine	Byrne	1.0 FTE
Porte, Julia	Byrne	1.0 FTE

Name	Location	FTE Amount
Guild, Alicia	BEST	1.0 FTE
Balasis, Christine	BHS	1.0 FTE
Empting, Bodil	BHS	1.0 FTE
Millea, Allison	BHS	1.0 FTE
Eggers, Sheana	BHS	1.0 FTE
Jorgenson, Stephanie	BHS	1.0 FTE
Anderson, Nathan	BHS/ERJH	1.0 FTE
Redig, Essia	ERJH	1.0 FTE
Anderson, Cory	ERJH	1.0 FTE
Hagel, Averyel	ERJH	Release .2/retain .8
Bailey, Alexa	ERJH	1.0 FTE
Lindell, Nicole	MJH	1.0 FTE
Flug, Joshua	MJH	Release .2/retain .8
Abraham, Jo	NJH	1.0 FTE
Nelson, Blaine	NJH	0.6 FTE
Ramirez, Kimberly	NJH	0.4 FTE
Leafblad, Amy	NJH	Release .4/retain .4
Pope, Robert	NJH	1.0 FTE
Tillman, Megan	NJH	1.0 FTE
Suflita, Catherine	NJH	1.0 FTE

**BE IT FURTHER RESOLVED** that written notice is sent to said teachers regarding termination and nonrenewal of his/her contract as provided by law.



**Agenda III.B  
May 14, 2015**

**To:** Board of Education, Members  
**From:** Dr. Joe Gothard, Superintendent  
**Date:** May 8, 2015  
**Re:** Board Policies 204, 205, 207, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304 and 306

**RECOMMENDATION:** Approve, on a first reading basis, Board Policies 204: *School Board Meeting Minutes*, 205: *Open Meetings and Closed Meetings*, 207: *Public Hearings*, 209: *Code of Ethics*, 210: *Conflict of Interest-School Board Members*, 211: *Criminal or Civil Action Against School District, School, Board Member, Employee or Student*, 212: *School Board Member Development*, 213: *School Board Committees*, 214: *Out-of-State Travel by School Board Members*, 301: *School District Administration*, 302: *Superintendent*, 303: *Superintendent Selection*, 304: *Superintendent Contract, Duties, and Evaluation*, 306: *Administrator Code of Ethics* and rescind policies BDDG, BD, BDE, BBF, BBFA, BCG, BH, BCE, CBA & CBA-R, CBB and AFB.

The Policy Review Committee and administration have reviewed these policies and recommend approval on a first reading basis.

Board Policies with revisions and current policies are attached for your review.

Attachments

/jmk

*Adopted: 7/1985*  
*Reviewed:*  
*Revised: 04/27/2015*  
*Rescinds: BDDG*

*Burnsville-Eagan-Savage School District Policy 204*

**204 SCHOOL BOARD MEETING MINUTES**

**I. PURPOSE**

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

**II. GENERAL STATEMENT OF POLICY**

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

**III. MAINTENANCE OF MINUTES AND RECORDS**

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
  - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.

- b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
  - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
  - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
  - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
- a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
  - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
  - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
- a. The date of the closed meeting;
  - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and

- c. The classification of the data.
6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

#### **IV. PUBLICATION OF OFFICIAL PROCEEDINGS**

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

**Legal References:** Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)  
Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)  
Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)  
Minn. Stat. § 331A.01 (Definition)  
Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)  
Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)  
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)  
*Ketterer v. Independent School District No. 1*, 248 Minn. 212, 79 N.W.2d 428 (1956)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 205 (Open Meetings and Closed Meetings)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Descriptor Term: **School Board Meeting Minutes**

Descriptor Code: **BDDG**

Issued Date: **7/85**

Reviewed Date: **2/10**

Revised Date: **3/10**

Rescinds:

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II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to maintain its records so that they will be available for inspection of members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
  - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
  - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
  - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.

- d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
    - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
  - 3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
    - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
    - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
    - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
  - 4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
  - 5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
    - a. The date of the closed meeting;
    - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
    - c. The classification of the data.
  - 6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner

that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

#### IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular

meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.

- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
  
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References:

Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)

Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)

Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)

Minn. Stat. § 331A.01 (Definition)

Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)

Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)

Op. Atty. Gen. 161-a-20, December 17, 1970;

Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W. 2d 428 (1956)

Cross References:

MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)

MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

*Adopted: 7/1985*  
*Reviewed:*  
*Revised: 4/27/2015*  
*Rescinds: BD*

## **205 OPEN MEETINGS AND CLOSED 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.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

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, including electronic communications, 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 Strategy
  - 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. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

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. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. The law does not require that such a meeting be recorded.

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.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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 head coach within 14 days of that decision.
- b. If the head coach requests the reasons for the nonrenewal, the school board must give the head coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the head coach, the school board must provide the head 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 head coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. 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;
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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 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 years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
Minn. Rules Part 5510.2810 (Bureau of Mediation Services)  
*Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)

*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)  
 Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)  
 Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)  
 Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)  
 Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)  
 Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)  
 Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)  
 Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 204 (School Board Meeting Minutes)  
 Burnsville-Eagan-Savage School District Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
 Burnsville-Eagan-Savage School District Policy 207 (Public Hearings)  
 Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)  
 Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA Service Manual, Chapter 13, School Law Bulletin 060 (Minnesota's Open Meeting Law)

Descriptor Term: **Open Meetings and Closed Meetings**

Descriptor Code: **BD**

Issued Date: **7/85**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds: **BDA/BDA-R/BDB/BDC/BDC-R/BDDA**

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.

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 re-filing once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the re-filing 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 member.
- 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.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

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 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 role 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 hearing 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. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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. The law does not require that such a meeting be recorded.

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.
  - c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond
  - a. If the school board has declined to renew the coaching contract of a licensed or non-licensed head varsity coach, it must notify the coach within 14 days of that decision.
  - b. If the coach requests the reasons for the non-renewal, 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 non-public data.
  - e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. 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; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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 non-public appraisal data; and
- (3) to develop or consider offers or counter offers 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 taped 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
- d. all other persons present at the closed meeting must be made available to the public after the closed meeting.
- e. 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 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, except as provided

#### 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. Ch. 13 (Minnesota Government Data Practices)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
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*Brown v. Cannon Falls Township*, 723 N.W. 2d 31 (Minn. App. 006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W. 2d 435 (Minn. App. 2005) 205-9  
*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)

Adopted: 101999  
Reviewed: 4/2010  
Revised: 5/20104/27/2015  
Rescinds: BDE

## 207 PUBLIC HEARINGS

### I. PURPOSE

The school board recognizes the importance of obtaining public input on matters properly before the school board. The purpose of this policy is to establish procedures to efficiently receive public input.

