

# WAYZATA PUBLIC SCHOOLS

Independent School District 284

Wayzata, Minnesota

## **BOARD OF EDUCATION**

Work Session - June 25, 2012 - 4:05 PM

District Administration Building, 210 County Rd. 101 N., Plymouth, MN

### **AGENDA**

1. CALL TO ORDER/ROLL CALL	3
2. ADMINISTRATIVE	
A. Discussion on Board Policy 807 - "Health and Safety" - C. Anderson - <i>10 minutes</i>	4
B. Discussion on the "Open Meeting" Law - C. Anderson, All - <i>30 minutes</i>	10
3. TEACHING AND LEARNING	
A. Q Comp Report - B. Anderson - <i>20 minutes</i>	36
B. Sabbatical Report - M. Scheidler - <i>20 minutes</i>	49
4. FINANCIAL	
5. HUMAN RESOURCES	
6. BOARD REPORTS	
7. SCHOOL BOARD	
A. Tentative Board Agenda for August 13, 2012 - <i>5 minutes</i>	59
8. ADJOURN	60

**WAYZATA PUBLIC SCHOOLS**  
**Independent School District 284**  
**Wayzata, Minnesota**

**Vision**

*What We Intend to Create and Experience;*

The Vision of Wayzata Public Schools is to be a model of excellence where all students discover their unique talents, develop a love and tenacity for learning and demonstrate confidence and capacity for success through:

Exceptional Student Learning, Experiences and Relationships:

- High achievement by each and every student – no exceptions, no excuses;
- Content-rich, rigorous and personalized education;
- Meaningful relationships with teachers, staff, mentors and peers in a welcoming, nurturing and safe environment.

Community Trust, Confidence and Partnership:

- Comprehensive learning opportunities meeting diverse learner needs and community aspirations;
- Committed to being the first choice for students and families;
- Maintaining the highest levels of satisfaction and pride by staff, parents and community.

Operational Excellence:

- Attraction, development and retention of exemplary, creative and valued employees;
- Effective and efficient use of time and human, financial and physical resources;
- Culture of continuous improvement and responsive innovation;
- High performing district governance, management and partnerships.

**MISSION**

*Our Core Purpose;*

*The Mission of Wayzata Public Schools is to ensure a world-class education that prepares each and every student to thrive today and excel tomorrow in an ever-changing global society.*

**WAYZATA PUBLIC SCHOOLS**  
Independent School District 284  
Wayzata, Minnesota

**BOARD OF EDUCATION**

**Work Session – June 25, 2012**

**AGENDA ITEM:** 1. CALL TO ORDER/ROLL CALL

**COMMENTS BY:** Board Chair Hesby

	<u>PRESENT</u>	<u>ABSENT</u>
Ms. Linda A. Cohen	_____	_____
Ms. Susan J. Droegemueller	_____	_____
Ms. Susan Gaither	_____	_____
Mr. Jay A. Hesby	_____	_____
Mr. John A. Moroz	_____	_____
Ms. Carter G. Peterson	_____	_____
Ms. Cheryl Polzin	_____	_____
Dr. Chace B. Anderson, Ex Officio	_____	_____

**WAYZATA PUBLIC SCHOOLS**  
**Independent School District 284**  
**Wayzata, Minnesota**

**HEALTH AND SAFETY**

**POLICY: 807**

**I. PURPOSE**

The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state, and local health and safety laws and regulations.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to implement a health and safety program that includes plans and procedures to protect employees, students, volunteers, and members of the general public who enter school district buildings and grounds. The objective of the health and safety program will be to provide a safe and healthy learning environment; to increase safety awareness; to help prevent accidents, illnesses, and injuries; to reduce liability; to assign duties and responsibilities to school district staff to implement and maintain the health and safety program; to establish written procedures for the identification and management of hazards or potential hazards; to train school district staff on safe work practices; and to comply with health and safety, environmental, and occupational health laws, rules, and regulations.
  
- B. Every school district employee has responsibilities for maintaining a safe and healthy environment within the school district and will be expected to be involved in the health and safety program to the extent practicable. For the purpose of implementing this policy, the school district will form a Health and Safety Committee. The committee will provide recommendations to the administration regarding plans and procedures to implement this policy and to establish procedures for identifying, analyzing, and controlling hazards, minimizing risks, and training school district staff on safe work

practices. The committee will also recommend procedures for investigating accidents and enforcement of workplace safety rules. Each recommendation shall include estimates of annual costs of implementing and maintaining that proposed recommendation.

**III. PROCEDURES**

- A. Based upon recommendations from the health and safety advisory committee and subject to the budget adopted by the school board to implement or maintain these recommendations, the administration will adopt and implement written plans and procedures for identification and management of hazards or potential hazards existing within the school district in accordance with federal, state, and local laws, rules, and regulations. Written plans and procedures will be maintained, updated, and reviewed by the school board on an annual basis and shall be an addendum to this policy. The administration shall identify in writing a contact person to oversee compliance with each specific plan or procedure.
  
- B. To the extent that federal, state, and local laws, rules, and regulations do not exist for identification and management of hazards or potential hazards, the health and safety advisory committee shall evaluate other available resources and generally accepted best practice recommendations. Best practices are techniques or actions which, through experience or research, have consistently proven to lead to specific positive outcomes.
  
- C. The school district shall monitor and make good faith efforts to comply with any new or amended laws, rules, or regulations to control potential hazards.

**IV. PROGRAM AND PLANS**

A. For the purpose of implementing this policy, the administration will, within the budgetary limitations adopted by the school board, implement a health and safety program that includes specific plan requirements in various areas as identified by the health and safety advisory committee. Areas that may be considered include, but are not limited to, the following:

1. Aerial Lift Program
2. Asbestos Management Plans
3. Bloodborne Pathogens and Infectious Agents Exposure Control Plan
4. Bloodborne Pathogens Program for ECFS
5. Chemical Hygiene Plan
6. Confined Space Entry Program
7. Ergonomic and Back Safety
8. Fall Protection/Ladders/Scaffold Safety
9. Fire Safety Program
10. First Aid Program
11. Gas Cylinders and Compressed Gas Program
12. Hazard Communication-Employee Right to Know Act
13. Hazard Communication-Community Right to Know Act
14. Hearing Conservation
15. Hoist Use and Inspection Policy
16. Indoor Air Quality Management Plan
17. Industrial Trucks/Forklift Safety Program
18. Lockout/Tagout Electrical Safety Program
19. Offensive Behavior, Sexual Harassment, and Violence Prevention
20. Personal Protective Equipment (PPE)
21. Radon Management Plan

22. Respiratory Protection Program

23. Welding Safety Program

Other safety issues being addressed include:

24. Machine Guarding

25. Mercury

26. Playground Safety

27. Underground and Above Ground Storage Tanks

28. Chlorine

29. Other topics or areas determined by the health and safety committee.

If a risk is not present in the school district, the preparation of a plan or procedure for that risk will not be necessary.

- B. The administration shall establish procedures to ensure, to the extent practicable, that all employees are properly trained and instructed in job procedures, crisis response duties, and emergency response actions where exposure or possible exposure to hazards and potential hazards may occur.
  
- C. The administration shall conduct or arrange safety inspections and drills. Any identified hazards, unsafe conditions, or unsafe practices will be documented and corrective action taken to the extent practicable to control that hazard, unsafe condition, or unsafe practice.
  
- D. Communication from employees regarding hazards, unsafe or potentially unsafe working conditions, and unsafe or potentially unsafe practices is encouraged in either written or oral form. No employee will be retaliated against for reporting hazards or unsafe or potentially unsafe working conditions or practices.

- E. The administration shall conduct periodic workplace inspections to identify potential hazards and safety concerns.
  
- F. In the event of an accident or a near miss, the school district shall promptly cause an accident investigation to be conducted in order to determine the cause of the incident and to take action to prevent a similar incident. All accidents and near misses must be reported to an immediate supervisor as soon as possible.

**V. BUDGET**

The superintendent shall be responsible to provide for periodic school board review and approval of the various plan requirements of the health and safety program, including current plan requirements and related written plans and procedures and recommendations for additional plan requirements proposed to be adopted. The superintendent or such other school official as designated by the superintendent, each year shall prepare preliminary revenue and expenditure budgets for the school district's health and safety program. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for this program and make such adjustments within the expenditure budget to carry out the current program and to implement new recommendations within the revenues projected and appropriated for this purpose. No funds may be expended for the health and safety program in any school year prior to the adoption of the budget document authorizing that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year. The health and safety program shall be implemented, conducted, and administered within the fiscal restraints of the budget so adopted.

**VI. ENFORCEMENT**

Enforcement of this policy is necessary for the goals of the school district's health and safety program to be achieved. Within applicable budget limitations, school district employees will be trained and receive periodic

reviews of safety practices and procedures, focusing on areas that directly affect the employees' job duties. Employees shall participate in practice drills. Willful violations of safe work practices may result in disciplinary action in accordance with applicable school district policies.

**Legal References:** Minnesota Stat. §123B.56 (Health, Safety, and Environmental Management)  
Minnesota Stat. §123B.57 (Capital Expenditure; Health and Safety)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
MSBA/MASA Model

FIRST READING: June 11, 2012

June 21, 2012

To: Fellow Board Members and Superintendent Chace Anderson  
From: Board Member Sue Droegemueller  
Re: Email/Open Meeting Law Policy

Attached is a proposed email policy as it relates to Open Meeting law and other considerations. This is a comprehensive document, combining suggestions culled from the policy/legal recommendations of other state public bodies.\*

The document is comprehensive because many of you have asked for specifics, e.g. "Is \_\_\_\_ ok?" "Well, about doing \_\_\_\_?" "Can I communicate with \_\_\_\_ about \_\_\_\_?", etc. This policy may look overwhelming, but the benefit is that it attempts to define acceptable behaviors in practical terms for every day application. Simple policy statements, such as 'the board complies with open meeting law requirements in its use of email and other communications', don't give us any actual guidance as to what we can/can't do. One option to minimize the overwhelming appearance might be divide the document into a one-page policy and put the rest of details into regulations. Another option is to identify and keep the most important practices and delete the more obscure ones.

The specifics in the policy fall into one or more of three categories:

- 1) requirements of "settled" law
- 2) recommended best practices to avoid a violation in areas where the law is not "settled"
- 3) practices which serve other legal requirements, such as data retention, or help to protect the personal privacy of the board member.

As you consider this issue, please keep in mind:

- The law (which includes both statutes and court rulings interpreting the statutes) about emails etc. is still evolving. The black-and-white answers you may want do not necessarily exist.
- However, lawyers can extrapolate from the existing statutes, the history of case law, and the legislative intent in enacting the law to make recommendations about likely violations, risky territory, and best practice.
- In the absence of specific legislation to address use of emails (which is not on the docket), courts will use this same process to determine a violation. In addition, they will evaluate violations under their standard that "the law will be interpreted in favor of public access." In other words, it is not interpreted in favor of what makes life easy for board members of a public body.

