

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage discussion by citizens of subjects related to the management of the school district at school board meetings. The school board will reserve time as part of the agenda for communication, delegations and petitions. The school board will hear testimony concerning items on the agenda, unresolved employee complaints and other topics of concern to the community. The school board may adopt reasonable time, place and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board in order to encourage participation of all citizens will require that the meeting attendees not respond to public testimony through applause or comment either positive or negative.
- C. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

III. RIGHTS TO PRIVACY

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
 - 1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 - 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 - 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 - 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.

- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
 3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give all citizens of the school district an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

The school board will reserve time as part of the agenda for communication, delegations and petitions. The school board will hear testimony concerning items on the agenda, unresolved employee complaints and other comments of interest to the community.

The school board chair may decide to delay testimony on agenda items until after the presentation of the agenda item to the school board. Allocation of speaking time will be set by the school board chair in order to allow orderly and efficient proceedings.

VI. PROCEDURES

A. Public Testimony

1. Citizens who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting. All citizens interested in speaking will be asked to fill out a form that will be provided to the school board chair prior to the start of the meeting. Contact information will include name, address, phone number or e-mail. The form will request contact information, and the subject to be covered or the issue to be addressed.
2. Citizens who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain. Citizens are encouraged to provide a written copy of the testimony in hard copy or by electronic mail.
3. The school board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.

4. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Testimony which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. "Personal attack" means making an argument which links the validity of a premise to a characteristic or belief of the person advocating the premise or making of an abusive remark instead of providing evidence when examining another person's claims or comments. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. In general all individual comment shall be less than 5 minutes. The school board reserves the right to set further time limits on speakers to allow citizens to participate within the scheduled time.
9. The school board in order to encourage participation of all citizens will require that the meeting attendees not respond to public testimony through applause or comment either positive or negative. The school board chair shall caution the attendees if the rule is violated. Individuals who violate the rule may be directed to leave.
10. The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.
11. Citizens are encouraged to not repeat testimony given by other speakers. A simple statement of agreement with past speakers will provide for a more efficient use of time so more citizens can present new information or points of view for the school board to consider.
12. Citizens shall address the school board and not individual school board members.

B. Complaints

1. Routine complaints about a teacher or other employee should first be

directed to that teacher or employee or to the employee's immediate supervisor.

2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum- Items not on the School Board Agenda

The school board shall normally provide a specific period of time where citizens may address the school board on any topic, subject to the limitations of this policy. In general all individual comment shall be less than 5 minutes. Depending on the number of citizens present the school board chair reserves the right to set further time limits to allow participation within the allocated time.

The school board chair may group speakers by topic. If there are more requests than time available priority will be given to citizens that reside within the Anoka-Hennepin school district.

D. No Board Action at Same Meeting

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

Anoka-Hennepin District No. 11
Coon Rapids, MN 55433
Adopted: August 8, 2011