### II. GENERAL STATEMENT OF POLICY

In order for the school board to efficiently receive public input on matters properly before the school board, the procedures set forth in this policy are established by the school board.

### III. PROCEDURES

#### A. Public Hearings

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), truth in taxation (Minn. Stat. § 375.065) education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the school board.

#### B. Notice of Public Hearings

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

#### C. Public Participation

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to the commencement of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the discretion of the school board.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for each presentation as needs dictate.
3. Groups: The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. In the event that the school board requires the designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as otherwise determined by the school board.
4. Privilege to Speak: A school board member should direct any remarks or questions through the chair. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
5. Personal Attacks: Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Limitations on Participation: Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

***Legal References:*** Minn. Stat. § 123A.15 (Education District Establishment)  
Minn. Stat. § 123A.30 (Agreements for Secondary Education)  
Minn. Stat. § 123B.51 (School Closings)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)

Descriptor Term: **Public Hearings**

Descriptor Code: **BDE**

Issued Date: **10/99**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds:

I. PURPOSE

The school board recognizes the importance of obtaining public input on matters properly before the school board. The purpose of this policy is to establish procedures to efficiently receive public input.

II. GENERAL STATEMENT OF POLICY

In order for the school board to efficiently receive public input on matters properly before the school board, the procedures set forth in this policy are established by the school board.

III. PROCEDURES

A. Public Hearings

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. 123B.51), truth in taxation (Minn. Stat. 275.065), education district establishment (Minn. Stat. 123A.15), and agreements for secondary education (Minn. Stat. 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the school board.

B. Notice of Public Hearings

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

C. Public Participation

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to the commencement of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the discretion of the school board.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for each presentation, as needs dictate.

3. **Groups:** The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. In the event that the school board requires the designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as otherwise determined by the school board.
4. **Privilege to Speak:** A school board member should direct any remarks or questions through the chair. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
5. **Personal Attacks:** Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. **Limitations on Participation:** Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.

**Legal References:**

Minn. Stat. 123A.30 (Agreements for Secondary Education)

Minn. Stat. 123A.15 (Education District Establishment)

Minn. Stat. 123B.51 (School Closings)

Minn. Stat. 275.065 (Truth and Taxation)

**Cross References:**

MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations)

Adopted: 10/1999  
Reviewed: 4/2010  
Revised: 5/2010/4/27/2015  
Rescinds: BBF

## **209 CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

### **II. GENERAL STATEMENT OF POLICY**

Each school board member shall follow the code of ethics stated in this policy.

#### **A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

#### **B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:**

1. Focus on education policy as much as possible.

2. Remember my responsibility is to set policy ó not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run ó not to run them myself.
5. Work through the superintendent ó not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session ó not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.

4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

***Cross References:*** MSBA Service Manual, Chapter 1, School Board Member Code of Ethics

Descriptor Term: **Code of Ethics**

Descriptor Code: **BBF**

Issued Date: **10/99**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds:

I. PURPOSE

The purpose of this policy is to assist school board members in recognizing the role of individual school board members and the contribution that each must make to develop and effective and responsible school board.

II. GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

A. AS A MEMBER OF THE SCHOOL BOARD I WILL:

1. Listen
2. Recognize the integrity of my predecessors and associates
3. Appreciate the merit of their work
4. Be motivated only by a desire to serve the pupils of my district
5. Attempt to inform myself on the proper duties and functions of a school board member
6. Recognize that it is my responsibility, together with other school board members, to see that the schools are properly run, not to run them myself
7. Work through the administration employees of the school board—not over or around them
8. Recognize that school business may be legally transacted only in an open meeting of the school board

B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER I WILL:

1. Perform under education policies unless necessity requires otherwise
2. Function in meeting the legal responsibility that is mine as part of a policy forming body—not as an administrative officer
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress
4. Accurately prepare for meetings by carefully reviewing agenda items and reliable support materials.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD I WILL:

1. Respect the right of others to have and express opinions
2. Recognize that authority rests with the school board in legal session—not with the individual members of the school board except as authorized by law
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions

4. Recognize that to promise in advance of a meeting how I will vote on any proposition is to close my mind and agree not to think through other points of view which may be presented to the meeting
5. Make decisions in school board meetings only after all sides of debatable questions have been presented
6. Delegate details of school board action to administrative employees
7. Insist that special committees be appointed to serve only in an advisory capacity to the school board

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY I WILL:

1. Attempt to appraise both the present and future educational needs of the school district
2. Attempt to obtain adequate financial support for the school program
3. Interpret the needs and attitudes of the community and do my best to translate them into the educational program of the school district
4. Consider it an important responsibility to interpret the education program of the school as it relates to the needs of the community
5. Insist that business transactions of the school district be on an ethical, open, and above board basis.

E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF I WILL:

1. Hold the superintendent responsible for the administration of the school district
2. Give the superintendent authority commensurate with the responsibility
3. Ensure that the school district will be administered by the best professional personnel available
4. Consider the recommendation of the superintendent in the appointment of all employees
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation
6. Expect the superintendent to keep the school board adequately informed at all time through both oral and written reports
7. Spend adequate time in school board meetings on educational policies
8. Give the superintendent counsel and advice
9. Recognize the status of the superintendent as an ex officio member of the school board
10. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board
11. Present any personal criticisms of employees to the superintendent
12. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER I WILL:

1. Comply with all federal, state and local laws relating to my function as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department

of Education and other federal and state agencies with jurisdiction over school districts.

Legal Reference:

Minn. Stat. § 123B.09 (School Board Powers)

Minn. Stat. § 123B.143, Subd.1 (Superintendent)

Minn. Stat. § 123B.02, Subd. 1 (School District Powers)

Cross References:

MSBA Service Manual, Chapter 1, School Board Member Code of Ethics

Adopted: 4/1987  
Reviewed: 2/2010  
Revised: 3/2010/4/27/2015  
Rescinds: BBFA

## **210 CONFLICT OF INTEREST ó SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

### **II. GENERAL STATEMENT OF POLICY**

~~It is~~ The policy of the school board is to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

### **III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS**

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
  - 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the minutes of the school board. Disclosure must be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and must only be made once;
  - 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only

newspaper complying with statutory requirements relating to the designation or publication;

3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:

- a. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.

- b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.