\*Per your request, I've attached the documents I used: Minneapolis Schools policy; Edina Schools Appendix to policy; League of Cities counsel explanation and guidelines; MSBA in-house counsel Feb. 2012; MSBA in-house counsel July 2010; MSBA (excerpts) prepared by external counsel Knutson, Flynn, & Dean; MN Dept of Admin., Commissioner's legal Advisory Opinion 09-020; and City of Plymouth Policy.

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**WAYZATA PUBLIC SCHOOLS**  
**Independent School District 284**  
**Wayzata, Minnesota**

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**ELECTRONIC COMMUNICATIONS**

**POLICY: 228**

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Electronic communications facilitate efficient board work and increased access to information for board members. At the same time, board members have a corresponding responsibility to ensure their use of electronic communications does not interfere with the board’s commitment to public transparency and good governance. This commitment includes using electronic communications in a manner consistent with open meeting and data practices laws and with district requirements for data storage.

“Electronic communications” include email, instant messaging, texting, tweeting, social networks, blogs, chat rooms, and all similar or evolving forms of communication technology. These communications involve the use of cellular telephones, computers, browsing devices, pagers, and similar or evolving equipment, whether owned by the board member, by the district, or by a third party.

Accordingly, the board adheres to the following expectations and practices:

General Practices and Expectations

- Electronic communications should conform to the same standards of judgment, propriety, ethics, and respectful language as other forms of school board communications.
- As a guiding principle, board members shall not communicate electronically with the full board or a quorum about board business. Such communications become a “virtual meeting” which does not meet aspirational and legal requirements to conduct open meetings, including providing notice to and access by the public to board deliberations.
- Although email discussion is generally discouraged, emails between two persons is acceptable as long as a “serial” email involving additional board members does not ensue.
- In general, electronic communications should be limited to one-way communication; requesting or inviting a response or reaction should be avoided and helps to prevent unintentional violations of this policy.

- The Executive Assistant to the board, rather than an individual board member, is the preferred source or coordinator to send materials to the entire board.

### General Exceptions

- This policy does not apply to “housekeeping”, logistical, or similar communications such as assignments for board representation at district events, meeting locations, or car-pool arrangements. The policy also does not apply to communications regarding social activities or events.

### E-mail addresses, record keeping, and equipment

- Board members should use their assigned district email addresses, rather than personal or employment addresses, for sending and receiving electronic correspondence and materials related to board or district activities. Use of the district email helps the district comply with state laws regarding storage and retention of data, and minimizes the possibility of access by outside parties to the board member’s personal or employment correspondence.
- In instances where a board member does not use the district email address, the board member is responsible for retaining district-related electronic communications according to the requirements of law.
- Board members should avoid reference to confidential information about employees, students or other matters in email communications because of the risk of improper disclosure.

### Board meeting and work session communications

- During meetings and work sessions, board members do not communicate electronically with each other, with staff, with audience members, or with any persons not in attendance. There is a limited exception for personal emergencies unrelated to board business or for use in facilitating meeting logistics, such as the arrival of a guest speaker.
- Electronic sending of formal meeting materials, such as agendas and reports, is conducted as a one-way communication to the board from the Administrative Assistant. In the alternative, the Assistant may choose to send materials to an off-site vendor/server accessible by board members. Questions/comments about the materials should be directed to the Assistant. If the question/response is of interest to all members, the Assistant can send that information to the full board.

- Electronic communications between three or more members which regard the business of a particular meeting should be distributed to other board members and available to members of the public.

#### Electronic communications between meetings

- Emails or similar communications are not a substitute for discussion, deliberation, or decision-making at board work sessions and meetings. They are also not used to avoid public discussion of an issue, to forge a majority in advance of a public meeting, or to hide improper influences.
- The board should be careful not to conduct serial electronic communications, where board business is conducted in a continuing manner from one member to next, because the result is the same as communicating initially with the full board.
- A board member who wishes to share reports, news and journal articles, websites, and other information with fellow board members should request distribution through the Administrative Assistant. The Assistant may establish an appropriate schedule, such as a weekly distribution, in conjunction with the Board Chair and Superintendent. The shared document should identify the originating board member and topic of board business to which it relates; the originating board member may include a cover memorandum. The sender should not invite responses and recipients should not respond to the sender or further discuss the item with other board members outside of a noticed meeting. The Assistant will provide a copy of all distributed documents at public meetings which use the content.
- In lieu of direct distribution by the Assistant distribution, the Assistant may upload the document to a dedicated location on the school board section of the district website. The location and documents should be accessible by the public.

#### Communications with the Superintendent

- Board members may communicate electronically in both a one-way and two-way fashion with the superintendent, but neither the board member nor the superintendent should forward to or copy more than one other board member on the communication.

#### Board Committees

- At a minimum, expectations and requirements about email and other electronic communications also apply to board committees. However, no substantive committee business can be discussed by email, even between two members, because two persons is committee quorum.

- Board committee reports to be distributed to the rest of the board should be forwarded to the Assistant, as described above.

#### Communications with the public or in public forums

- Board members who must communicate electronically with members of the public should not copy or forward the original communication or the board member's response to other board members.
- When communicating with members of the public, board member communications should include the following notice: "Electronic and written board communications are considered government information and may be subject to public inspection, unless protected by law as confidential information. In addition, board communications which are distributed or copied to other board members may be a violation of the open meeting law."
- If it is preferable for the Board Chair to communicate on behalf of the board to a sender, the electronic communication may be forwarded to the Board Chair if the sender agrees.
- If a board member participates in a list serve or electronic newsletter or discussion forum in which other board members also participate, a board member should not send or respond to a communication to the full group about a matter pending before the board. The board member may respond to the sender only.



8550

## Electronic Communication *Policy 8550*

Original Adoption: 08/11/2009 Effective Date: 08/12/2009

Revision Dates:

### **I. PURPOSE**

The Board of Education, Special School District No. 1, Minneapolis Public Schools is committed to operating through the requirements of the Open Meeting Law. Electronic communication possibilities create special circumstances that, unless addressed, could lead to unintentional violations of that commitment. The purpose of this policy is to establish how individual directors should use electronic communications to communicate with each other and with the public.

### **II. GENERAL STATEMENT OF POLICY**

A. Use of electronic communication (e-mail, blogs, and social media) should conform to the same standards of judgment, propriety and ethics as other forms of school board related communication.

B. Directors shall not use e-mail as a substitute for deliberations at duly called and noticed board meetings or for other communications or business properly confined to board meetings.

C. Board members should be aware that electronic communications, including attachments, received or prepared for use in board business or containing information relating to board business are likely to be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law.

D. Board members shall avoid reference to confidential information about employees, students or other matters in electronic communications because of the risk of improper disclosure. Board members should comply with the same standards as district employees with regard to confidential information.

E. Electronic communication of meeting materials should generally be conducted in a one-way communication from the Clerk or Clerk's designee to the Directors.

F. Inquiries regarding meeting materials should be directed directly back to the Clerk or the clerk's designee. If the clarification, or answer to the inquiry is one of value to other Directors, the Clerk or Clerk's designee may send follow-up materials or information to the Board.

G. During a public meeting Directors shall not communicate via electronic means with

1. one another;
2. any member of District staff; or
3. members of the public.

H. Directors wishing to share information with other members should do so through the Clerk or Clerk's designee. Such information shall not invite response or discussion outside of a public meeting. Any materials so distributed that relate to agenda items must be made available to the public.

I. Directors may communicate with one other Director via electronic means.

J. Directors shall not forward individual communications to other directors.

K. Directors who receive list-serve distributions, electronic newsletters, or participates in electronic discussion forums where other Directors are likely to participate should not reply to any distribution or comment so that the reply is copied to the entire distribution group, or any part of the group that might include other Directors. The Director may reply directly to a sender of a message.

### **III. APPLICABILITY**

This policy applies regardless of whether the electronic communication is taking place:

1. on a:
  - a) district-provided computer, or electronic device,
  - b) personal computer, or electronic device,
  - c) computer or electronic device provided by the Director's employer
2. through a:
  - a) district provided e-mail account,
  - b) personal e-mail account or address
  - c) social network page or website
  - d) email address provided by the Director's employer.

#### ***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)

#### ***Cross References:***

MPS Policy 1040 (Data Practices Compliance)  
MPS Policy 6415 (Internet and Educational Network Use)  
MPS Policy 8210 (Meetings of the Board of Directors)

Edina Schools—

An Appendix to their policy #209 “Code of Ethics”

## Appendix I

### COMMUNICATIONS GUIDELINES

The school board may communicate outside an open meeting for scheduling and maintenance types of communications. School board social gatherings and educational training sessions without any discussion of school district business does not violate the open meeting law or Minnesota Government Data Practices Act.

The use of electronic communications, including email, by school board members, shall conform to the same standards of judgment, propriety and ethics as other forms of school board-related communication. Board members shall comply with the following guidelines when using electronic communications in the conduct of board responsibilities:

1. The school board shall not use electronic communication as a substitute for deliberations at board meetings or for other communications or business properly confined to board meetings.
2. Board members shall be aware that electronic communications and electronic attachments received or prepared for use in board business or containing information relating to board business are likely to be regarded as public records, which may be inspected by any person upon request, unless made confidential by the law.
3. Board members should avoid references to confidential information about employees, students and other matters in electronic communications because of the risk of improper disclosure. Board members should comply with the same standards as school employees with respect to confidential information.



RISK MANAGEMENT INFORMATION  
**ELECTRONIC COMMUNICATIONS  
BETWEEN COUNCIL MEMBERS**

*Electronic communication such as e-mail correspondence, instant messaging, social media, and blogs and microblogs, can be an unintentional conduit for city officials to violate the Minnesota Open Meeting Law. Elected officials and city committee and board members should be aware of the following issues to avoid inadvertent violation of this law.*

**The Open Meeting Law**

Under the Minnesota Open Meeting Law, Minn. Stat. §13D, meetings of at least a quorum of the city council or one of its committees to discuss city business must be publicized and open to the public, subject to a few exceptions. A primary purpose of the law is to make sure information and deliberations about city business are available to the public.

The law applies to any discussion about city business, not just voting or official actions, and to any gathering of a quorum of the council or committee. In most cities a quorum is three or more council or committee members.

It's easy to imagine situations in which a quorum might gather – coffee at the local café, pre- or post-meeting discussions, a wedding reception or community celebration are all common places in which one or more council members might be present. Such a meeting would create an open meeting concern if the group discussed city business.

Although not an obvious meeting, serial meetings also create an open meeting concern if city business was discussed by a quorum. To understand how a serial meeting occurs, imagine that council member A talks to council member B about a city issue, B talks to council member C about that issue, and C talks to A. Serial meetings also can occur through written correspondence, or telephone conference calls. Any of these scenarios could give rise to an open meeting law violation.

Violating the law carries with it penalties including personal liability for up to \$300 per occurrence and forfeiture of office for officials who intentionally violate the law three times. Reasonable costs and attorney fees also can be awarded if the court finds specific intent to violate the law.

