

Policy 206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the board is to encourage public comments on subjects related to the management of the district at board meetings. The board may adopt reasonable time, place, and manner restrictions on public expression in order to allow comments by all interested parties.
- B. The board shall protect the legal rights to privacy and due process of district 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" is determined by [Policy 406](#).
- C. Personnel data on current and former applicants for employment that is "public" is determined by [Policy 406](#).
- D. "Educational data" means data maintained by the district which relates to a student.
- E. "Student" means an individual currently or formerly enrolled or registered in the district, or applicant for enrollment, or an individual who receives shared time services.
- F. Data about applicants for appointments to a public body, including a board, collected by the 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 will 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.

- G. “District stakeholders” are residents, business and property owners, parents/guardians/caregivers, students and employees of the district. It also includes a student and/or parent/guardian/caregiver who attends Northfield Public Schools through an open enrollment or non-resident agreement.

IV. RIGHTS TO PRIVACY

- A. District employees have a legal right to privacy related to matters that may come before the board, including, but not limited to, the following right to:
1. A private hearing for teachers, pursuant to Minnesota Statute 122A.40, Subdivision 14 (Teachers Discharge Hearing).
 2. Privacy of personnel data as provided by Minnesota Statute 13.43 (Personnel Data).
 3. Consideration by the board of certain data treated as not public as provided in Minnesota Statute 13D.05 (Not Public Data).
 4. A private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minnesota Statute 122A.33, Subdivision 3.
- B. District students have a legal right to privacy related to matters that may come before the board, including, but not limited to, the following right to:
1. A private hearing, Minnesota Statute 121A.47, Subdivision 5 (Student Dismissal Hearing).
 2. Privacy of educational data, Minnesota Statute 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA).
 3. Privacy of complaints as provided by child abuse reporting and discrimination laws, Minnesota Statute Ch. 260E (Reporting of Maltreatment of Minors) and Minnesota Statute Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The board will strive to give all district stakeholders 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. Among the rights available to the public is the right to access public data as provided by Minnesota Statute 13.43, Subdivision 2 (Public Data).

The board reserves the right to suspend an individual's opportunity to participate in the public comment section of the board meeting for up to one calendar year if an individual does not follow the procedures, protocols, and requirements set forth in the policy.

VI. PROCEDURES

A. Complaints

All complaints should [follow the procedures](#) outlined in [Policy 103](#).

B. Public Comment

The board shall normally provide up to 30 minutes of time when stakeholders may address the board on any topic, subject to the parameters of this policy. Each stakeholder will have up to three (3) minutes to address the board.

The board chair shall promptly rule out of order any discussion by any person, including board members, that would violate the provisions of state or federal law, this policy, or the statutory rights of privacy of an individual.

Personal attacks by anyone addressing the board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the board.

Depending upon the number of persons in attendance seeking to be heard, the board reserves the right to impose such other limitations and requirements as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

The board will only allow public comment at its regular meetings unless explicitly noted in another meeting agenda.

C. No Board Action at Same Meeting

Except as determined by the board to be necessary or in an emergency, the board will not take action at the same meeting on an item raised for the first time by the public.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The district 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. (Minnesota Statute 13.08, Subdivision 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. (Minnesota Statute 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. (Minnesota Statute 13.09)

Policy 206 Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations

Adopted: 07.01.2019; Statutory Update: 02.08.2022; Updated: 05.22.2023, 10.23.2023

Board of Education
INDEPENDENT SCHOOL DISTRICT NO. 659
Northfield, Minnesota

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 (Meetings Having Data Classified as Public)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond)
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)
Minn. Stat. § 123B.143, Subd. 2 (Superintendents; Disclose Past Buyouts or Contract is Void)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
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 School Law Bulletin “C” (Minnesota’s Open Meeting Law)
MSBA School Law Bulletin “I” (School Records – Privacy – Access to Data)