



St. Croix Preparatory Academy  
Board Meeting Agenda  
February 20, 2024

1. Call to Order	
2. Open Forum	
3. Board Calendar	
4. Consent Agenda (Board Minutes, Executive Director Report, Policy Approval)	2
A. Board Minutes	4
B. Executive Director Report	6
C. Governance -- Policy Approval	11
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A. Financial Statement Review	41
B. Succession Planning	57
C. Board Training -- Open Meeting Law	60
6. Adjourn Meeting	



## Executive Director’s Report to the Board

**Date of Report:** February 2024

**Report Prepared By:** Jon Gutierrez

### Operational Items:

- Weekly meetings with administrative leadership and individual leadership team members – A. Sachariason, J. Karetov, K. Gutierrez, P. Rosell, B. Blotske, K. Seim, C. Olson; and weekly administrative leadership meeting.
- Weekly meetings added include Curriculum, Marketing/Branding, and Dean of Students and continued work on succession planning.
- Assisted Seven Hills Preparatory Academy (board and leadership) in building move assessment, marketing, authorizer relationship, and bond offering.
- Great Oaks Academy speaking engagement at their Gala
- Continued professional development through reading, podcasts, etc.
- Substantial amount of time in student escalation issues.
- Friends of Education semi-annual meeting with school leaders – legal issues, artificial intelligence, taxpayer value discussion.
- Hosted Leadership in the Valley, attended MN School of Excellence Award ceremony,
- S&P Annual call -- preparation and actual call.
- Projected enrollment information for the 2023-2024 school year, associated wait lists, and applications received for the 2024-2025 school year are:

Grade	2023-24 Enrollment	2023-24 Waitlist	2024-2025 Applications
Kindergarten	91	196	156
1 <sup>st</sup> Grade	90	104	77
2 <sup>nd</sup> Grade	90	61	69
3 <sup>rd</sup> Grade	91	108	56
4 <sup>th</sup> Grade	91	96	72
<b>LS Total</b>	<b>453 (-1)</b>	<b>565 (+14)</b>	<b>430 (+68)</b>
5 <sup>th</sup> Grade	93	93	58
6 <sup>th</sup> Grade	94	107	91
7 <sup>th</sup> Grade	95	64	46
8 <sup>th</sup> Grade	94	58	32
<b>MS Total</b>	<b>376 (+1)</b>	<b>322 (+5)</b>	<b>227 (+82)</b>
9 <sup>th</sup> Grade	100	0	63
10 <sup>th</sup> Grade	95	0	13
11 <sup>th</sup> Grade	91	0	10

12 <sup>th</sup> Grade	89	0	
<b>US Total</b>	<b>375 (-1)</b>	<b>0</b>	<b>86 (+31)</b>
<b>School Total</b>	<b>1,204 (-1)</b>	<b>887 (+19)</b>	<b>743 (+181)</b>

**Comments on Enrollment**

- Shared Time students
  - 5<sup>th</sup> grade – 1
  - 6<sup>th</sup> grade – 1
  - 7<sup>th</sup> grade – 2
  - 8<sup>th</sup> grade - 2
  - 9<sup>th</sup> grade – 3
  - 10<sup>th</sup> grade - 3
- PSEO Grade 11 – 7 Part-time; 1 Full time
- PSEO Grade 12 – 5 Part-time; 6 Part time

Professional Development: *See Attachment*

Members Present: R. Hajlo, D. Keyes, A. Galati, J. Johnson, M. Stiles, T. Gulbransen, N. Donnay, K. Denzer

Members Absent: R. Thorson

Ex-officio Members Present: K. Gutierrez

## **1 Call to Order**

R. Hajlo called the meeting to order at 6:01 PM.

## **2. Open Forum**

- No one.

## **3. Board Calendar 2023-2024 - J. Gutierrez**

Link: [Board Calendar 2023-2024 Updated](#)

## **4. Consent Agenda**

- A. Board Minutes - January 16, 2024
    - a. Link:  
[https://docs.google.com/document/d/1OU0q0ymfr\\_UBt1vgl9phVMpN7mPl\\_YkP/edit?usp=sharing&ouid=109090201514653087722&rtpof=true&sd=true](https://docs.google.com/document/d/1OU0q0ymfr_UBt1vgl9phVMpN7mPl_YkP/edit?usp=sharing&ouid=109090201514653087722&rtpof=true&sd=true)
  - B. Executive Director report
    - a. None
  - C. Governance Committee - No report
- Motion to Approve: M. Stiles
  - Second: J. Johnson
  - Approved: All

## **5 - Agenda**

- A. 2024-2025 School Calendar Approval with MN Statute; Link:  
<https://drive.google.com/file/d/11dHG5eqBAASqNj-M4HIycTy2Fupv6fVB/view?usp=sharing>
    - a. Link: Calendar for 2024-2025 - Approval [https://drive.google.com/file/d/11m6-opXvS3iAAav4MA\\_smAXIFqEmrhmg/view?usp=sharing](https://drive.google.com/file/d/11m6-opXvS3iAAav4MA_smAXIFqEmrhmg/view?usp=sharing)
- Motion to Approve: A. Galati
  - Second: M. Stiles
  - Approved: All
- B. 2024-2025 eLearning Day Approval (5 days)

- a. MN Statute Link: [https://drive.google.com/file/d/11pcoTTBZs\\_20vy-j0Bmlu2F2oxGIXOmg/view?usp=sharing](https://drive.google.com/file/d/11pcoTTBZs_20vy-j0Bmlu2F2oxGIXOmg/view?usp=sharing)
  - Motion to Approve: M. Stiles
  - Second: A. Galati
  - Approved: All
- C. 2025-2026 School Calendar Overview and Approval
  - a. Overview Link:  
<https://drive.google.com/file/d/11vNVPIq953FiSgvTfLJaEla9SXVFgmsW/view?usp=sharing>
  - b. Calendar Link:  
[https://drive.google.com/file/d/11xX\\_6eridIPCdPu8i5gvyEkCZkhTBbXN/view?usp=sharing](https://drive.google.com/file/d/11xX_6eridIPCdPu8i5gvyEkCZkhTBbXN/view?usp=sharing)
  - Motion to Approve: M. Stiles
  - Second: A. Galati
  - Approved: All
- D. 2025-2026 eLearning Day Approval (5 days) - See 5.B.
  - Motion to Approve: M. Stiles
  - Second: J. Johnson
  - Approve: All
- E. Succession Planning
  - a. Link: [Succession Planning Minutes - January 26, 2024](#)
  - b. Link: [Board Summary for Succession Planning](#)
  - c. Link: [Search Firm Decision Matrix](#)

Present: Scott Morrell from Rebar Leadership

Motion: T. Gulbransen

- Make a motion to use a hybrid of services from MSBA, Rebar Leadership, and SCPA Succession Planning Committee for Executive Director Search with an allocation of \$10,000 in FY25.
- Second - K. Denzer
- Approve: All

### **Adjournment:**

- Motion to adjourn: A. Galati
- Second: M. Stiles
- Approved: All

Respectfully Submitted by A Galati, St. Croix Preparatory Academy Board Clerk



## Executive Director’s Report to the Board

**Date of Report:** February 2024

**Report Prepared By:** Jon Gutierrez

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Professional Development: *See Attachment*



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**J. Gutierrez**  
**Professional Development Plan**  
**2023-2024**

Month	Category	Title	Description/Comments
July 2023	Book/Play	Agamemnon, by Aeschylus	
	Book/Play	The Libation Bearers, by Aeschylus	
	Book/Play	The Furies (Eumenides), by Aeschylus	
	Videos/Lectures	6 hours of lectures/videos on the Orestia (Agamemnon, The Libation Bearers, and The Furies)	
	Book/Play	Oedipus Rex, by Sophocles	
	Book/Play	Oedipus at Colonus, by Sophocles	
	Book/Play	Antigone, by Sophocles	
	Videos/Lectures	6 hours of lectures/videos on the Theban plays (Oedipus Rex, Oedipus at Colonus, and Antigone)	
	Book	The Five Dysfunctions of a Team, by Patrick Lencioni	8
	Book	Blue Ocean Strategy: How to Create Uncontested Market Space and Make Competition Irrelevant, by W. Chan Kim and Renee Mauborgne	
	Book	Prometheus Bound, by Aeschylus	
	Videos/Lectures	3 hours of lectures/videos on Prometheus Bound	
	Movie	Oedipus Rex – 2 hours	
	Book	The Organized Mind, by Daniel Levitin	
August 2023	Book	Poetics, by Aristotle	
	Videos/Lectures	3 hours of lectures/videos on Poetics, by Aristotle	
	Podcast – 1 hour	Trojan War Podcast – The Apple of Discord, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – The Torch, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – The Birth of Achilles, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – The Judgement of Paris, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – Sparta, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – Helen of Sparta, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – The Mad King, by Jeffrey Wright	
	Podcast - -1 hour	Trojan War Podcast – Finding Achilles, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – Iphigenia, by Jeffrey Wright	
	Podcast – 80 minutes	Trojan War Podcast – Beachhead, by Jeffrey Wright	
	Podcast – 1 hour	Trojan War Podcast – Achilles Dishonored	
	Podcast – 1 hour	Trojan War Podcast – Paris: Prince of Troy	
	Podcast - -70 minutes	Trojan War Podcast – Terrible and Glorious War	
	Book	Iliad, by Homer, Books 1-5	
	Podcast – 70 minutes	Trojan War Podcast – Deadly Destiny	
September	Podcast – 65 minutes	Trojan War Podcast – The Wrath of Achilles	



	Podcast – 70 minutes	Trojan War Podcast -- Priam	
	Book	Iliad, by Homer, Books 1-10	
	Podcast – 75 minutes	Trojan War Podcast – Achilles Heel	
	Podcast – 75 minutes	Trojan War Podcast – Odysseus Ascendant	
	Podcast – 80 minutes	Trojan War Podcast – The Trojan Horse	
	Podcast – 80 minutes	Trojan War Podcast – The Sack of Troy	
	Podcast – 90 minutes	Odyssey Podcast - Penelope	
	Podcast – 85 minutes	Odyssey Podcast - Cyclops	
	Podcast – 75 minutes	Odyssey Podcast – Aeolus and Lastrygonians	
	Podcast – 80 minutes	Odyssey Podcast - Circe	
	Podcast – 70 minutes	Odyssey Podcast – Odysseus in the Underworld	
	Podcast – 120 minutes	Odyssey Podcast – Sirens, Scylla, Charybdis and some Cows	
	Seminar – 6 hours	School Law Seminar – Rupp, Anderson, Squires and Mace	
	Podcast – 80 minutes	Odyssey Podcast - Calypso	
	Podcast – 100 minutes	Odyssey Podcast -- Telemachus	
	Podcast – 90 minutes	Odyssey Podcast – Telemachus, Menelaus, and Helen of Troy	
October	Netflix Series 7 hours	Troy: Fall of a City	
	Play	Iphigenia at Aulis, by Euripides	
	Play	Ajax, by Sophocles	
	Podcast – 90 minutes	Odyssey Podcast – Nausicaa	
	Podcast – 100 minutes	Odyssey Podcast – Demodocus and the Phaeacians	
	Podcast – 150 minutes	Odyssey Podcast -- Homecoming	
	Podcast – 150 minutes	Odyssey Podcast – Recognition and Revenge	
	Podcast – 90 minutes	Odyssey Podcast -- Reunion	
	Poem & Analysis	Ulysses, by Alfred Lord Tennyson	9
	Lectures – 75 minutes	Video lectures on Ajax, by Sophocles	
	Greek Drama – Play	Hecuba, by Euripides	
	Podcast – 50 minutes	Ancient Greece Declassified – Odysseus	
	Movie	O Brother, Where Art Thou? – based on the epic poem Odyssey	
	Book	A Man of Two Faces, by Viet Thanh Nguyen	
November	Book	Iliad, Books 11-24, by Homer	
	Book	The Trojan War, A New History, by Barry Strauss	
	Short Story + Videos	The Black Cat, by Edgar Allan Poe	
	Short Story + Videos	The Fall of the House of Usher, by Edgar Allan Poe	
	Short Story + Videos	The Masque of Red Death, by Edgar Allan Poe	
	Poem + Videos	The Raven, by Edgar Allan Poe	
	Short Story + Videos	The Gold Bug, by Edgar Allan Poe	
	Poem + Videos	Lenore, by Edgar Allan Poe	
	Short Story + Videos	The Cask of Amontillado, by Edgar Allan Poe	
	Poem + Videos	Annabel Lee, by Edgar Allan Poe	
	Netflix	The Fall of the House of Usher – 8 episodes	
	Interview – 90 minutes	Elon Musk, -- social media, AI, climate change	
January	Book	The Paradox of Choice: Why More is Less, by Barry Schwartz	
	Articles	Various articles on the science of reading	
	Documentary 90 minutes	AlphaGo – AI documentary	
	Research/Usage – 150 minutes	ChatGPT	
	Book	The Second Wave: Technology, Power and the 21 <sup>st</sup> Century's Greatest Dilemma, by Mustafa Suleyman	

	Netflix Series – 4 hours	Alexander, Making of a God	
	Movies, Lectures – 4 hours	Alexander the Great	
	Seven Hills Assistance – 10 hours	Compressing adoption curve items to marketing deliverables	
	Great Oaks Presentation—10 hours	Compression adoption curve to a 15 minute marketing presentation	
February	Book	History: Forgotten and Remembered, by Andrew Zwerneman	For the MN Classical Conference
	Documentary – 90 minutes	Coded Bias	AI algorithm analysis – deficiencies in facial recognition, resume scanning, etc.
	Movies, documentaries – 6 hours	Alexander the Great – youth, study under Aristotle, conquering of the Persian Empire	
	Legal Training – 2 hours	Friends of Education semi-annual meeting – school counsel on current legal issues in education	
	Movie – 90 minutes	The Truman Show – foundational theme is build around Plato's Allegory of the Cave – the Matrix is as well, the Divergent series, etc.	



## **ST. CROIX PREPARATORY ACADEMY STUDENT DISCIPLINE Policy #506**

### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school's expectations for student conduct. Such compliance will enhance the school's ability to maintain discipline and ensure that there is no interference with the educational process. The school will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

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

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the school that a fair school-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board has developed this policy which governs student conduct and applies to all students of the school.

### **III. DEFINITIONS**

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic



screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator and a pupil's parent to withdraw a student from the school to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

#### IV. POLICY

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of Minnesota Statutes sections 121A.40 to 121A.56. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the school or is awaiting enrollment in a new school district, the school's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;



2. a pupil receiving school-based or school-linked mental health services in the school under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
3. the school must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school website.

## V. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.
- B. Executive Director. The executive director shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The executive director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or another.
- E. Other School Personnel. All school personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the executive director or their immediate supervisor. A school employee, school bus driver, or other agent of a school, in exercising



his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another.

- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.
- I. Reasonable Force Reports.
  - 1. The school must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
  - 2. Beginning with the 2024-2025 school year, the school must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
  - 3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.



## VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.
- O. To accept the consequences if they break any school rules, regulations, policies, and procedures.