- c. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating:

- (1) The name of the school board member and the office held;

- (2) An itemization of the goods or services furnished;

- (3) The contract price;

- (4) The reasonable value;

- (5) The interest of the school board member in the contract;  
and

- (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.

5. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.

C. In the following circumstances, the school board may as an exception, by majority vote at a meeting where all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee where there is a reasonable expectation on July 1, or at the

time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$8,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting where all school board members are present, that employment must be immediately terminated and that school board member will have no further rights to employment while serving as a school board member in the school district.

- D. A contract made pursuant to the aforementioned exceptions will be void unless the following procedures are observed:
1. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere;
  2. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated; and
  3. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating the following:
    - a. The name of the school board member and the office held (if any);
    - b. An itemization of the goods or services furnished;
    - c. The contract price;
    - d. The reasonable value;
    - e. The interest of the school board member in the contract; and
    - f. That, to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
- E. The school board may contract with a class of school district employees, such as teachers or custodians, where the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. In order for the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting where the contract is approved.

#### **IV. LIMITATIONS ON RELATED EMPLOYEES**

- A. The school board can hire or dismiss teachers only at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

#### **V. CONFLICTS PRIOR TO TAKING OFFICE**

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

#### **VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS**

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

***Legal References:*** Minn. Stat. § 122A.40, Subd. 3 (Teacher Hiring, Dismissal)  
Minn. Stat. § 123B.195 (Board Member's Right to Employment)  
Minn. Stat. § 471.87 (Public Officers; Interest in Contract; Penalty)  
Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)  
Minn. Stat. § 471.89 (Contract, When Void)  
Op. Atty. Gen. 90-A (Aug. 14, 1957)  
Op. Atty. Gen. 90-C-5 (July 30, 1940)  
Op. Atty. Gen. 437-A-4 (March 15, 1935)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 101 (Legal Status of the School Board)  
Burnsville-Eagan-Savage School District Policy 209 (Code of Ethics)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Descriptor Term: **Conflict of Interest – School Board**

Descriptor Code: **BBFA**

Issued Date: **4/87**

Reviewed Date: **2/10**

Revised Date: **3/10**

Rescinds: **BBFA/GBCA**

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflict of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and, in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
  - 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the minutes of the school board.  
Disclosure must be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and must only be made once;
  - 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;
  - 3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
  - 4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
    - a. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low or lower than the price at which the goods or services could be obtained elsewhere.

- b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
    - c. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating:
      - 1. The name of the school board member and office held;
      - 2. An itemization of the goods and service furnished;
      - 3. The contract price;
      - 4. The reasonable value;
      - 5. The interest of the school board member in the contract; and
      - 6. That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
  - 5. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public
- C. In the following circumstances, the school board may as an exception, by majority vote at a meeting where all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee where there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$8,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or continue in employment at a meeting where all school board members are present, that employment must be immediately terminated and that school board member will have no further rights to employment while serving as a school board member in the school district.
- D. A contract made pursuant to the aforementioned exceptions will be void unless the following procedure is observed.
- 1. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
  - 2. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated
  - 3. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating:
    - a. The name of the school board member and the office held;
    - b. An itemization of the goods or services furnished;
    - c. The contract price;
    - d. The reasonable value;
    - e. The interest of the school board member in the contract; and
    - f. That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
- E. The school board may contract with a class of school district employees, such as teachers or custodians, where the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no

special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. In order for the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and

publicly set out the essential facts of the contract at the meeting where the contract is approved.

#### IV. LIMITATIONS OF RELATED EMPLOYEES

- A. The school board can hire or dismiss teachers only at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage, within the fourth degree, as computed by the civil law, to a school board member except by a unanimous vote of the full school board.

#### V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district, which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

#### VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

#### Legal References:

Minn. Stat. § 122A.40, Subd.3 (Teacher Hiring, Dismissal)  
Minn. Stat. § 123B.195 (Board Member's Right to Employment)  
Minn. Stat. § 471.87 (Public Officers; Interest in Contract; Penalty)  
Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)  
Minn. Stat. § 471.89 (Contract, When Void)  
Op. Atty. Gen. 437-A-4, March 15, 1935  
Op. Atty. Gen. 90-C-5, July 30, 1940  
Op. Atty. Gen. 90-A, August 14, 1957

#### Cross References:

MSBA/MASA Model Policy 101 (Legal Status of the School Board)  
MSBA/MASA Model Policy 209 ( Code of Ethics)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Adopted: 8/1990  
Reviewed: 4/2010  
Revised: 5/2010/4/27/2015  
Rescinds: BCG

## **211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidance as to the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreement and school district policies may also apply.
- D. A decision to seek legal advice or assistance shall normally be made by the superintendent or a designee. Such action shall occur as it is consistent with board policy or standard practice and meets an obvious need of the school district. The school board chair or chair's designee may seek legal advice directly from the school district's legal counsel in matters relating to the superintendent's contract, evaluation, performance, or employment.

### **III. CIVIL ACTIONS**

- A. Pursuant to Minn. Stat. § 466.07, Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.

B. Pursuant to Minn. Stat. §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district shall provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, he or she is to inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official who is designated as the authority responsible for the collection, use, and dissemination of data.

D. Service of Subpoenas

The policy of the school district is that its officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

#### IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.

3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision as to whether to reimburse shall be made in the discretion of the school board. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. ~~It is the~~ policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law.
2. If such questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minn. Stat. § 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. § 1232g (FERPA).

V. **STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or

named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)  
Minn. Stat. § 123B.25(b) (Actions Against Teachers)  
Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 1983 (Civil Action for Depriving Rights)  
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)  
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)  
*Dypress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)

**Cross References:** Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)  
Burnsville-Eagan-Savage School District Policy 408 (Subpoena of a School District Employee)  
Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)  
Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)

Descriptor Term: **Criminal or Civil Action against School District,  
School Board Member, Employee or Student-Staff  
Protection**

Descriptor Code: **BCG**

Issued Date: **8/90**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds: **BCG-R/GBEA/GBEA-R**

I. PURPOSE

The purpose of this policy is to provide guidance as to the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee or student.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreement and school district policies may also apply.
- D. A decision to seek legal advice or assistance shall normally be made by the superintendent or a designee. Such action shall occur as it is consistent with board policy or standard practice and meets an obvious need of the district. The school board chair or chair's designee may seek legal advice directly from the district's legal counsel in matters relating to the superintendent's contract, evaluation, performance or employment.

III. CIVIL ACTIONS

- A. Pursuant to Minn. Stat. 466.07, Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minn. Stat. 127.03, Subd. 2, with respect to teachers employed by the school district, upon written request of the teacher involved, the school district shall provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, he or she is to inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.

