

Hastings Area Public Schools - ISD 200
School Board Meeting Agenda

Wednesday, November 9, 2022
Work Session
Middle School Media Center

- I. **Items for Discussion**
 - a. Policy 206 Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations
 - b. Facilities Naming Policy
 - c. Superintendent Evaluation
 - d. Designated Location of Public During Board Meetings



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

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school 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 ~~comments to the school board~~~~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 ~~comments to the school board~~~~discussion~~ by persons of subjects related to the ~~management of the school district~~ ~~prior to the start of a~~ regular school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free ~~comments to the school board by~~~~board discussion by~~ all interested parties.
- B. The school 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 they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- 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; bargaining unit; 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 district which relates to a student.
- E. "Student" means an individual currently or formerly enrolled or registered in the school district, 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 multi member 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 district employees 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 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 non-licensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.

- B. School district 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. Ch. 260E(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. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PROCEDURES FOR COMMENTS TO THE BOARD REQUESTING TO ADDRESS BOARD

A. School Board Listening Sessions

- ~~There will be at least two school board members available fifteen minutes prior to the start of each Regular Board Meeting. Comments to the School Board Sessions School Board Public Comment Listening Sessions will begin at 5:45 PM on the day of regular school board meetings.~~ This time is for citizens who wish to address the board regarding School District related items ~~a subject that is or is not on the~~ and priority will be given to Regular Board Agenda items. A maximum of five speakers will be given the opportunity during each public comment listening session. The school board will not engage in discussion or provide responses during this time, however may respond at a later time and/or direct administration to follow-up with the speaker. ~~provide a response.~~
- To be recognized, citizens must sign up via email no later than 8 am on the day prior to the regularly scheduled board meeting. ~~If a group or organization wishes to address the school board on a topic, one representative shall be designated as the speaker. the school board reserves the right to require designation of one representative on the listening session document no later than 5:40 pm, on the day of the corresponding regular board meeting. Speakers must provide, on the document, their name, address, topic to which they are speaking, and their relationship to the district. Speakers may provide email addresses and phone numbers, if they choose.~~
- ~~In order to speak, the citizen must meet one of the following connections to the district: Resident of the district, family member/guardian of a student in the district, or local taxpayer of the district.~~
- ~~The school board will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the school board will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, school board, or the proceedings may be directed to leave.~~
- ~~Each speaker will be limited to 3 minutes. This time may not be ceded to another speaker. The school board retains the discretion to limit each speaker to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one representative or more representatives or spokespersons to speak on behalf of the group or organization.~~
- Matters proposed for placement on the agenda which may involve data privacy

~~concerns~~, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.

7. The school board 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.
8. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
9. ~~Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.~~¶

B. Public Hearings

1. The procedures identified in above (Section IV A,1-8) will ~~be~~ also be used for comments to the school board during a public hearing.

C. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the board as a whole ~~school board members~~ by notifying the school board chair in writing. What does the operationalization of this look like? school board has no employment authority over these staff. WOULD this be better stated " Complaints which are unresolved at the superintendent's level may be brought to the school board ~~board~~ by notifying the school board chair. This school board chair shall seek legal guidance prior to bringing this type of complaint to the board as a whole."

~~C. No Board Action at Same Meeting~~

~~¶ Except as determined by the school board to be necessary or in an emergency, the school 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

- B. The school 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. (Minn. Stat. § 13.08, Subd. 1)
- C. 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)
- D. 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 (Meetings Having Data Classified as Public ~~Open Meeting Law~~)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting ~~Student Dismissal Hearing~~)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond ~~Coaches; Opportunity to Respond~~)
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures ~~Teacher Discharge Hearing~~)
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~~ ISD 200 Policy 205 (Open Meetings and Closed Meetings) ~~MSBA/MASA Model~~ ISD 200 Policy 207 (Public Hearings) ~~MSBA/MASA Model~~ ISD 200 Policy 406 (Public and Private Personnel Data) ~~MSBA/MASA Model~~ ISD 200 Policy 515 (Protection and Privacy of Pupil Records)

~~MSBA Service Manual, Chapter 13,~~ School Law Bulletin
“C” (Minnesota’s Open Meeting Law)
~~MSBA Service Manual, Chapter 13,~~ School Law Bulletin “I” (School
Records – Privacy – Access to Data)

Policy Reviewed: 04.07.2022
Policy Adopted: 08.25.2021
Policy Revised: 02.23.2022



9?? Naming Facilities and Educational Programs

I. Purpose

The purpose of this policy is to institute procedures for the naming of school facilities and to designate the Superintendent as the person responsible for authorizing appropriate actions designed to develop recommended name or names for buildings, sites, athletic and/or activity facilities to the School Board for consideration.