## VIII. CODE OF STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school. These examples are not intended to be an exclusive list. Any student who engages



in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities, events, or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school purposes; the area of entrance or departure from school premises or events; and all school-related functions, activities, or events. This policy may also apply to a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Hazing;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Opposition to authority using physical force or violence;
7. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia;
8. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);





10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
12. Violation of the school Weapons Policy;
13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
14. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
15. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
16. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
17. Violation of any local, state or federal law as appropriate;
18. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
19. Use of a cell phone in violation of the Family Handbook and Electronic Technology Acceptable Use and Safety Policy;
20. Violation of school bus or transportation rules or the school bus safety policy;
21. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
23. Possession or distribution of slanderous, libelous or pornographic materials;
24. Student attire which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal



for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;

25. Criminal activity;
26. Falsification of any records, documents, notes or signatures;
27. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
28. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of cell phones or other technology to accomplish this end;
29. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school personnel;
30. Sexual and/or racial abuse and/or harassment;
31. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school personnel, or other persons;
32. Committing an act that inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
33. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
34. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that is discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
35. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
36. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
37. Violation of school rules, regulations, policies, or procedures;



38. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school or the safety or welfare of students or employees.

## **IX. RECESS AND OTHER BREAKS**

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The school must not use recess detention unless:
  1. a student causes or is likely to cause serious physical harm to other students or staff;
  2. the student's parent or guardian specifically consents to the use of recess detention; or
  3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- C. The school must not withhold recess from a student based on incomplete schoolwork.
- D. The school must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- E. The school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. The school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- F. The school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

## **X. DISCIPLINARY ACTION OPTIONS**



It is the general policy of the school to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school. At a minimum, violation of school code of conduct, rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school, however, shall, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, executive director, counselor or other school personnel, and verbal warning;
- B. Confiscation by school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school policy, rule, regulation, procedure, or state or federal law. If confiscated by the school, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;



- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school.

Students who participate in activities governed by the Minnesota State High School League may be subject to additional penalties for discipline violations as defined by the policies and procedures governing Minnesota State High School League activities.

## **XI. REMOVAL OF STUDENTS FROM CLASS**

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, executive director, or other school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) periods pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. Any student who engages in assault or other violent behavior shall be immediately removed from class.



- C. If a student is removed from class more than three (3) times in a quarter, the school will typically notify the parent or guardian of the student's fourth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class. If a student is removed from class more than ten (10) times in a school year, the school shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- D. **Procedures for Removal of a Student from a Class.** In order to remove a student from class, the teacher, administrator or other designated staff member shall follow the established communication procedures depending on the circumstances. The designated staff member will proceed immediately to the classroom or other school location to facilitate the removal of the student. Once removed, and by the end of that particular school day, the teacher, administrator or designated staff member shall complete and file as necessary the required documentation and communicate with the parent/guardian accordingly.
- E. **Responsibility for the Custody of a Student Removed From Class.** Once removed from class, the student shall be accompanied by the designated staff member who was summoned to assist to an agreed upon location. Depending on the situation, the teacher may provide the student with work to be completed during the time that s/he is removed from class. During that time, the student shall be monitored by the administrator or designated staff member.
- F. **Procedures for Return of a Student to a Class From Which the Student Was Removed.** Depending on the circumstances and, as appropriate, notes shall be sent home to parents/guardians, and/or conferences will be held with parents/guardians outlining concerns, decisions and disciplinary actions, if any, along with behavior agreements/contracts, if necessary, to be implemented on a go forward basis which appropriately address remediation for the conduct for which the student was removed from the classroom.
- G. **Procedures for Notification.** Whenever disciplinary action is required, other than re-direction in the ordinary course of classroom management, contact will be made with the parent/guardian consisting of an explanation of the situation, the action that was taken and other information deemed relevant under the circumstances. Copies of all such correspondence/ notes home shall be kept in appropriate files.
- H. **Students with Disabilities; Special Provisions.**
  - 1. Procedures for consideration of whether there is a need for further assessment can be found in the school's Total Special Education System manual.



2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Program (IEP) of a student with a disability can be found in the school's Total Special Education System manual.
3. Any procedures determined appropriate for referring students in need of special education services to those services can be found in the school's Total Special Education System manual.

## **XII. DISMISSAL**

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
1. Willful violation of any reasonable school board regulation, including those found in this policy;
  2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
  3. Willful conduct that endangers the student or other students, or surrounding persons, including school employees, or property of the school.
- C. Disciplinary Dismissals Prohibited
1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
    - a. kindergarten through Grade 3.
  2. This section does not apply to a dismissal from school for less than one school



day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.

3. Notwithstanding this section, expulsions and exclusions may be used only after the nonexclusionary discipline resources outlined in Minnesota Statutes, section 121A.425, subdivision 2, have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

#### D. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the executive director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments.
3. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, the school shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian’s expense. The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation,





screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive school days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
7. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.



8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. partner with the parent on additional support services for the student
  - b. assign the student to engage in a restorative justice practice
  - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

#### E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.



3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on the MDE's website.
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school, student, parent or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
8. The school shall record the hearing proceedings at school expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE and is posted on the MDE's website. The school board may appoint an attorney to represent the school in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the



parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by (1) an independent hearing officer, (2) a member of the school board, (3) a committee of the school board, or (4) the full school board, as designated by the school. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer, school board member, board committee, or school board shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer, school board member, or board committee shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer, school board member, or board committee and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the findings and recommendation by the hearing officer, school board member, or board committee provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.



18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school.

### **XIII. ADMISSION OR READMISSION PLAN**

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

### **XIV. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal, executive director, or other school official may provide additional notification as deemed appropriate.



In addition, the school must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

## **XV. STUDENT DISCIPLINE RECORDS**

It is the policy of the school that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

## **XVI. STUDENTS WITH DISABILITIES**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability or (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school will proceed with discipline - up to and including expulsion - as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school shall continue to provide special education and related services during the period of expulsion or exclusion.



## **XVII. DISCIPLINE COMPLAINT PROCEDURE**

- A. Students, parents, legal guardians, and school staff members may file a complaint and seek corrective action if they believe the District has not appropriately implemented Minnesota Statutes sections 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, or has implemented them in a discriminatory manner.
- B. The complaint must be filed in writing with the school principal. If the school principal is the subject of the complaint, the complaint must be filed directly with the executive director.
- C. The report must include a detailed account of how the District violated Minnesota Statutes sections 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, or how the law, code of conduct, or policies were implemented in a discriminatory manner.
- D. The person receiving the report (principal or executive director), or a designee, will begin to investigate the complaint within three (3) school days of receipt. During the investigation, the parties may submit additional information related to the complaint.
- E. The investigator will apply a preponderance of the evidence standard in determining whether the allegations have been substantiated.
- F. After completing the investigation, the investigator will issue a written determination to the complainant that contains findings and conclusions and addresses each allegation.
- G. If the investigator determines that the requirements of Minnesota Statutes sections 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, were not implemented or were implemented in a discriminatory manner, the report of findings will include a corrective action plan to correct the student's record, if appropriate, and to provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future.
- H. The complaint and any records resulting from the investigation will be maintained by the building principal or, if the principal is the subject of the complaint, by the executive director or a designee. Access to the records will be governed by the Minnesota Government Data Practices Act and will not be disclosed except as permitted by law.
- I. The school district prohibits reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and will impose appropriate consequences for any person who engages in reprisal or retaliation. Submission of a discipline complaint will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- J. A party to an exclusion or expulsion decision made under sections 121A.40 to 121A.56 may appeal the decision to the commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its



receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

K. The District will communicate this policy as set forth in Section XVIII below.

## **XVIII. DISTRIBUTION OF POLICY**

The school will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal or executive director's office.

## **XIX. REVIEW OF POLICY**

The principal and staff shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the executive director for consideration by the school board, which shall conduct an annual review of this policy.

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**ADOPTED BY THE BOARD ON: [INCLUDE DATE]**

**REVISED BY THE BOARD ON: [INCLUDE DATES]**





## **ST. CROIX PREPARATORY ACADEMY LITERACY AND READ ACT Policy #621**

### **I. PURPOSE**

This policy aligns with Minnesota law established in the Read Act and on other topics related to reading.

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

The school recognizes the centrality of reading in a student's educational experience.

### **III. DEFINITIONS**

- A. "Evidence-based" means the instruction or item described is based on reliable, trustworthy, and valid evidence and has demonstrated a record of success in increasing students' reading competency in the areas of phonological and phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Evidence-based literacy instruction is explicit, systematic, and includes phonological and phonemic awareness, phonics and decoding, spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students.
- B. "Fluency" means the ability of students to read text accurately, automatically, and with proper expression.
- C. "Foundational reading skills" includes phonological and phonemic awareness, phonics and decoding, and fluency. Foundational reading skills appropriate to each grade level must be mastered in kindergarten, grade 1, grade 2, and grade 3. Struggling readers in grades 4 and above who do not demonstrate mastery of grade-level foundational reading skills must continue to receive explicit, systematic instruction to reach mastery.
- D. "Literacy specialist" means a person licensed by the Professional Educator Licensing and Standards Board as a teacher of reading, a special education teacher, or a kindergarten through grade 6 teacher, who has completed professional development approved by the Minnesota Department of Education (MDE) in structured literacy. A literacy specialist employed by the department under Minnesota Statutes, section 120B.123, subdivision 7, or by a district as a literacy lead, is not required to complete the approved training before August 30, 2025.
- E. "Literacy lead" means a literacy specialist with expertise in working with educators as adult learners. A district literacy lead must support the district's implementation of the Read Act; provide support to school-based coaches; support the implementation of structured literacy, interventions, curriculum delivery, and teacher training; assist with



the development of personal learning plans; and train paraprofessionals and other support staff to support classroom literacy instruction. A literacy lead may be employed by one district, jointly by two or more districts, or may provide services to districts through a partnership with the regional service cooperatives or another district.

- F. "Multitiered system of support" or "MTSS" means a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The MTSS framework provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. Through a MTSS at the core (Tier 1), supplemental (Tier 2), and intensive (Tier 3) levels, educators provide high quality, evidence-based instruction and intervention that is matched to a student's needs; progress is monitored to inform instruction and set goals and data is used for educational decision making.
- G. "Oral language," also called "spoken language," includes speaking and listening, and consists of five components: phonology, morphology, syntax, semantics, and pragmatics.
- H. "Phonemic awareness" means the ability to notice, think about, and manipulate individual sounds in spoken syllables and words.
- I. "Phonics instruction" means the explicit, systematic, and direct instruction of the relationships between letters and the sounds they represent and the application of this knowledge in reading and spelling.
- J. "Progress monitoring" means using data collected to inform whether interventions are working. Progress monitoring involves ongoing monitoring of progress that quantifies rates of improvement and informs instructional practice and the development of individualized programs using state-approved screening that is reliable and valid for the intended purpose.
- K. "Reading comprehension" means a function of word recognition skills and language comprehension skills. It is an active process that requires intentional thinking during which meaning is constructed through interactions between the text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.
- L. "Structured literacy" means an approach to reading instruction in which teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children's literacy learning and progress. Structured literacy is characterized by the provision of systematic, explicit, sequential, and diagnostic instruction in phonemic awareness, phonics, fluency, vocabulary and oral language development, and reading comprehension.
- M. "Vocabulary development" means the process of acquiring new words. A robust vocabulary improves all areas of communication, including listening, speaking, reading,



and writing. Vocabulary growth is directly related to school achievement and is a strong predictor for reading success.

#### **IV. READING SCREENER; PARENT NOTIFICATION AND INVOLVEMENT**

- A. The school must administer an approved evidence-based reading screener to students in kindergarten through grade 3 within the first six weeks of the school year, and again within the last six weeks of the school year. The screener must be one of the screening tools approved by the Minnesota Department of Education (MDE).
- B. The school district must identify any screener it uses in the school's annual literacy plan, and submit screening data with the annual literacy plan by June 15.
- C. Schools, at least biannually after administering each screener, must give the parent of each student who is not reading at or above grade level timely information about:
  - 1. the student's reading proficiency as measured by a screener approved by MDE;
  - 2. reading-related services currently being provided to the student and the student's progress; and
  - 3. strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.
- D. The school may not use this section to deny a student's right to a special education evaluation.

#### **V. IDENTIFICATION AND REPORT**

- A. Students enrolled in kindergarten, grade 1, grade 2, and grade 3, including multilingual learners and students receiving special education services, must be universally screened for mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, oral language, and for characteristics of dyslexia as measured by a screening tool approved by MDE. The screening for characteristics of dyslexia may be integrated with universal screening for mastery of foundational skills and oral language.
- B. The school must submit data on student performance in kindergarten, grade 1, grade 2, and grade 3 on foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language to MDE in the annual local literacy plan submission due on June 15.
- C. Students in grades 4 and above, including multilingual learners and students receiving special education services, who do not demonstrate mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral



language, must be screened using a screening tool approved by MDE for characteristics of dyslexia and must continue to receive evidence-based instruction, interventions, and progress monitoring until the students achieve grade-level proficiency.

- D. Reading screeners in English, and in the predominant languages of school students where practicable, must identify and evaluate students' areas of academic need related to literacy. The school also must monitor the progress and provide reading instruction appropriate to the specific needs of multilingual learners. The school must use an approved, developmentally appropriate, and approved screener and annually report summary screener results to the MDE Commissioner by June 15 in the form and manner determined by the MDE Commissioner.
- E. The school must include in its literacy plan a summary of the district's efforts to screen, identify, and provide interventions to students who demonstrate characteristics of dyslexia as measured by a screening tool approved by MDE. With respect to students screened or identified under paragraph (a), the report must include:
  - 1. a summary of the school district's efforts to screen for dyslexia;
  - 2. the number of students universally screened for that reporting year;
  - 3. the number of students demonstrating characteristics of dyslexia for that year; and
  - 4. an explanation of how students identified under this subdivision are provided with alternate instruction and interventions under Minnesota Statutes, section 125A.56, subdivision 1.

## **VI. INTERVENTION**

- A. For each student identified under the screening identification process, the school shall provide reading intervention to accelerate student growth.
- B. The school must implement progress monitoring, as defined in Minnesota Statutes, section 120B.1118, for a student not reading at grade level.
- C. The school must use evidence-based curriculum and intervention materials at each grade level that are designed to ensure student mastery of phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Starting July 1, 2023, if the school district purchases new literacy curriculum, or literacy intervention or supplementary materials, the curriculum or materials must be evidence-based as defined in Minnesota Statutes, section 120B.1118.
- D. If a student does not read at or above grade level by the end of the current school year, the school must continue to provide reading intervention until the student reads at grade level. School district intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs that



specialize in evidence-based instructional practices and measure mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language.

- E. By the 2025-2026 school year, intervention programs must be taught by an intervention teacher or special education teacher who has successfully completed training in evidence-based reading instruction approved by MDE.
- F. The school must determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The personal learning plan must include targeted instruction that is evidence-based and ongoing progress monitoring, and address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the regular school day, group interventions, periodic assessments or screeners, and reasonable timelines. The personal learning plan may include grade retention, if it is in the student's best interest; a student may not be retained solely due to delays in literacy or not demonstrating grade-level proficiency. A school must maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an individualized education program.