D. Service of Subpoenas

It is policy of the school district that its officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature, by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes and provisions of applicable collective bargaining agreements.
3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision as to whether to reimburse shall be made in the discretion of the school board. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The School district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. It is the policy of the school district to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law.
2. If such questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minn. Stat. 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. 1232g (FERPA).

V. STATEMENTS WHEN LITIGATION IS PENDING

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier (s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)  
Minn. Stat. § 123B.25(b) (Actions Against Teachers)  
Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 1983 (Civil Action for Depriving Rights)  
Op. Atty. Gen. 169 (Minn, Mar.7, 1963)  
Op. Atty. Gen. 169 (Minn, Nov. 3, 1943)  
*Dyppress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 408 (Subpoena of a School District Employee)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 506 (Student Discipline)

MSAB/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

*Adopted: 7/1985*  
*Reviewed: 4/2010*  
*Revised: 4/27/2015*  
*Rescinds: BH*

*Burnsville-Eagan-Savage School District Policy 212*

**212 SCHOOL BOARD MEMBER DEVELOPMENT**

**I. PURPOSE**

In recognition of the need for continuing inservice training and development for its members, the purpose of this policy is to encourage the members of the school board to participate in professional development activities designed for them so that they may perform their responsibilities.

**II. GENERAL STATEMENT OF POLICY**

- A. New school board members will be provided the opportunity and encouragement to attend the orientation and training sessions sponsored by the Minnesota School Boards Association (MSBA). School board members shall receive training in school finance and management developed in consultation with MSBA.
- B. All school board members are encouraged to participate in school board and related workshops and activities sponsored by local, state, and national school boards associations, as well as in the activities of other educational groups.
- C. School board members are expected to report back to the school board with materials of interest gathered at the various meetings and workshops.
- D. The school board will reimburse the necessary expenses of all school board members who attend meetings and conventions pertaining to school activities and the objectives of the school board, within the approved policy and budget allocations of the school district relating to the reimbursement of expenses involving the attendance at workshops and conventions.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 214 (Out-of-State Travel by School Board Members)  
Burnsville-Eagan-Savage School District Policy 412 (Expense Reimbursement)

Descriptor Term: **School Board Member Development**

Descriptor Code: **BH**

Issued Date: **7/85**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds: **BHA/BHA-R/BHB**

I. PURPOSE

In recognition of the need for continuing inservice training and development for its members, the purpose of this policy is to encourage the members of the school board to participate in professional development activities designed for them so that they may perform their responsibilities.

II. GENERAL STATEMENT OF POLICY

- A. New school board members will be provided the opportunity and encouragement to attend the orientation and training sessions sponsored by the Minnesota School Boards Association (MSBA). School board members shall receive training in school finance and management developed in consultation with MSBA.
- B. All school board members are encouraged to participate in school board and related workshops and activities sponsored by local, state and national school boards associations, as well as in the activities of other educational groups.
- C. School board members are expected to report back to the school board with materials of interest gathered at the various meetings and workshops.
- D. The school board will reimburse the necessary expenses of all school board members who attend meetings and conventions pertaining to school activities and the objectives of the school board, within the approved policy and budget allocations of the school district relating to the reimbursement of expenses involving the attendance at workshops and conventions.

Legal References:

Minn. Stat. § 123b.09, Subd. 2a (School Board Member Training)

Cross References:

MSBA/MASA Model Policy 214 (Out-of-State Travel by School Board Members)

MSBA/MASA Model Policy 412 (Expense Reimbursement)

Adopted: 10/1999  
Reviewed: 4/2010  
Revised: 5/2010/4/27/2015  
Rescinds: BCE

## **213 SCHOOL BOARD COMMITTEES**

### **I. PURPOSE**

The purpose of this policy is to provide for the structure and the operation of committees or subcommittees of the school board.

### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school board is to designate school board committees or subcommittees when it is determined that a committee process facilitates the mission of the school board.
- B. The school board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the school board and the school district.
- C. A school board committee or subcommittee will be formed by school board resolution which shall outline the duties and purpose of the committee or subcommittee.
- D. A committee or subcommittee is advisory in nature and has only such authority as specified by the school board.
- E. The school board will receive reports or recommendations from a committee or subcommittee for consideration. The school board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- F. The school board also may establish such ad hoc committees for specific purposes as it deems appropriate.
- G. The school board reserves the right to limit, create or abolish any standing or ad hoc committee as it deems appropriate.
- H. A committee of the school board shall not appoint a subcommittee of that committee without approval of the school board.

### **III. APPOINTMENT OF COMMITTEES**

- A. For each standing or ad hoc committee, the school board will establish the number

of members and the term and the charge or mission of each such committee by resolution.

~~The school board hereby appoints the following standing committees:~~

- ~~1. Audit.~~
- ~~2. Policy.~~
- ~~3. Building and Grounds.~~
- ~~4. Negotiations Committee(s) for various employee groups.~~

~~*[Note: Please add here any standing committees you have established. Eliminate any of those listed you do not have.]*~~

~~B. The school board will establish, by resolution, for each standing or ad hoc committee the number of members, the term and the charge or mission of each such committee.~~

EB. The school board chair, in consultation with the vice chair, shall appoint the members of each standing or ad hoc committee and designate the chair thereof after receiving input from individual school board members on their preferences. Assignments should be rotated when appropriate. School board members shall be responsible for finding another school board member to attend any meeting they are unable to attend whenever possible.

C. The school board may, as it deems necessary for carrying out its duties create committees. These committees may include the following:

1. Committee of the Whole—A committee comprised of the entire school board to provide a school board forum to discuss matters of policy and work on specific tasks.
2. Ad Hoc Committees—Two or three school board members research an issue facing the school board and make recommendations for consideration by the entire school board. These committees shall be of limited duration to cover the charge of the committee.
3. Board Advisory Committees—Broad representation of the communities of the school district study and make a report to the school board on a specific issue. The school board will provide the committee with a detailed charge and timeline. The duration of such a committee will be determined by the committee or by applicable statute. School board members may serve as non-voting members on any committee formed to advise the school board.
4. Standing Committees—Two or three school board members will serve on

standing committees for terms of up to two years, when the school board decides this is necessary for the efficient management of school board affairs. Standing committees will be reviewed by the board annually for the duration of the committee.