**Electronic Communications and the Open Meeting Law**

The Minnesota Open Meeting Law has a number of tricky aspects, not the least of which results from increasing reliance on e-mail and other electronic communication between council or committee members.

This material is provided as general information and is not a substitute for legal advice.  
Consult your attorney for advice concerning specific situations.

Electronic communication makes a serial meeting easier by allowing council or committee members to forward messages from one person to the next, to respond to one another via blog comments, or to chat via social media vehicles such as Facebook, MySpace or Twitter. Imagine one council member e-mailing another to suggest the pros and cons of a particular city decision. The recipient forwards the e-mail to another council member, along with his or her own comments and interpretations.

Even if the last council member to receive the e-mail doesn't reply to the originator or the council member who forwarded the message, the three members have still discussed city business outside a public forum.

A similar situation could occur if council members respond to one another's blog, comment about city business on Facebook, or communicate via a micro-blog such as Twitter. A violation could be found where serial electronic communications are used to reach a decision.

Many cities are moving toward electronic meeting packets for councils and committees, often sent via e-mail attachments. This sort of one-way distribution of information is fine in terms of the Minnesota Open Meeting Law, remembering that any materials relating to the agenda items of a meeting distributed to members must also be made available to the public as well.

City officials should start to get concerned, though, when one or more council members use the "reply to all" feature in e-mail to respond to the content of the meeting materials, or otherwise begin a discussion by e-mail about the packet, or discuss agenda items on social media sites. This can begin to look a lot like non-public discussion of city business.

## **Suggestions**

One suggestion is that council members never communicate to one-another using electronic means, but instead treat electronic media such as e-mail only as a way to receive information from the city clerk or administrator.

If a council member has information to share electronically with the rest of the group, he or she might send it to the clerk and ask for it to be distributed from the clerk to everyone else (electronically or in paper form).

Using the clerk as the clearinghouse for information distribution is probably a safer alternative than having council members communicate directly, although it doesn't completely eliminate concerns about violating the open meeting law. Even this clearinghouse concept could provide opportunity for three or more council members to exchange opinions about city business, so it's important that the city clerk be aware of and watch for possible issues. Finally, this model would still present problems in Standard Plan cities, where the clerk is also a member of the council.

### **Learn More**

Read more about risks related to electronic communications between council members, and social media and cities, from the League:

[Open Meeting Law Defense Coverage](#)

[Developing a Computer Use Policy](#)

*Social Media and Cities: Questions and Considerations*

These items and more are at in the Resource Library of <http://www.lmc.org>

If council members are engaged in direct electronic discussions, it's probably best to limit it to only two members. A "no forwarding and no copying" rule might be a good way to make sure the Minnesota Open Meeting Law isn't unintentionally violated through electronic conversation.

Finally, be careful when council members participate in a listserv, chatroom, forums and social media. Because these groups may include a quorum of your council, one council member's comments will be viewed by other members. If the topic has to do with city business and other council members reply, it could prove problematic under the Minnesota Open Meeting Law.

Again, the city might consider a "no reply" sort of rule when it comes to these resources, or perhaps have council members send ideas for postings or responses to the city clerk or administrator to manage. Remember, too, that official city committees are subject to the same open meeting requirements and should be similarly educated about correct electronic use.

Regardless of precautions, there may be times when council members find themselves accused of violating the Minnesota Open Meeting Law, perhaps having unintentionally engaged in one of these sorts of conversations. One way to diffuse some concern is to immediately release copies of all electronic correspondence to anyone who wants to see it. While this doesn't negate the possible violation, it shows good faith and lack of specific intent to violate the law.

### **Draft guidelines for electronic communications between council members**

Cities might decide to develop policies clarifying appropriate or preferred e-mail and electronic communications use by and between council members. Even if a city doesn't formally adopt a policy, the guidelines here might be helpful for any elected official or city board member to follow.

The purpose of these draft guidelines is to suggest how members of city councils and other city committees might communicate via email and electronic means. A city should review these draft guidelines along with its normal operating procedures, consult with the city attorney and determine the best course of action.

Tom Grundhoefer / Greg Van Wormer 09/09

Guidelines for  
Electronic Communications between Council Members  
in the City of \_\_\_\_\_

These guidelines apply to all members of the city council and all members of council and city committees, commissions, sub-committees, etc. in the City of \_\_\_\_\_.

For purposes of these guidelines, reference to council members includes members of all other city committees and groups subject to the Open Meeting Law. Reference to the council shall include all such groups and meetings.

For purposes of these guidelines, “electronic means” means email, instant messaging, chatrooms, social media, microblogs and related electronic conversation.

For purposes of these guidelines, “city clerk” means the city clerk, manager, administrator or his / her designee.

These guidelines apply regardless of whether the council member is using a city-provided email address and account, his/her personal email address or account, or one provided by his/her employer; and to all social media accounts to which a council member posts.

**Meeting materials**

Electronic communication of meeting materials should generally be conducted in a one-way communication from the city clerk to the council.

- Council members may receive agenda materials, background information, and other meeting materials via email attachment or other electronic means (such as file sharing) from the city clerk.
- If a council member has questions or comments about materials received, s/he should inquire via electronic means directly back to the city clerk. A council member should not copy other committee members on his/her inquiry.
- If the clarification is one of value to other council members, the city clerk may send follow-up materials or information to the council.

Materials relating to agenda items of a meeting must also be made available to the public at the meeting.

**Communication during council meetings**

- Council members should not communicate with one another via electronic means during a public meeting.
- Council members should not communicate with any member of city staff via electronic means during a public meeting.
- Council members should not communicate with the public via electronic means during a public meeting.

### **Communication outside of council meetings**

- Council members should generally act with caution when using electronic means to communicate with one another, being mindful of the Minnesota Open Meeting Law.
- If a council member wishes to share information with other members, s/he should do so through the city clerk. The council member may request the city clerk distribute materials to others. The communication should not invite response to or discussion between any council members, including replies to the person making the distribution request. This should be considered a method for providing one-way information to other members of the council. Again remember that materials relating to agenda items for city business must be provided to the public at the meeting.
- If a council member wishes to address only one other member through electronic means on any topic related to city business, s/he can do so directly, but should be mindful of the following:
  - One-to-one communication is ideal.
  - The recipient of an electronic message or inquiry should reply only to the sender, should not copy others on the reply and should not forward the original communication to other council members.
  - The sender of an electronic message should not forward or copy the recipient's reply to any other council member.
  - Neither the recipient or sender should publish such correspondence on any blogs or other social media site unless it is part of an official communication of the whole of the Council, and part of the city-managed electronic communication strategy.
- If a council member receives an electronic communication from any source related to city business and distributed to multiple council members (i.e. an email sent to the entire council from a member of the public; or an email sent to three council members from a local business), s/he should reply only to the sender. The reply should not be copied to all on the original distribution or forwarded to any other council member.
- If a council member receives listserv distributions, electronic newsletters, or participates in electronic discussion forums, chatrooms, or on Facebook, Twitter or blogs where other council members are also likely to participate, the council member should not reply to any distribution or comment so that the reply is copied to the entire distribution group, or any part of the group that might include other council members. The council member should instead respond only to the sender of any message or inquiry.

### **Classification and Retention of electronic communications**

- Regardless of whether electronic communication by a council member is taking place on a city-provided computer, home computer or other computer system, classification of information as public, private or other is governed by the Minnesota Government Data Practices Act (Minn. Stat. Chapt. 13) and should be treated accordingly.
- Council members should retain electronic communications in keeping with city policies and procedures, whether such communication takes place on a city-provided computer, home computer or other computer system.

## **E-MAIL AND MINNESOTA'S OPEN MEETING LAW (OML)**

**by Bill Kautt, MSBA Associate Director of Management Services & Cathy Miller, MSBA Director of Legal and Policy Services**

Your MSBA staff have received a number of inquiries concerning e-mail and the OML. School districts and individual school board members should keep the following points in mind when using e-mail.

1. If a quorum of a public body or a committee of a public body receives and comments on information received via e-mail that is related to a matter of official business of the public body, the e-mail exchange constitutes a meeting in violation of the requirements of the OML. In contrast, meeting materials may be sent to all members of a public body via e-mail without violating the OML as long as no discussion or decision-making ensues. Thus, school board members should take care to not hit the "reply to all" tab when replying concerning any materials sent to them via e-mail. Also, to avoid the possibility of a serial meeting, school board members should not send comments to other school board members concerning any school business-related material e-mailed to them. A copy of the materials e-mailed to the school board members should be printed and made available to the public at the next open school board meeting, and any non-public data must be redacted from the copied material.
2. If possible, school board members should use a school district-generated e-mail account to conduct all school district-related communications. That address should be the only e-mail address for the school board member made public. Two primary reasons exist for making that recommendation. First, if a member of the public ever raises the question of the school board violating the OML via e-mail, the investigation can be done by copying the e-mails from the school district's server rather than impounding the school board member's individual computer. Second, if a public data request is made for school board e-mail, the response can be handled without searching the personal or business computers of the school board members.
3. All e-mails generated by a school board member about school district business are public data unless the specific e-mail contains information identified as non-public data. In such cases, the non-public data must be redacted before the e-mail is made available to the public. Correspondence between an elected official and a private individual is private data unless the elected official or the private individual wants to make it public.
4. All data collected, created, received, maintained, or disseminated by any government entity regardless of its physical form, storage media, or conditions of use is considered government data and must be retained according to the records retention schedule published by the school district. Thus, any e-mails to or from the superintendent and school board members or among the school board members should be considered government data and retained according to the retention schedule. If the school district has not included e-mail on its records retention schedule, the responsible authority should, according to M.S. 138.17, Subd. 7., establish "*a time period for the retention or disposal of each series of records*" and submit the proposed schedule to the "Records Disposition Panel" created by M.S. 138.17, Subd. 1. for its approval. "*When the schedule is unanimously approved by the records disposition panel, the head of the governmental unit or agency having custody of the records may dispose of the type of records listed in the schedule at a time and in a manner prescribed in the schedule for the particular records which were created after the approval. A list of records disposed of pursuant to this subdivision shall be maintained by the government unit or agency. When records containing not public data as defined in section 13.02, subdivision 8a, are being disposed of under this subdivision, the records must be destroyed in a way that prevents their contents from being determined.*" (M.S. 138.17, Subd. 7.) Therefore, great care should be taken to ensure that such records are disposed of properly.

## **SCHOOL BOARD MEMBERS' USE OF E-MAIL**

**by Cathy Miller, MSBA Director of Legal and Policy Services**

Technology is a wonderful thing, but the relative new development of electronic communications has raised new legal issues, and the law has not yet addressed all of those issues. This article will discuss some of the considerations for school board members if they use e-mail to conduct the business of their elected offices.