## **VII. LOCAL LITERACY PLAN**

- A. The school must adopt a local literacy plan to have every child reading at or above grade level every year beginning in kindergarten and to support multilingual learners and students receiving special education services in achieving their individualized reading goals. The school must update and submit the plan to the Commissioner of MDE by June 15 each year. The plan must be consistent with the Read Act, and include the following:
  - 1. a process to assess students' foundational reading skills, oral language, and level of reading proficiency and the screeners used, by school site and grade level, under Minnesota Statutes, section 120B.123;
  - 2. a process to notify and involve parents;
  - 3. a description of how the school will determine the targeted reading instruction that and includes an intervention strategy for a student and the process for intensifying or modifying the reading strategy in order to obtain measurable reading progress;
  - 4. evidence-based intervention methods for students who are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention;
  - 5. identification of staff development needs, including a plan to meet those needs;
  - 6. the curricula used by school site and grade level;



7. a statement of whether the school district has adopted a MTSS framework;
  8. student data using the measures of foundational literacy skills and mastery identified by MDE for the following students:
    - a. students in kindergarten through grade 3;
    - b. students who demonstrate characteristics of dyslexia; and
    - c. students in grades 4 to 12 who are identified as not reading at grade level; and
  9. the number of teachers and other staff that have completed training approved by the department.
- B. The school must post its literacy plan on the official school district website and submit it to the Commissioner of MDE using the template developed by the Commissioner beginning June 15, 2024.

#### **VIII. STAFF TRAINING**

- A. Beginning July 1, 2024, a school must provide access to the training required under Minnesota Statutes, section 120B.123, subdivision 5, to:
1. intervention teachers working with students in kindergarten through grade 12;
  2. all classroom teachers of students in kindergarten through grade 3 and children in prekindergarten programs;
  3. special education teachers;
  4. curriculum directors;
  5. instructional support staff who provide reading instruction; and
  6. employees who select literacy instructional materials for the school.
- B. The school must provide training from a menu of approved evidence-based training programs to all reading intervention teachers, literacy specialists, and other teachers and staff identified in Minnesota Statutes, section 120B.12, subdivision 1, paragraph (b), by July 1, 2025; and by July 1, 2027, to other teachers in the school, prioritizing teachers who work with students with disabilities, English learners, and students who



qualify for the graduation incentives program under Minnesota Statutes, section 124D.68. The Commissioner of MDE may grant a school district an extension to these deadlines.

- C. By August 30, 2025, the school must employ or contract with a literacy lead, or be actively supporting a designated literacy specialist through the process of becoming a literacy lead. The school board may satisfy the requirements of this subdivision by contracting with another school board or cooperative unit under Minnesota Statutes, section 123A.24 for the services of a literacy lead by August 30, 2025. The school literacy lead must collaborate with school district administrators and staff to support the school district's implementation of requirements under the Read Act.

## **IX. STAFF DEVELOPMENT**

- A. The school must provide training programs on evidence-based reading instruction to teachers and instructional staff in accordance with subdivision 1, paragraph (b). The training must include teaching in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, reading comprehension, and culturally and linguistically responsive pedagogy.
- B. The school shall use the data under Article V. above to identify the staff development needs so that:
  - 1. elementary teachers are able to implement explicit, systematic, evidence-based instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension with emphasis on mastery of foundational reading skills as defined in Minnesota Statutes, section 120B.1118 and other literacy-related areas including writing until the student achieves grade-level reading proficiency;
  - 2. elementary teachers have sufficient training to provide students with evidence-based reading and oral language instruction that meets students' developmental, linguistic, and literacy needs using the intervention methods or programs selected by the school district for the identified students;
  - 3. licensed teachers employed by the school district have regular opportunities to improve reading and writing instruction.

## **X. LITERACY INCENTIVE AID USES**

The school must use its literacy incentive aid to support implementation of evidence-based reading instruction. The following are eligible uses of literacy incentive aid:

- 1. training for kindergarten through grade 3 teachers, early childhood educators, special education teachers, reading intervention teachers working with students



in kindergarten through grade 12, curriculum directors, and instructional support staff that provide reading instruction, on using evidence-based screening and progress monitoring tools;

2. evidence-based training using a training program approved by MDE;
3. employing or contracting with a literacy lead, as defined in Minnesota Statutes, section 120B.1118;
4. materials, training, and ongoing coaching to ensure reading interventions under Minnesota Statutes, section 125A.56, subdivision 1, are evidence-based; and costs of substitute teachers to allow teachers to complete required training during the teachers' contract day.

**Legal References:**

Minn. Stat. § 120B.1118 (Read Act Definitions)

Minn. Stat. § 120B.12 (Read Act Goal and Interventions)

Minn. Stat. § 120B.123 (Read Act Implementation)

Minn. Stat. § 123A.24 (Withdrawing from a Cooperative Unit; Appealing Denial of Membership)

Minn. Stat. § 124D.68 (Graduation Incentives Program)

Minn. Stat. § 124D.98 (Literacy Incentive Aid)

Minn. Stat. § 125A.56 (Alternate Instruction Required before Assessment Referral)

**Cross References:**

None



# Taxpayer Value: St. Croix Preparatory Academy

Charter School	St. Croix
Traditional District	Stillwater

## Taxpayer Value: The \$ value taxpayers receive from a charter school for every \$1 spent in the school

The Taxpayer Value is calculated by dividing the average of the Proficiency Indices of Reading and Math (how well a charter school performs compared with a traditional district) by the Cost Index (how much a charter school spends compared with a traditional district).

For example, a charter school with an average Proficiency Index of 1.06 (106% of traditional district performance) and a Cost Index of 0.89 (89% of traditional district cost) results in a Taxpayer Value of \$1.19 ( $1.06 \div 0.89$ ): the taxpayer receives a \$1.19 return for every \$1.00 spent in the charter school.

## The Taxpayer Values for St. Croix compared with the Stillwater School District are:

FY19	\$1.61
FY22	\$1.71
*FY23	\$1.77

\*FY23 Estimate: FY23 Proficiency Index divided by FY22 Cost Index (will be updated once MDE publishes the FY23 Consolidated Financial Reports)

## COST INDEX: How much a charter school spends compared with a traditional district

The Cost Index is calculated by dividing the charter school per pupil cost by the traditional district per pupil cost. The Per Pupil Cost is calculated by dividing the total all funds expenditures by the Average Daily Membership (ADM).

For example, a charter school per pupil cost of \$8,500 compared with a traditional district per pupil cost of \$9,700 results in a Cost Index of 0.88 ( $8,500 \div 9,700$ ), or 88% of traditional district cost.

	All Funds Cost Per Student		Cost Index
	St. Croix	Stillwater	
FY19	\$11,820.23	\$14,310.76	82.60%
FY22	\$13,164.81	\$16,161.35	81.46%
FY23	N/A	N/A	N/A

## PROFICIENCY INDEX: How well a charter school performs compared with a traditional district

The Proficiency Index is calculated by dividing the percent proficient in the charter school by the percent proficient in the traditional district for each Reading and Math, then averaging those quotients.

For example, 79% proficiency in a charter school with 85% proficiency in a traditional district results in a Proficiency Index of 93% ( $79 \div 85$ ).

A Proficiency Index of 100% means the charter school performed the same; less than 100% means the charter school did not perform as well, and more than 100% means the charter school outperformed the traditional district.

	Reading		Math		Reading & Math Average		Proficiency Index
	St. Croix	Stillwater	St. Croix	Stillwater	St. Croix	Stillwater	
FY19	89.97%	68.29%	85.90%	63.94%	87.94%	66.12%	133.05%
FY22	81.80%	58.69%	78.64%	56.39%	80.22%	57.54%	139.42%
FY23	83.23%	56.16%	76.86%	55.11%	80.05%	55.64%	143.83%



# **st. croix** preparatory academy

Stillwater, MN  
District 4120

December 2023  
Financial Report



St. Croix Preparatory Academy  
Stillwater, Minnesota

December 2023  
Financial Statements

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**St. Croix Preparatory Academy**  
**FY24 Financial Highlights**  
as of December 31, 2023

Total All Funds	YTD Actual (50% completed)		BUDGET			
	\$	% of Reforecasted Budget	Reforecasted Budget 1194 ADM's	Approved Budget 1204 ADM's	Reforecasted vs. Approved Budget Variance	
					\$	%
<b>Revenues</b>						
State	7,490,000	50%	14,939,000	14,890,000	49,000	0%
Federal	552,000	74%	750,000	737,000	13,000	2%
Local	1,047,000	60%	1,750,000	1,729,000	21,000	1%
<b>Total Revenues</b>	<b>9,089,000</b>	<b>52%</b>	<b>17,439,000</b>	<b>17,356,000</b>	<b>83,000</b>	<b>0%</b>
<b>Expenditures</b>						
Salaries/Wages	3,226,000	48%	6,658,000	6,654,000	4,000	0%
Employee Benefits	651,000	43%	1,504,000	1,547,000	(43,000)	-3%
Facility Lease	965,000	49%	1,965,000	1,965,000	0	0%
Purchased Services (excluding facility lease)	783,000	54%	1,457,000	1,420,000	37,000	3%
Supplies & Materials	503,000	58%	862,000	862,000	0	0%
Equipment	548,000	236%	232,000	157,000	75,000	48%
Other (Fundraising, Spec Ed, Dues, Etc.)	2,011,000	47%	4,292,000	4,683,000	(391,000)	-8%
<b>Total Expenditures</b>	<b>8,687,000</b>	<b>51%</b>	<b>16,970,000</b>	<b>17,288,000</b>	<b>(318,000)</b>	<b>-2%</b>
<b>Total Revenues All Funds</b>	<b>9,089,000</b>	<b>52%</b>	<b>17,439,000</b>	<b>17,356,000</b>	<b>83,000</b>	<b>0%</b>
<b>Total Expenditures All Funds</b>	<b>8,687,000</b>	<b>51%</b>	<b>16,970,000</b>	<b>17,288,000</b>	<b>(318,000)</b>	<b>-2%</b>
<b>Net Income- All Funds</b>	<b>402,000</b>	<b>86%</b>	<b>469,000</b>	<b>68,000</b>	<b>401,000</b>	<b>86%</b>

Key Ratios & Balances	Year End Comparison June 30	
	projected 2024	Audited 2023
<b>Fund Balance</b>	7,125,000	6,655,000
<b>Debt Service Coverage Ratio - Bond Covenant 1.10 minimum</b>	1.30	1.14
<b>Fund Balance Reserve as a % of Annual Expenditures - SCPA Fund Balance Policy &gt; 20%</b>	42%	38%
<b>Cash on Hand</b>	5,395,502	4,925,375
<b># of Days Cash On Hand (Target &gt;60)</b>	116 days	99 days

**Variance & Significant Items Summary**

as of December 31, 2023

**YTD Actual as a % of Budget : Variances > 5% of 50% YTD (i.e. less than 45% or greater than 55%)**

Through December (50% of the year), in aggregate, YTD Revenue and Expense as a % of Reforecasted Budget are within 5% of YTD completion percent. However, Federal and Local Revenue, Employee Benefits and Supplies/Materials and Equipment vary greater than 5%. The variances in Federal & Local Revenue and Supplies/Materials are attributed to timing differences. The variance in Employee Benefits is due to a small benefit enrollment contingency of \$27K. The variance in Equipment reflects facility costs that will be transferred to building company (\$304K). This journal entry was not posted at December 31, 2023.

**Reforecasted vs. Approved Budget (line item variances > 5% AND \$10K)****Equipment: 48% variance (\$76K)**

**Fund 1- Building Improvement (\$76K)** Reflect timing of Summer 2023 Sped Facility Remodel. \$75K of the FY23 budgeted costs were not expended until FY24. This increase nets with an FY23 budget savings.

**Other Expense: 8% variance (-\$391K)**

**Fund 1-State Sped (-\$364K)** makes up the majority of this variance. State Sped costs have been reforecasted downward based on renegotiated Sped Para contracts and a reduction in Sped Staffing from original budget.

**Individual Fund or Business Segment Highlights**

**State Funding: FY22 In-state ADM Enrollment of 1192 is below budgeted enrollment by 1% (9 students). Full-Time Enrollment generates ADM of 1185, PSEO enrollment of 19 generates ADM of 4 and Shared Time Enrollment generates a ADM of 2.** As a result of decreased enrollment General Education revenue is reforecasted to decrease \$75K and Lease aid decrease \$27K. Full-Time Student Enrollment shortfall is net of enrollment overage in Lower School of 1, Middle School enrollment overage of 4, and Upper School enrollment shortfall of 24. Upper School will continue to enroll students until budgeted enrollment is met.

## **Operating Checks > \$10,000**

### **Recurring**

UMB Bank (\$154,800) - monthly lease payment (per agreement) July-April

United HealthCare (\$65,000 - \$73,000) - monthly health insurance premium (employee & employer) July - May

Blue Ribbon Cleaning (\$17,900 - \$24,500) - custodial services (per agreement) July-April

City of Bayport (\$10,500) - quarterly water bill (Jun-Sept)

Xcel Energy (\$15,000- \$22,800) - monthly electric and gas (Sept & March)

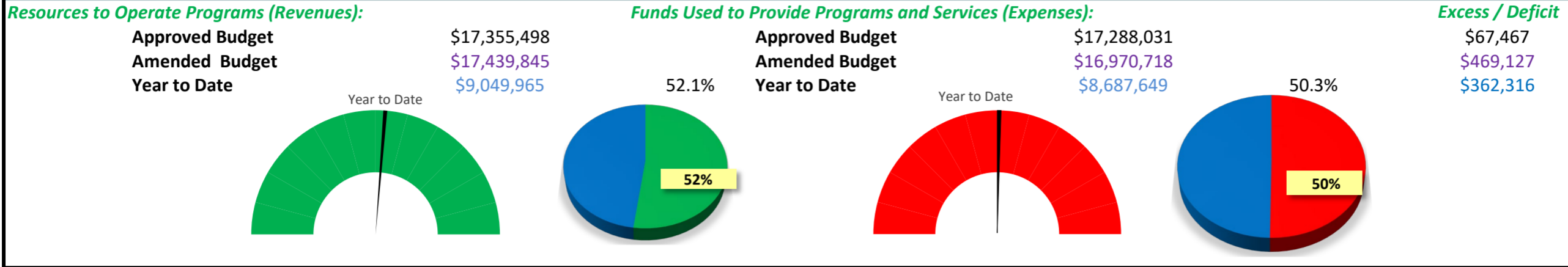
BerganKDV (\$10,775) - monthly financial mgmt & accounting services (per agreement)

### **Non-recurring**

- Jul-23 Action Fence (\$24,100): under bleacher storage area fencing
- Jul-23 Bluum (\$79,150): Classroom projector replacement project
- Jul-23 Bluum (\$21,950): PAC projector integration & installation
- Jul-23 Century Power Sports (\$42,450): New gator for facility department
- Jul-23 Rebar Leadership (\$25,000): Succession planning consultant (exec director)
- Jul-23 EMC Insurance Co (\$33,500): FY24 Business insurance
- Aug-23 David Hardware (\$11,000): SPED remodel doors & hardware
- Aug-23 Office Systems (\$11,000): Deposit for sped remodel furniture
- Aug-23 Houghton Mifflin Harcourt (\$21,900): FY24 MS English LA curriculum
- Aug-23 Loffler Companies (\$20,100): Aug 2023 lease payment and print overages for FY23
- Aug-23 Minnesota Sodding (\$11,250): Irrigation, turf testing & cleaning, football layouts
- Aug-23 Prolux Finishing (\$16,400): July 2023 painting
- Aug-23 Wolf Ridge (\$13,600): Summer Fun trip
- Aug-23 Egan (\$40,000): SPED remodel progress billing
- Aug-23 H2I Group (\$53,600): Refinish gym floors
- Aug-23 Prolux Finishing (\$10,600): Aug 2023 SPED remodel painting
- Aug-23 Acapulco Catering (\$11,300): Back to School night catering for families (summer fun)
- Aug-23 City of Bayport (\$15,000): Nature Center lease Aug 1, 2023 - July 31, 2024
- Aug-23 Wilderness Inquiry (\$20,550): Summer fun trip