*[Note: Please add here any standing committees you have established.]*

D. School board members will be assigned to represent the school district on boards or committees of organizations of which the school board or school district is a member; e.g., Intermediate District 917, TIES, ECSU, MSHSL, and legislative liaison (AMSD, MSBA).

E. Two school board members will be appointed to represent the school board at the Burnsville Eagan Savage Education Association (BEA) Meet and Confer Committee meetings.

EF. For school board members to represent the school board on other boards or committees, the appointment must be approved by the school board.

FG. Exceptions to the policy may be made by the school board.

#### **IV. PROCEDURES FOR SCHOOL BOARD COMMITTEES**

- A. All meetings of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the school board.
- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the school board.
- D. The committee or subcommittee shall designate a secretary who will record the minutes of actions of the school board committee.
- E. The power of a committee or subcommittee of the school board is advisory only and is limited to making recommendations to the school board.
- F. A committee or subcommittee of the school board shall, when appropriate, clarify in any dealings with the public that its powers are only advisory to the school board.

**Legal References:** Minn. Stat. Ch. 13D (Open Meeting Law)

**Cross References:** Burnsville-Eagan-Savage School District Policy 201 (Legal Status of the School Board)

Burnsville-Eagan-Savage School District Policy 203 (Operation of the School Board – Governing Rules)  
MSBA Service Manual, Chapter 13, School Law Bulletin “C”  
(Minnesota’s Open Meeting Law)

Descriptor Term: **School Board Committees**

Descriptor Code: **BCE**

Issued Date: **10/99**

Reviewed Date: **4/10**

Revised Date: **5/10**

Rescinds:

## I. PURPOSE

The purpose of this policy is to provide for the structure and the operation of committees or subcommittees of the school board.

## II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school board to designate school board committees or subcommittees when it is determined that a committee process facilitates the mission of the school board.
- B. The school board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the school board and the school district.
- C. A school board committee or subcommittee will be formed by school board resolution that shall outline the duties and purpose of the committee or subcommittee.
- D. A committee or subcommittee is advisory in nature and has only such authority as specified by the school board.
- E. The school board will receive reports or recommendations from a committee or subcommittee for consideration. The school board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- F. The school board also may establish such ad hoc committees for specific purposes, as it deems appropriate.
- G. The school board reserves the right to limit, create or abolish any standing or ad hoc committee as it deems appropriate.
- H. A committee of the school board shall not appoint a subcommittee of that committee without approval of the school board.

## III. APPOINTMENT OF COMMITTEES

- A. For each standing or ad hoc committee, the school board will establish the number of members, the term and the charge or mission of the committee by resolution.
- B. The school board chair, in consultation with the vice chair, shall appoint the members of each standing or ad hoc committee and designate the chair thereof.
- C. The Board may, as it deems necessary for carrying out its duties, create committees. These may include:

**Committee of the Whole** – A committee comprised of the entire Board to provide a Board forum to discuss matters of policy and work on specific tasks.

**Ad Hoc Committees** – Two or three Board members research an issue facing the Board and make recommendations for consideration by the entire Board. These committees shall be of limited duration to cover the charge of the committee.

**Board Advisory Committees** – Broad representation of the communities of the School District study and make a report to the Board on a specific issue. The

Board will provide the committee with a detailed charge and timeline. The duration of such committee will be determined by the committee or by applicable statute. Board members may serve as non-voting members on any committee formed to advise the board.

**Standing Committees** – Two or three Board members for terms of up to two years, when the Board decides this is necessary to the efficient management of Board affairs. Standing committees will be reviewed by the board annually throughout the duration of the committee.

Board members will be assigned to represent the District on Boards or committees of organizations of which the Board or District is a member; e.g. ISD 917, TIES, ECSU, MSHSL and legislative liaison (AMSD, MSBA). The chair in consultation with the vice chair shall make assignments after receiving input from individual Board members on their preferences. Assignments should be rotated when appropriate. Board members shall be responsible for finding another Board member to attend any meeting they are unable to attend whenever possible.

Two Board members shall also be appointed to represent the Board at the BEA Meet and Confer Committee meetings.

For Board members to represent the Board of Education on other boards, the appointment must be approved by the Board of Education.

Exceptions to the policy may be made by the Board of Education.

#### IV. PROCEDURES FOR SCHOOL BOARD COMMITTEES

- A. All meeting of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the school board.
- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the school board.
- D. The committee or subcommittee shall designate a secretary who will record the minutes of actions of the school board committee
- E. The power of a committee or subcommittee of the school board is advisory only and is limited to making recommendations to the school board.
- F. A committee or subcommittee of the school board shall, when appropriate, clarify to the public that its powers are only advisory to the school board.

#### Legal References:

Minn. Stat. § Ch. 13D (Open Meeting Law)

#### Cross References:

MSBA/MASA Model Policy 201 (Legal Status of the School Board)

MSBA/MASA Model Policy 203 (Operation of the School Board-Governing Rules)

MSBA/Service Manual, Chapter 13, School Law Bulletin "C" (Minnesota's Open Law Meeting)

Adopted: 10/1999  
Reviewed: 2009  
Revised: 6/2012-4/27/2015  
Rescinds: DLCA

*Burnsville-Eagan-Savage School District Policy 214*

## **214 OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to control out-of-state travel by school board members as required by law.

### **II. SCOPE**

~~This policy applies to elected members of the School Board of Education serving in their official capacity.~~

### **III. DEFINITIONS**

None.

## **II. GENERAL POLICY STATEMENT OF POLICY**

School board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and school district policies that relate to their functions as school board members. Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations.

## **III. APPROPRIATE TRAVEL**

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to out-of-state meetings, such as regional or national meetings of the National School Boards Association, for which the member intends to seek reimbursement from the school district must be preapproved by the school board at a regularly scheduled meeting of the board.

## **IV. REIMBURSABLE EXPENSES**

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses.

## **V. REIMBURSEMENT**

A. Requests for reimbursement must adhere to the district's expense reimbursement regulations, be itemized on the appropriate school district form, and are to be

submitted to the superintendent. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.

- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed for school board member out-of-state travel, including registration fees, shall be within the school board's approved budget allocations.

## **VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

## **V. RESPONSIBILITIES**

*Board Chair* ó Ensure out-of-state travel for board members is preapproved at a regularly scheduled meeting of the board.

*Superintendent or designee* ó Assist board members in securing registrations, housing, and travel accommodations for board approved out-of-state travel. Receive and review requests for reimbursement in accordance with district regulations.

## **VI. CONTACTS**

The Office of the Superintendent may be contacted relative to this policy at (952) 707-2001.