Open Meeting Law Issues: Whenever school board members communicate outside an open meeting, the potential is raised for them to participate in an illegal meeting. If a quorum of the board (or a quorum of a board committee) discusses board (committee) business outside an open meeting, an illegal meeting has occurred. The potential for an illegal serial meeting also exists. Essentially, a "serial meeting" is a series of discussions between or among board members which involve a total of at least a quorum on a topic of board or board committee business. Serial meetings are possible in person, on the telephone, or by electronic communications. In addition, with electronic communications, a record is created.

A serial meeting can occur via e-mail very easily. Suppose one school board member sends an e-mail with information for the other board members to review before the next board meeting. One of the other board members is upset about the information, selects three fellow board members she believes will agree with her, and forwards her opinion on the matter to them. Each of the other three responds separately. Voila – a series of discussions involving a total of four members of the school board has occurred outside of an open meeting. If the particular school board consists of six or seven members, an Open Meeting Law violation will have taken place AND the e-mails will serve as records of that violation. School board members can use e-mail for scheduling or rescheduling meetings and other "housekeeping" types of communications. E-mail can also be used to distribute information from one board member to the others – as long as the recipients do not respond. No discussions of school board business should take place via e-mail. The Minnesota Department of Administration recently issued an opinion about the now disbanded "Metro Gang Strike Force's" e-mail exchanges regarding expenditures for a conference in Hawaii. Part of the opinion provides as follows: ". . . *one-way communication between the chair and members of a public body is permissible, such as when the chair or staff sends meeting materials via e-mail to all board members, as long as no discussion or decision-making ensues.*" Advisory Opinion 09-020 of the Information Policy Analysis Division (iPAD). One copy of information sent in preparation for a meeting should be made available to the public at the board meeting, according to the materials requirement of the Open Meeting Law. Also, e-mails between or among school board members are likely government data (see iPAD's Advisory Opinion 00-019), which raises additional concerns about compliance with data practice requirements.

Minnesota Government Data Practices Act Issues: With e-mail, the potential exists to unintentionally send information to a person or a group of people. The intent may be to reply, but "reply to all" is inadvertently selected. An e-mail may appear to be from an individual; instead, it came from a group. When a response is sent, it goes to the entire group. Once an e-mail is sent, it may be forwarded and forwarded again without the original sender's knowledge. As a result of such a mistake, if private data is included in such an e-mail, a violation of the Minnesota Government Data Practices Act may have occurred, depending on the recipients. Clearly, e-mail should be used with caution because the whole world might see it.

Another characteristic of e-mail that does not exist with in-person and telephone conversations is the record that is created when e-mail is sent. While an e-mail can be deleted, deleting is not enough to truly make that e-mail go away – information on a computer can be retrieved by experts until it has been written over something like 35 times. Essentially, once created, an e-mail exists on a computer's hard drive for a long, long time . . . and maybe forever.

School board members can also use e-mail to correspond with constituents as long as the board members remember an important piece of Minnesota law. Correspondence between an elected official and a private individual is private data UNLESS the private individual makes it public or the elected official makes it public – and either can choose to do so.

Suggestions for School Board Members Regarding E-mail: School board members need to be smart

about using e-mail, especially if e-mail is used to conduct the business of their public offices. The following are suggestions to protect school board members and school districts:

- At a minimum, school board members should use a separate e-mail address for school board business and correspondence – doing so will make searching e-mails easier if a school board member ever needs to respond to a request for certain data.
- If the school district is able to set up an e-mail address designated for school board work and archive the e-mails that come through that address, board members' personal and work computers (if those computers are used to send e-mails related to school board work) are more protected from public data requests and legal discovery – because the information can be retrieved from the school district's system.
- The school board should develop and adopt a policy relative to board members' use of e-mail. A sample from the National School Boards Association is available by [clicking on this link](#).
- Finally, school boards should consider adding e-mail to their school district's records retention schedule with a short retention term. Government data is likely created when school board members use e-mail to discuss school district business; anyone can request access to public government data, and data subjects can request access to review information about themselves. Responding properly to a records request to view government data which exist as e-mail can be very time consuming for a school district, and matters may be further complicated if no one realized that public government data was being created when the e-mails were written. The decision about the retention period for e-mails is not an easy one to make, and the school district's computer systems or information technology people should be part of the decision-making process. The key questions to ask are not "what would be easiest for the school district?" or "what would be safest for school board members?". Instead, the school district needs to determine the content of its e-mails, whether that information is retained in another format, and what purposes e-mail serves for the school district. Necessary information could be lost with a quick, wrong decision. For example, e-mails need to be retained if e-mail is the only source of some information. Once a records retention period is set and approved by the Minnesota Historical Society (and the Historical Society has approved an e-mail retention period as short as 90 days), the school district will need to follow that schedule. By taking these steps, school districts will be able to respond to requests for public data in e-mail format much more easily because fewer e-mails will need to be searched. Without the protection of a short retention term for e-mail, searching through years of e-mail communications to respond to a data request may be necessary, and tens or hundreds of thousands of e-mails may be involved.

This article likely raises additional questions because it deals with technologies that have not been in existence all that long in addition to areas of developing law – we are all at a point of learning as we go. However, school districts would be wise to consider these issues now, before being forced to make the decisions because of a records request for e-mail on a certain topic or for a certain time frame has been received or an Open Meeting Law challenge has been made.

Please feel free to contact me if you would like to discuss these issues in greater detail. I will try to answer your questions if I can and make an effort to clarify the issues for which no answers yet exist, so your school district will be able to use e-mail as efficiently as possible.

**Excerpts of immediate interest from the most recent MSBA School Law Bulletin, a 26 page document, prepared and updated annually by the educational law firm of Knutson, Flynn, and Deans**

School Law Bulletin  
for  
School Board Members and Administrators

MINNESOTA'S OPEN MEETING LAW  
Revised October 2011

Prepared by:  
KNUTSON, FLYNN AND DEANS, P.A.  
MINNESOTA SCHOOL BOARDS ASSOCIATION

**RE: CONSTRUAL FOR PUBLIC ACCESS**

I. INTRODUCTION: The Minnesota Open Meeting Law was enacted in 1957. See Minn. Laws 1957, Ch. 773. In general, the Open Meeting Law applies to all meetings of a public body, including school board meetings. Its purpose is threefold: (1) to prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning public bodies' decisions or to detect improper influences; (2) to assure the public's right to be informed; and (3) to afford the public an opportunity to present its views to the public body. See *St. Cloud Newspapers, Inc. v. Dist. 742 Cmty. Schs.*, 332 N.W.2d 1, 4 (Minn. 1983). Because the Open Meeting Law was enacted for the public benefit, it is to be construed in favor of public access. *Id.* at 6.

VIII. CONCLUSION: Minnesota has a strong Open Meeting Law with penalties. Public officials should be aware of what it says. Any person, including the news media, has standing to bring appropriate legal action. In order to avoid complications, school officials are urged to be knowledgeable about the Open Meeting Law. If in doubt about the law, take actions that are based on "openness".

**RE: EMAILS**

31. Printed Materials. Electronic communications, other than those classified as nonpublic, that are prepared or distributed by or at the direction of a governing body or its employees must be made available to the public pursuant to Minn. Stat. § 13D.01, Subd. 6. See Advisory Op. No. 08-015 (July 9, 2008).

32. Email Communications. Where a quorum of a public body receives and comments upon information received via email that is related to a matter of official business of the public body, the conduct of the public body constitutes a meeting which is required to be open to the public. In contrast, it is permissible and not a violation of the open meeting law to send meeting materials to all members of a public body via email as long as no discussion or decision making ensues. See Advisory Op. No. 09-020 (Sept. 8, 2009).

**RE: COPIES FOR THE PUBLIC**

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. . .

## **RE: ATTENDANCE OF ADDITIONAL MEMBERS AT A MEETING**

The Attorney General has opined that where a committee of three council members meets pursuant to notice under Minn. Stat. § 471.705 [now 13D.04], a violation does not occur if a fourth or additional council member attends the meeting as long as the council member's involvement is limited to attendance at the meeting. However, to the extent that the fourth or additional council member participates in discussions or deliberations of the committee upon matters of city business within the council's purview, a violation would be found. Op. Atty. Gen. 63A-5, August 28, 1996.

## **RE: COMMUNICATIONS WITH THE SUPERINTENDENT**

9. Communication Between Superintendent and Individual Board Member: In *Minnesota Education Association v. Bennett*, 321 N.W.2d 395 (Minn. 1982), the Minnesota Supreme Court held that a superintendent is not a member of the school board for purposes of the Open Meeting Law and that meetings or conversations between the superintendent and a board member are thus not subject to restrictions of the Open Meeting Law. The Court reiterated this ruling in *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

19. Communication Between City Manager and Individual Council Members: The Attorney General held that individual telephone conversations between a City Manager and individual council members concerning an action the Manager was going to take was not per se a violation of the Open Meeting Law. He stated: "...it is our view that a violation of the Open Meeting Law would not be found absent some form of concerted activity or communication between, or among, more than one member of a body covered by the Act. You do not indicate any discussion or exchange of views among members of the council either directly or through the manager. Your facts indicate only that the city manager contacted some members of the council individually concerning an action he was going to take. Thus, those members were informed of an event which subsequently occurred and apparently later became general knowledge.

To find a violation of the Open Meeting Law upon the facts you describe would, in our view, require establishment of a rule which would preclude a person from giving information to more than one member of a governing body outside a meeting of a body. On such a theory, a communication concerning city business from any source received by more than one member of a city council would automatically result in a violation of the Open Meeting Law. On such a standard, a member of a governing body could find himself in danger of unwittingly violating the Open Meeting Law each time he reads a letter or answers his telephone if it turns out that the information received has also been conveyed to another member or may be conveyed to another member in the future.

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To rule otherwise would virtually eliminate the ability of members of public bodies to do 'homework' or to receive any information outside the often crowded agenda of a meeting concerning the affairs they are to govern."

The Attorney General did re-emphasize, however, that any council deliberation or other action based on the facts so communicated must still occur at a public meeting and did not rule out a violation if a subsequent council action was based on important information privately acquired by the members individually and not disclosed in public deliberation. Op. Atty. Gen. 471-e, April 22, 1980.

A different result was reached in a similar issue reviewed by the Department of Administration. See Advisory Op. No. 06-017 (May 25, 2006). In this instance, it was alleged that in the process of hiring a new accountant, the city administrator engaged in a serial solicitation by telephone of the city council's approval to hire the council's third choice for the position of accountant when the first two candidates declined the position. As there was a disagreement as to whether a vote was taken or whether there were simply one-on-one discussions that there was a need to fill the position, the Commissioner did not resolve the issue presented. However, the Commissioner stated that if, as alleged, a majority of the members of the council took action with respect to the hiring of the accountant, the Open Meeting Law had been violated. The fact that the city administrator served as the go-between among the members would not change the outcome. Additionally, the Commissioner noted that there is no language in the Open Meeting Law that authorizes members of a public body to vote by telephone.