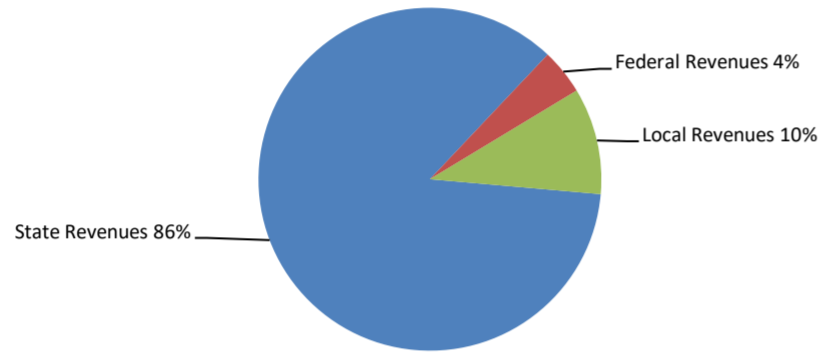
**St. Croix Preparatory Academy  
Stillwater, MN  
Financial Report Dashboard  
As of December 31, 2023**

**Financial Summary - Budgeted Amounts and Year to Date Activity**

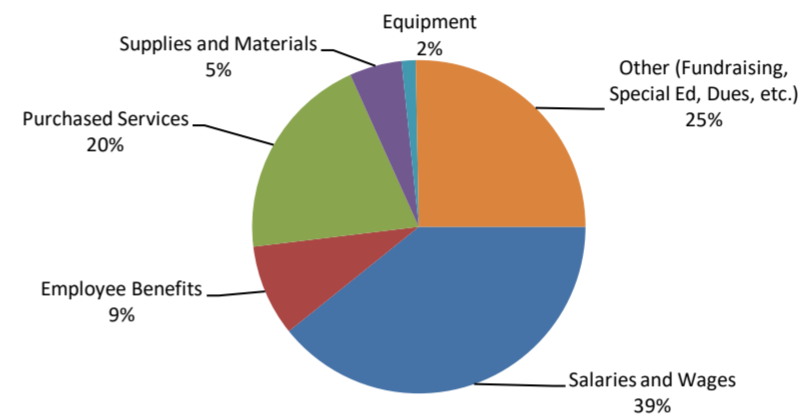


**Budgets for the Year**

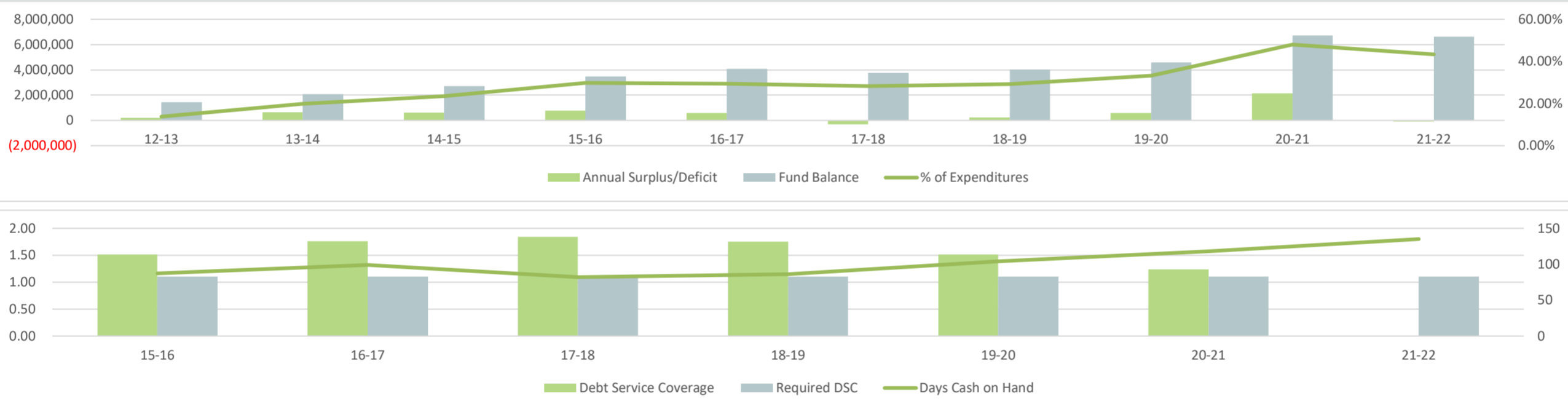
**Where funds will come from to operate the school:**



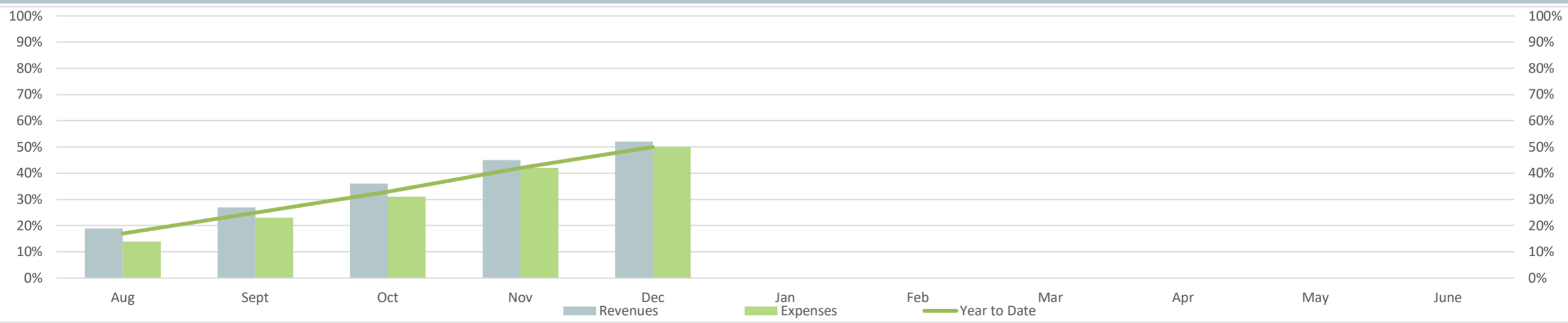
**How the money is budgeted to be spent:**



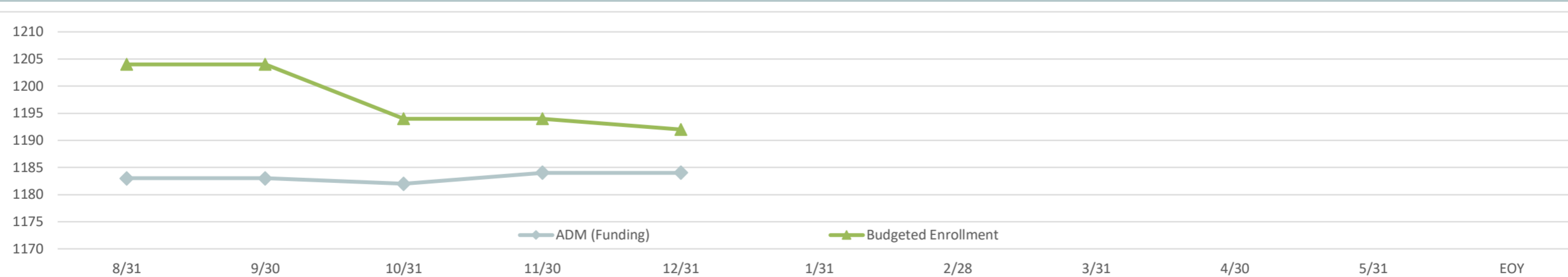
**Fund Balance and Bond Covenant History**



**Current Year Financial Trend**

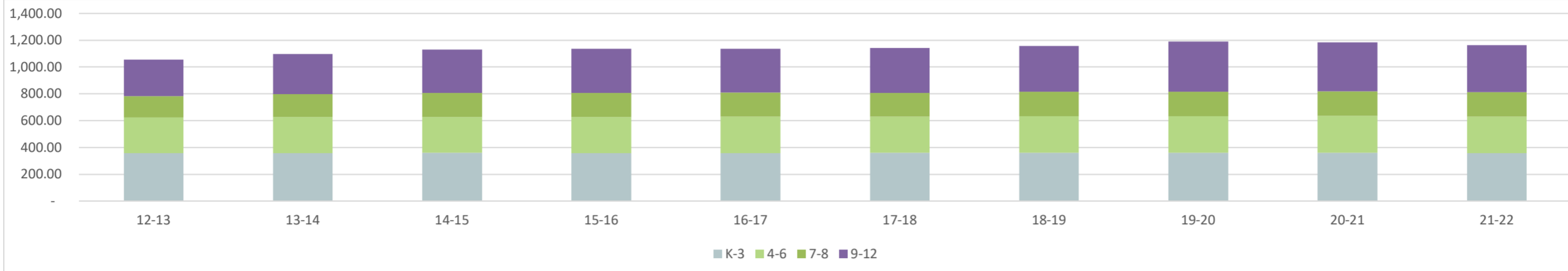


**Current Year Student Enrollment Summary**

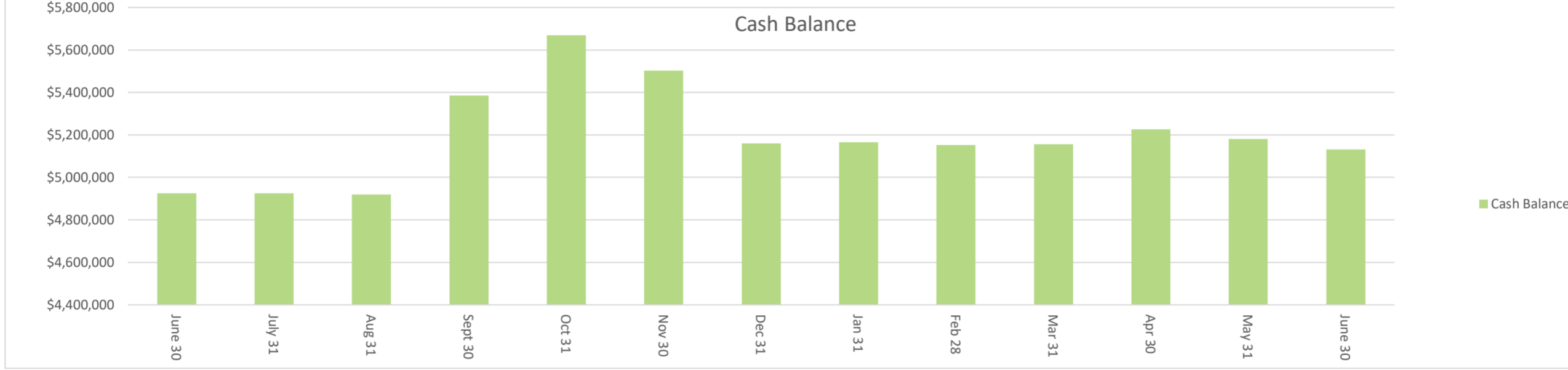


**St. Croix Preparatory Academy  
Stillwater, MN  
Financial Report Dashboard  
As of December 31, 2023**

**Enrollment History**



**Cash Balance Projection**





St. Croix Preparatory Academy  
Stillwater, Minnesota

Balance Sheet  
as of December 31, 2023

	Audited Balance June 30, 2023	YTD
<b>Assets</b>		
<b>Current Assets</b>		
Cash and Investments	4,925,375	5,159,578
Accounts Receivable	128,318	111,968
Due from Other Funds	226,955	218,770
PY State Aids Receivable	1,876,611	200,575
CY State Aids Receivable		1,042,296
PY Federal Aids Receivable	534,601	(1,567)
CY Federal Aids Receivable		468,555
Due from Other Governments	4,112	0
Inventory	8,000	8,000
Prepaid Items and Deposits	143,300	7,667
<b>Total Current Assets</b>	<b>7,847,272</b>	<b>7,215,842</b>
<b>Total All Assets</b>	<b>7,847,272</b>	<b>7,215,842</b>
<b>Liabilities and Fund Balance</b>		
<b>Current Liabilities</b>		
Salaries and Wages Payable	509,076	0
Accounts Payable	545,041	5,257
Payroll Deductions and Contributions	120,100	(71,665)
Summer Salaries Payables		264,544
Deferred Revenue	46,372	28,707
<b>Total Current Liabilities</b>	<b>1,220,589</b>	<b>226,843</b>
<b>Fund Balance</b>		
Unassigned Fund Balance	5,881,462	5,881,462
Food Service Restricted Fund Balance	436,374	436,374
Community Service Restricted Fund Balance	97,976	97,976
Assigned Fund Balance	210,871	210,871
Change in Fund Balance		362,316
<b>Total Fund Balance</b>	<b>6,626,683</b>	<b>6,988,999</b>
<b>Total Liabilities and Fund Balance</b>	<b>7,847,272</b>	<b>7,215,842</b>

St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

	=6/12 Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	50.0% Percent of Original Budget
<b>General Fund - 01</b>					
<b>Revenues</b>					
<b>State Revenues</b>					
211 General Education Aid	4,835,206	9,572,857	9,646,928	(74,071)	50.5%
213 Shared Time Aid		10,226			
F335 Quality Compensation	93,286	310,916	309,400	1,516	30.0%
F317 EL Cross-Subsidy Aid	0	654	654	0	0.0%
F348 Charter School Lease Aid	613,281	1,736,320	1,768,907	(32,587)	35.3%
317 Long Term Facilities Maintenance	28,667	170,966	173,870	(2,904)	16.8%
201 Endowment Aid	34,420	58,749	50,046	8,703	58.6%
212 Literacy Aid	40,025	80,051	79,421	630	50.0%
360 Special Education Aid	592,680	2,490,239	2,825,719	(335,480)	23.8%
343 Library Resource Aid	6,348	20,866			30.4%
373 Student Support Aid	5,791	20,000			29.0%
370 Other Miscellaneous State Aids/Adjustments	2,676	2,973	0	2,973	0.0%
PY Over/Under	6,539	6,539	0	6,539	
CY State Aids Receivable/(Deferred Revenue)	1,042,296	0	0	0	0.0%
<b>Total State Revenues</b>	<b>7,301,215</b>	<b>14,481,356</b>	<b>14,854,945</b>	<b>(373,589)</b>	<b>50.4%</b>
<b>Federal Revenues</b>					
401/414/433 Title Programs	11,053	42,677	33,949	8,728	25.9%
151-154/174 CARES/CRF/WC	335,956	311,636	313,000	(1,364)	107.8%
419/420/425 Federal Special Education Aid	126,301	204,348	214,800	(10,452)	61.8%
<b>Total Federal Revenues</b>	<b>473,310</b>	<b>558,661</b>	<b>561,749</b>	<b>(3,088)</b>	<b>84.7%</b>
<b>Local Revenues</b>					
Var. Fees from Patrons (5)	83,754	99,000	108,000	(9,000)	84.6%
Var. Extracurricular Fees (6)	231,165	359,000	358,000	1,000	64.4%
Var. Field Trips (12)	7,368	40,000	40,000	0	18.4%
Var. Fundraising - Development (1)	11,696	200,000	200,000	0	5.8%
Var. Fundraising - Parent Group (2)	35,100	46,000	69,000	(23,000)	76.3%
Var. Fundraising - Booster Club (3)	14,854	24,000	19,000	5,000	61.9%
Var. Fundraising - Other (4)	6,043	2,700	1,000	1,700	223.8%
071 Third Party Billing	682	2,000	2,000	0	34.1%
092 Interest Earnings	26,411	200,000	200,000	0	13.2%
096 Other Donations and Gifts	1,950	0	0	0	0.0%
099 Miscellaneous Revenues (14)	475,607	490,000	29,375	460,625	97.1%
622/624 Resale of Goods/Equipment	315	0	0	0	0.0%
<b>Total Local Revenues</b>	<b>894,942</b>	<b>1,462,700</b>	<b>1,026,375</b>	<b>436,325</b>	<b>61.2%</b>
<b>Total Revenues</b>	<b>8,669,467</b>	<b>16,502,717</b>	<b>16,443,069</b>	<b>59,648</b>	<b>52.5%</b>

