

# MINNETONKA PUBLIC SCHOOLS

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## SCHOOL BOARD ELECTION, ORGANIZATION & DUTIES

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**Adopted October 16, 2001**

### 1.0 Election:

- 1.1 By vote of the people on May 16, 1961, the membership of the Board of Education of the Minnetonka independent School District No. 276 of Hennepin and Carver Counties, was enlarged from the minimal requirement of six according to law, to seven; to become effective at the annual school election in May 1962. Members of the Board shall be elected to four year terms to commence on the first Monday of January following the election and serve until a successor qualifies. Four members are elected every fourth year and three members are elected two years thereafter and every four years on that cycle at the school election held on the first Tuesday after the first Monday of November in odd numbered years. They shall file acceptance of election within ten days after being elected.
- 1.2 Any vacancy on the Board must be filled by Board appointment at a regular or special meeting. The appointment shall continue until an election is held according to law. When the vacancy occurs before the first day to file affidavits of candidacy for the next school district general election and more than two years remain on the unexpired term, a special election shall be held in conjunction with the school district general election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the school district election or when less than two years remain in the unexpired term, there shall be no special election.

### 2.0 Organization:

- 2.1 The organizational meeting of the Board shall be the first regular meeting of the Board in January of each year. Actions taken at that organizational meeting, except election of the Chair, Clerk and Treasurer, but including appointments and other official designations, shall be considered to be appointments and designations at the pleasure of the Board only rather than for a set period of time.
- 2.2 At the organizational meeting the Board shall elect a Chair, Clerk, and Treasurer, who shall hold their offices for one year and until their successors are elected and qualified. The persons who perform the duties of the Clerk and Treasurer need not be members of the Board and the Board by resolution may combine the duties of the offices of Clerk and Treasurer in a single person in the office of business affairs.
- 2.3 At the organizational meeting the Board shall elect a Vice Chair who is to act as Chair of any regular or special meeting of the Board when the Chair is not present at such meeting. In the absence of the Chair or Vice Chair, the line of succession shall be Clerk, followed by Treasurer.

### 3.0 Duties of Officers

#### 3.1 Chair: Whenever present:

- 3.1.1 Shall preside at all meetings of the Board.
- 3.1.2 Shall countersign all orders upon the Treasurer for claims approved by the Board.
- 3.1.3 Shall sign all contracts or agreements approved by the Board.
- 3.1.4 Shall represent the District in all actions.
- 3.1.5 Shall, with the consent of the Board, appoint all special committees and standing committees and shall serve as ex officio member on all such committees.
- 3.1.6 Shall confer with the Superintendent as may be necessary and desirable regarding school and related matters.

#### 3.2 Clerk:

- 3.2.1 The Clerk or designee shall keep the minutes of the Board in records provided for that purpose.
- 3.2.2 Shall cause to be published such proceedings of the Board as may be determined by the Board consistent with the law requiring official publication. To avoid undue delay in publication of said proceedings, the minutes shall be published as soon as possible with the notation that they are to be submitted at the subsequent meeting for Board approval.
- 3.2.3 Together with the Executive Director of Finance & Operations the Clerk shall be responsible for a detailed account of all business of the Board and prepare an annual report of receipts and expenditures.
- 3.2.4 Shall sign all orders on the Treasurer for claims approved by the Board.
- 3.2.5 Shall, with the Chair, sign all contracts or agreements approved by the Board.

#### 3.3 Treasurer:

- 3.3.1 Shall with the assistance of the Executive Director, of Finance & Operations cause to be kept detailed records of all orders processed by the Board of Education, according to law.
- 3.3.2 Shall have custody of all monies belonging to the school district. Upon receipt of district funds, the Treasurer shall cause such funds to be promptly deposited in the legal depositories designated and approved by the Board and to the greatest extent possible in interest bearing accounts at the highest obtainable interest rate.

#### 4.0 Vacancies:

- 4.1 A vacancy in the Board occurs when a member (a) dies, (b) resigns, (c) ceases to be a resident of the District or (d) is unable to serve and attend meetings for not less than ninety (90) days because of illness or prolonged absence from the District.
- 4.2 A vacancy in the Board because of illness or prolonged absence from the district for more than 90 days may, after the Board by resolution has declared such vacancy to exist, be filled by the Board at any regular or special meeting thereof for the remainder of the unexpired term of the member or until such ill or absent member is again able to resume his/her duties, whichever is earliest. When such ill or absent member is able to resume his/her duties as a member of the Board, the Board shall by resolution declare such person to be again a member of the Board and the member appointed by the Board is thereafter no longer a member thereof.
- 4.3 Any other vacancy except as noted in 4.2 shall be filled by the Board at any regular or special meeting thereof According to 1.2. In the event an election is held for a vacancy, the Board shall formally seat the elected person at the first meeting after the election.

#### 5.0 Removal of board members:

- 5.1 The Board may remove any member or officer for proper cause, but such removal must be a concurrent vote of at least four members at a meeting of whose time, place and object the charged member has been duly notified with the reasons for proposed removal and after an opportunity to be heard in defense against the removal.

#### 6.0 Quorum:

- 6.1 A majority (four) of the Board members shall constitute a quorum for transacting official business of the district.

#### 7.0 Compensation:

- 7.1 Directors may have fixed annual compensations for their services. Such shall be determined at the Organizational Meeting of the Board each year in January.
- 7.2 The Chair, Vice-chair, Clerk and Treasurer may have fixed annual compensations for their services. Such shall be determined at the organizational meeting of the Board each year in January.

#### 8.0 Board Meetings:

##### 8.1 Regular Meetings

- 8.1.1 The regular meetings of the Board shall be held, except as provided in 8.1.2 at the Board room of School District No. 276, 5621 County Road 101, Minnetonka, Minnesota, at times and dates established by Board resolution at its organizational meeting in January. A schedule of regular meetings of the School Board shall be kept on file at the Administration

Offices and be available for public inspection on demand. In the event a regular meeting falls on a legal holiday, the meeting shall be held on the following day, or be cancelled by resolution of the School Board adopted at least seven days prior to the date of the cancelled meeting. However, no such meetings shall be scheduled on legal holidays (MS 645.44 Subd. 5). In such case, alternate meeting dates are to be set by the school board by formal resolution; an alternate meeting date which varies from the regular meeting schedule adopted by the board shall be noticed to the public pursuant to the provisions set forth under 8.2.1.

- 8.1.2 The Board may move the location of its regular meeting by adopting a resolution designating that a regular meeting of the Board be held in one of the public school buildings within the school district. In such case, the meeting shall be held at the regular date and time and notice of the change of location shall be made pursuant to the provisions of 8.2.1 below.
- 8.1.3 A regular meeting may be adjourned to be reconvened at a subsequent date, time, and place for the purpose of completing any unfinished business then before the Board for consideration. At such adjourned meeting the Board shall have the power which it has at regular meetings. Such adjournment shall be accomplished by the adoption of a resolution setting forth time, date and place of reconvening. All resolutions to adjourn and reconvene at a subsequent date, time, and place shall be recorded in the minutes of the meeting. In the event the Board has failed to make a resolution to adjourn and reconvene at a subsequent date, time, or place, and record same in the minutes of its meeting, then notice of the meeting must be published pursuant to the provisions of 8.2.1 below.

## 8.2 Special Meetings:

- 8.2.1 Special meetings of the Board may be called by the Chair or Clerk or any three members of the Board requesting in writing a special meeting and filing the request with the Clerk of the Board. The Clerk shall designate a date, time, and place for such special meeting. Notice of the special meeting shall be made as follows:
  - 8.2.1.1 The Clerk shall post a written notice of the date, time, and place and purpose of the meeting on the principal bulletin board of the Board of Education and on the door of the Board meeting room.
  - 8.2.1.2 The notice shall be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings of the Board of Education. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. In the alternative, time permitting, the Clerk may publish a notice in the official newspaper of the School District which must appear at least three days before the meeting.
  - 8.2.1.3 The Clerk shall mail notice of the date, time, and place of the special meeting, together with the names of the person or persons who requested the call of the special meeting to the members of the Board.

8.2.2 At special meetings the Board shall have the power it has at regular meetings.

8.2.3 A special meeting may be adjourned to be reconvened at a subsequent date, time and place for the purpose of completing any unfinished business then before the Board for consideration. At such adjourned meeting the Board shall have the power which it has at special meetings. Such adjournment shall be accomplished by the adoption of a resolution setting forth time, date and place of reconvening and shall be recorded in the minutes of the special meeting.

### 8.3 Emergency Meetings:

8.3.1 An emergency meeting of the Board may be called by the Chair or Clerk or any three or more members of the Board requesting in writing an emergency meeting and filing the request with the Clerk of the Board. The request shall set forth reasons why an emergency meeting is called and why immediate action of the Board is required. Emergency meetings may be called only because of circumstances that in the judgment of the Board require immediate consideration of the Board. The Clerk shall then set the time, date and place of the meeting.

8.3.2 No business shall be transacted at such emergency meeting until and unless at such meeting the Board adopts a resolution declaring the existence of an emergency justifying the elimination of required minimum notice to Board members and to the public. No business may be transacted at such emergency meeting except as noted in the request for the meeting.

8.3.3 Notice of emergency meetings of the Board shall be made as follows:

8.3.3.1 A good faith effort shall be made to provide notice of the meeting to each news medium that has filed a written request with the School District for notice provided the news medium's telephone number is included.

8.3.3.2 If members of the Board are notified by means other than telephone, then the news medium shall also be notified in a similar manner.

8.3.3.3 Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to members of the Board.

8.3.3.4 Notice shall include the subject of the meeting.

8.3.3.5 Posted or published notice of an emergency meeting shall not be required.

8.3.4 If matters not directly related to the emergency are discussed or acted upon at the emergency meeting, the minutes of the meeting shall include a specific description of the matters.

#### 8.4 Advisory Committee Meetings:

- 8.4.1 The Chair or Board may appoint Board members to serve in an advisory capacity to the administration on various school matters. Such appointments may be on a standing or ad hoc basis.
- 8.4.2 Notice of an advisory committee meeting where two or more board members will be in attendance shall be posted at least three days prior to the time set for the meeting on the bulletin board in the lobby of the administrative offices, which notice shall state date, time, place, and purpose of the meeting.

#### 8.5 Public Board Meetings -- Open/Closed:

- 8.5.1 All meetings of the Board, whether they be regular meetings, adjourned meetings, special meetings, emergency meetings, or advisory committee meetings, shall be public meetings and open to the public for attendance, per state statutes on the subject, except in those limited cases enumerated in below: paragraphs 7.5.2, 7.5.3, 7.5.4 and 7.5.5.
- 8.5.2 The Board may by consensus and without objection or by majority vote in a public meeting decide to hold a closed meeting to consult and discuss with its attorneys developments or strategies in threatened or pending litigation involving the interests of the district. The time and commencement of such a closed meeting shall be announced at the public meeting. Minutes of such meetings shall be kept in the manner provided by paragraph 9.0 but shall not be subject to the provisions of 9.4 and 9.5 thereof.
  - 8.5.2.1 The Board may not, however, hold a closed meeting merely for the purpose of requesting general legal advice or opinion by the Board.
- 8.5.3 The Board may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota Statutes, Sections 179A.01 to 179A.25 with respect to any district employees, whether represented by a bargaining representative or not. The time of commencement and place of such a closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of such a closed meeting to discuss negotiation strategy shall be tape recorded at the expense of the Board and shall be preserved by it for two years after the labor contract is signed and shall be made available to the public after all labor contracts are signed by the Board for the current budget period.
- 8.5.4 Board proceedings pertaining to disciplinary proceedings of students shall be open, except as noted below.

- 8.5.4.1 A Board hearing involving the possible exclusion or expulsion of a student shall be closed unless the pupil, parent, or guardian requests an open hearing. (M.S. 127.30-31)
- 8.5.4.2 In carrying out its quasi judicial functions the Board is required to receive evidence, make a record, permit witnesses to be examined, and make both findings and a decision.
- 8.5.5 Board hearings involving the employment contract of a teacher and the termination of a tenure teacher shall be closed.
  - 8.5.5.1 However, a teacher in such case may request that the meeting be open. The discretion is left to the teacher involved. (M.S. 125.12, Subd. 9)
  - 8.5.5.2 The term "teacher" means and includes any and all persons employed in a public school as members of the instructional and supervisory staff such as superintendents, principals, supervisors, classroom teachers, and librarians (MS 125.03).
  - 8.5.5.3 Pursuant to Minnesota Statutes 13.43, Subd. 4, all personnel data on individual employees of the school district is private data and may not be released without a court order. Members of the School Board may not discuss the details of such personnel data, except in a closed meeting. In the event a teacher requests the personnel data which is private, pursuant to Minnesota Statutes, be released or discussed in an open meeting, the Board shall decline absent a court order to release the private data.
- 8.5.6 Board hearings relating to charges made against a teacher shall be closed.
  - 8.5.6.1 However, a teacher in such case may request that the meeting be open. The discretion is left to the teacher involved. (M.S. 125.17, Subd. 5-7).
  - 8.5.6.2 Pursuant to Minnesota Statutes 13.43, Subd. 4, all personnel data on individual employees of the school district is private data and may not be released without a court order. Members of the School Board may not discuss the details of such personnel data, except in a closed meeting. In the event a teacher requests the personnel data which is private, pursuant to Minnesota Statutes, be released or discussed in an open meeting, the board shall decline absent a court order to release the private data.
- 8.5.7 Board hearings for any employee other than a teacher and for any reason shall always be open.
- 8.6 Agenda:

8.6.1 An agenda for each regular meeting, prepared by the Superintendent and Board Chair, shall be provided to each Board member not later than three days before each meeting, and shall be posted on the meeting bulletin board in the administration office, and a resume' shall be sent to the official district newspaper for its use.

8.6.2 An agenda for each special meeting, prepared by the Superintendent and Board Chair, shall be made available to each Board member as soon as possible after the calling of the special meeting and such agenda shall thereupon be posted on meeting bulletin board.

## 9.0 Minutes of Proceedings:

9.1 Any official meeting of the Board acting as a Committee of the whole where action is going to be taken shall have minutes prepared by the Clerk or designee.

9.2 The minutes of the preceding meeting(s) shall be approved by the Board as the first act of the regular meeting.

9.3 A copy of the motions shall be carefully recorded. The names of those who make motions, those who second motions, and those who vote "aye" and "nay" shall be recorded. The Chair shall have a vote, just as other members do. Roll call vote shall be required only in those instances where the vote is not unanimous and where required by law on personnel issues. In the event of a roll call vote, the roll of Board members shall be called alphabetically.

9.4 The minutes shall be published in the legal newspaper (in school district) according to law. The official legal newspaper of the school district shall be designated by resolution of the Board at the organizational meeting. The published minutes shall include summaries of all bills, proof of payment, and extracts of minutes in full or in part as may be determined by the Board or Clerk.

9.5 All records of the Board shall be available to citizens for inspection at the Superintendent's Office.

9.6 The official minutes shall be bound and kept in the Office of the Superintendent of Schools.

## 10.0 Transaction of Business:

10.1 All business of the Board shall be transacted at public legal meetings of the Board of Education, be they regular, adjourned, special or emergency meetings. The following shall be the order of business at regular meetings of the Board of Education, subject, however, to change by consent of all members present.

10.1.1 Call to Order

10.1.2 Roll Call

10.1.3 Action on Minutes (of last meeting(s))

10.1.4 Request to Modify Agenda

10.1.5 Community Comments



- 10.1.6 Unfinished Business: Action Items
- 10.1.7 Unfinished Business: Information/Report
- 10.1.8 New Business: Action Items
- 10.1.9 New Business: Information/Report
- 10.1.10 Adjournment

## 11.0 Rules of Order:

11.1 The rules of parliamentary procedure as set forth in Robert's "Rules of Order" shall govern the Board in its deliberations. Rules and procedures of the Board may be amended at any meeting by a majority vote except that such amendment may not be contrary to the regulations set forth in the statutes in the State of Minnesota. The order of business may be suspended at any meeting by a majority vote of those present.

## 12.0 Participation of the public in Board meetings

12.1 All meetings of the Board are open to the public except those which have been closed by the Board in accordance with paragraphs 8.5.2 or 8.5.3, 8.5.4 and 8.5.5. The Board shall solicit the advice and counsel of citizens in planning and operating the schools.

12.2 Time will be set aside early on the agenda of each regular board meeting under the subject Community Comments. Citizens may address the Board about educational issues and topics under the guidance and direction of the Board Chair. The Board will listen and respond immediately whenever possible. If additional research is needed, responses will be shared at the next regularly scheduled Board meeting. Any exception to this procedure is the prerogative of the Chair.

12.3 Citizens who wish to have any matter not otherwise listed on the agenda for discussion shall make written request addressed to the Chair of the Board at the Administration Building or the Superintendent of Schools at least five days prior to the meeting.

12.3.1 The Board may in case of emergency, by majority vote, give visitors who have not presented a written request an opportunity to present problems to the Board. The amount of time to be allotted shall be determined by majority vote of the Board. Such deliberations will normally occur immediately after action has been taken on minutes from the previous meeting (see 10.1.4).

12.3.2 The Chair may call upon any member of the audience who seeks recognition or who may have an opinion on any matter under discussion.

12.4 Prior to taking final action on policy changes, the Board of Education, acting through the Superintendent, will seek suggestions and comment from organizations in the community which have a clearly identifiable interest in a policy proposed for revision, amendment, or adoption.

12.4.1 For purposes of this policy, the president and vice president (or co-chairs) of the Minnetonka High School student government, the presidents of the PTA/PTO/PTSA organizations, the presidents of employee organizations duly certified for purposes of negotiating or "meeting and conferring" with the Board shall be recognized as spokesperson for their organizations during the official terms of office. Spokespersons for other organizations shall be recognized as appropriate by formal Board action or by the Superintendent as he seeks reaction to policy changes.

12.4.2 Such community organizations will be expected to present their suggestions and comments in writing to the Superintendent of Schools one week prior to the meeting at which action will be taken in order to allow time for study and analysis by the administrative staff. The Superintendent shall provide the Board with copies of these materials and consider the merits of the suggestions and comments in making the recommendation to the Board.

12.4.3 Spokespersons submitting suggestions and comment may speak to their points during the Board meeting if they so desire.

12.5 Spokespersons for any community organization may initiate Board discussion on any concern which they wish to raise in accordance with the procedure outlined in Section 12.2.

12.6 Considering the calendar for Board meetings and the time individual members can devote to school business, the Board of Education stands ready to meet periodically with identifiable community organizations such as student groups, PTA organizations, and employee groups, on an informal basis, to discuss mutual concerns.

### 13.0 Membership on Board and Contracts:

13.1 Board member shall not be interested directly or indirectly in any contract with the district. He/she shall not perform any labor, or furnish equipment or supplies.

### 14.0 Additional Functions and Duties of the Board:

14.1 The Board of Education is responsible for formulating policies for the general management of the schools in the district. It shall delegate authority to the Superintendent and his staff, but it is responsible to the people for the results produced.

14.2 It shall select and elect a Superintendent of Schools and support him in the discharge of his responsibilities.

14.3 It shall elect, promote, dismiss and assign all employees upon the recommendation of the Superintendent.

14.4 It may accept, modify or reject the recommendations of the Superintendent and may call for new recommendations.

- 14.5 It shall make teacher remuneration, custodial working agreements, transportation contracts, insurance contract and other contracts and agreements involving school business upon the recommendation of the Superintendent.
- 14.6 It shall approve materials of instruction, school philosophy and changes in the curriculum upon recommendation of the Superintendent.
- 14.7 It shall adopt a tentative budget and a final budget upon the recommendation of the Superintendent of Schools.
- 14.8 It shall designate depositories for school funds.
- 14.9 It shall plan in advance capital outlay and maintenance expenditures, including building alterations and additions, new equipment, improvement of grounds, repair and replacement of buildings and equipment, upon the recommendation of the Superintendent of Schools.
- 14.10 It shall study, anticipate and recognize the educational needs of the community and incorporate them in the school program.
- 14.11 It shall interpret the educational program and school policies to citizens in the community.
- 14.12 It shall approve a school calendar for each school year.
- 14.13 It shall be informed of all phases of the activities of the schools (educational, business, custodial programs) in the district by the Superintendent and his staff.
- 14.14 It shall evaluate the educational program and the work of the Superintendent and his staff.
- 14.15 It shall approve for payment all bills and other disbursements upon recommendation of the Executive Director of Finance & Operations.
- 14.16 It shall approve the annual financial reports of the Clerk and the Treasurer.
- 14.17 It shall provide finances for efficient management of the schools, including the adoption of the amount of the tax levy.
- 14.18 It shall, at least thirty days before the day of the annual school election, determine the number of voting precincts, the polling places and the hours the polls will be open. It shall cause to be chosen three election judges for each polling place and shall canvass the election returns at a meeting of the Board called for that purpose.
- 14.19 It shall appoint a student representative to the school board or meet not less than three times a year with a Student Advisory Committee.

14.20 It shall perform such other functions and duties as required by law.

15.0 Revision of Policies:

15.1 Any policy may be revised, added to, or amended, at regular meetings of the Board by a majority vote of the members. Proposed amendments may be voted upon at any meeting subsequent to their presentation.

15.2 The new Board shall act as a committee of the whole each July to review and approve existing policies.

15.3 The operation of any section or sections of any policy not established by law may be temporarily suspended by a majority vote of the Board at a regular or special meeting.

16.0 Wherever male gender is shown herein, by definition it also means female gender.