## **RE: SERIAL MEETINGS**

18. Serial Meetings or Conversations. In *Moberg v. Independent School District No. 281*, supra, the appellants raised the point that because the Court ruled that the Open Meeting Law only applied to meetings of a quorum or more, the Open Meeting Law could be circumvented by serial face-to-face or telephone conversations between board members to marshal their votes on an issue before it is initially raised at a public hearing. The Court held that the rule could be circumvented anyway by persons who are determined to do so but that it was important that the rule of law not be so restrictive as to lose the public benefit of personal discussion between public officials while gaining little assurance of openness. The Court, however, went on to state as follows:

“Of course, serial meetings in groups of less than a quorum for the purposes of avoiding public hearings or fashioning an agreement may also be found to be a violation of the statute depending upon the facts of the individual case.”

## **RE: GOOD FAITH OR NO HARM DONE IS NOT A DEFENSE FOR BOARD MEMBERS**

19. Good Faith Not a Defense. In *Merz. v. Leitch*, supra, the Supreme Court held that neither good faith actions by members of public boards nor the fact that no one was harmed by the action illegally taken is a defense to the imposition of civil penalties for violations of the Open Meeting Law upon members who participated in an illegal meeting. The correct standard is whether the violation was intentional, not whether it was willful or deliberate. *Willison v. Pine Point Experimental School*, 464 N.W.2d 742 (Minn. App. 1991). However, the Minnesota Supreme Court subsequently held that, while a member's good faith is not a complete defense, it may be considered when a court determines the amount of a civil penalty for a violation of the Minnesota Open Meeting Law. *Claude v. Collins*, 518 N.W.2d 836 (Minn. 1994).

## **RE: REMOVAL OF BOARD MEMBER FROM OFFICE FOR VIOLATIONS**

24. Removal From Office. In *Claude v. Collins*, 518 N.W.2d 836 (Minn. 1994), the Minnesota Supreme Court ruled that once a member violated the Open Meeting Law three times, the person forfeited any further right to serve on that governing body in any capacity for a period of time equal to the term of office that person was then serving. However, while this provision of the Open Meeting Law is mandatory, the court held that Article 8, Section 5 of the Minnesota Constitution only allowed for removal from office of inferior officers for malfeasance or nonfeasance in the performance of their duties. Malfeasance has reference to civil conduct or an illegal deed, the doing of that which one ought not to do, or the performance of an act by an officer in his official capacity that is wholly illegal and wrongful. Nonfeasance is the neglect or refusal, without sufficient excuse, to do that which it is the officer's legal duty to do. The court found the conduct in this case was not malfeasance but was nonfeasance, so removal was mandatory.

In discussing nonfeasance, the Court ruled that while good faith was not a defense to a violation of the Open Meeting Law, it was relevant to the Constitutional issue of whether a violation constituted nonfeasance. While ignorance alone does not amount to good faith or a sufficient excuse, ignorance due to inexperience may constitute good faith and a sufficient excuse until the elected official has had a reasonable period to learn his or her duties.

NOTE: *Claude v. Collins* was decided under the old law which provided that upon a third violation of the Open Meeting Law by the same person connected with the same governing body, that person shall forfeit any further right to serve on that governing body. The court ruled that one adjudication of three separate, unrelated and intentional violations was sufficient for removal under the statute. The 1994 amendments, however, now require that the person forfeits the right to serve “if the person has been found to have intentionally violated this section in three or more actions brought under this section.” The Legislature thus intended that there be three or more separate adjudications required prior to removal. See also *Brown v. Cannon Falls Township*, supra, (holding there must be three separate proceedings before removal of public official).

In *Hedstrom v. Cook County Board of Commissioners*, Co. No. C5-00-208, 2000 WL 1281138, (Minn. App. September 12, 2000) (unpublished) the Court of Appeals upheld removal of members from the board due to their roles and participation in two closed meetings

## Minnesota Department of Administration Advisory Opinion 09-020

This is an opinion of the Commissioner of Administration issued pursuant to section 13.072 of Minnesota Statutes, Chapter 13 - the Minnesota Government Data Practices Act. It is based on the facts and information available to the Commissioner as described below.

### Facts and Procedural History:

On May 26, 2009, the Information Policy Analysis Division (IPAD) received a letter, dated May 22, 2009, from John Borger, an attorney. In his letter, Mr. Borger asked the Commissioner, on behalf of his client, the Star Tribune, to issue an advisory opinion on whether the Metro Gang Strike Force (MGSF) Advisory Board had violated the Open Meeting Law (OML), Minnesota Statutes, Chapter 13D. Mr. Borger submitted the \$200.00 fee required by section 13.072.

The Commissioner accepted Mr. Borger's request and in a letter to Manila Shaver, MGSF Advisory Board Chair, notified Mr. Shaver of her intent to issue the opinion and gave the members of the Board an opportunity to explain their position. Mr. Shaver replied, in a letter dated June 11, 2009. Subsequently, the Commissioner notified Mr. Borger and Mr. Shaver that she would not issue an opinion because the MGSF had been dissolved. (The Commissioner refunded Mr. Borger's fee.)

Mr. Borger asked the Commissioner to reconsider her decision, because the Board was still in operation, even though the MGSF was not. The Commissioner agreed, and Mr. Borger resubmitted his request on July 17, 2009, along with the \$200.00 fee.

In response, IPAD notified Mr. Shaver that the Commissioner intended to issue this opinion, in a letter dated July 27, 2009, and again gave the members of the Board an opportunity to explain their position. Mr. Shaver responded again, in a letter dated August 12, 2009.

The Commissioner also invited Rodney Bartsh, Chair of the Gang and Drug Oversight Council, which oversees the Board, to submit comments. Mr. Bartsh did not provide any comments. A summary of the facts follows.

The MGSF and its Advisory Board were established by the Gang and Drug Oversight Council, as part of its duty to "establish multijurisdictional task forces and strike forces to combat gang and drug crime." (See section 299A.641, subdivision 3.) The MGSF was organized as a joint powers entity, whose 13 Advisory Board members are the chief law enforcement officers, or their designees, of all parties to the Joint Powers Agreement. (See MGSF Advisory Board Bylaws, Section IV.)

On April 7, 2009, a Star Tribune editorial writer sent an email to (then) MGSF Assistant Commander James Heimerl, seeking his perspective on an issue that was the subject of an April 5, 2009, newspaper article, about which she intended to write an editorial. She asked for a response by the following afternoon "for deadline purposes."

According to documentation Mr. Borger provided, at 1:40 p.m. on April 8, Deputy Chief Rob Allen of the Minneapolis Police Department sent an email, with an attached letter, to Mr.

Shaver and 33 others, including all Advisory Board members/member-designees. In the email, which Mr. Allen addressed to his 'colleagues,' he asked them to review the attached letter, stating '[t]here is some time critical information that I think can help prevent further issue with MGSF operations if we act quickly enough.' In the letter, Mr. Allen raised several issues and wrote, "I would like the board to consider issuing a statement similar to" a paragraph he drafted and included.

According to copies of the emails Mr. Borger submitted, between 2:50 and 4:29 p.m., seven Advisory Board members (or their designees) replied to Mr. Allen (and copied other Board members, including Mr. Shaver) with the following comments, listed in chronological order:

1. The Sheriff and I looked your memo and the proposed statement over. We like the idea of having this statement on record . . . . If you get consensus on it, we recommend [Mr. Shaver], on behalf of the MGSF Board, take action today and release it.
2. Chief . . . and I reviewed your memo and endorse your recommendation and the immediate action by the board suggested by [commenter #1.]
3. In my view the statement is a good idea and reflects a solidarity on the part of the board. I also feel that as chair of the MGSF Board, Chief Shaver is the person the statement should come from.
4. You did a nice job [in the statement.]
5. I agree with the others.
6. I support the statement and agree [Mr. Shaver] as the chair of the MGSF would be the appropriate person to deliver the message.
7. I support the statement and agree that Chief Shaver as the chair of the MGSF would be the appropriate person to deliver the message.

At 5:00 p.m., Mr. Shaver issued a press release, which consisted of the verbatim statement Mr. Allen proposed in his email to Board members and two additional introductory sentences. Mr. Shaver then emailed the Advisory Board that he had taken that action.

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### **Issues:**

Based on Mr. Borger's opinion request, the Commissioner agreed to address the following issues:

1. Is the Advisory Board for the Metro Gang Strike Force a public body that must comply with the Open Meeting Law, Minnesota Statutes, Chapter 13D?
  2. Did the members of the Advisory Board for the Strike Force comply with the OML when they exchanged certain email messages relating to the activities of the Strike Force?

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### **Discussion: Issue 1:**

*Is the Advisory Board for the Metro Gang Strike Force a public body that must comply with the Open Meeting Law, Minnesota Statutes, Chapter 13D?*

In his comments to the Commissioner, Mr. Shaver wrote: "(t)he OML applies to any 'board' of a 'public body.' Minn. Stat. § 13D.01, subd. 1(c)(3). As MGSF Bylaws acknowledge, the Advisory Board is subject to the OML."

## **Issue 2:**

*Did the members of the Advisory Board for the Strike Force comply with the OML when they exchanged certain email messages relating to the activities of the Strike Force?*

Minnesota Statutes, section 13D.01, subdivision 1, states: "[a]ll meetings, including executive sessions, must be open to the public." The Legislature did not define "meeting" in the OML; however, the Minnesota Supreme Court described the "quorum rule:"

'Meetings' subject to the requirements of the Open Meeting Law are those gatherings of a quorum or more members of the governing body . . . at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body. *Moberg v. Independent School District No. 281*, 336 N.W.2d 510, 518 (Minn. 1983).

In his comments to the Commissioner, Mr. Borger wrote:

Because more than a quorum of the Advisory Board participated in the communications and a majority of the board expressly approved issuing the statement, it amounted to a 'virtual meeting' that violated the OML. The OML allows a non-physical 'meeting' of a public body only in very limited circumstances [See Minnesota Statutes, section 13D.021]. . . .

It is immaterial that Mr. Shaver might have issued a press release on his own authority, without any action by the Advisory Board. That is simply not what happened. . . . Mr. Allen expressly requested action by the Advisory Board. All board members received that request. Discussion among board members addressed whether there was a 'consensus' on the requested action. Points of discussion included whether there should be a press release at all, what the release should say, and who should issue the press release. A majority of the board members expressly approved the request . . . That surely constitutes 'transacting public business' under the standard of *St. Cloud Newspapers, Inc.*, 332 N.W.2d 1, 6 (Minn. 1983). . . . What happened was that a quorum of the Advisory Board, 'as a group, discuss[ed] . . . [and] receive[d] information on official business.' [See *Moberg*, 336 N.W.2d at 518.]

Mr. Shaver responded first on June 11, 2009; he modified his comments to the Commissioner in his August 12, 2009 response.