St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

	=6/12				50.0%
	Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	Percent of Original Budget
<b>Expenditures</b>					
100's Salaries and Wages	2,719,835	6,016,489	6,016,869	(380)	45.2%
Salaries and Benefits, Estimated YTD Accrual	264,544	0	0	0	0.0%
200's Employee Benefits	615,396	1,460,279	1,460,279	0	42.1%
305/315 Contracted Services	309,840	627,000	627,000	0	49.4%
320 Communications Services	36,322	61,000	61,000	0	59.5%
329 Postage	728	2,500	2,500	0	29.1%
330 Utilities	120,245	296,000	294,000	2,000	40.6%
340 Property and Liability Insurance	48,862	47,000	47,000	0	104.0%
350 Repairs and Maintenance	221,918	292,000	292,000	0	76.0%
360 Contracted Transportation for Field Trips	3,643	14,750	14,750	0	0.0%
366 Travel, Conferences, and Staff Training	11,637	10,000	10,000	0	116.4%
369/394 Field Trips / Registration Fees	4,318	27,000	27,000	0	16.0%
348-570 Building Lease	964,715	1,965,452	1,965,452	0	49.1%
401/455/465 General Supplies	61,990	90,000	85,000	5,000	68.9%
P 810 Maintenance Supplies	58,099	116,000	116,000	0	50.1%
405/406 Software & Licensing	134,457	146,000	130,000	16,000	92.1%
430/456/466 Instructional Supplies	33,258	70,000	70,000	0	47.5%
460 Textbooks and Workbooks	57,945	55,000	55,000	0	105.4%
461 Standardized Tests	925	35,000	35,000	0	2.6%
490 Food Purchased	5,283	10,000	10,000	0	52.8%
520 Building Improvement	418,310	76,000	0	76,000	0.0%
530/535/589 Other Equipment (Furniture)	8,124	22,000	18,000	4,000	36.9%
555/556 Technology Equipment	7,667	35,000	35,000	0	21.9%
580/581 Capital Equipment Lease	114,325	77,000	77,000	0	148.5%
820 Dues and Memberships	33,872	38,000	38,000	0	89.1%

St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

	=6/12				50.0%
	Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	Percent of Original Budget
C 217 Graduation	2,150	31,000	31,000	0	6.9%
C 399 COVID-19 Related Expenditures	8,926	0	0	0	0.0%
Var. Extracurricular Activities (6)	177,822	418,000	420,000	(2,000)	42.5%
Var. Fundraising - Development (1)	57,893	205,000	205,000	0	28.2%
Var. Fundraising - Parent Group (2)	3,242	46,000	69,000	(23,000)	7.0%
Var. Fundraising - Booster Club (3)	1,128	24,000	19,000	5,000	4.7%
Var. Fundraising - Other (4)	2,223	2,700	1,000	1,700	82.3%
335 Q Comp Expenditures (Excludes Sped Q Comp)	100,476	310,916	309,400	1,516	32.3%
372 Third Party Billing PRG 400	2,294	2,000	2,000	0	114.7%
P422 ADSIS	126,449	419,009	422,006	(2,997)	30.2%
740 State Special Ed Expenditures / ESY (Includes Q Comp)	1,112,668	2,496,604	2,861,255	(364,651)	44.6%
401/414/433 Title Programs	11,053	42,677	33,949	8,728	25.9%
151-154/174 CARES/CRF/WC	335,956	311,636	313,000	(1,364)	107.8%
419/420/425 Federal Special Education Program	126,301	204,348	214,800	(10,452)	61.8%
<b>Subtotal Expenditures</b>	<b>8,324,838</b>	<b>16,103,360</b>	<b>16,388,260</b>	<b>(284,900)</b>	<b>51.7%</b>
Transfers to Other Funds	0	0	0		
<b>Total Expenditures</b>	<b>8,324,838</b>	<b>16,103,360</b>	<b>16,388,260</b>	<b>(284,900)</b>	<b>51.7%</b>
<b>General Fund Change in Fund Balance</b>	<b>344,629</b>	<b>399,357</b>	<b>54,809</b>	<b>344,548</b>	
Beginning General Fund Balance, July 1	6,607,869	6,115,021	6,607,869		
<b>Projected General Fund Balance, June 30</b>	<b>6,952,498</b>	<b>6,514,378</b>	<b>6,662,678</b>		

St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

	=6/12 Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	50.0% Percent of Original Budget
<b>Food Service Fund - 02</b>					
<b>Revenues</b>					
State Revenues	149,803	457,809	35,000	422,809	32.7%
Federal Revenues	78,518	191,760	175,000	16,760	40.9%
Sale of Lunches and Other Local Revenues	56,126	117,659	532,529	(414,870)	47.7%
Sale of Equipment	0	0	0	0	0.0%
<b>Total Revenues</b>	<b>284,447</b>	<b>767,228</b>	<b>742,529</b>	<b>24,699</b>	<b>37.1%</b>
<b>Expenditures</b>					
Salaries and Wages	119,542	308,895	306,270	2,625	38.7%
Employee Benefits	33,436	40,273	83,840	(43,567)	83.0%
Team Meals	0	0	0	0	0.0%
Purchased Services	239	46,366	10,000	36,366	0.5%
Supplies and Materials (Inc. A la Carte and Milk)	124,938	278,124	299,260	(21,136)	44.9%
Capital	0	15,000	20,000	(5,000)	0.0%
Dues and Memberships	550	0	1,701	(1,701)	#DIV/0!
<b>Total Expenditures</b>	<b>278,704</b>	<b>688,658</b>	<b>721,071</b>	<b>(32,413)</b>	<b>40.5%</b>
<b>Food Service Fund Change in Fund Balance</b>	<b>5,743</b>	<b>78,570</b>	<b>21,458</b>	<b>57,112</b>	
Beginning Food Service Fund Balance, July 1	350,953	436,374	350,953		
<b>Projected Food Service Fund Balance, June 30</b>	<b>356,696</b>	<b>514,944</b>	<b>372,411</b>		

St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

=6/12

50.0%

Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	Percent of Original Budget
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**Community Service Fund - 04**

**Revenues**

Participation Fees	96,051	169,900	169,900	0	56.5%
<b>Total Revenues</b>	<b>96,051</b>	<b>169,900</b>	<b>169,900</b>	<b>0</b>	<b>56.5%</b>

**Expenditures**

Salaries and Wages	21,645	21,389	21,389	0	101.2%
Employee Benefits	2,348	3,243	3,243	0	72.4%
Purchased Services	25,369	34,499	34,499	0	73.5%
Supplies and Materials	26,093	61,395	61,395	0	42.5%
Equipment	0	6,800	6,800	0	0.0%
Other	8,652	51,374	51,374	0	0.0%
<b>Total Expenditures</b>	<b>84,106</b>	<b>178,700</b>	<b>178,700</b>	<b>0</b>	<b>47.1%</b>

**Community Service Fund Change in Fund Balance**

	<b>11,944</b>	<b>(8,800)</b>	<b>(8,800)</b>	<b>0</b>
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Beginning Community Service Fund Balance, July 1

	103,555	103,555	100,852
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**Projected Community Service Fund Balance, June 30**

	115,499	94,755	92,052
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St. Croix Preparatory Academy  
Stillwater, Minnesota  
Statement of Revenues and Expenditures  
as of December 31, 2023

	=6/12				50.0%
	Year to Date Activity - 1184 ADM	Reforecasted Budget 1194 ADM's 02.16.24	Original Budget 1204 ADM 05.16.23	Variance in Reforecasted to Adopted Budget	Percent of Original Budget
<b>Total All Funds</b>					
<b>Revenues</b>					
State Revenues	7,451,018	14,939,165	14,889,945	49,220	49.9%
Federal Revenues	551,828	750,421	736,749	13,672	73.5%
Local Revenues	1,047,119	1,750,259	1,728,804	21,455	59.8%
Transfer In	0	0	0	0	0.0%
<b>Total Revenues</b>	<b>9,049,965</b>	<b>17,439,845</b>	<b>17,355,498</b>	<b>84,347</b>	<b>51.9%</b>
	9,049,965	17,439,845	17,355,498	84,347	
<b>Expenditures</b>					
Salaries and Wages	3,226,042	6,657,689	6,653,928	3,761	48.5%
Employee Benefits	651,179	1,503,795	1,547,362	(43,567)	43.3%
Purchased Services	1,747,834	3,423,567	3,385,201	38,366	51.1%
Supplies and Materials	502,988	861,519	861,655	(136)	58.4%
Equipment	548,426	231,800	156,800	75,000	236.6%
Other (Fundraising, Special Ed, Dues, etc.)	2,011,180	4,292,348	4,683,085	(390,737)	46.9%
Transfer Out	0	0	0	0	0.0%
<b>Total Expenditures</b>	<b>8,687,649</b>	<b>16,970,718</b>	<b>17,288,031</b>	<b>(317,313)</b>	<b>51.2%</b>
	8,687,649	16,970,718	17,288,031	(317,313)	
Total Revenues All Funds	9,049,965	17,439,845	17,355,498	84,347	51.9%
Total Expenditures All Funds	8,687,649	16,970,718	17,288,031	(317,313)	51.2%
<b>Change in Fund Balance - All Funds</b>	<b>362,316</b>	<b>469,127</b>	<b>67,467</b>	<b>401,660</b>	
<b>Beginning Fund Balance, All Funds, July 1</b>	<b>7,059,674</b>	<b>6,654,950</b>	<b>7,059,674</b>		
<b>Projected Fund Balance, All Funds, June 30</b>	<b>7,421,990</b>	<b>7,124,077</b>	<b>7,127,141</b>		
Debt Service Coverage Ratio		1.30	1.14		
Fund Balance Reserve as Percentage of Annual Expenditures		42.0%	41.2%		

**St. Croix Preparatory Academy  
Stillwater, MN  
Cash Flow Projection Summary  
2023-2024 School Year**

Period Ending	Cash Inflows					Cash Outflows			Cash Balance
	State Aid Payments	Federal Aid Payments	Other Receipts	Prior Year Receivables	Total Receipts	Salaries	Other Expenditures	Total Expenditures	
									<i>Beginning Balance</i>
									<b>\$ 4,925,375</b>
July 31									<b>4,925,375</b>
Aug 31	2,038,184		673,799	707,624	3,419,607	1,042,768	2,381,851	3,424,619	4,920,362
Sept 30	1,109,278	-	79,297	800,888	1,989,463	551,452	973,455	1,524,907	5,384,918
Oct 31	1,091,222	13,877	84,370	558,721	1,748,190	550,797	912,084	1,462,881	5,670,227
Nov 30	1,144,968	201,308	112,153	196	1,458,623	560,129	1,065,131	1,625,260	5,503,591
<b>Dec 31</b>	<b>1,018,532</b>	<b>19,336</b>	<b>85,582</b>	<b>78</b>	<b>1,123,529</b>	<b>553,039</b>	<b>914,501</b>	<b>1,467,541</b>	<b>5,159,578</b>
Jan 31	1,035,719	71,426	115,601	36,450	1,259,194	521,598	731,180	1,252,778	5,165,995
Feb 28	1,036,962	71,426	115,601	14,289	1,238,277	521,598	731,180	1,252,778	5,151,495
Mar 31	1,070,139	71,426	115,601		1,257,165	521,598	731,180	1,252,778	5,155,882
Apr 30	1,035,719	71,426	151,300	65,370	1,323,814	521,598	731,180	1,252,778	5,226,919
May 31	1,036,962	71,426	97,751		1,206,139	521,598	731,180	1,252,778	5,180,280
June 30	1,035,719	71,426	97,751		<b>1,204,895</b>	521,598	731,180	<b>1,252,778</b>	<b>5,132,398</b>
<b>Projected</b>	<b>12,653,404</b>	<b>663,074</b>	<b>1,728,804</b>	<b>2,183,615</b>	<b>17,228,897</b>	<b>6,387,771</b>	<b>10,634,103</b>	<b>17,021,874</b>	
<b>Totals</b>	<b>12,653,404</b>	<b>663,074</b>	<b>1,728,804</b>	<b>2,183,615</b>	<b>17,228,897</b>	<b>6,387,771</b>	<b>10,634,103</b>	<b>17,021,874</b>	<b>5,132,398</b>

Assumption: 10% State Aid Holdback

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Members Present: J. Gutierrez, R. Thorson, K. Gutierrez, N. Donnay, T. Smith, C. Olson, A. Sachariason, P. Rosell

Members Absent: T. Gulbransen

Ex-officio Members Present:

Guests:

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Meeting began at 9:55 am

**Recap of the Feb 6 Board Meeting.** The discussion related to the board meeting included:

- Succession Planning Committee will do the screening interviews.
- Board members may review applicant data at the school, realizing that the data is private data.
- Selection criteria will yield recommended finalists which the board will discuss in an open meeting.
- Questions submitted by the board will be addressed at the next board meeting.
- Timeline will be updated for purposes of planning and board accountability.

**Rebar Leadership Follow-up Phone Call.** N. Donnay and J. Gutierrez spoke with S. Morrell in a phone call on February 12. A summary of the discussion is:

- Board Effectiveness Survey. Only received 12 of the 21 responses. We will send out a reminder.
- Change Cycle Training. Agreed that this was most appropriate for the board and admin team, as opposed to all employees. Determined training option dates of June 3, 7, 10, 12, 14, or 17. We will identify best options.
- Parent Survey. Discussed a parent survey to be developed and sent for parent feedback on the selection of a new Executive Director.
- Open Meeting Law Training. Based on the questions asked at the board meeting, open meeting law training may be beneficial. This will be provided at the February 20 board meeting.

**Timeline Adjustments.** Discussed the timeline, made adjustments, will follow up with MSBA, and will discuss progress at the February 20 meeting.

**Future Board Meetings.** Recommended adding another board meeting in April. The meeting on April 16 can focus on the succession planning items. April 30 will be discussing the preliminary budget for the 2024-2025 school year.

**Next Committee Meeting.** We will determine a more regularly scheduled committee meeting once we determine everyone's availability.

