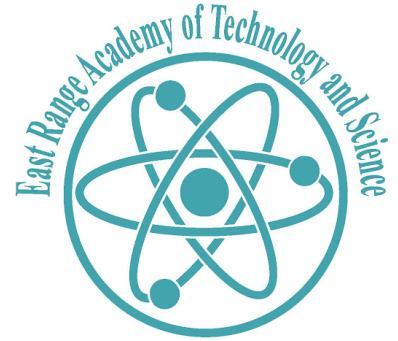


Board Policy  
213

**Public Comment at  
School Board Meetings**



*Adopted: 12-13-2021*

*Revised:*

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school board is to encourage discussion by persons of subjects related to the management of the school at school board meetings. The board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

**III. DEFINITIONS**

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer-paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the

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

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

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

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

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

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

#### **IV. RIGHTS TO PRIVACY**

A. School employees have a legal right to privacy related to matters which may come before the board, including, but not limited to, the following:

1. Right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
2. Right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
3. Right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
4. Right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.

B. Students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:

1. Right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
2. Right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
3. Right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

#### **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions that the school board shall establish in a public comment period procedure.

#### **VI. PUBLIC COMMENT PROCEDURE**

While Minnesota's Open Meeting Law does not require a public comment period during a school board meeting, the school board has elected to provide a public comment period either before or during a regular board meeting when persons may address the school board subject to the limitations of this procedure. In addition to the public comment period, individuals may share their views with the school district and the school board in many other ways. These options include written correspondence, telephone calls, and meetings. The school board may decide to hold certain types of public meetings during which the public will not be invited to address the

school board on matters of school district operations or interest. Possible examples are work sessions and board retreats. The public will receive notice of these meetings and will be allowed to attend these meetings, but a public comment period will not be provided.

To facilitate public comment and to maintain a forum in which the school board can complete school district business, the school board establishes a public comment procedure. This procedure will be available on the school district website and in the school board meeting room. The school board chair may also review the public comment procedure before the public comment period. By participating in the public comment period, each speaker agrees to abide by this public comment procedure.

To allow as many people as possible to participate in the public comment period, the school board will listen carefully to each speaker, but will not engage in discussion, during the public comment period. The school board will not take action at the same meeting on an item raised for the first time during the public comment period.

Depending upon the number of persons in attendance seeking to speak during the public comment period, the school board reserves the right to impose such other limitations and restrictions as necessary to provide an orderly, efficient, and fair opportunity for those present to participate in the public comment period.

#### **A. Public Comment Period**

The school board establishes a public comment period that will conform to the procedures set forth below.

A public comment period will occur:

- a. Immediately after the school board chair calls the meeting to order.
- b. At a different point in the agenda determined by the school board.

#### **B. Public Comment Participants**

To foster public comment by individuals with a direct relationship with the school, the board requests that only individuals who meet one or more of the following categories will seek to address the board during the public comment period:

1. District student
2. Parent or guardian of district student
3. District resident
4. District taxpayer
5. District staff person

If a group or organization that fulfills one or more of the categories above seeks to address the board, the board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.

Persons who wish to address a specific agenda item at a school board meeting are encouraged to notify the director's office in advance of the board meeting, up to ten minutes prior to the start of a meeting. The person should provide his or her name, relationship with the school (see above), the name of group represented (if any), and the agenda item to be addressed.

The board may establish a sign-up list on which individuals indicate their interest in addressing the board during the public comment period. The board may prioritize speakers who wish to address items on the meeting agenda, who did not address the board during the previous meeting, or upon another basis that facilitates fair participation in the public comment period.

## **B. Public Comment Time Rules**

The school board reserves the right to allocate a specific period of time for the public comment period and may limit the time for each speaker in order to allow as many individuals as reasonably possible to address the board.

Each public comment speaker may address the board for a maximum of **5 minutes**. The public comment period will occur for a maximum of **30 minutes**.

The school board chair will recognize one speaker at a time. Only those speakers recognized by the chair will be allowed to speak.

## **C. Expectations**

Pursuant to Minnesota Statutes Section 609.72, no school board meeting attendee may engage in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others. The school board chair will rule out of order others who are not recognized to speak, but who interrupt the meeting. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave. The board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy, or the statutory rights of privacy of an individual.

## **D. Complaints**

The board recognizes that public comment may include criticism of the school or school board operation. The board welcomes such comments that comply with the public comment procedures. To comply with federal and state laws, the school board must confine the public comment period to subjects that may be discussed in a public meeting. For this reason, the following rules apply to criticism of individuals that cannot be raised during the public comment period:

- a. Concerns regarding the school district or the school board may occur during the public comment period if it complies with the public comment procedure.
- b. The open forum is not designated as the appropriate place for discussion of individual school employees. *Complaints* regarding school employees should be addressed pursuant to other school policies (Policy 428: Complaints) and laws.

## **VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**

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

### *Legal References:*

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