

# Open Meeting Act

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# Meetings (Defined) §525

- ▶ **“Meeting” means the conduct of business of a public body by a majority of its members being personally together, or by teleconference where authorized.**
- ▶ **“Meeting” does not include informal gatherings of a majority of the members of a public body when no business is being discussed.**



# Public Body

- ▶ **School Board**
  - ▶ **Board Committees – a committee will be subject to the Act if it has decision making authority**
  - ▶ **Board Committees – a committee will be subject to the Act if a majority of the board members are on the committee**
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# Committees (Examples)

- ▶ **A five member board appoints two members, the gifted/talented teacher and two principals to make recommendations for a student honors program.**
  - **Not subject to Act – Not a majority and no decision making authority.**
- ▶ **A five member board appoints three members to subcommittee to study construction needs for the district.**
  - **Subject to Act – majority of board members**

# Notice of Meetings §533

- ▶ (A) – ...all regularly scheduled, continued/reconvened, special or emergency meetings of public bodies shall be preceded by public notice



# Notice of Regular Meetings §533

## ▶ (A)

- (1) – All public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year.
  - School Boards must file this notice with the County Clerk

# Notice

## Posting on Web site §533.1

- ▶ public bodies shall make available on their...website...a schedule and information about their regularly scheduled meetings.
  - ▶ The information made available shall include the date, time, place and agenda of each meeting.
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# Notice of Continued/Reconvened Meeting, Special Meetings, Emergency Meetings §533

- ▶ (A) In the event any meeting is to be continued or reconvened, public notice of such action, including date, time and place of the continued meeting, shall be given by announcement at the original meeting.
- ▶ (B) Special Meetings at least 48 hours notice.
- ▶ (C) Emergency Meetings – as much notice as is reasonable and possible under the circumstances
- ▶ (D) all notices must be filed with County Clerk

# Agendas

- ▶ All meetings must have a written agenda
- ▶ All agendas must be posted at least 24 hours before meeting
- ▶ The 24 hour posting timeline does not include weekends or holidays
- ▶ Language must be specific and informative



# Agendas (Examples)

- ▶ **Personnel Action – incorrect**
  - ▶ **Discussion and vote to dismiss teacher – incorrect**
  - ▶ **Discussion and vote on recommendation of administration to dismiss Robin Hood – correct**
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# Agendas (Examples)

- ▶ **Agenda items must inform public of matters that will be considered and actions that might be taken.**
  - **Discussion regarding the hiring of a basketball coach.**
  - **Discussion and possible action regarding the hiring of a basketball coach.**

# Executive Sessions – § 528

- ▶ (A) – No public body shall hold executive sessions unless otherwise specifically provided in this section.



# Exclusive Reasons For Executive Sessions – § 528

- ▶ (B) – Executive sessions of public bodies will be permitted only for the purpose of:
  - (1) – Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee
  - (2) – Discussing negotiations concerning employees and representatives of employee groups;
  - (3)– Discussing the purchase or appraisal of real property;
  - Confidential communications between a public body and its attorney concerning a pending investigation, claim or action.



# Exclusive Reasons For Executive Sessions (Cont.) – § 528

- ▶ (B) – Cont...
  - (4)– Confidential communications between a public body and its attorney concerning a pending investigation, claim or action, the disclosure of which will seriously impair the public body.
  - (5) – Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or the student’s parent, attorney or legal guardian;
  - (6) – Discussing matters involving a specific handicapped child;
  - ▶ (7) – Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law;

# Executive Session

## Agenda Requirements – § 533

- ▶ (B)(2) – If a public body proposes to conduct an executive session, the agenda shall:
  - (a) – Contain sufficient information for the public to ascertain that an executive session will be proposed;
  - (b) – Identify the items of business and purposes of the executive session; and
  - (c) – State specifically the provision of Section 307 of this title authorizing the executive session.



# Executive Sessions (Cont.) §528

- ▶ (F) – A willful violation of the provisions of this section shall:
  - (1) – Subject each member of the public body to criminal sanctions as provided in 314 of this title; and
  - (2) – Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.



# Minutes – § 534

- ▶ (A) – The proceedings of a public body shall be kept by a person...in [the] form of written minutes which shall be an official summary of the proceedings showing clearly:
  - those members present and absent,
  - all matters considered by the public body, and
  - all actions taken by such public body.

# Minutes (Cont.)§ 534

- ▶ The minutes of each meeting shall be open to public inspection and shall reflect the manner and time of notice required by this act.



# OPEN RECORDS ACT

- ▶ The Open Records Act is found at 51 O.S. §§24A.1–24A.29
- ▶ It applies to all public bodies
- ▶ The presumption is that all records are open for copying and inspection by the public
- ▶ Only exceptions are contained in the Act, which means it can be withheld from the public for only those reasons set forth in the Act.

# Record– defined

- ▶ Pursuant to 51 O.S. §24A.2, record means:
- ▶ “all documents, including, but not limited to any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administration of public property.”

# Personnel Records

- ▶ Section 24A.7– covers personnel records.
- ▶ Personnel records may be kept confidential regarding employment, hiring, appointment, promotion, demotion, discipline or resignation and where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- ▶ Pay, receipt of public funds and final disciplinary action may NOT be kept confidential.
- ▶ Home address, telephone numbers, social security numbers of current and past employees SHALL be kept confidential and may not be given out.

# EDUCATIONAL RECORDS AND MATERIALS– CONFIDENTIAL

- ▶ Section 24A.16 governs educational records.
- ▶ Public Educational Records that MAY be kept confidential: individual student records, lesson plans and teaching materials, personal communications concerning individual students.
- ▶ Directory information may be disclosed to the public, (students name, address, telephone number, date and place of birth, major field of study, participation in activities and sports, weight, height, dates of attendance, degrees, awards, and most previous educational institution attended).
- ▶ Directory information can only be made public AFTER public notice and reasonable time to object is given to the parent. If the parent indicates that they do not want the director information to be released, it should not be released.

# FERPA– Family Educational Rights and Privacy Act

- ▶ This is a Federal Law at 20 O.S.C. §1223g
- ▶ Not Part of the Oklahoma Open Records Act
- ▶ All public schools must adhere to the provisions of FERPA or risk loss of federal funding.
- ▶ The general rule is that educational records cannot be disclosed without written consent.
- ▶ Contains several exceptions, especially in the area of data sharing among educational institutions.
- ▶ Staff should be trained on FERPA and Open Records to prevent any unwarranted disclosure of protected and confidential student records.