**Legal References:** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)  
Minn. Stat. § 471.661 (Out-of-State Travel)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

**Cross References:** Burnsville-Eagan-Savage School District Policy 212 (School Board Member Development)  
Burnsville-Eagan-Savage School District Policy 412 (Expense Reimbursement)

BURNSVILLE-EAGAN-SAVAGE SCHOOL DISTRICT

Policy 214 Out-of-State Travel by School Board Members

I. PURPOSE

The purpose of this policy is to control out-of-state travel by school board members as required by law.

II. SCOPE

This policy applies to elected members of the School Board serving in their official capacity.

III. DEFINITIONS

None.

IV. POLICY STATEMENT

Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations. Travel outside the state is appropriate when it will contribute to school board members acquiring the knowledge and information necessary to more effectively carry out their responsibilities as school board members. Travel to out-of-state meetings, such as regional or national meetings of the National School Boards Association, for which the member intends to seek reimbursement from the school district must be preapproved by the School Board at a regularly scheduled meeting of the board.

Requests for reimbursement must adhere to the district’s expense reimbursement regulations, be itemized on the appropriate school district form and submitted to the Superintendent. Reimbursable expenses may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.

Amounts to be reimbursed for board member out-of-state travel, including registration fees, shall be within the school board’s approved budget allocations.

V. RESPONSIBILITIES

*Board Chair* – Ensure out-of-state travel for board members is preapproved at a regularly scheduled meeting of the board.

*Superintendent* – Assist board members in securing registrations, housing, and travel accommodations for board approved out-of-state travel. Receive and review requests for reimbursement in accordance with district regulations.

VI. EXCLUSIONS

This policy does not apply to employees of the school district.

<b>History:</b> Issued 10/99 as Policy DLCA, Revised 2009, Revised on 6/12 as Policy 214, Revised 4/14		
<b>Approved by:</b> School Board	<b>Clerk’s Signature:</b> /s/ DeeDee Currier	<b>Date:</b> April 17, 2014

**VII. CONTACTS**

Offices that can be contacted regarding the policy:

<u>Office/Department</u>	<u>Telephone Number</u>
Superintendent	(952) 707-2005

**VIII. LEGAL REFERENCES**

- Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
- Minn. Stat. § 471.661 (Out-of-State Travel)
- Minn. Stat. § 471.665 (Mileage Allowances)
- Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
- Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

**IX. CROSS REFERENCES**

- Policy 212 (School Board Member Development)
- Policy 412 (Expense Reimbursement)

Adopted: \_\_\_\_\_  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_

## **301 SCHOOL DISTRICT ADMINISTRATION**

### **I. PURPOSE**

The purpose of this policy is to clarify the role of the school district administration and its relationship with the school board.

### **II. GENERAL STATEMENT OF POLICY**

- A. Effective administration and sound management practices are essential to realizing educational excellence. It is the responsibility of the school district administration to develop a school environment that recognizes the dignity of each student and employee, and the right of each student to access educational programs and services.
- B. The school board expects all activities related to the operation of the school district to be administered in a well-planned manner, conducted in an orderly fashion, and to be consistent with the policies of the school board.
- C. The school board shall seek specific recommendations, background information and professional advice from the school district administration, and will hold the administration accountable for sound management of the schools.
- D. Although the school board holds the superintendent ultimately responsible for administration of the school district and annual evaluation of each principal, the school board also recognizes the direct responsibility of principals for educational results and effective administration, supervisory, and instructional leadership at the school building level.
- E. The school board and school administration shall work together to share information and decisions that best serve the needs of school district students within financial and facility constraints that may exist.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 123B.147 (Principals)

**Cross References:** MSBA Service Manual, Chapter 3, Superintendent of Schools

*Adopted:* \_\_\_\_\_: 6/1982  
*Reviewed:* \_\_\_\_\_: 5/2010  
*Revised:* \_\_\_\_\_: 8/20104/27/2015  
*Rescinds:* \_\_\_\_\_: CBA

*Burnsville-Eagan-Savage School District Policy 302*

**302 SUPERINTENDENT**

**I. PURPOSE**

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

**II. GENERAL STATEMENT OF POLICY**

The school board shall employ a superintendent who shall serve as an ex officio, nonvoting member of the school board and as chief executive officer of the school system.

**III. GENERAL RESPONSIBILITIES**

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)

**Cross References:** Burnsville-Eagan-Savage School District Policy 202 (School Board Officers)  
Burnsville-Eagan-Savage School District Policy 208 (Development, Adoption, and Implementation of Policies)  
Burnsville-Eagan-Savage School District Policy 214 (Out-of-State Travel by School Board Members)  
Burnsville-Eagan-Savage School District Policy 301 (School District Administration)  
Burnsville-Eagan-Savage School District Policy 303 (Superintendent Selection)

Burnsville-Eagan-Savage School District Policy 304 (Superintendent Contract, Duties, and Evaluation)  
Burnsville-Eagan-Savage School District Policy 305 (Policy Implementation)  
Burnsville-Eagan-Savage School District Policy 306 (Administrator Code of Ethics)  
Burnsville-Eagan-Savage School District Policy 412 (Expense Reimbursement)  
Burnsville-Eagan-Savage School District Policy 510 (School Activities)  
Burnsville-Eagan-Savage School District Policy 511 (Student Fundraising)  
Burnsville-Eagan-Savage School District Policy 513 (Student Promotion, Retention, and Program Design)  
Burnsville-Eagan-Savage School District Policy 602 (Organization of School Calendar and School Day)  
Burnsville-Eagan-Savage School District Policy 605 (Alternative Programs)  
Burnsville-Eagan-Savage School District Policy 701 (Establishment and Adoption of School District Budget)  
Burnsville-Eagan-Savage School District Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
Burnsville-Eagan-Savage School District Policy 802 (Disposition of Obsolete Equipment and Material)  
Burnsville-Eagan-Savage School District Policy 903 (Visitors to School District Buildings and Sites)  
Burnsville-Eagan-Savage School District Policy 905 (Advertising)  
Burnsville-Eagan-Savage School District Policy 906 (Community Notification of Predatory Offenders)  
Burnsville-Eagan-Savage School District Policy 907 (Rewards)  
MSBA Service Manual, Chapter 3, Superintendent of Schools

Descriptor Term: **Qualifications and Duties of the Superintendent**

Descriptor Code: **CBA**

Issued Date: **6/82**

Reviewed Date: **5/10**

Revised Date: **8/10**

Rescinds:

#### Chief Administrative Officer

The Superintendent shall be the chief executive officer of the school system and is appointed by and directly responsible to the Board for the discharge of the superintendence responsibilities. The Superintendent shall act in accordance with the policies and regulations established by the Board, administrative regulations of the Minnesota Department of Education, and the laws of the federal and state governments.

