



Minnesota Statute 13D – Part IV

OPEN MEETING LAW

The Minnesota Open Meeting Law, [MN Statute 13D](#), provides specific reasons a Charter School Board and other public bodies may, or are required to, close their meetings to the public. It also prescribes the language that should be used to “notice” that a closed meeting will take place and for which of the authorized reason(s) the meeting is being closed. Further, the law contains requirements for public bodies, including charter school boards, to follow both DURING a closed meeting and AFTER it has been conducted.

These issues of *The Sounding Board* will focus on MN Open Meeting Law and its implications for charter school boards of directors. It will include four parts:

Part 1. Reasons to Close a Charter School Board Meeting and How To Do It

Part 2. Requirements During and After a Closed Meeting

Part 3. Suggested Procedures and Language for Closing Charter School Board Meetings

Part 4. Holding Open Meetings Consistent with MN Statute 13D.

These issues include information from MN Statute 13D that are most pertinent to charter school boards as determined by the Audubon Center of the North Woods (ACNW); however, there may be other provisions of MN Statute 13D that are important in specific situations and the full text of the statute should be referenced for any situations other than those described below.

This paper is not intended to be legal advice. Please check with the school's legal counsel and / or the full text of the statute for additional information.

Promoting Quality
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**Audubon Center
of the North Woods**

Holding Open Meetings Consistent with MN Statute 13D

The Minnesota Open Meeting Law contains provisions related to:

1. Availability of meeting materials to the public,
2. Meeting by telephone or email, and
3. Meeting by video.

Below are the relevant statute references on each provision, along with a brief explanation of the practical aspects of them.

Availability of meeting materials to the public

(Statute is in *gold*, ACNW comments are in regular font)

13D.01 Subd. 6. Public copy of members' materials.

- (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and
- (1) distributed at the meeting to all members of the governing body;
 - (2) distributed before the meeting to all members; or
 - (3) Available in the meeting room to all members; shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.
- (b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

What this means: Even in this age of electronic communications, statute requires that one “copy” of any printed materials related to agenda items for a public meeting, including charter school board meetings, be available to the public in the meeting room.

This requirement can be confusing since some charter school boards distribute their meeting materials via email and/or other electronic means which means there are no “printed materials” related to agenda items for their meetings. Nonetheless, and given the environmental advantages to keeping all materials electronic, charter school boards should print and have available at their meetings at least one physical paper copy of all meeting materials which include the materials that typically are sent out to board members in a “meeting materials packet” in advance of a board meeting, AND any meeting materials that are distributed to board members after the meeting materials packet has been distributed, AND any materials that are distributed at the meeting itself.

What else this means: ACNW suggests that the “Public Copy” of members’ meeting materials be placed in a conspicuous location in the meeting room for ease of access by the public who may be in attendance.

What else this means: The above requirements DO NOT APPLY to any meeting materials that are used in Closed Meetings conducted in accordance with other provisions within MN Stat. 13D.

Meetings by telephone or email

(Statute is in *gold*, ACNW comments are in regular font)

13D.015 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.

Subdivision 1. Application

This section applies to:

1. a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and
2. a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

What this means: This part of the statute is often misinterpreted as meaning that charter school boards may have meetings via telephone or that individual members may call in to a board meeting and participate in it by telephone. A careful reading of the above will provide information that indicates it DOES NOT APPLY to many public bodies including charter schools. It is intended to serve state boards, commissions, and other similar agencies only. Thus, charter school boards MAY NOT have meetings via telephone.

What else this means: Charter school boards may not have meetings via other electronic means, such as email. So charter schools boards MAY NOT hold votes via email.

What else this means: If a charter school board member calls in to a meeting via telephone to listen to the proceedings, that board member is not considered present, may not vote, and does not count towards quorum.



Meetings by video (such as Skype, Google Hangouts, or similar)

(Statute is in *gold*, ACNW comments are in regular font)

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. Conditions: A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

1. all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
2. members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
3. at least one member of the body is physically present at the regular meeting location; and
4. each location at which a member of the body is present is open and accessible to the public

What this means: This part of MN Stat 13D DOES apply to charter school boards and members' participation by way of "Interactive TV" (e.g. Skype, Google Hangouts, etc.). There are several key conditions, all of which must be met, in order for board members to participate in charter school board meetings via interactive TV and they can be summarized as follows:

- All meeting participants must be able to both see AND hear all other participants.
- Members of the public who are at the regular meeting location (typically the school) can see AND hear all participants in the meeting.
- At least one board member must be present at the regular meeting location (typically the school).
- The posting of a board meeting at which member(s) may participate from remote sites via video must provide information about ALL of the sites from which members will be participating, including their specific location(s) which must be accessible to the public.

What else this means: Participation in a board meeting via interactive TV by any board members must be known before the meeting is posted and clearly identified in the meeting posting or agenda. In other words, a board member cannot "skype in" at the last minute because of an unexpected inability to attend the meeting in person.

What else this means: A board member who does participate in a meeting via interactive TV must do so from a place that is accessible to the public, such as a public library, coffee shop or other public area, NOT from home.

Continued on page 5.



Meetings by video (such as Skype, Google Hangouts, or similar)

Continued from page 4.

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

What this means: Members participating in the board meeting from remote sites are considered to be “present” for the meeting, are counted towards meeting the required “quorum” count, and may make motions and vote on motions.

Subd. 4. Notice of regular and all member sites. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

What this means: The posting of a board meeting at which member(s) may participate from remote sites via video must provide information about ALL of the sites from which members will be participating, including the regular meeting location and the other specific location(s) which must all be accessible to the public.

What else this means: Notice must be provided in advance consistent with provisions of Open Meeting Law, for regular meetings, special meetings or emergency meetings.

Subd. 5. School boards; interactive technology with an audio and visual link. A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.

What this means: This section applies to charter school boards.