In his June 11, 2009, comments, Mr. Shaver wrote:

- I cannot speak on behalf of the Board on this matter as our Board has not met to discuss this issue. Our next meeting is on June 30th, almost two weeks beyond the June 17th deadline you provided.
- As Chair, I cannot control the independent actions of the Board or individual Board member [sic] outside an official meeting.
- In this incident I did not initiate the original e-mail or distribute it. I did distribute to the Board a copy of a

news release, which is part of my day-to-day duties as chair.

In his August 12, 2009, comments, Mr. Shaver wrote:

The situation is analogous to a city council member alerting officials with administrative responsibilities to issues requiring immediate attention or offering other unsolicited input regarding day-to-day municipal business. Deputy Chief Allen's letter, and its distribution by e-mail, did not violate the OML. See *Moberg*, 336 N.W.2d at 518 . . . . He was simply disseminating information to all Board members alerting them about a matter of high importance....

The e-mail from Deputy Chief Allen was a single Board member's opinion that a response was required. The communication in the other e-mails represented individuals offering their opinion that I should act on the matter immediately. References to the 'Board' or 'MGSF' in these e-mail communications stem from the fact that any routine actions performed by the Chair were done 'on the Board's behalf,' as specified by the MGSF Bylaws. . . .

With respect to Mr. Shaver's assertion that he issued the news release as part of his day-to-day duties, the Commissioner respectfully disagrees. Mr. Shaver characterized the subject of the email Mr. Allen sent as "a matter of high importance" to the Advisory Board. Seven of the Advisory Board members, more than a quorum, expressed their opinions to all other Board Members about whether the Board should act, what action it should take and who should act on the Board's behalf.

Mr. Shaver stated that Mr. Allen's email was permissible under *Moberg*, because it is permissible for members of a public body to receive information "through the mail." In *Moberg*, the Court stated that in a situation in which a quorum or more of a public body received written information as a group, but did not read and discuss it, there was no violation of the OML. In that situation, the Court wrote, ". . . such distribution was functionally equivalent to receiving information through the mail, which is permissible, and there was no danger of forming group consensus because no information was actually received until material was read and no discussion occurred." *Moberg* at 511. The Court made its ruling in 1983, long before email was a common means of communication.

Here, a quorum of the Advisory Board, in addition to receiving information, commented on and provided direction to Mr. Shaver on a matter relating to the official business of the Board.

The Commissioner is aware that Minnesota courts have not ruled definitively on this issue. However, given the facts here, the Commissioner believes that per *Moberg* and *St. Cloud Newspapers, Inc.*, the conduct of the Advisory Board constituted a meeting, which was required to be public, and as such is impermissible under the OML.

If Mr. Allen had sent his suggestion only to Mr. Shaver, and if Mr. Shaver had taken action without consulting a quorum of the Board, then, in the Commissioner's view, that conduct would be permissible. It seems reasonable that one-way communication between the chair and members of a public body is permissible, such as when the chair or staff sends meeting materials via email to all board members, as long as no discussion or decision-making ensues.

The Commissioner urges the Legislature to provide guidance in the OML on issues arising from the widespread use of email and other forms of communication. It would be helpful to clarify specifically what kinds of email communications are permissible.

---

**Opinion:**

Based on the facts and information provided, the Commissioner's opinion on the issues that Mr. Borger raised is as follows:

1. The Advisory Board for the Metro Gang Strike Force is a public body that must comply with the Open Meeting Law (OML), Minnesota Statutes, Chapter 13D.
2. Members of the Advisory Board for the Strike Force did not comply with the OML when they exchanged certain email messages relating to the activities of the Strike Force.

Signed:

Sheila M. Reger  
Commissioner

Dated: September 8, 2009

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# POLICY FOR FACILITATING COMMUNICATIONS AMONG COUNCILMEMBERS AND BETWEEN THE COUNCIL AND CITY STAFF

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## In General

As the policy setting body for the City of Plymouth, it is essential that council members, individually and as a group, have access to information which is necessary for the effective discharge of their responsibilities. The sharing of such information not only improves the process of policy formation, but also assists in maintaining a high level of ongoing communications, confidence, and trust among all councilmembers.

The City Manager and his staff members are responsible for providing pertinent information to the Council in a timely manner. The City Manager is responsible for assuring that the provisions of this policy, with respect to his role in the process, are implemented to facilitate effective communications both between councilmembers and between the Council and staff.

Councilmembers are individually responsible to insure that information they receive is shared with all other councilmembers. It is the intent of this policy that all councilmembers receive the same information, in the same format, and at the same time.

## Sharing of Written Materials with Councilmembers

The Manager's Information Memorandum is the primary vehicle for sharing written materials which are not part of current agenda with the City Councilmembers. Normally prepared on a weekly basis, each information memorandum is formatted to contain topics in the following order: Upcoming Meetings and Events, for Your Information, and Mayor/Council/Staff Correspondence. To be included in the information memorandum, a subject or topic must meet the following criteria:

1. The information is likely to be of interest to one or more councilmembers.
2. The information is not restricted from release by State statute, especially the Data Practices Act.
3. The materials are not pertinent to the anticipated or actual legal action, administrative hearing, labor negotiations, or appeals. Such materials will be provided to the Council through other means.

The Information Memorandum will be distributed to all councilmembers, chairs of the Planning Commission, Park and Recreation Advisory Commission, Board of Zoning Adjustment and Appeals, department heads and press.

## **Communications between the Council, Commissions, and Staff**

The City Council has directed that annual joint meetings be scheduled with the Council, Planning Commission and Park and Recreation Advisory Commission. The purpose of such meetings is to afford commission members an opportunity to request clarification from the Council on issues of concern and for the Council to share and receive information about short and long range issues.

Special Council/Staff meetings are also held in order that the Council can meet with City department heads at least once per year to discuss programs underway, receive clarification on current issues facing the department, as well as to provide for a more detailed overview to councilmembers regarding department objectives and activities.

## **Communications between Councilmembers**

Correspondence originated, or received, by one or more councilmembers, but not the City Manager, will be distributed by the Manager in the Information Memorandum at the request of a councilmembers. Councilmembers recognize and reaffirm through this policy the belief that the decision making process is enhanced when all members having access to information share that information on a timely basis with all other members.

## **Maintenance of the Policy**

The City Manager will be responsible for periodically reviewing this policy with the Council to insure that it is current and that it reflects the desire of the Council with respect to tools for open communications within the Council and between the councilmembers, staff and commissions. Individual councilmembers are responsible to promptly bring to the attention of the Mayor any instances where a breakdown in the policy is believed to have occurred.

***Resolution No. 85-1009, December 16, 1985***

# Alternative Compensation 2011-2012

**June 25, 2012**

**A Model of Excellence Among  
Learning Communities**

*Wayzata Public Schools*

# Vision

**Wayzata's primary goal is to increase student learning by providing each teacher with the support and tools to maximize his or her effectiveness as a teacher and encourage professional growth throughout the teacher's career.**

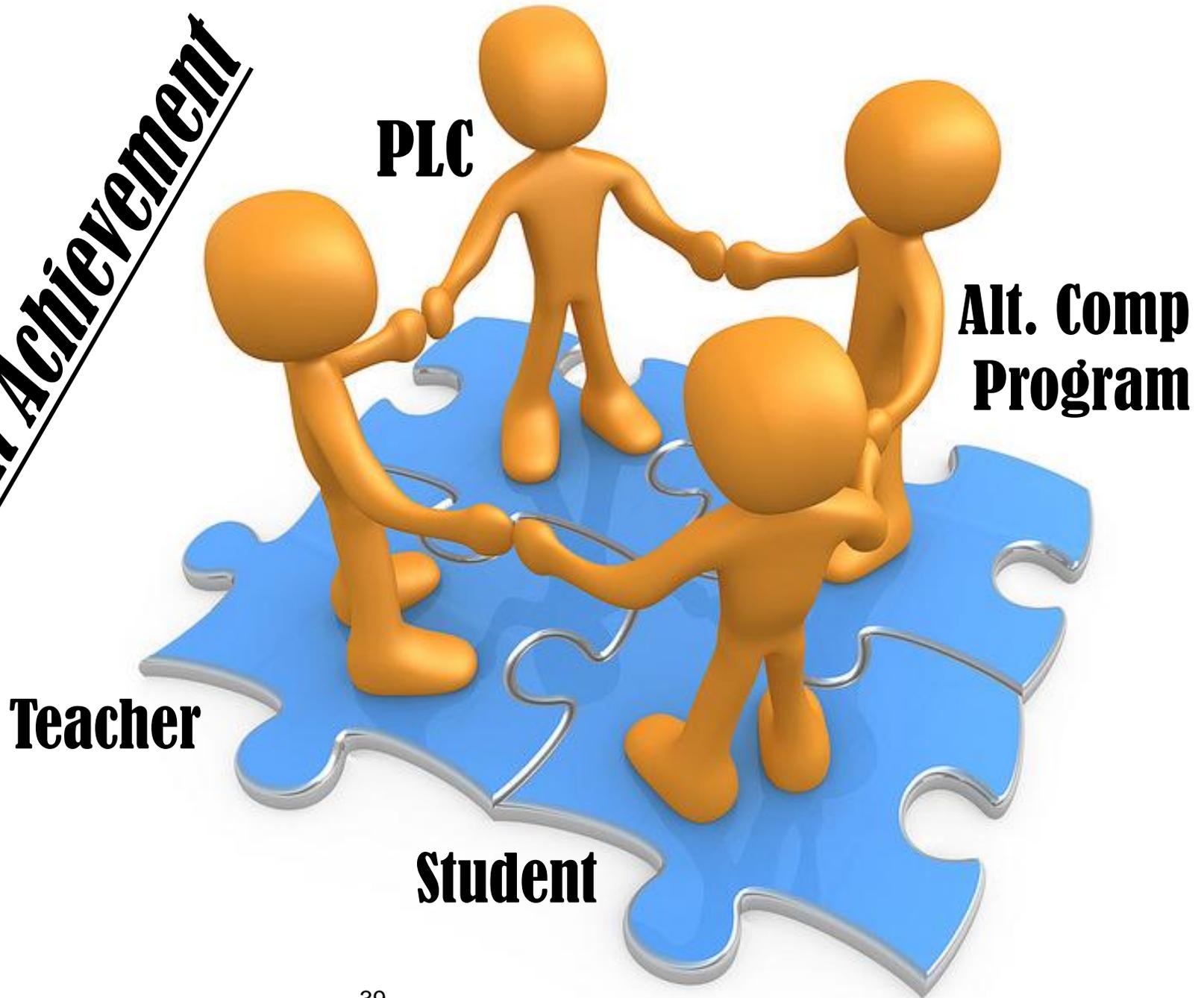
**A Model of Excellence Among  
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*Wayzata Public Schools*

# Program Components

- ★ **Peer Coaches - Coaching and Evaluating Teachers**
- ★ **Identified Site Goal and Focused Action Plan**
- ★ **Academy for Wayzata Educators (AWE) - Professional Development**

**Student Achievement**



# Peer Coach Survey Results

- ★ **98.2% agreed or strongly agreed to “I have a caring and respectful relationship with my peer coach.”**
- ★ **95.4% agreed or strongly agreed to “My peer coach encourages my growth as a professional.”**
- ★ **91.0% agreed or strongly agreed to “My peer coach provides data/evidence that helps me reflect on my teaching practices.”**

# Successful Coaching

- ★ “The most useful aspect of the peer coaching program is having another set of eyes in the classroom to observe and see things that I don't always see when I'm teaching. This observation allows for deeper reflection on my teaching.”
- ★ “I value the discussions. It is a great way to bounce ideas off of another teacher when they observed a specific lesson so they know what you are talking about.”

