

Adopted: 03/16/2016

Revised: \_\_\_\_\_

**Discovery Charter School**  
**POLICY No. 2.5**  
**OPEN AND CLOSED MEETINGS**

**I. PURPOSE**

The purpose of this policy is to ensure members of the school community remain informed of school decisions and discussions relevant to Discovery Charter School in accordance with applicable laws and regulations.

**II. POLICY STATEMENT**

All Discovery Charter School Board of Director meetings will be open to the public except where closed as authorized by law. For purposes of this policy, a “meeting” is a gathering of a quorum or more members of the Board, or a quorum of a committee or subcommittee of Board members, at which members have been delegated the authority to act on behalf of the full Board. The term does not include chance or social gatherings or meetings of committees to receive information, but who have no authority to bind the full Board.

**III. NOTICE OF MEETINGS**

- A. A schedule of the regular meetings of the Board will be kept on file at Discovery Charter School’s primary offices. If the Board decides to meet at a time or place different from the time or place stated in the regular schedule, it will provide notice in the same manner as for a special meeting.
- B. For a special meeting, the Board will post written notice of the date, time, place, and purpose of the meeting on Discovery Charter School’s Board Website Page and/or school bulletin board or on the door of the Board’s usual meeting room if there is no principal bulletin Board. The Board’s actions at the special meeting are limited to those topics included in the notice.
- C. The notice of special meetings will also be emailed or otherwise delivered at least three days before the meeting to each person who has filed a written request for notice of special meetings.

- D. The Board will establish an expiration date on requests for notice of special meetings and require re-filing once each year. Within 60 days of the expiration date of request for notice, the Board will send notice of the re-filing requirement to each person who filed during the preceding year.
- E. The Board may call an emergency meeting if, in the judgment of the Board, circumstances require immediate consideration. The Board will make good faith efforts to provide notice of the emergency meeting to news mediums that have filed a written request for notice if the request includes the news medium's telephone number. The notice will be provided by telephone and include the subject of the emergency meeting. Posted or published notice of emergency meetings is not required. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting must include a specific description of those matters.
- F. 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.
- G. The Board will provide notice of closed meetings in the same manner as notice is provided for open meetings.

#### **IV. CLOSED MEETINGS**

- A. As authorized by Minnesota Statutes, the Board must or may close meetings for the following:
  - 1. Preliminary Consideration of Allegations or Charges. The Board must close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the Board members conclude that discipline may be warranted as a result of the allegations, further meetings or hearings relating to those specific charges or allegations must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. If closed, the meeting must be electronically recorded. The recording is not available to the public.
  - 2. Discussion of Non-Public Data. The Board must close the portion of a meeting in which 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.
- 3. Performance Evaluations of Personnel. The Board may close a meeting to evaluate the performance of an individual subject to its authority. Prior to closing the meeting, the Board will identify the individual to be evaluated and at its next open meeting, the Board will summarize its conclusions regarding the evaluation. The meeting must be open at the request of the individual who is the subject of the meeting. If closed, the meeting must be electronically recorded. The recording is not available to the public.
- 4. Attorney – Client Discussions. The Board may close a meeting if permitted by the attorney-client privilege. 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. By law, such meetings do not need to be recorded.
- 5. Pupil Fair Dismissal Act Meetings. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act will be closed unless the student or parent requests an open hearing. If closed, the meeting must be electronically recorded. The recording is not available to the public.
- 6. Purchase and Sale of Property. The Board may close a meeting:
  - a. To determine the asking price for real or personal property to be sold by the school;
  - b. To review confidential or nonpublic appraisal data; and
  - c. To develop or consider offers or counteroffers for the purchase or sale of real or personal property. Before closing the meeting, the Board must identify on the record the particular real or personal property that is the subject of the closed meeting. The meeting must be recorded and the recording preserved for eight years and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the 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 Board members and all other persons present at the closed meeting must be made available to the public after the closed meeting. The sale is contingent on its approval by the Board at an open meeting and the purchase or sale price is public data.

7. Security Matters. The Board may close a meeting to discuss certain school security matters as authorized by Minnesota Statutes Chapter 13D.
  8. Other Meetings. The Board may close other meetings if authorized by law. The Board must provide notice of a closed meeting just as for an open meeting. A meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the Board will state on the record the specific authority permitting the meeting to be closed and describe the subject to be discussed.
- B. If closed, the meeting must be electronically recorded. The recording is not available to the public.

## V. WRITTEN MATERIALS

In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by the Board or its employees and distributed to or available to all Board members will be made available in the meeting room for inspection by the public while the Board considers their subject matter. 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.

***Legal References:*** Minn. Stat. §124D.10 (Minnesota Charter School Law)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. §121A.47 (Student Dismissal Hearing)  
Department of Administration Advisory Opinion 04-004 (February 3, 2004)  
*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)