



Recording a Closed Meeting Policy

Date Created: 04/07/2020

Approved By: TRM Board of Directors (Pre-approval)

Date Approved: 04/21/2020

Recording of a Closed Meeting

13D.05 Subd. 1(d) - All closed meetings, except those closed as permitted by 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.

This Means:

- Virtually all closed meetings must be electronically recorded. (See Part 1 for information on attorney-client privilege.)
- These recordings must be kept for at least three years.
- School boards must plan in advance to have a method to record closed school board meetings and a board approved system to maintain the recordings of its closed meetings for three years from the date of each closed meeting.
- Care should be taken that over time and through changes in personnel, these closed board meeting recordings are not lost or destroyed; and, the board should consider adopting a policy or prescribe a procedure for the destruction of recorded closed board meetings and the documentation of such destruction (e.g. A perpetual closed meeting recording destruction log that includes date of original closed meeting, date of destruction of the recording, person responsible for the destruction of the recording(s)).
- Recording a board meeting in this context is considered to be an audio recording, although there is no prohibition from also recording it in both audio and video formats.
- The recording process should be robust enough to ensure that all participants in the closed board meeting can be clearly heard on the recording.

Stat. 13D, (specify section and reason). I will ask each person present at this meeting to identify themselves for the record...." Each attendee then states their name. At the conclusion of the meeting, there should be a motion to adjourn the closed meeting, a second, and a vote to adjourn.



Recording a Closed Meeting Policy Cont.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Cross References:

MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 514 (Bullying Prohibition)

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)