The meeting ended at 10:45 am

Submitted by J. Gutierrez, St. Croix Preparatory Academy

 MSBA <b>\$2,500</b>	 MSBA <b>\$9,900</b>	 REBAR Rebar	 SPC	 EC	 Board
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Planning					
	ED Position Study			Commission a committee to study the executive director position. ✓	Time study in progress ✓
	Search Timeline	Conduct an initial planning meeting with the Board of Directors to establish the search timeline,	Conduct an initial planning meeting with the Board of Directors to establish the search timeline,	Identify timelines for search ✓	Identify timelines for search. ✓
<b>Feb 2024</b>	Determine Hiring Criteria	Discuss hiring criteria and stakeholder involvement, identify the district's position in the marketplace, determine advertising venues, and finalize all processes and procedures for conducting the search.	Discuss hiring criteria and stakeholder involvement, identify the district's position in the marketplace, determine advertising venues, and finalize all processes and procedures for conducting the search.		
	Stakeholder Input		Collect stakeholder input through an online qualifications and quantitative data survey (in multiple languages, if requested). Results will be summarized for the Board of Directors by MSBA.	October Retreat, Staff and Parent Focus Groups ✓	October Retreat, Staff and Parent Focus Groups ✓
	Board Effectiveness Survey			To measure the board's self-evaluation and readiness for the next chapter of SCPA. Facilitate discussion at March board meeting.	
<b>June 2024</b>	<b>Change Cycle Training Part 1</b>			To equip the organization for planned change.	
	Online Q&A for Staff/Community		Host an online informational Q&A with MSBA session for staff and community members regarding the Executive Director search process, and provide the recording for placement on the District's website.		Ongoing throughout the process
	Communicate Process to Stakeholders				Ongoing throughout the process
<b>Aug 2024</b>	Refine ED job description with time study				Tighten up job description based on data gathered and discussed. Is legal counsel needed to review changes? Reassign tasks out of scope.
	<b>Change Cycle Training Part 2</b>			To equip the organization for planned change. Ensure alignment with market and search efforts in 2025.	
	Compensation and benefits reviewed.				Changes/edits reported to Board
	Method of Search/Design Recruitment Plan				Internal search vs external search.
<b>Sept 2024</b>	Communicate succession efforts and the plan				Transparency and confidence building.
<b>Nov 2024</b>	Retirement Press Release				Press release Jon's retirement. Decide release format, date, reach. Press release announcing official search for successor
	Candidate Submission Materials			Identify candidate submission materials (resume, leadership philosophy statement, prescribed Q: A, etc.)	Identify candidate submission materials (resume, leadership philosophy statement, prescribed Q: A, etc.)
	Document Design				Design Interview Questions, Matrix for Candidates and Interview Comparison
	Vacancy Announcement	Develop a two-sided color vacancy announcement and post on both statewide and national job sites.	Develop a two-sided color vacancy announcement and post on both statewide and national job sites.		Develop a two-sided color vacancy announcement and post on both statewide and national job sites.
	Applications Procedures/Workflow	Develop all application procedures, handle applicants' calls and correspondence, collect and review applicants' files, and receive applicants' credentials.	Develop all application procedures, handle applicants' calls and correspondence, collect and review applicants' files, and receive applicants' credentials.		HR/SPC - Develop all application procedures, handle applicants' calls and correspondence, collect and review applicants' files, and receive applicants' credentials.
Posting					
<b>Jan 2025</b>	Posting	Directly contact Superintendents, Assistant Superintendents, Service Cooperative Directors, Charter School Directors, Principals, Assistant Principals, and Cabinet members across the state to inform them of the vacancy and application procedures. Also post in Revelus through the national NASS network.	Directly contact Superintendents, Assistant Superintendents, Service Cooperative Directors, Charter School Directors, Principals, Assistant Principals, and Cabinet members across the state to inform them of the vacancy and application procedures. Also post in Revelus through the national NASS network.		HR (Get list)
Pre-Interview					
<b>Jan/Feb 2025</b>	Screen Candidates	Screen the applicant pool against the Board of Directors's hiring criteria and leadership profile.	Screen the applicant pool against the Board of Directors's hiring criteria and leadership profile.	Screen candidates in applicant pool. Sift through resumes and candidate profile materials received. Decide who to keep and who to exclude in the process	Screen candidates in applicant pool. Sift through resumes and candidate profile materials received. Decide who to keep and who to exclude in the process
	Verify Candidate References		Conduct preliminary verification of references and pre-interviews and vetting of applicants who best meet the Board of Directors's hiring criteria as determined by MSBA's screening team.		Conduct preliminary verification of references and pre-interviews and vetting of applicants who best meet the Board of Directors's hiring criteria as determined by SPC
	Board Training		Conduct a meeting with the Board of Directors for purposes of interview training,		View Sartell Training ✓
	Board - Present Finalists for Interviews		Conduct a meeting with the Board of Directors for purposes of presenting candidate recommendations so the Board of Directors can select finalists for interviews, and clarifying remaining steps of the search process. * *		SPC - Conduct a meeting with the Board of Directors for purposes of presenting candidate recommendations so the Board of Directors can select finalists for interviews, and clarifying remaining steps of the search process. * *





MSBA	MSBA	Rebar	SPC	EC	Board

\$2,500

\$9,900

Screening Interview						
Jan/Feb 2025	1st Interview Invitation		Coordinate with finalists and be present during the first and second rounds of interviews. *	Invite candidates for first round interview.	Invite candidates for first round interview.	
	1st Interview Set-up			Set up interviews (virtual/onsite).	Set up interviews (virtual/onsite).	
	1st Interview Logistics			Act on all first-round interview logistics. Dates, times, transportation needs, meals, interview reserved rooms, interview SCPA participants, interview questions, recording interviews.	Act on all first-round interview logistics. Dates, times, transportation needs, meals, interview reserved rooms, interview SCPA participants, interview questions, recording interviews.	
	1st INTERVIEW		Coordinate with finalists and be present during the first and second rounds of interviews. *			
	1st Interview Candidate Follow-up			Follow up with each candidate on their experience and further questions or concerns.	Follow up with each candidate on their experience and further questions or concerns.	
	1st Interview stakeholders Follow-up			Follow up with SCPA stakeholders on their experience with the candidates that interviewed, and further questions or concerns about each candidate.	Follow up with SCPA stakeholders on their experience with the candidates that interviewed, and further questions or concerns about each candidate.	
	Background Screening			Facilitate background screening. (Out-source to screening agency such as <u>Orange Tree Employment Screening</u> or similar competent agency.)	Facilitate background screening by "Trusted Employees" screening company	
	Narrow Pool			Narrow pool for second round interviews.	Narrow pool for second round interviews.	
	Recommendation to Board				Interview Committee	
Interview with Board						
Feb/March 2025	Finalist Press Release		Prepare a communications piece for the district to send to the media, school district staff, and community that includes the names of the finalists who will be interviewed.		Prepare a communications piece for the district to send to the media, school district staff, and community that includes the names of the finalists who will be interviewed.	
	"Meet the Candidates" Public Gathering		Facilitate Audience Input Forums with finalists in conjunction with the second round of interviews, if requested. *	Conduct open forum teachers, parents, alum.		Conduct "Town Hall" forum with teachers, parents, alum.
	2nd Interview			Schedule and conduct second round interviews.		Schedule and conduct second round interviews.
	Gather Open Forum Feedback			Gather open forum feedback.	Gather open forum feedback.	
Hiring						
	Recommendation to Board			Succession Committee makes recommendation to Board.	Interview Committee makes recommendation to Board.	
	Board - Decide Finalist			Board discusses, debates, and decides on finalist.		Board discusses, debates, and decides on finalist.
	Offer Letter			Offer letter is made to finalist.	Offer letter is made to finalist.	
March 2025	Negotiations			Finalist negotiations.		Finalist negotiations.
	Acceptance			Candidate acceptance.		Candidate acceptance.
	Communication of New ED		Prepare a communications piece for the district to send to the media, school district staff, and community introducing the new Executive Director.		Prepare a communications piece for the district to send to the media, school district staff, and community introducing the new Executive Director.	
July 1	Start Date					
Post-Hiring						
	Develop Transition Plan for ED		Assist in developing a transition plan for the new Executive Director.		Assist in developing a transition plan for the new Executive Director. - TBD	
	Visitation of new ED		Visit the new Executive Director during their first year of employment. (in-district meetings, if possible.)		Visit the new Executive Director during their first year of employment. (in-district meetings, if possible.)	
	Board Training - Goals for ED		Facilitate a post-hiring workshop to develop goals and/or expectations for the Board of Directors and Executive Director after the new Executive Director begins work in the school district. (virtual meetings; however, at the Board's request in-district meetings may be substituted for an additional \$300 per meeting)		Facilitate a post-hiring workshop to develop goals and/or expectations for the Board of Directors and Executive Director after the new Executive Director begins work in the school district. (virtual meetings; however, at the Board's request in-district meetings may be substituted for an additional \$300 per meeting)	

The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public. This publication discusses the groups and types of meetings covered by the open meeting law (page 2), and then reviews the requirements of (page 6) and exceptions to the law (page 10), the penalties for its violation (page 14), and sources of advice (page 15).

## Executive Summary

The Minnesota Open Meeting Law was originally enacted in Laws 1957, chapter 773, section 1. It is now codified in Minnesota Statutes, chapter 13D. The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- To assure the public's right to be informed
- To afford the public an opportunity to present its views to the public body<sup>1</sup>

"These purposes are deeply rooted in the fundamental proposition that a well-informed populace is essential to the vitality of our democratic form of government."<sup>2</sup> Courts interpret the law liberally and in favor of openness.

**Entities covered by the law.** The law applies to state and local multimember governmental bodies, including committees and subcommittees, and nonprofits created by political subdivisions. A separate law applies to the legislature.<sup>3</sup>

**Situations where the law applies.** A meeting is a "meeting" for purposes of the law when a quorum or more of the governmental body is gathered—in person or by interactive

<sup>1</sup> *Prior Lake American v. Mader*, 642 N.W.2d 729, 735 (Minn. 2002) (en banc) (citing *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1, 4 (Minn. 1983)). While the courts consistently say that the open meeting law is to afford the public an opportunity to present its views to the public body, there is no general right for members of the public to speak at a meeting. Some statutes, and perhaps some home rule charters, specify that a hearing on a particular matter must be held at which anyone who wishes to address the public body may do so. See, e.g., Minn. Stat. § 117.0412, subd. 2.

<sup>2</sup> *Prior Lake American*, 642 N.W.2d at 735.

<sup>3</sup> Minn. Stat. § 3.055.

Open  
Forum  
not  
required

technology, whether or not action is taken or contemplated. The open meeting law does not address whether the governmental body must keep or publish meeting minutes, hold a meeting for a particular purpose, or allow members of the public to address the body. For any particular governmental body, there may be other laws or charter provisions that address those topics.

**What constitutes an open meeting.** A meeting is open when proper notice was given in advance of the meeting, the public may attend and observe, and relevant materials are available to the public.

**Exceptions to the law.** A meeting may be closed based on a limited attorney-client privilege, and for the purposes of labor negotiations, employee evaluations, and discussion of security issues and property transactions. The law does not apply to a governmental body exercising quasi-judicial functions involving disciplinary proceedings.

**Violations of the law.** While actions taken at a meeting held in violation of the law are still valid, the law provides for penalties and potentially removal from office.

**Where to get advice.** A governmental entity can seek advice from its attorney, the Minnesota Attorney General, or the Commissioner of Administration. An individual may seek advice from a private attorney or the Commissioner of Administration.

## Groups and Meetings Governed by the Open Meeting Law

**The law applies to all levels of state and local government.**

The open meeting law applies to:

- a state agency, board, commission, or department when it is required or permitted by law to transact public business in a meeting;
- the governing body of any school district, unorganized territory, county, city, town, or other public body;
- a committee, subcommittee, board, department, or commission of a public body subject to the law; and
- the governing body or a committee of a statewide or local public pension plan.<sup>4</sup>

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<sup>4</sup> Minn. Stat. § 13D.01, subd. 1.

“Public body” is not defined but the Minnesota Supreme Court has stated that “[i]n common understanding, ‘public body’ is possibly the broadest expression for the category of governmental entities that perform functions for the public benefit.”<sup>5</sup>

In determining whether the open meeting law applies to a particular entity, one should look at all of the entity’s characteristics. For example, in a 1998 case, the Minnesota Supreme Court held that because the statute authorizing creation of a municipal power agency authorized an agency to conduct its affairs as a private corporation, it could hold closed meetings.<sup>6</sup> The court held so notwithstanding the statute that provides for municipal power agencies to be political subdivisions of the state.<sup>7</sup>

### **The law generally applies to nonprofit corporations created by governmental entities.**

The list of groups covered by the open meeting law does not refer to nonprofit corporations created by a governmental entity. However, the law creating a specific public nonprofit corporation may specify that it is subject to the open meeting law.<sup>8</sup> In addition, any corporation created by a political subdivision before May 31, 1997, is clearly subject to the open meeting law.<sup>9</sup>

### **Gatherings of less than a quorum of a public body are not subject to the law; a “meeting” is held when the group is capable of exercising decision-making powers.**

*Delegated authority*  
The Minnesota Supreme Court has held that the open meeting law applies only to a quorum or more of members of the governing body or a committee, subcommittee, board, department, or commission of the governing body.<sup>10</sup> Serial meetings in groups of less than a quorum held in

<sup>5</sup> *Star Tribune Co. v. University of Minnesota Board of Regents*, 683 N.W.2d 274, 280-282 (Minn. 2004) (en banc).

<sup>6</sup> *Southern Minn. Mun. Power Agency v. Boyne*, 578 N.W.2d 362, 364 (Minn. 1998) (en banc) (citing Minn. Stat. § 453.54, subd. 21, and discussing the factors that distinguish a public corporation from a private corporation). See also *Minnesota Joint Underwriting Ass’n v. Star Tribune Media Co.*, 862 N.W.2d 62, 65 (Minn. 2015) (discussing *Boyne*; stating whether a particular entity is a “government entity” under the Data Practices Act is a question of law subject to the court’s de novo review).

<sup>7</sup> Minn. Stat. § 453.53, subd. 1, para. (b), cl. (1) (The agency agreement shall state: “(1) That the municipal power agency is created and incorporated . . . as a municipal corporation and a political subdivision of the state, to exercise thereunder a part of the sovereign powers of the state;”).

<sup>8</sup> E.g., Minn. Stat. §§ 62Q.03, subd. 6 (Minnesota Risk Adjustment Association); 85B.02, subd. 6 (Lake Superior Center Authority); 116V.01, subd. 10 (Agricultural Utilization Research Institute); 124D.385, subd. 4 (Minnesota Commission on National and Community Service may create a nonprofit but it is subject to the open meeting law); and 128C.22 (State High School League).

<sup>9</sup> Minn. Stat. § 465.719, subd. 9.

<sup>10</sup> *Moberg v. Independent School Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983) (en banc).

order to avoid open meeting law requirements may also be found to be a violation, depending on the facts of the case.<sup>11</sup>

\* A public body subject to the law should be cautious about using e-mail to communicate with other members of the body. Although the statute does not specifically address the use of e-mail, it is likely that the court would analyze use of e-mail in the same way as it has telephone conversations and letters.<sup>12</sup> That is, private communication about official business through telephone conversations or letters by a quorum of a public body subject to the law would violate the law.

Serial communication through telephone conversations or letters by less than a quorum with the intent to avoid a public hearing or to come to an agreement on an issue relating to official business could also violate the law. In a 1993 case, the Minnesota Court of Appeals held that the open meeting law was not violated when two of five city council members attended private mediation sessions related to city business. The court determined that the two council members did not constitute a committee or subcommittee of the council because the group was not capable of exercising decision-making powers.<sup>13</sup>

### **The law applies to informational meetings.**

The Minnesota Supreme Court has held that the open meeting law applies to all gatherings of members of a governing body, whether or not action is taken or contemplated. This means that a gathering of members of a public body for an informational seminar on matters currently facing the body or that might come before the body must be conducted openly.<sup>14</sup> However,

<sup>11</sup> *Id.* at 518; see also *Mankato Free Press Co. v. City of North Mankato*, 563 N.W.2d 291, 295 (Minn. App. 1997). On remand to the district court for a factual finding on whether the city used serial interviews to avoid the open meeting law, the trial court found, and the court of appeals affirmed, that the serial meetings were not held to avoid the law. *Mankato Free Press Co. v. City of North Mankato*, No. C9-98-677, 1998 WL 865714 (Minn. App. 1998) (unpublished opinion), *review denied* (Minn. Feb. 24, 1999).

<sup>12</sup> *Moberg*, 336 N.W.2d at 518. The Commissioner of Administration stated in a July 9, 2008, opinion that an e-mail sent to all members of a city council by the city manager was effectively “printed material” that should be available to members of the public and also suggested that the legislature revise the statute to recognize the use of electronic and other types of communications. Minn. Dept. of Admin. Advisory Op. 08-015. A September 8, 2009, opinion by the commissioner states that the exchange of e-mails by staff and members of the Metro Gang Strike Force Advisory Board violated the open meeting law because it was not just a matter of a quorum receiving information, but a quorum of the body discussing and then giving the staff person direction on the action to take. In June 2017, the Commissioner of Administration issued an opinion that a letter signed by a quorum of a school board that was sent without public notice, or discussion and decision on the substance of the letter in an open meeting violated the law. The school board said one member drafted it, sent it to the superintendent, who made minor revisions, placed it on letterhead, and then sent it to the other members to sign. The board asserted it did not discuss or take action on it. The commissioner however found that unlikely. “The Board’s assertion that it did not discuss, decide, or take action on the contents of the letter or sending the letter is not plausible based on the very existence of the letter purporting to be from “the Board” and bearing the signatures of a quorum of members of the Board.” Minn. Dept. of Admin. Advisory Op. 17-005 (Eveleth-Gilbert Public Schools, I.S.D. No. 2154, and a letter sent to the IRRRB).

<sup>13</sup> *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *review denied* (Minn. May 28, 1993).

<sup>14</sup> *St. Cloud Newspapers, Inc.*, 332 N.W.2d 1.

there are some exceptions. A 1975 attorney general opinion stated that city council attendance at a League of Minnesota Cities training program for city officials did not violate the open meeting law if the members did not discuss specific municipal business.<sup>15</sup> The statute governing the Lessard-Sams Outdoor Heritage Council allows members of the council to travel together to visit sites and learn about projects without it being a violation of the law as long as the members do not decide, or agree to decide, matters under the council's jurisdiction.<sup>16</sup>

### **The law does not cover chance or social gatherings.**

The open meeting law does not apply to chance or social gatherings of members of a public body.<sup>17</sup> However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.<sup>18</sup>

### **The law does not apply to certain types of advisory groups.**

The Minnesota Court of Appeals has held that the open meeting law does not apply to certain types of advisory groups.<sup>19</sup> In that case, a presidential search advisory committee to the University of Minnesota Board of Regents was held not to be a committee of the governing body for purposes of the open meeting law. In reaching its holding, the court pointed out that no regents were on the search committee and that the committee had no power to set policy or make a final decision. It is not clear if a court would reach the same result if members of the governing body were also on the advisory committee. Depending on the number of members of the governing body involved and on the form or extent of the delegation of authority from the governing body to the members, a court might consider the advisory committee to be a committee of the governing body.

### **A separate law applies to the legislature.**

In 1990, the legislature passed a law separate from the open meeting law that requires all legislative meetings be open to the public.<sup>20</sup> The law applies to House and Senate floor sessions and to meetings of committees, subcommittees, conference committees, and legislative commissions. For purposes of this law, a meeting occurs when a quorum is present *and action is taken* regarding a matter within the jurisdiction of the group. Each house of the legislature must adopt rules to implement these requirements. Remedies provided under these rules are the exclusive means of enforcing this law.

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<sup>15</sup> Op. Att'y Gen. 63a-5, Feb. 5, 1975.

<sup>16</sup> Minn. Stat. § 97A.056, subd. 5, para. (b), provides "Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a)."

<sup>17</sup> *St. Cloud Newspapers, Inc.*, 332 N.W.2d at 7.

<sup>18</sup> *Moberg*, 336 N.W.2d at 518.

<sup>19</sup> *The Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988).

<sup>20</sup> Minn. Stat. § 3.055.



Hybrid groups—those made up of both legislators and nonlegislators—may have different open meeting law requirements. The Legislative-Citizen Commission on Minnesota Resources is subject to Minnesota Statutes, chapter 13D, except that a meeting only occurs when a quorum is present and action is taken, similar to the legislative open meeting law.<sup>21</sup> In contrast, the Lessard-Sams Outdoor Heritage Council, which also has both legislators and nonlegislators on it, is subject to chapter 13D, and a meeting occurs when a quorum is present whether or not action is taken.<sup>22</sup> Similarly, how the law applies to the hybrid Child Support Task Force was clarified in 2017.<sup>23</sup>

## Requirements of the Open Meeting Law

### Generally

#### ① Meetings must be open to the public.

The law also requires that votes in open meetings be recorded in a journal or minutes and that the journal or minutes used to record votes of a meeting be open to the public.<sup>24</sup> The vote of each member must be recorded on appropriations of money, except for payments of judgments and claims and amounts fixed by statute.<sup>25</sup> A straw ballot to narrow the list of candidates for city administrator and not made public was held to be a secret vote in violation

<sup>21</sup> Minn. Stat. § 116P.08, subd. 5, “(a) Meetings of the commission, committees, or subcommittees of the commission, technical advisory committees, and peer reviewers must be open to the public and are subject to chapter 13D. The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, *a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction* of the commission, a committee or subcommittee of the commission, a technical advisory committee, or peer reviewers.

(b) For legislative members of the commission, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the commission, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.” (emphasis added).

<sup>22</sup> Minn. Stat. § 97A.056, subd. 5.

<sup>23</sup> Minn. Stat. § 518A.79, subd. 3a (added by Laws 2017, 1st spec. sess., ch. 4, art. 2, § 48, effective January 1, 2018): “Except as otherwise provided in this section, the task force is subject to chapter 13D. A meeting of the task force occurs when a quorum is present and the members receive information, discuss, or take action on any matter relating to the duties of the task force. The task force may conduct meetings as provided in section 13D.015 or 13D.02. The task force may conduct meetings at any location in the state that is appropriate for the purposes of the task force as long as the location is open and accessible to the public. For legislative members of the task force, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.”

<sup>24</sup> Minn. Stat. § 13D.01, subsd. 4 and 5. See also Minn. Dept. of Admin. Advisory Op. 22-002, finding that a town that did not keep regular hours where town records were kept did not provide appropriate access to the voting records when it directed an individual who requested review of the township journals to the meeting minutes posted on the town’s website, which documented the voting record.

<sup>25</sup> Minn. Stat. § 13D.01, subd. 4.

of the open meeting law, particularly in light of the fact that the straw vote was acted on and given the same effect as an official act.<sup>26</sup>

Open meetings must be held in a public place within the borders of the public body.<sup>27</sup> Meetings may also be held by interactive technology if specified conditions are met to ensure openness and accessibility for those who wish to attend.<sup>28</sup> Please see the section in this publication on meetings by interactive technology for further information.

## ② Public bodies must give notice of their meetings.

In 1974, the Minnesota Supreme Court held that failure to give notice of a meeting is a violation of the open meeting law.<sup>29</sup> The court has also held that it is a violation of the open meeting law to conduct business before the time publicly announced for a meeting.<sup>30</sup>

In 1987, the legislature spelled out the notice requirements in statute for regular, special, emergency, and closed meetings. Public bodies must do the following:

- Keep schedules of *regular* meetings on file at their offices.<sup>31</sup>
- Post written notice of the date, time, place, and purpose of the *special* meetings (meetings held at a time or place different from regular meetings) on their principal bulletin board. The public body must also either mail notice to people who have requested such mailings, or publish notice in the official newspaper, at least three days before the meetings.<sup>32</sup>

website

72 hours

<sup>26</sup> *Mankato Free Press Co.*, 563 N.W.2d at 295-96. In contrast, the Commissioner of Administration issued an advisory opinion finding that a secret straw ballot taken and its results described and discussed at the same meeting as the ballot was not a violation. Minn. Dept. of Admin. Advisory Op. 10-011.

<sup>27</sup> *Quast v. Knutson*, 276 Minn. 340, 341, 150 N.W.2d 199, 200 (1967) (school board meeting held 20 miles outside the jurisdiction of the school board at a private office did not comply with open meeting law; consolidation proceedings were fatally defective because the resolution by which the proceedings were initiated was not adopted at a public meeting as required by law). The legislature may provide exceptions to this geographic requirement. See, e.g., Laws 2014, chapter 272, article 3, section 54 (authorizing the school board of Independent School District No. 2142, St. Louis County, to hold its meetings at the district's administrative office or at a convenient location for school board members and district residents outside of the school district boundaries if notice requirements are met).

<sup>28</sup> Minn. Stat. §§ 13D.015, 13D.02, 13D.021.

<sup>29</sup> *Sullivan v. Credit River Township*, 299 Minn. 170, 217 N.W.2d 502 (1974).

<sup>30</sup> *Merz v. Leitch*, 342 N.W.2d 141, 145 (Minn. 1984) (en banc).

<sup>31</sup> Minn. Stat. § 13D.04, subd. 1.

<sup>32</sup> Minn. Stat. § 13D.04, subd. 2; *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. App. 1995) (bulletin board must be reasonably accessible to the public). A February 3, 2004, advisory opinion by the Commissioner of Administration stated that a public body's actions at a special meeting are limited to those topics included in the notice of special meeting. Minn. Dept. of Admin. Advisory Op. 04-004.

- Make good faith efforts to notify news media that have filed written requests (with telephone numbers) for notice of *emergency* meetings (special meetings called because of circumstances that require immediate consideration).<sup>33</sup>

The same notice requirements apply to closed meetings.<sup>34</sup>

Absent any other specific law governing notice by a state agency, a state agency required or permitted by law to transact public business in a meeting satisfies notice requirements if it publishes notice in the State Register or posts notice on the agency's website. In addition, a schedule of the regular meetings must be kept on file at the primary offices or posted on the agency's website.<sup>35</sup>

### ③ **Relevant materials must be publicly available.**

The open meeting law requires that for open meetings, at least one copy of any printed material prepared by the public body and distributed or available to all members of the public body also be available in the meeting room for inspection by the public. This requirement does not apply to materials that are classified as other than public under the Government Data Practices Act.<sup>36</sup>

A public body cannot fulfill its obligation to make members' materials available in the meeting room for inspection by the public if the public does not know they are available for inspection. While there is not an affirmative duty to distribute copies to each member of the public in attendance at the meeting, liberally construing the law to protect the public's right to full access to the decision-making process of public bodies requires a public body to provide easy access to the materials.<sup>37</sup>

### **Meetings by Interactive Technology**<sup>38</sup>

Public bodies may hold meetings by interactive technology so long as certain requirements are met to ensure openness and accessibility for those who wish to attend. State entities must meet the requirements stated in section 13D.015. The requirements for other entities are articulated in section 13D.02. Further, the requirements for meetings by telephone or interactive technology during a health pandemic or emergency declared under chapter 12 are stated in section 13D.021.

<sup>33</sup> Minn. Stat. § 13D.04, subd. 3.

<sup>34</sup> Minn. Stat. § 13D.04, subd. 5.

<sup>35</sup> Minn. Stat. § 13D.04, subd. 6.

<sup>36</sup> Minn. Stat. § 13D.01, subd. 6.

<sup>37</sup> Minn. Dept. of Admin. Advisory Op. 18-011.

<sup>38</sup> The term "interactive technology" replaced "interactive television" and "other electric means" throughout chapter 13D in Laws 2021, chapter 14, which contained technical updates to the open meeting law. It is defined under section 13D.001, subdivision 2, as "a device, software program, or other application that allows individuals in different physical locations to see and hear one another."

*Pandemic*

In general, the conditions for meetings by interactive technology include the following:

- All members of the body can hear one another and can hear all discussion and testimony
- Members of the public at the regular meeting location can hear all discussion, testimony, and votes
- At least one member of the body (or, in the case of a health pandemic or other emergency, the chief legal counsel or chief administrative officer) is present at the regular meeting location
- All votes are conducted by roll call, so votes can be appropriately identified and recorded

If interactive technology under section 13D.02 is used, each location must also be open and accessible to the public. Up to three times a year, a member of a public body may participate by interactive technology from a location that is *not* open and accessible to the public if the member is serving in the military and is at a required drill, deployed, or on active duty or the member has been advised by a health care professional against being in a public place for personal or family medical reasons during a health pandemic or other emergency.<sup>39</sup> The meeting minutes must name each member participating by interactive technology and state the reason why the member is participating by that way.

A public body conducting an open meeting by interactive technology must allow a person to monitor the meeting electronically from another location, to the extent practical.

The public body must also provide notice of the regular meeting location and of the fact that some members may participate by interactive technology.<sup>40</sup>

<sup>39</sup> An exception was provided in Laws 2021, chapter 14, section 7, which allowed a member of a public body to participate from a location not open or accessible to the public more than three times during the first half of calendar year 2021 due to the COVID-19 health pandemic.

<sup>40</sup> Minn. Stat. §§ 13D.015 (state entities; such an entity is also required to post notice on its website at least ten days before any regular meeting and mention the option for a person to monitor the meeting electronically from a remote location); 13D.02; 13D.021 (state or local entities in the case of health pandemic, other emergency). Various statutes for specific public bodies also allow for meetings by interactive technology, telephone, or other electronic means: Minn. Stat. §§ 35.0661 (Board of Animal Health during restricted travel for animal health reasons); 41A.0235 (Minnesota Agricultural and Economic Development Board); 41B.026 (Rural Finance Authority); 116L.03, subd. 8 (Minnesota Job Skills Partnership Board); 116M.15, subd. 5 (Minnesota Emerging Entrepreneur Board); 116T.02, subd. 6 (Northern Technology Initiative, Inc.); 116U.25 (Explore Minnesota Tourism Council); 123A.16, subd. 1 (education district boards); 129C.105 (Board of the Perpich Center for Arts Education); 134.31, subd. 7 (Advisory Committee for the Minnesota Braille and Talking Book Library); 176.102, subd. 3c (rehabilitation review panels); 176.103, subd. 3 (Medical Services Review Board); 248.10 (Rehabilitation Council for the Blind); 256.482, subd. 5b (Minnesota State Council on Disability); 256.975, subd. 2a (Minnesota Board on Aging); 256C.28, subd. 7 (Commission of the Deaf, DeafBlind and Hard of Hearing); 268A.02, subd. 3 (State Rehabilitation Council and Statewide Independent Living Council); 326B.32, subd. 7 (Board of Electricity); 326B.435, subd. 7 (Board of Plumbing); 326B.925, subd. 7 (Board of High Pressure Piping Systems); 462A.041 (Minnesota Housing Finance Agency); 471.59, subd. 2 (joint powers board for educational purposes).