II. General Statement of Policy

All School District buildings, sites, athletic and/or activity facilities names are to hold meaning for students and community members during the expected lifetime of the facility and are to be consistent with the School District's mission statement. Facility names may reflect geographic location, topographical character, significant historical or social events, concepts central to democracy, or prominent persons of local, national or international repute who have made lasting contributions to society. The Superintendent of Schools may authorize appropriate activities designed to develop recommendations for School Board consideration.

III. Definitions

- A. "Facilities" are school district-owned buildings, properties and structures, including but not limited to spaces within buildings, outdoor fields, streets, and other areas.
- B. "Educational programs" are district-approved learning opportunities that support a specific need or learning goal.
- C. "Naming in recognition" is naming a facility or education program in recognition of individuals who have attained achievements of extraordinary and lasting distinction.

IV. Authority

The school board exercises approval authority for naming all facilities.

V. Procedures for Naming District Property

- A. The superintendent will forward to the school board, a facility for which a name is sought to be established.
- B. At the direction of the school board, the board may request that the superintendent convene a committee to study the potential names and make a

recommendation. In the circumstance of a newly constructed facility, the school board will direct the superintendent or designee to establish such a committee.

- C. If a committee is established, the superintendent or designee will be charged with the responsibility of determining a process for soliciting and evaluating names. The superintendent will make the final recommendation(s) to the school board for approval. The superintendent will supply the school board with a history of the name recommendation and rationale to support recommendation.
- D. If a committee is not established, the superintendent may make a recommendation to the school board for approval. The superintendent will supply the school board with a history of the name recommendation and rationale to support recommendation.

VI. Naming Processes and Criteria

A. Naming in Recognition

The school district may name a facility or educational program to recognize outstanding contributions to the district. Naming in recognition for such contributions is at the district's discretion and in support of its mission. When naming a facility or educational program after an individual, consideration will be given to persons who have significance to students, employees and/or the community. Except in unusual circumstances or for compelling reasons, individual names to be considered should be individuals who are deceased. One of the following criteria must be met for naming in recognition:

1. Recognition of outstanding service to the district while serving in an employment capacity or outstanding service to the Hastings community; or
2. Recognition of the achievements of distinguished alumni;
3. Recognition of a generous financial or other contribution from a donor through a donation, bequest, or sponsorship. that was not made in exchange for naming a facility or space; or
4. If a portion of a school building or school grounds (media center, auditorium, gymnasium, field, etc.) is proposed to be named after an individual, that person shall have attained local or national prominence via significant contributions. Such contributions or the significance of their place in history shall be clearly established beyond the generation of the contribution. Individuals so recognized shall no longer be active in his/her career. Further, the individual for whom a portion of a school building or school grounds is to be named must be shown to have broad-based, long-term impact to the

school district community.

5. If the name involves a person, the individual involved will have made a significant contribution to the site, facility or school district.
6. Naming a site or facility after a deceased person shall be done after taking the above criteria into consideration and after a waiting period of at a minimum of one year following the individual's death.

B. Specific Naming Criteria

1. In naming all facilities, spaces, or specific educational programs, due regard will be taken to maintain an appropriate balance between commercial considerations and the role that names of facilities, spaces and educational programs contribute to the school district's mission.
2. The role played by the name of a facility, space or education program in assisting employees, students and visitors to orient themselves is recognized.
3. Names must always be consistent with the district's mission and vision.
4. The long-term effects of the name must be considered.
5. The department/school affected by the name to be granted must be consulted before any decision is made.
6. The district will not name a facility, space or educational program without the informed consent of the named party.
7. The district retains all rights to discontinue any name to avoid the district being brought into disrepute, as determined by the district.
8. The proposed name will be vetted against any trademark or copyright.

Policy Reviewed:

Policy Adopted:

Policy Revised: