



Guide to School Board Meetings by Telephone Conference or Other Electronic Means

Governor Walz's Peacetime Emergency Declaration

Governor Walz's executive order declared Minnesota was in a Peacetime Emergency. Since this time the Governor has issued several other executive orders impacting schools and requiring the transition to distance learning for all students. **In light of these executive orders, MSBA strongly encourages school boards to meet by telephone conference call or other electronic means.**

Minnesota Statute 13D.021

Minnesota Statutes 13D.021 permits school boards to hold a meeting by conference call or other electronic means. <https://www.revisor.mn.gov/statutes/cite/13D.021>

Under 13D.021, a school board meeting may be conducted by telephone or other electronic means so long as the following conditions are met:

1. The school board chair, the school district's chief legal counsel, or the superintendent determines that an in-person meeting or a meeting conducted under section [13D.02](#) is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;
2. All school board members participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony. Each school board member participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings;
3. Members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;
4. At least one school board member, the school district's legal counsel, or the superintendent is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and
5. All votes are conducted by roll call, so each school board member's vote on each issue can be identified and recorded.

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Public access to the meeting by conference call or other electronic means

If telephone or another electronic means is used to conduct a meeting, to the extent practical, the school board shall allow a person to monitor the meeting electronically from a remote location. The school district may require the person making a connection to pay for the documented additional cost that the school district incurs as a result of the additional connection.

Recommendations.

1. Carefully select a means that allows your district to mute the public and other non-board members. Otherwise, the meeting may be interrupted by those listening in to the meeting.
2. Consider creating an email address or other means by which listeners can offer the type of comments that might occur in your meeting's public comment period. Preferably, the means would be visible only by district staff, not the public.

Notice of meeting by telephone conference call or other electronic means

If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the school board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of subdivision 3. The timing and method of providing notice is governed by section [13D.04](#) of the Open Meeting Law.

Recommendations

1. If practical, it is a good practice to record school board meetings held under 13D.021. If practical, the recording should be made available for public viewing after the meeting.
2. If practical, it is a good practice to live-stream school board meetings held under 13D.021.
3. Notice of the decision to hold school board meetings by telephone conference call/other electronic meetings should use multiple methods to increase awareness, including the following:
 - a. Required notice to media and those who request notice pursuant to section [13D.04](#) of the Open Meeting Law.
 - b. Notice posted on the school district website
 - c. Notice posted on the school district's principal bulletin board
 - d. Notice posted on the school district's social media, if applicable
 - e. Notice posted on exterior door of the building where meetings normally occur
 - f. Notice to school district staff and bargaining unit representatives
4. A school board may go into a closed meeting consistent with 13D.021. Because of the statute's requirement that remote public access to the meeting be provided (if practical), it may be best to schedule the closed portion of the meeting at the end of the regular meeting's agenda.



Sample Motion/Notice to hold teleconference meetings pursuant to Minnesota Statutes 13D.021

If your school board requires an immediate decision for the next upcoming meeting, your board chair may take the necessary action. If the board wishes to use teleconference for all meetings for the foreseeable future, your board can take action at its next meeting.

Sample Motion/Notice language

*The following offers guidance for your school district to consider. Your school district may choose to consult with school district legal counsel.

1. Due to the current federal and state emergency declarations and guidance about limiting person-to-person contact due to the COVID-19 (coronavirus) pandemic, by action of the school board of (DISTRICT NAME) all future meetings of the (NAME OF SCHOOL BOARD) will be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means—until further notice.
2. Then add **one** (*not both*) of the following:
 - a. One or more board members may participate by telephone or other electronic means. *[ONLY IF at least one board member, the superintendent, and/or the school district’s legal counsel will be at the regular meeting location]*

OR

 - b. Due to the health pandemic, the school board has determined that it is not feasible for at least one board member, the superintendent, or the school district’s legal counsel to be physically present at the regular meeting location. It is also not feasible for the public to attend at the regular meeting location due to the health pandemic.
3. In accordance with Minnesota Statutes 13D.021, members of the public are not permitted to attend this meeting due to the current health pandemic. Persons may monitor this meeting from a remote location by *[identify the means by which a person may join the call/other electronic means, such as conference call, Zoom, Google Hangout, or another meeting platform—and include live-stream information if applicable]*.
4. Public comment for school board meetings may be submitted as follows: *[insert email address/voicemail number/other means as appropriate]*

Canceling a Scheduled Meeting

Your school board may cancel a scheduled meeting. Best practices when cancelling a meeting include:

1. Notification to local media; individuals who have filed a written request for notification of special school board meetings; and staff, including local bargaining units.
2. Public notification by posting on the school district website and principal bulletin board and through other communication means used to contact families and the public.

Additional Resources

If your school board wishes to hold an emergency meeting please see the [MSBA COVID-19 Information and Resources](#) page for guidance.