A member of a public body may participate in board meetings while *out of state* via interactive technology, pursuant to section 13D.02, as long as the conditions of that section are met.<sup>41</sup>

## Exceptions to the Open Meeting Law

A closed meeting, except one closed under the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.<sup>42</sup>

### **The law does not apply to state agency disciplinary hearings.**

The open meeting law does not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary hearings.<sup>43</sup>

### **Certain meetings involving employee evaluation or discipline must be closed.**

A public body must close meetings for preliminary consideration of allegations or charges against an individual subject to its authority.<sup>44</sup> If the members of the public body conclude that discipline may be warranted as a result of those charges, further meetings or hearings relating to the charges must be open. Meetings must also be open at the request of the individual who is the subject of the meeting. If an outside investigator is hired, the meeting should be open because the public body has moved past the preliminary consideration of allegations or charges.<sup>45</sup>

Statutes other than the open meeting law may permit or require closed meetings for certain local governmental bodies to conduct specific kinds of disciplinary hearings. For example, school board hearings held to discharge or demote a teacher are private unless the affected teacher wants a public hearing.<sup>46</sup>

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.<sup>47</sup> Before closing a meeting, the public body must identify the individual to be

<sup>41</sup> Minn. Dept. of Admin. Advisory Op. 18-019.

<sup>42</sup> Minn. Stat. § 13D.05, subd. 1.

<sup>43</sup> Minn. Stat. § 13D.01, subd. 2. This subdivision also says that the law does not apply to meetings of the Commissioner of Corrections, which does not really make sense since such a meeting is not of a multimember body. It may be explained by the legislative history, however. Until 1982, the exception was for meetings of the Corrections Board, a multimember body. A 1983 instruction directed the Revisor of Statutes to change "Corrections Board" to "Commissioner of Corrections" throughout statutes. Laws 1983, ch. 274, § 18.

<sup>44</sup> Minn. Stat. § 13D.05, subd. 2.

<sup>45</sup> Minn. Dept. of Admin. Advisory Op. 19-008 (The Commissioner of Administration found that the Tower City Council violated the open meeting law when it did not open a meeting to the public, claiming that hiring an outside investigator was still a primary consideration of employee misconduct allegations under 13D.05.)

<sup>46</sup> Minn. Stat. § 122A.41, subd. 9.

<sup>47</sup> Minn. Stat. § 13D.05, subd. 3.

evaluated. The public body must summarize the conclusions of the evaluation at its next open meeting. An evaluation meeting must be open at the request of the subject of the meeting.<sup>48</sup>

### **A meeting may be closed to discuss labor negotiations.**

The open meeting law permits a public body to hold a closed meeting to discuss strategy and proposals for labor negotiations conducted under the Public Employment Labor Relations Act.<sup>49</sup> The statute specifies procedures for tape-recording of these meetings, and for the recordings to become public when negotiations are completed.<sup>50</sup> Another law permits the Commissioner of the Bureau of Mediation Services to close negotiations and mediation sessions between public employers and public employees. These negotiations are public meetings, unless the commissioner closes them.<sup>51</sup>

### **The law permits closed meetings based on a limited attorney-client privilege.**

In 1976, the Minnesota Supreme Court held that there is a limited exception, based on the attorney-client privilege, for meetings to discuss strategy for threatened or pending litigation.<sup>52</sup>

In 1990, the legislature added the attorney-client exception to the open meeting law.<sup>53</sup> Minn. Stat. § 179A.14, subd. 3. Although the statute is not limited, the court has since held that the scope of the exception remains limited in relation to the open meeting law.<sup>54</sup>

The attorney-client privilege exception does not apply to a mere request for general legal advice. Nor does it apply when a governing body seeks to discuss with its attorney the strengths and weaknesses of a proposed legislative enactment (like a city ordinance) that may lead to

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<sup>48</sup> Minn. Stat. § 13D.05, subd. 2.

<sup>49</sup> Minn. Stat. § 13D.03, subd. 1.

<sup>50</sup> Minn. Stat. § 13D.03, subd. 2.

<sup>51</sup> Minn. Stat. § 179A.14, subd. 3.

<sup>52</sup> *Minneapolis Star & Tribune Co. v. Housing & Redevelopment Auth.*, 310 Minn. 313, 324, 251 N.W.2d 620, 626 (1976).

<sup>53</sup> Minn. Stat. § 13D.05, subd. 3.

<sup>54</sup> *Star Tribune v. Board of Ed., Special School Dist. No. 1*, 507 N.W.2d 869 (Minn. App. 1993) *review denied* (Minn. Dec. 22, 1993). The court of appeals did not accept the argument that the statutory exception encompassed the full attorney-client privilege because that would result in the exception swallowing the rule in favor of open meetings. In 2002, the Minnesota Supreme Court restated that the attorney-client privilege exception only applies when the purposes for the exception outweigh the purposes of the open meeting law. In that case, the city council was threatened with a lawsuit if it did not grant a request. The court found that the threat of a lawsuit did not warrant closing the meeting. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002) (en banc). Cf. *Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005) (applying analysis of *Star Tribune* and *Prior Lake American*, finding threats were sufficiently specific and imminent that confidential consultation with legal counsel appointed by city's insurer to discuss defense strategy or reconciliation to address a threatened lawsuit justified closing the meeting).

future lawsuits because that can be viewed as general legal advice. Furthermore, discussion of proposed legislation is just the sort of discussion that should be public.<sup>55</sup>

In order to close a meeting under the attorney-client privilege exception, the governing body must give a particularized statement describing the subject to be discussed. A general statement that the meeting is being closed to discuss pending or threatened litigation is not sufficient.<sup>56</sup>

### **A meeting may be closed to address certain security issues.**

If disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses, a meeting may be closed to:

- receive security briefings and reports;
- discuss issues related to security systems;
- discuss emergency response procedures; and
- discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities.

Before closing a meeting, the public body must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape-recorded at the expense of the governing body, and the recording must be preserved for at least four years.

Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.<sup>57</sup>

### **A meeting may be closed to discuss certain issues relating to government property sales or purchases.**

A public body may close a meeting to:

- determine the asking price for real or personal property to be sold by the government entity;
- review confidential or nonpublic appraisal data; and
- develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting, the public body must identify on the record the particular property that is the subject of the closed meeting. The proceedings must be tape-recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all property discussed at the meeting has

<sup>55</sup> *Star Tribune*, 507 N.W.2d at 872.

<sup>56</sup> *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004).

<sup>57</sup> Minn. Stat. § 13D.05, subd. 3.

been purchased or sold or the governing body has abandoned the purchase or sale. The property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this exception was transacted at a closed meeting held during the time when the tape is not available to the public, the court would review the recording of the meeting *in camera* and either dismiss the action if the court finds no violation, or permit use of the recording at trial (subject to protective orders) if the court finds there is a violation.<sup>58</sup>

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.<sup>59</sup>

### **There is a narrow exception for certain meetings of public hospital boards.**

Boards of public hospitals and certain health organizations may close meetings to discuss competitive market activities and contracts.<sup>60</sup>

### **On-site inspections by town board members are not subject to the law.**

The law does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board must make good faith efforts to provide notice of the inspections to the media that have filed a written request, including a telephone number, for notice. Notice must be by telephone or by any other method used to notify the members of the public body.<sup>61</sup>

### **The law specifies how it relates to the Government Data Practices Act.**

Except as specifically provided, public meetings may not be closed to discuss data that are not public data under the Government Data Practices Act.<sup>62</sup> Data that are not public may be discussed at an open meeting without liability, if the matter discussed is within the public body's authority and if it is reasonably necessary to conduct the business before the public body.<sup>63</sup> Because statute only authorizes the disclosure of not public data "reasonably

<sup>58</sup> Minn. Stat. § 13D.05, subd. 3, referring to § 13D.03, subd. 3.

<sup>59</sup> Minn. Stat. § 13D.05, subd. 3. Property appraisal data covered by this law is described in Minnesota Statutes, section 13.44, subdivision 3.

<sup>60</sup> Minn. Stat. § 144.581, subs. 4 and 5.

<sup>61</sup> Minn. Stat. § 366.01, subd. 11.

<sup>62</sup> Minn. Stat. § 13D.05, subd. 1.

<sup>63</sup> Minn. Stat. §§ 13.03, subd. 11; 13.05, subd. 4; and 13D.05, subd. 1.



necessary” to conduct the public body’s item of business, the extent of the disclosure should be minimized. This may be accomplished by redactions or the use of pseudonyms.<sup>64</sup>

A portion of a meeting must be closed if the following data are discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
- Active investigative data collected by a law enforcement agency, or internal affairs data relating to alleged misconduct by law enforcement personnel.
- Certain types of educational, health, medical, welfare, or mental health data that are not public data.
- An individual’s medical records governed by the Minnesota Health Records Act, Minnesota Statutes, sections 144.291 to 144.298.<sup>65</sup>

### **The legislature has addressed social media.**

In 2014, the legislature added a provision relating to use of social media. “The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media.”<sup>66</sup> “Social media” is not defined.

## **Penalties**

The open meeting law provides a civil penalty of up to \$300 for intentional violation.<sup>67</sup> A person who is found to have intentionally violated the law in three or more legal actions involving the same governmental body forfeits the right to serve on that body for a time equal to the term the person was serving. The Minnesota Supreme Court has held that this removal provision is constitutional as to removal of elected officials only if the conduct constitutes malfeasance or nonfeasance and provided that the violations occurred after the person had a reasonable amount of time to learn the responsibilities of office.<sup>68</sup>

A public body may not pay a civil penalty on behalf of a person who violated the law. However, a public body may pay any costs, disbursements, or attorney fees incurred by or awarded against a member of the body in an action under the open meeting law if the member was found not guilty of a violation.<sup>69</sup>

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<sup>64</sup> Minn. Dept. of Admin. Advisory Op. 02-033.

<sup>65</sup> Minn. Stat. § 13D.05, subd. 2.

<sup>66</sup> Minn. Stat. § 13D.065 (added by Laws 2014, ch. 274, § 2).

<sup>67</sup> Minn. Stat. § 13D.06, subd. 1.

<sup>68</sup> Minn. Stat. § 13D.06, subd. 3; *Claude v. Collins*, 518 N.W.2d 836, 843 (Minn. 1994); see also *Brown v. Cannon Falls Township*, 723 N.W.2d 31, 41-44 (Minn. App. 2006) (discussing the statutory history and that since 1994 the statute has required three or more legal actions).

<sup>69</sup> Op. Att’y Gen. 471-a, Dec. 31, 1992; Minn. Stat. § 13D.06, subd. 4.

A court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under the open meeting law. However, the following conditions apply:

- A court may award costs and attorney fees to a defendant only if it finds that the action was frivolous and without merit.
- A court may award monetary penalties or attorney fees against a member of a public body only if the court finds there was an intent to violate the open meeting law.

The court must award reasonable attorney fees to a prevailing plaintiff if the public body was also the subject of a prior written opinion issued by the Commissioner of Administration, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not follow the opinion.<sup>70</sup>

The appropriate mechanism to enforce the open meeting law is to bring an action in district court seeking injunctive relief or damages. The statute does not provide for a declaratory judgment action.<sup>71</sup>

The Minnesota Supreme Court has held that actions taken at a meeting held in violation of the open meeting law are not invalid or rescindable.<sup>72</sup>

## Advice

Public bodies subject to the open meeting law may seek advice on the application of the law and how to comply with it from three sources:

- The governmental entity's attorney
- The attorney general<sup>73</sup>
- The Commissioner of Administration<sup>74</sup>

An individual may seek advice from two sources:

- The individual's attorney
- The Commissioner of Administration

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<sup>70</sup> Minn. Stat. § 13D.06, subd. 4.

<sup>71</sup> *Rupp v. Mayasich*, 561 N.W.2d 555 (Minn. App. 1997).

<sup>72</sup> *Sullivan v. Credit River Township*, 299 Minn. 170, 176-177, 217 N.W.2d 502, 507 (Minn. 1974).

<sup>73</sup> Under Minnesota Statutes, section 8.06, the attorney general is the attorney for all state officers and boards or commissions created by law. Under Minnesota Statutes, section 8.07, the attorney general, on request from an attorney for a county, city, town, public pension fund, school board, or unorganized area, gives written opinions on matters of public importance.

<sup>74</sup> Minn. Stat. § 13.072, subds. 1 and 2.


An individual who disagrees with the manner in which members of a governing body perform their duties under the open meeting law may request the Commissioner of Administration to give a written opinion on the governing body's compliance with the law. The Department of Administration's Data Practices Office handles such requests.<sup>75</sup>

A governing body or person requesting an opinion of the Commissioner of Administration must pay a \$200 fee if the commissioner issues an opinion.

The commissioner may decide not to issue an opinion. If the commissioner decides not to issue an opinion, the commissioner must notify the requester within five days of receipt of the request. If the commissioner decides to issue an opinion, it must be done within 20 days of the request (with a 30-day extension possible for good cause and notice to the requester). The governing body must be allowed to explain how it performs its duties under the law.

Opinions of the Commissioner of Administration are not binding, but a court must give the opinions deference. However, a governing body that follows an opinion is not liable for fines, attorney's fees or any other penalty, or forfeiture of office.

The Data Practices Office maintains a searchable opinion library accessible to the public on its website.<sup>76</sup>



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<sup>75</sup> <https://mn.gov/admin/data-practices/>. The Data Practices Office was formerly known as the Information Policy Analysis Division (IPAD).

<sup>76</sup> <https://mn.gov/admin/data-practices/opinions/opinions-library/>



## ST. CROIX PREPARATORY ACADEMY OPEN MEETING LAW SUMMARY

The purpose of this is to explain general information related to open meeting law, board committees, and interaction with the public. The following are worth noting:

- Open Forums are not required at open board meetings. Over the course of its history, St. Croix Prep has both offered and not offered open forum opportunities to the public. This has been based on public interaction at these forums.
- All of our board meetings are open meetings and have met the notification requirements. These requirements are fulfilled when the board approves its calendar, family handbook (which has board meeting dates), etc. Publication in the parent update is not a requirement for public notice, unless there is a change.
- Posting of the board packet on-line is not a requirement of open meeting law; nor is offering on-line viewing of the meetings.
- St. Croix Prep committees do not have delegated authority, therefore they are not subject to open meeting law, do not need to post meeting information or minutes on the website, etc. Note: This is somewhat important, especially given the work of the succession planning committee. If this committee chose to comply with open meeting law, then if an employee was the subject of discussion in a committee meeting, the employee would have the right to close the meeting and the committee would have to publish the reason for a closed meeting.
- Affiliated building companies (FSCPA) and foundations (St. Croix Prep Foundation) are not subject to open meeting law.

### IMPLICATIONS ON EXECUTIVE DIRECTOR SEARCH

- **Applicant data is private data until applicants become finalists.**
- **Board members may view applicant data at the school.**
- **Communication between Succession Planning Committee and board members during the interview screening process should not be done as it would violate open meeting law - - a discussion between a quorum of board members, serial board meeting, etc.**
- **The Succession Planning Committee will present the candidates (e.g. candidates A, B, C, D, E, etc.), then their recommendation for finalists. This will be done in an open meeting where the entire board can interact about how the recommendation was made, criteria, and ask why certain candidates were selected, not selected, etc. At no time can information be discussed which allows the public to identify a candidate.**
- **Once the candidates are finalists, their applicant data (e.g. name, resume, etc.) becomes public data.**