# Site Goals 2011 -12

**Birchview - Math**

**Gleason Lake - Math**

**Greenwood - Math**

**Kimberly Lane - Math**

**Oakwood - Math**

**Plymouth Creek - Math**

**Sunset Hill - Math**

**Central Middle - Reading**

**East Middle - Math**

**West Middle - Math**

**Wayzata High - Math**

**ECSE - Picture Naming**

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# Academy Evaluation Results

- ★ **96.8 percent of study group and course participants, agreed or strongly agreed to “I have learned concepts that will increase my effectiveness as a teacher”**
- ★ **97.8 percent of study group and course participants agreed or strongly agreed to “I have taken information learned and applied it in my work.”**

# Successful Professional Development (AWE)

- ★ **“A valuable outcome was unpacking the standards to know exactly what I need to teach each year. Also, it was great to clarify the exact curriculum in each grade and how it is being taught so students learn new information each year and curriculum is not repeated.”**
- ★ **““I valued the time to share our difficulties and successes. As a new teacher it was nice to share victories and defeats, and to collaborate with other teachers.”**

# Academy Feedback

- ★ **“Having the additional time as a team to collaborate and create assessments was wonderful! I was able to immediately use the items we created as formative assessments in my classroom. .”**
- ★ **““It is a bit like pulling back the skin of an onion – it reveals how much more one could do to make it better.”**
- ★ **“Since I’ve taken this course I have already made five different turning point presentations to implement into my classroom. I also liked the collaborative environment and people who were willing to share their own experiences/tips.”**

# State Review -

## ★ Strengths

- ★ Teacher Leader Evaluation
- ★ Teacher Leader Training
- ★ Observer Training
- ★ Rubric



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# State Review -

## ★ Refinement

- ★ Measures of Student Achievement



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# Future Considerations

- ★ **Integration of Student Achievement Goals into PLCs**
- ★ **My Way**

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Learning Communities

*Wayzata Public Schools*

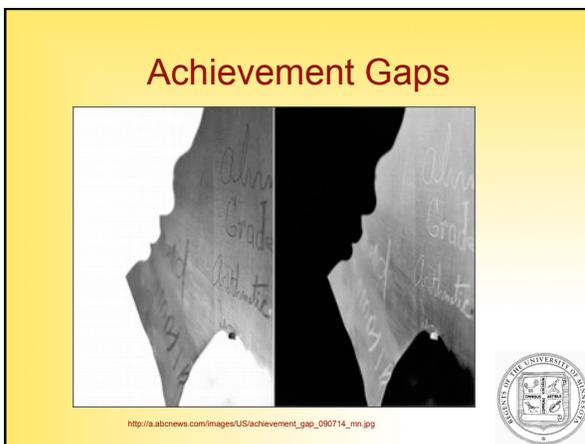
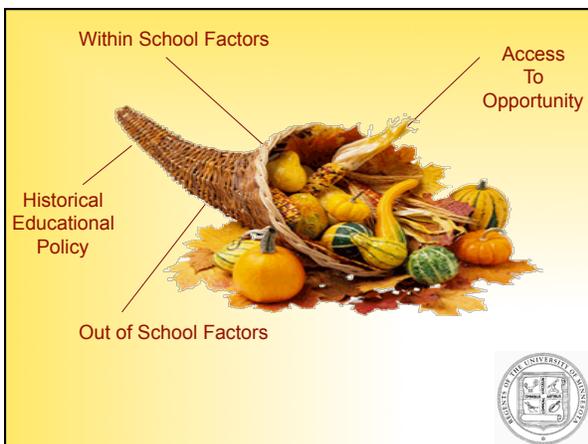
# The Relationship Between Student Engagement and Standardized Test Scores of Middle School Students: Does Student Engagement Increase Academic Achievement?

Board Presentation  
Matthew J Scheidler  
June 25th, 2012



“Do all the good you can,  
By all the means you can,  
In all the ways you can,  
In all the places you can,  
At all the times you can,  
To all the people you can,  
As long as ever you can.”

-John Wesley



*The stability of a republican form of government **depending mainly upon the intelligence of the people**, it shall be the duty of the Legislature to establish a general and uniform system of public schools.*

-8<sup>th</sup> Article of MN Constitution



*“Learning and succeeding in school requires active engagement. ... The core principles that underlie engagement are applicable to all schools—whether they are in urban, suburban, or rural communities. ... **Engaging adolescents, including those who have become disengaged and alienated from school, is not an easy task.** Academic motivation decreases steadily from the early grades of elementary school into high school. Furthermore, adolescents are too old and too independent to follow teachers’ demands out of obedience, and many are too young, inexperienced, or uninformed to fully appreciate the value of succeeding in school.”*

National Academy of Science’s Research Council (2004)



### Student Engagement



**The Relationship Between Student Engagement and Standardized Test Scores of Middle School Students: Does Student Engagement Increase Academic Achievement?**



**Research Questions:**

- 1) What is student engagement?
- 2) What is the relationship between student engagement and academic achievement?
- 3) What is the relationship between 8<sup>th</sup> grade students' engagement and academic achievement?
- 4) What is the relationship between students' engagement, developmentally appropriate schooling, and teacher support?
- 5) To what degree can student engagement decrease or increase the effects of ethnicity on student academic achievement?



**The Site**

- Wayzata-Western Suburb of Minneapolis
- Wayzata Public Schools – 10,000 students
- Three middle schools
  - West
  - East
  - Central
- Demographic Comparison
- Achievement Comparison



Appendix M

*Demographics by Middle Schools*

	East Middle	Central Middle	West Middle
Total Student Enrollment	758	945	715
8 <sup>th</sup> Grade Enrollment	256	311	230
8 <sup>th</sup> Grade Asian Students	10%	14%	6%
8 <sup>th</sup> Grade Hispanic Students	4%	2%	2%
8 <sup>th</sup> Grade Black Students	12%	10%	7%
8 <sup>th</sup> Grade White Students	74%	74%	85%
8 <sup>th</sup> Grade Special Education Students	8%	5%	12%
8 <sup>th</sup> Grade English Learner Students	4%	0%	0%
8 <sup>th</sup> Grade Students on Free-Reduced Lunch	22%	12%	10%
8 <sup>th</sup> Grade students enrolled via TC1Y	5%	3%	2%

*Data retrieved from Wayzata Teaching & Learning Department, Fall, 2011.*

	East Middle	Central Middle	West Middle	District	State
All Students Proficiency	81.3	87.0	91.8	86.5	68.1
All Students AYP Status	Yes	Yes	Yes	Yes	No
Asian Students Proficiency	83.3	95.2	100	92.2	61.6
Asian Students AYP Status	Yes	Yes	Yes	Yes	Yes
Hispanic Students Proficiency	N/A	N/A	N/A	71.4	45.7
Hispanic Students AYP Status	N/A	N/A	N/A	Yes	No
Black Students Proficiency	53.6	44.8	46.2	48.6	43.5
Black Students AYP Status	Yes	Yes	Yes	Yes	Yes (SH)
White Students Proficiency	86.2	91.2	94.2	90.6	74.1
White Students AYP Status	Yes	Yes	Yes	Yes	Yes

*Scores are reported in percentages.  
AYP Calculation was based on multi-year averaging (see previous page).  
SH indicates that the cell met AYP Safe Harbor target (see page previous page).  
N/A indicates less than 20 students in that cell took the MCA-II  
Data retrieved from MN Dept. of Education, 10/15/11*

**2011 Reading MCA II**

	East Middle	Central Middle	West Middle	District	State
All Students Proficiency	59.8	73.6	70.6	68.3	67.7
All Students AYP Status	Yes	Yes	Yes	Yes	Yes
Asian Students Proficiency	72.0	85.7	90.9	82.1	53.5
Asian Students AYP Status	Yes	Yes	Yes	Yes	Yes
Hispanic Students Proficiency	N/A	N/A	N/A	38.1	27.7
Hispanic Students AYP Status	N/A	N/A	N/A	Yes	No
Black Students Proficiency	18.5	27.6	38.5	26.1	24.5
Black Students AYP Status	Yes	Yes	Yes	Yes	No
White Students Proficiency	66.0	77.3	72.3	72.2	59.7
White Students AYP Status	Yes	Yes	Yes	Yes	Yes

*Scores are reported in percentages.  
AYP Calculation was based on multi-year averaging.  
SHI indicates that the cell met AYP Safe Harbor target.  
N/A indicates less than 20 students in that cell took the MCA III.  
Data Retrieved from Minnesota Department of Education website, 10/5/11.*

### 2011 Mathematics MCA III



## Methods

- Post-Positivism Paradigm of Inquiry
- Quantitative - descriptive and inferential statistics
- Cross-Sectional



## The Survey

- 91 questions – 4 point Likert scale
- Survey Administration – Tailored Design Method
  - Pilot online survey with 7<sup>th</sup> grade students
  - Think aloud with 7<sup>th</sup> grade students
- Sbrocco 2009 study replication
- National Education Longitudinal Study 1988
- Educational Longitudinal Study 2002
- High School Study on Student Engagement 2005



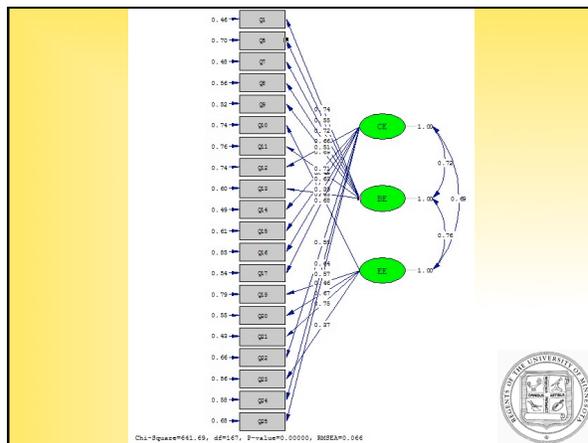
## Sample and Response Rate

- 786 students in 8<sup>th</sup> grade (all 3 middle schools)
- 692 students completed the survey (88%)
- N = 650 (survey & achievement data)