The administration of the school system in all of its aspects shall be delegated to the Superintendent, who shall carry out these functions in accordance with Board policies and regulations.

The Superintendent's powers and duties shall be initiatory. The execution of all decisions made by the Board concerning the operation of the school system shall be delegated to the Superintendent.

The performance of the Superintendent shall be annually evaluated by the Board in accordance with the contractual agreement between the Board and the Superintendent.

#### Qualifications

The Superintendent shall possess qualities of professional and civic leadership and have experience and training, which demonstrate competencies in educational administration and management.

#### Functions

The Superintendent shall function as the educational leader for the public school system and community, and develop, along with staff, the present and long-term plans for the total program of public education in the school district. The Superintendent shall, with the assistance of available and necessary additional personnel from within or outside the school system, serve as the chief educational consultant of the Board, especially when it seeks professional advice about possible alternatives and their probable consequences as related to education policy.

The Superintendent shall notify all members of the Board of all regular and special meetings, and attend all meetings of the Board. The Superintendent shall have the right to speak at Board meetings on all matters before the Board.

The Superintendent shall be the professional advisor to the Board in the formulation and execution of policies for the developing administrative regulations for their implementation, subject to review by, and/or appeal to, the Board.

The Superintendent shall have the responsibility for interpreting Board policies and for developing administrative regulations for their implementation, subject to review by, and/or appeal to, the Board.

The Superintendent shall establish and maintain an organizational system with clearly defined lines of authority and responsibility for all members of the school staff and shall be responsible for all members of the school staff and shall be responsible for the administration of the schools within this framework.

The Superintendent shall assume full responsibility for making all recommendations to the Board on all phases of school operation.

The Superintendent shall be responsible for recruitment, selection, and assignment of the employees needed by the school district, and for establishing and appropriate procedure for recommending persons for employment by the Board.

The Superintendent shall keep the Board apprised of the success of policies adopted and matters requiring Board consideration. In addition, the Superintendent shall report on the condition and progress of the schools and shall make such other reports as the Board may, by official action, request from time to time.

In addition to those powers and duties enumerated and provided for by law, the Superintendent shall have the following specific powers and duties and shall be directly responsible to the Board for their proper exercise. The mention of these particular powers and duties, however, shall not be interpreted to exclude all those powers and duties not mentioned, but which are incident to the position of Superintendent and chief executive officer of the Board.

Administration of the schools in the district shall be unified under the direction of the Superintendent.

Assignment and transfer of employees in the district shall be made by the Superintendent within statute or employee master agreement limitations.

Suspension of school employees may be made at any time by the Superintendent within statute or employee master agreement limitations.

The Superintendent shall recommend books, instructional supplies, services and equipment for adoption or approval by the Board. Upon request of the Board, supplemental or alternate recommendations shall be made.

The Superintendent shall be responsible for the supervision of all instruction and the control and management of all pupils.

The Superintendent shall be responsible, along with the staff, for the formulation of curricula and the development of courses of study, which shall be subject to the approval of the Board.

The Superintendent shall recommend plans for construction, repair and renovation of school property, and shall determine that all such plans, once approved by the Board, are properly executed.

The Superintendent shall hear complaints against the school district and its employees and shall act as judge in matters of controversy.

Within a reasonable time after receiving reports from outside agencies, auditor, fire department, Minnesota Department of Education, the Superintendent shall inform the Board of action taken pursuant to recommendations made in such reports.

The Superintendent is responsible for collective bargaining for collective bargaining and/or meeting and conferring with any bargaining agent which has been recognized or certified. However, no agreements shall be valid or binding unless and until adopted by the board.

The Superintendent may delegate to subordinates any of the powers and duties which the Board has entrusted to him/her, but in every instance the Superintendent shall continue to be responsible and accountable to the Board for the execution of the powers and duties delegated.

The Superintendent shall perform any and all other duties prescribed by the Board and the State Department of Education.

Legal Reference:  
Minn. Stat. § 123B.143

Descriptor Term: **Qualifications and Duties of Superintendent**

Descriptor Code: **CBA-R**

Issued Date: **6/82**

Reviewed Date: **5/10**

Revised Date: **8/10**

Rescinds:

The Superintendent shall establish such procedures as are necessary to carry out the functions outlined in CBA.

In the event of the ordinary and usual absence of the Superintendent from the school district, the Assistant Superintendent shall serve as acting Superintendent.

In the absence of both the Superintendent and the Assistant Superintendent, the Executive Director for Human Resources shall serve as Acting Superintendent.

In the event of the extended absence of the Superintendent, the Board shall select a qualified staff member to serve as Acting Superintendent.

Adopted: **2/1990**  
Reviewed: **5/2010**  
Revised: **4/27/2015**  
Rescinds: **CBB**

### **303 SUPERINTENDENT SELECTION**

#### **I. PURPOSE**

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

#### **II. GENERAL STATEMENT OF POLICY**

The school board shall employ a superintendent to serve as the chief executive officer of the school board and to conduct the daily operations of the school district.

#### **III. QUALIFICATIONS**

- A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.
- B. The school board will consider professional preparation, experience, skill, and demonstrated competence of qualified applicants in making a final decision. **The school board will conduct a search to find the person it believes can most effectively translate into action its policies and the aspirations of the community.**

#### **IV. SELECTION**

- A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.
- B. **The school board may seek the advice and counsel of interested individuals or of an advisory committee, or it may employ a consultant to assist in the superintendent selection. However, the final selection will rest with the school board after a thorough consideration of qualified applicants.**
- C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.

***Legal References:*** Minn. Stat. § 123B.143 (Superintendent)  
Minn. Rules, Chapter 3512

***Cross References:*** MSBA Service Manual, Chapter 3, Superintendent of Schools

Descriptor Term: **Recruitment and Appointment of Superintendent**

Descriptor Code: **CBB**

Issued Date: **2/90**

Reviewed Date: **5/10**

Revised Date: **8/10**

Rescinds:

The appointment of a qualified superintendent is a function of the Board. The Board will conduct an active search to find the person it believes can most effectively translate into action the policies of the Board and the aspirations of the community.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may employ a consultant to assist in the selection. However, final selection will rest with the Board after a thorough consideration of qualified applicants.

Adopted: \_\_\_\_\_: 5/2004 Burnsville-Eagan-Savage School District Policy 304  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_: 3/7/2013/4/27/2015  
Rescinds: \_\_\_\_\_: AFB

## 304 SUPERINTENDENT CONTRACT, DUTIES, AND EVALUATION

### I. PURPOSE

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description, and the use of an approved instrument to evaluate performance.

### II. GENERAL STATEMENT OF POLICY

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. Evaluation is a summative description of the superintendent's performance in all areas of his/her responsibility. The purpose of the performance evaluation is to recognize effective leadership and management, encourage improved performance, communicate and clarify school board expectations, generate mutual understanding, improve communication, and facilitate the process of planning to meet future needs. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent ~~and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent.~~
1. The school board will periodically evaluate the superintendent's performance and will formally evaluate the superintendent at least annually.
  2. The superintendent and school board members will establish a clear set of expectations for the evaluation, including the goals to be accomplished and the instrument(s) to be used, to provide a consistent and fair process for the evaluation.
- C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as a model instrument.

### III. PROCESS FOR CONDUCTING THE SUPERINTENDENT'S EVALUATION

- A. School board members will complete as much of the evaluation form as possible before the evaluation meeting.

- B. At the evaluation meeting, the superintendent will meet with the school board to present information regarding the status of annual goal accomplishment, overall performance relative to the job description, and input from others regarding performance. School board members may ask clarifying questions.
- C. The school board and superintendent together will engage in discussion using the information provided by the superintendent in addition to school board members' individual evaluative comments. Following this joint discussion, the school board may ask the superintendent for time by itself to determine evaluation outcomes. If granted, the superintendent will be invited to rejoin the school board for a final review and comment.
- D. The vice chair will prepare a summative evaluation draft based on the discussion noted above and on written comments from individual school board members. All school board members will review the draft. Following that review, the vice chair will meet with the superintendent to share the summative evaluation and the school board's perspective regarding the superintendent's performance. A copy of the summative evaluation instrument will be provided to the superintendent for his/her personnel file.
- A.E. The vice chair will summarize the findings of the performance evaluation at the next public meeting of the school board following the evaluation.

***Legal References:*** Minn. Stat. § 123B.143 (Superintendent)

***Cross References:*** MSBA Service Manual, Chapter 3, Superintendent of Schools (See Model Contract, Sample Performance Appraisals, and Model Job Description)

Descriptor Term: **Evaluation of Superintendent**

Descriptor Code: **AFB**

Issued Date: **5/04**

Reviewed Date:

Revised Date: 3/7/2013 - Temporary recoding from AFB/CBG to Policy AFB

Rescinds:

I. PURPOSE

Evaluation is a summative description of the Superintendent's performance in all areas of his/her responsibility. The purpose of the performance evaluation is to recognize effective leadership and management, encourage improved performance, communicate and clarify School Board expectations, generate mutual understanding, improve communication, and facilitate the process of planning to meet future needs.

II. GENERAL STATEMENT OF POLICY

The School Board of Independent School District 191 shall formally evaluate the Superintendent at least annually. In order to provide a consistent and fair process for the evaluation, the Superintendent and Board members shall establish a clear set of expectations for the evaluation including the goals to be accomplished and the instrument(s) to be used.

Descriptor Term: **Evaluation of Superintendent**

Descriptor Code: **AFB-R/CBG-R**

Issued Date: **5/04**

Reviewed Date:

Revised Date:

Rescinds:

The Superintendent shall have at least one written evaluation each year. The Board of Education shall conduct the evaluation. The Vice Chair of the Board shall be responsible for facilitating the evaluation.

The evaluation shall be keyed to the duties the Superintendent is expected to perform as reflected in the Superintendent's written job description and tied to mutually agreed upon performance goals.

Board members and the Superintendent shall collaborate to develop the evaluation instrument.

### **Process for Conducting the Superintendent's Evaluation**

Board members will receive an evaluation packet prior to the evaluation meeting. It will consist of the evaluation instrument, the Superintendent's job description, the agreed upon performance goals, the results of any surveys commissioned by the Board, pertinent performance indicators and any other information that may help Board members complete the evaluation.

Board members will complete as much of the evaluation form as possible before the evaluation meeting.

At the evaluation meeting, the Superintendent will meet with the Board to present information regarding the status of annual goal accomplishment, overall performance relative to the job description and input from others regarding performance. Board members may ask clarifying questions.

The Board and Superintendent will together engage in discussion using the information provided by the Superintendent in addition to Board members' individual evaluative comments. Following this joint discussion, the Board may excuse the Superintendent for the purpose of determining evaluation outcomes. The Superintendent will then be invited to rejoin the Board for a final review and comment.

The Vice Chair will prepare a summative evaluation draft based on the discussion noted above and on written comments from individual Board members. All members of the Board will review the draft. Following that review, the Vice Chair will meet with the Superintendent to share the summative evaluation and the Board's perspective regarding the Superintendent's performance. A copy of the summative evaluation instrument will be provided to the Superintendent for his/her personnel file.

The Vice Chair will summarize the findings of the performance evaluation at the next regularly scheduled public meeting of the School Board following the evaluation.

Adopted: \_\_\_\_\_

Burnsville-Eagan-Savage School District Policy 306

Reviewed: \_\_\_\_\_

Revised: \_\_\_\_\_: 4/27/2015

Rescinds: \_\_\_\_\_

## 306 ADMINISTRATOR CODE OF ETHICS

### I. PURPOSE

The purpose of this policy is to establish the requirements of the school board that ~~school~~ administrators adhere to the standards of ethics and professional conduct in this policy and Minnesota law.

### II. GENERAL STATEMENT OF POLICY

A. An ~~educational~~-administrator's professional behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all ~~educational~~-administrators. The administrator acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, the administrator assumes responsibility for providing professional leadership in the school and community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. It must be recognized that the administrator's actions will be viewed and appraised by the community, professional associates, and students. To these ends, the administrator must subscribe to the following standards.

B. The ~~Educational~~-Administrator:

1. Makes the well-being of students the fundamental value of all decision-making and actions.
2. Fulfills professional responsibilities with honesty and integrity.
3. Supports the principle of due process and protects the civil and human rights of all individuals.
4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
5. Implements the school board's policies.
6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.

7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
8. Accepts academic degrees or professional certification only from duly accredited institutions.
9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
10. Honors all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.
11. Adheres to the Code of Ethics for School Administrators in Minnesota Rule.

***Legal References:*** Minn. Stat. § 122A.14, Subd. 4 (Code of Ethics)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

***Cross References:***