



OPEN MEETINGS ACT VIRTUAL MEETING FLEXIBILITIES

MARCH 1, 2021

Local boards of education are permitted, but not required, to meet in a blended or fully virtual format pursuant to the provisions of Senate Bill (SB) 1031, which renews the flexibilities created last session by SB 661, while adding some new requirements. If a local school board holds a meeting, it may do so via regular, special or emergency meeting as authorized by the Oklahoma Open Meetings Act.

SB 1031, which the Governor signed into law on February 10, 2021, is effective immediately and reauthorizes a public body (including school boards) to hold meetings by teleconference or videoconference without also having an in-person meeting location. While teleconference with audio-only remains an option, the Attorney General has stated that videoconference is preferred when available and meetings are still required to be recorded by written, electronic or other means. In order to conduct a meeting by teleconference or video conference, boards must adhere to the following:

- Each member of the board is required to be audible or visible to each other and the public, and the meeting must stop if the audio is disconnected.
- All votes occurring during any teleconference or videoconference meeting are to be recorded by roll call votes;
- The meeting notice and agenda must indicate whether the meeting will be held via teleconference or videoconference, identify each member of the public body appearing remotely, the method of each member's remote appearance (teleconference or videoconference), and the identity of the public body member(s) who will be physically present at the meeting site (if any). Note: A member identified on the notice and agenda as appearing remotely may change their mind and appear at the physical site; however, a member identified as appearing at the physical site may **not** change their mind to appear remotely;
- The public must be allowed to participate and speak, as allowed by rule or policy of the public body, and the notice and agenda must include the information needed to participate, such as the full website address or the call-in number along with any codes or other information;
- SB 1031 specifically requires that any meeting notice listing a videoconference option for attending the meeting must provide this option to the public, even if all members elect to attend the meeting in person. All codes and passwords required to access the videoconference must be provided in the meeting notice;
- Any documents or other materials provided to board members, as well as those shared between members, during a videoconference or teleconference meeting must be uploaded to the public body's website if one exists, and;
- Boards are not required to make meeting notices and agendas available to the public in the principal office of the public body or at the location of the meeting 24 hours prior to the meeting. However, these documents must still be made available on public websites and through distribution lists.

The provisions of SB 1031 are in effect until February 15, 2022, or until 30 days after the Governor terminates the state of emergency, whichever comes first. Read [FAQs from Oklahoma State School Boards Association \(OSSBA\)](#) for additional guidance. OSSBA has also created a [Board Meeting Checklist](#) to assist local school boards in following these requirements.

For program or department-specific questions, please [contact the relevant OSDE office directly](#). For legal questions, contact Brad Clark, General Counsel, at 405-521-4906 or Marley Billingsley, Legal Assistant, at 405-521-4889. Other questions may be directed to Annette Price, Constituent Services Specialist, at 405-521-6647.

DISCLAIMER: All the information above is based upon the Oklahoma State Department of Education's (OSDE) review of laws, regulations and guidance available to date. This information is subject to change as final guidance and information is released by the U.S. Department of Education (USDE).