## Variable Construction

- **Behavioral Engagement – Factor Analysis (1.670,  $\alpha = .822$ )**
  - I do my homework
  - I follow class rules
  - I am able to concentrate during class
- **Emotional Engagement – Factor Analysis (1.325,  $\alpha = .683$ )**
  - I feel safe in my school
  - I feel good about myself
  - I am able to do school as well as other students
- **Cognitive Engagement – Factor Analysis (7.624,  $\alpha = .808$ )**
  - Most of my schoolwork is interesting
  - I like coming to my school
  - I like when I have to think really hard about an academic problem
- **Middle School Model – Factor Analysis, (1.459,  $\alpha = .564$ )**
  - There is an adult in my school that I know cares about me
  - My school is a caring community
  - Teachers and administrators support student leadership
- **Fairness – Factor Analysis, (5.828,  $\alpha = .775$ )**
  - I am treated fairly by teachers
  - My friends are treated fairly by teachers
  - I am treated fairly by administrators
- **Teacher Support – Factor Analysis (5.491,  $\alpha = .760$ )**
  - My teachers are interested in me
  - My teachers really listen to what I have to say
  - My teachers believe I can do well in school

## Achievement Variables

- Minnesota Comprehensive Assessment (MCA II)
- Measures of Academic Progress (MAP)



## Results



### Statistics

- Bivariate Correlations
- Hierarchical Regressions (HR)
- Stepwise Regressions



### What is the situation in Wayzata?

Combined MCA II (Math and Reading)			
	Behavioral Engagement	Cognitive Engagement	Emotional Engagement
Pearson Correlation	.316**	.150*	.343**
Sig. (2-tailed)	.000	.000	.000
N	650	650	650

\*\*Correlation is Significant at .01 level (2-tailed)



### What is the situation in Wayzata?

Combined MAP (Mathematics and Reading)			
	Behavioral Engagement	Cognitive Engagement	Emotional Engagement
Pearson Correlation	.306**	.144**	.347**
Sig. (2-tailed)	.000	.000	.000
N	650	650	650

\*\*Correlation is Significant at .01 level (2-tailed)



### Engagement Differences

Type of Engagement	Asian (N=68)	Hispanic (N=16)	Black (N=39)	White (N=527)
Behavioral	3.51 (.32)	3.10 (.40)	3.21 (.46)	3.30 (.44)
Cognitive	2.64 (.45)	2.45 (.41)	2.55 (.57)	2.48 (.48)
Emotional	3.26 (.41)	3.10 (.40)	3.10 (.46)	3.20 (.46)

Valid = 650

### Engagement Differences

F  
(Sig.)

	Behavioral Engagement	Cognitive Engagement	Emotional Engagement
Between Groups	7.111 (.000)	3.314 (.020)	1.768 (.152)



### Correlations for MCA II Achievement and Student Engagement

		Asian Students	Hispanic Students	Black Students	White Students
Behavioral Engagement	Pearson Correlation	.366**	.747**	.175	.291**
	Sig. (2-tailed)	.002	.001	.286	.000
Cognitive Engagement	Pearson Correlation	.060	.105	-.094	.195**
	Sig. (2-tailed)	.629	.698	.568	.000
Emotional Engagement	Pearson Correlation	.251*	.703**	.184	.350**
	Sig. (2-tailed)	.039	.002	.262	.000
N		68	16	39	527

\*\* . Correlation is significant at the 0.01 level (2-tailed).  
\* . Correlation is significant at the 0.05 level (2-tailed).



### Correlations for MAP Achievement and Student Engagement

		Asian Students	Hispanic Students	Black Students	White Students
Behavioral Engagement	Pearson Correlation	.303*	.699**	.166	.279**
	Sig. (2-tailed)	.012	.003	.314	.000
Cognitive Engagement	Pearson Correlation	.080	.162	-.059	.173**
	Sig. (2-tailed)	.517	.548	.722	.000
Emotional Engagement	Pearson Correlation	.260*	.683**	.268	.348**
	Sig. (2-tailed)	.032	.004	.099	.000
N		68	16	39	527

\*\* . Correlation is significant at the 0.01 level (2-tailed).  
\* . Correlation is significant at the 0.05 level (2-tailed).



### What is the relationship between students' academic engagement and teacher support?

	Teacher Support		
	Behavioral Engagement	Cognitive Engagement	Emotional Engagement
Pearson Correlation	.498**	.617**	.525**
Sig. (2-tailed)	.000	.000	.000
N	650	650	650

\*\* . Correlation is significant at the 0.01 level (2-tailed)



What is the relationship between students' academic engagement and the middle school model?

Developmentally Appropriate School Model			
	Behavioral Engagement	Cognitive Engagement	Emotional Engagement
Pearson Correlation	.403**	.488**	.474**
Sig. (2-tailed)	.000	.000	.000
N	650	650	650

\*\* Correlation is significant at the 0.01 level (2-tailed)



5) To what degree can student engagement decrease or increase the effects of ethnicity on student achievement?

- Stepwise Regressions
  - MCA Achievement and MAP achievement are dependent variables
  - Independent variables were ethnicity, behavioral engagement, cognitive engagement, and emotional engagement.
- Hierarchical Regressions (HR)



### Hierarchical Regression – R<sup>2</sup>

MCA II	Ethnicity R Square	R Square + BE
Asian/white	.010	.096
Hispanic/white	.007	.099
Black/white	.098	.171



### Stepwise Regression – R<sup>2</sup>

Table 4.29 Stepwise regression of MCA II Student Academic Achievement based on engagement and ethnicity (Asian and white students).

Predictors	$\beta$	t	Sig.	R <sup>2</sup>
1 (Constant)		227.736	.000	
Emotional Engagement	.340	8.805	.000	.116
2 (Constant)		197.646	.000	
Emotional Engagement	.245	5.177	.000	
Behavioral Engagement	.162	3.432	.001	.133
Model	F	45.355	Sig.	.000



## Stepwise Regression – R<sup>2</sup>

Table 4.30 Stepwise regression of MCA II Student Academic Achievement based on engagement and ethnicity (Hispanic and white students).

Predictors	$\beta$	t	Sig.	R <sup>2</sup>
1 (Constant)		223.649	.000	
Emotional Engagement	.364	9.087	.000	.132
2 (Constant)		195.908	.000	
Emotional Engagement	.279	5.616	.000	
Behavioral Engagement	.142	2.860	.004	.145
Model	F	45.922	Sig.	.000



## Stepwise Regression – R<sup>2</sup>

Stepwise regression of MCA II Student Academic Achievement based on engagement and ethnicity (black and white students).

Predictors	$\beta$	t	Sig.	R <sup>2</sup>
1 (Constant)		220.172	.000	
Emotional Engagement	.339	8.551	.000	.115
2 (Constant)		231.494	.000	
Emotional Engagement	.323	8.573	.000	
Ethnicity	-.296	-7.860	.000	.202
3 (Constant)		202.804	.000	
Emotional Engagement	.252	5.370	.000	
Ethnicity	-.295	-7.849	.000	
Behavioral Engagement	.117	2.498	.013	.211
Model	F	50.113	Sig.	.000



## Beta Value Changes

MCA II	Beta Change (Ethnicity – BE)	Significance
Asian/white	-.048 (.102 to -.054)	.000
Hispanic/white	.22 (-0.83 to -0.61)	.000
Black/white	.012 (-.313 to -.301)	.000



## Implications

- Student Engagement
- Engagement and Academic Achievement
- Race, Engagement, and Academic Achievement
- Middle School Model, Teacher Support, and Engagement



### Implications to improve engagement

- Federal Level
  - NCLB Survey
  - Developmentally Appropriate School Model
  - Middle School Licensure
  - Improvement Plans-Engagement
  - Excellence and Equity for all students
  - Tactical Professional Development
  - Cessation of Federal Testing
  - Comprehensive System of Learning Supports
  - Recruitment and Support of Minority Teachers



### Implications to improve engagement

- District and School Level
  - Student Engagement Survey
  - Developmentally Appropriate School Model
  - Middle School Licensure
  - Improvement Plans-Engagement
  - Excellence and Equity for all students
  - Tactical Professional Development
  - PBIS
  - Focus on District Assessments
  - Comprehensive Transition Protocol



### Implications to improve engagement

- Classroom Level
  - Authentic Instruction
  - Increase Teacher Support
  - Professional Learning Communities (PLC's)



### Future Research

- Qualitative follow-up with class of 2015
- Further research on West Middle School
- Qualitative Study-Asian Engagement and Achievement
- Expand-Use survey in other Metropolitan Districts (and outside of the Metro) of Longitudinal study on TCiY engagement and achievement
- Similar response rates for all ethnic groups
- Longitudinal use of this survey in Wayzata



# WAYZATA PUBLIC SCHOOLS

Independent School District 284  
Wayzata, Minnesota

## **BOARD OF EDUCATION**

Regular Meeting - August 13, 2012 - 7:00 PM  
Wayzata City Hall  
600 Rice Street, Wayzata

### **AGENDA**

1. CALL TO ORDER/ROLL CALL
2. APPROVAL OF AGENDA AND CONSENT AGENDA ITEMS  
Consent Agenda items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed as a Consent Agenda item and addressed. Consent Agenda Items are as follows:
  - A. Approval of Minutes
    1. Regular Meeting - June 11, 2012
    2. Special Meeting - June 25, 2012
    3. Special Meeting - July 9, 2012
  - B. Waive Statutory Requirement for Weekly Pledge of Allegiance
  - C. Authorize Holding a Regular Board Meeting on Columbus Day, October 8, 2012
  - D. District/Professional Memberships for 2012-2013
  - E. Alternative Compensation Final Report
  - F. Finance and Business Recommendations
  - G. Designation of Official Cash Depositories
  - H. Designation of Official Investment Brokers
  - I. Designation of Authorized Personnel
  - J. Human Resource Recommendations
3. STUDENT CURRICULUM PRESENTATION
4. RECOGNITIONS
5. REPORTS FROM ORGANIZATIONS  
This section of the agenda provides the opportunity for parent, teacher, and/or student associations/organizations to provide the School Board with reports/updates.
6. SUPERINTENDENT'S REPORTS AND RECOMMENDATIONS
  - A. Superintendent
  - B. Teaching and Learning
  - C. Finance and Business Services
    1. Monthly Financial Reports
  - D. Human Resource Services
    1. Unaffiliated Salary Schedule - 2012-2013
7. OTHER BOARD ACTION
  - A. Official Designations for 2012-2013 School Year
    1. Bulletin Board
    2. Radio Station for Emergency Announcements
    3. Newspaper
8. AUDIENCE OPPORTUNITY TO ADDRESS SCHOOL BOARD  
This section of the agenda provides an opportunity for those who have called and placed their names on the list and for members of the audience to address the School Board.
9. BOARD REPORTS
10. ADJOURN

**WAYZATA PUBLIC SCHOOLS**

Independent School District 284  
Wayzata, Minnesota

**BOARD OF EDUCATION**

**Work Session – June 25, 2012**

**AGENDA SECTION:** 8. **ADJOURN**

**ITEM:** \_\_\_\_\_

**COMMENTS BY:** Board Chair Hesby

If there is no additional business before the School Board, the Chair will adjourn the meeting.