

Frequently Asked Questions: La. Open Meetings Law – La. R.S. 42:11 et seq.

Compliance:

- Open meetings laws apply to charter school boards & committees – La. R.S. 42:13, 17:3996(B)(9)
 - Applies anytime a *quorum* (simple majority) of board/committee members convene to deliberate or act on a matter over which the board/committee has supervision, control, jurisdiction, or advisory power (this includes board retreats) – La. R.S. 42:13
 - Board members participating via phone cannot be counted in determining if a quorum exists and cannot vote
 - Board members cannot circumvent Open Meetings Law by discussing via e-mail (as a quorum or “rolling quorum”) substantive matters or polling board members on school issues

Voting

- Can only take action if there is a *quorum* – La. R.S. 42:13,14
- No voting by proxy or secret ballot; all votes must be live, cast out loud, & recorded – La. R.S. 42:14
 - Must be physically present to vote

Meeting Minutes

- Boards & committees must keep written minutes of meetings that includes the following information – La. R.S. 42:20:
 - Date, time, and place of the meeting
 - The names of the board/committee members and if they are either present or absent at the meeting
 - *Best Practice:* Be sure to record the time at which individual board/committee members join and/or leave the meeting
 - The *substance* of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken
 - Note: meeting minutes do not need to be overly detailed with specifics
 - And, any other information a board member requests to be included or reflected in the minutes
- Minutes are public records & must be made available – La. R.S. 42:20

Public Participation

- There must be a public comment period *before each vote* – La. R.S. 42:15
 - One general comment period for all agenda items will not suffice
 - If the board/committee is not voting on an agenda item, then public comment is not required as to that agenda item
- A person who willfully disrupts a meeting and seriously compromises the ability of the meeting to be conducted in an orderly manner can be removed – La. R.S. 42:17

Notice & Agendas

- **Annual Notice**: written public notice of planned, regular meetings must be given at the beginning of each calendar year with the *dates, times, and places* of the planned meetings – La. R.S. 42:19
- **24-Hour Notice**: written public notice of any regular, special, or re-scheduled meeting must be given at least 24-hours in advance of the meeting. This notice must include the *agenda, date, time, & place* of the meeting. In cases of an *extraordinary emergency* (i.e., natural disaster) then notice must be appropriately given as circumstances permit – La. R.S. 42:19
 - **Agenda**: Each agenda item must be listed separately and described with reasonable specificity – La. R.S. 42:19:
 - Agenda items must be read aloud during the meeting
 - Must indicate what matters will be discussed in executive session
 - If referencing litigation then the court, case number, & parties must be identified
 - *The agenda cannot be changed less than 24-hrs. prior to the scheduled meeting**
 - *If the board/committee wants to discuss an issue *not* identified on the agenda, then:
 - Issue must be identified by motion during the meeting with reasonable specificity including the purpose for the addition to the agenda and entered into the minutes; *and*
 - The public has an opportunity to comment on the proposed addendum to the agenda; *and*
 - The members present at the meeting unanimously approve the motion to add agenda item
- **Posting Notice**: for both annual notice & 24-hour notice, the charter school boards/committees must post a copy of the written notice: (i) at the principal office of the board/committee holding the meeting; (ii) at the building in which the meeting is to be held; *or*, (iii) by publication of the notice in an official journal of the public body – La. R.S. 42:19:
 - Notice must also be given on the school’s website at least 24-hours before the meeting
- **Media Requests**: If any member of the news media requests notice of the board meetings, then a copy of the notice must be mailed to that news media member *and* the board must give notice of all meetings to that news media member in the same manner as is given to members of the school and board – La. R.S. 42:19

Executive Session

- Certain matters that qualify as an exception to open meetings can be discussed privately and off the record by holding an “*Executive Session*” – La. R.S. 42:16
 - If a matter does not qualify as an exception then it cannot be discussed in executive session
- **Qualifying Uses of Executive Session for Charter Schools** – La. R.S. 42:17:
 - *Discussion of the character, professional competence, or physical or mental health of a person*
 - Person must be notified in writing at least 24 hours before the meeting is to be held & that person can require that the discussion be held in open meeting
 - Cannot be used to discuss the appointment of a person to a public body or, except as provided in the Procurement Code – La. R.S. 39:15939(C)(2)(c), for discussing the award of a public contract
 - *Strategy sessions or negotiation discussions with respect to:*
 - Collective bargaining;
 - Prospective litigation (after formal written demand);
 - Litigation when an open meeting would have a detrimental effect on the bargaining or litigation position of the board
 - *Discussions regarding security personnel, plans, or devices*
 - *Investigative proceedings regarding allegations of misconduct*
 - *Cases of extraordinary emergency* – which is limited to:
 - Natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude
 - *Discussions between a school board and individual students, or parents/tutors of student, or both...* regarding problems of that student, provided that any such parent, tutor, or student may require that such discussions are held in open meeting
 - *Or any other matters as may be provided for by the legislature*
- **Proper Use of Executive Session** - La. R.S. 42:16:
 - Motion must be made in open meeting to move into executive session on item listed on agenda;
 - If item is not listed on agenda then: motion must be made to add executive session agenda item; public comment on addition; unanimous vote to add item
 - At least 2/3 of members present must approve motion *and* the vote of each member & reasons for using executive session must be recorded into minutes
 - Once in executive session, only qualifying matters can be discussed
 - No final or binding action (i.e., voting) can be taken while in executive session