

## CLOSED MEETING CHART

Minnesota’s Open Meeting Law (M.S. Ch. 13D) requires all school board meetings to be open to the public with few exceptions. A public body must begin in an open meeting and state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed. A majority vote is needed to close the meeting, with the time and place announced at the public meeting before going into closed session. Please review the specific statute before proceeding to close a meeting. For specific questions, consult with legal counsel.

### The School Board MUST Close a Meeting in the Following Situations

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| <b>Discussion of Not Public Data</b><br><br>Minn. Stat. 13D.05, Subd. 2(a)                       | The school board must close a meeting to discuss certain data that is not public. Any portion of a meeting must be closed if any of the following types of data are discussed: (a) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; (b) active criminal investigation data; (c) student educational data (personally identifiable and not directory information), (d) health data, medical data, welfare data, or mental health data; or (e) an individual’s medical records. These closed meetings must be electronically recorded at the expense of the school district. The recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public. |
| <b>Preliminary Consideration of Allegations or Charges</b><br><br>Minn. Stat. 13D.05, Subd. 2(b) | The school board must close a meeting to discuss preliminary consideration of allegations or charges against a school district employee. The employee can request* the meeting be open. If the meeting is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open.   |
| <b>Dismissal of a Licensed Teacher</b><br><br>Minn. Stat. 122A.40, Subd. 14                      | A hearing on dismissal of a licensed teacher must be closed unless the teacher requests* it to be open. If this hearing is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.  |
| <b>Student Expulsion Hearing</b><br><br>Minn. Stat. 121A.47, Subd. 5                             | A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act must be closed unless the pupil, parent, or guardian requests* an open hearing. If a student dismissal hearing is held before the school board and is closed, this closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.   |

\*MSBA recommends requiring that the request be in writing.

These materials are for informational use only and are not to be construed as legal advice. If legal advice is needed, the school district’s legal counsel should be contacted. While current at the time it was created, this document may be later superseded by legislative or other action.

## The School Board MAY Close the Meeting in the Following Situations

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| <p><b>Labor Negotiation Strategy</b></p> <p>Minn. Stat. 13D.03</p>                           | <p>A school board may, by majority vote in a public meeting, close a meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals. The time and place of the closed meeting shall be announced at the public meeting. A written roll call of members and other persons must be made available after the meeting. The meeting must be electronically recorded and the recording kept for two years after the contract discussed at the meeting is signed. Recordings will be public after all collective bargaining agreements for that budget period are settled.</p>   |
| <p><b>Closed by the Bureau of Mediation Services</b></p> <p>Minn. Stat. 179A.14, Subd. 3</p> | <p>All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services (BMS) or when another exception applies. If BMS closes the meeting, no recording is allowed. Minn. Rules 5510.2810, Subp. 5.</p> <p><b>Note:</b> This option is listed here to pair it with the labor negotiations subject above even though it is a meeting that <b>must</b> be closed.</p>   |
| <p><b>Employee Evaluations</b></p> <p>Minn. Stat. 13D.05, Subd. 3(a)</p>                     | <p>A school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board must identify (and notify) the individual to be evaluated before closing the meeting. The employee can request* the meeting be open. If the evaluation is closed, at the next open meeting, the school board must give a detailed summary of its conclusions regarding the evaluation. This closed meeting must be electronically recorded at school district expense, and the recording must be preserved for at least three years after the meeting date. The recording is not available to the public.</p>   |
| <p><b>Attorney-Client Privilege</b></p> <p>Minn. Stat. 13D.05, Subd. 3(b)</p>                | <p>The school board may close a meeting to consult with the school board’s attorney on pending litigation or litigation that appears imminent (not just threatened). If the attorney is not present, the meeting cannot be closed. The school board must describe the subject to be discussed before closing a meeting. This closed meeting does <b>not</b> have to be recorded.</p>   |
| <p><b>Purchase or Sale of Property</b></p> <p>Minn. Stat. 13D.05, Subd. 3(c)</p>             | <p>The school board may close a meeting to determine the asking or offering price, to review confidential or protected nonpublic appraisal data, or to develop or consider offers for buying or selling property. The specific property must be identified before closing and on the recording. A list of persons at the meeting must be made available to the public after the meeting. This closed meeting must be electronically recorded and the recording made available after the property is purchased or sold. The recording must be preserved for 8 years after the meeting date.</p>   |
| <p><b>Security Issues</b></p> <p>Minn. Stat. 13D.05, Subd. 3(d)</p>                          | <p>A school board may close a meeting to discuss issues, other than financial, related to security. Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing the meeting, the public body must describe the subject to be discussed by referring to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. This closed meeting must be electronically recorded at the expense of the governing body. The recording must be preserved for at least 4 years after the meeting date.</p> |