

## **Audubon Center of the North Woods**

### ***The Sounding Board - Promoting Quality Charter School Governance***

#### **Topic: BOARD MEETING DATE CHANGE OR CANCELATION**

Recently we have seen that a number of schools have canceled or changed the date of a board meeting. Charter school board meetings are central to the governance and oversight duty of the board as outlined in MN Stat. 124D.10 and the charter contract. In addition, these meetings are subject to Minnesota Statutes, chapter 13D (Minnesota Open Meeting Law) <https://www.revisor.mn.gov/statutes/?id=13D>, and the charter contract.

A number of questions or issues come to light on this topic that are addressed below.

#### 1. Why would board meeting be rescheduled or canceled?

It is not clear why a board meeting would ever be canceled. A board should have an annual calendar that includes particular business to be carried out each month. This business will at minimum include approval of bills to be paid or contracts to be approved. In addition, it may include other approvals such as the Annual Report or a School Improvement Plan. Furthermore, central to its role, the board is charged with overseeing school performance in the areas of academics, finance and operations, setting strategic priorities, and providing the public with a means to communicate with the school. When a board meeting is canceled, that means that activities continue for another month without approval (contracts or bills being paid), performance goes on without oversight by the board, strategic considerations are postponed, and/or the community does not have a means to engage with the school. While a board may not schedule a meeting in each month during the year (e.g. many boards do not meet in July), this is planned in advance and appropriate action can be taken.

So, while conflicts may arise that impact the scheduled board meeting date, a board school seriously consider whether canceling the meeting is the appropriate step. Otherwise, the meeting should be rescheduled.

Issues that impact a scheduled board meeting could include:

- Lack of a quorum
- Unanticipated conflict – such as another school or community event or severe weather
- Poor planning by the board chair and/or director

Board meeting calendars are typically set for an entire year in the spring or summer before the upcoming school year. It is important that individuals and the organization plans appropriately for these meetings.

#### 2. What to do if a board meeting is rescheduled?

Typically, the board chair is the person with the authority to reschedule a meeting.

- A schedule of regular meetings must be kept on file at your school. It is customary to have it posted on the school's website and on a bulletin board in or near the school office or on the door of its usual meeting room.
- If a regularly scheduled meeting is rescheduled, the school should post notice at the earliest possible time on the school's website, on the bulletin board or on the door of its usual meeting

room. The school must also contact ACNW to notify the authorizer of the change and reason for the change.

- If the board decides to hold a regular meeting at a time (or place) different from the time (or place) stated in its schedule of regular meetings – in other words if you reschedule a meeting - it must give notice consistent with requirements of a special meeting:
  - o At least three days prior to the meeting, the school must post on the school's bulletin board or on the door of its usual meeting room the date, time and place of the meeting. This should also be posted on the school's website;
  - o Notice must be provided via mail, email or other means to individuals who have filed a written request for meeting notices at least three days prior to the meeting;
  - o The school must provide notice to ACNW as soon as the meeting date is determined, but no later than three days prior to the meeting.

Failure to follow Open Meeting Law is a violation of statute and could bring with it personal liability as defined in MN Statutes, chapter 13D. Furthermore, failure to follow Open Meeting Law is a violation of the school's contract with ACNW and could lead to interventions by ACNW. It is an essential responsibility as a public body to follow open meeting practices.

This information is not meant as legal advice. If you have any questions regarding this information, we encourage you to closely review MN Statutes or contact your school's legal counsel.