

November 13, 2003

L'Sana L. Djahspora
P.O. Box 64064
Gary, IN 46401

Re: Formal Complaint 03-FC-104: *Alleged Violation of the Open Door Law by the Gary Board of School Trustees*

Dear Mr. Djahspora,

This is in response to your formal complaint, received on October 15, 2003. In it, you allege that the Gary Board of School Trustees (the "Board") violated the Indiana Open Door Law (the "Open Door Law"). Specifically, you allege that the Board denied you the opportunity to speak at a public meeting. Ms. Rochelle D. Moody, Attorney for the Gary Community School Corporation, responded in writing to your complaint. A copy of her response is attached for your reference.

For the reasons set forth below, it is my opinion that the Board did not violate the Open Door Law when it failed to provide you the opportunity to speak at a public meeting.

BACKGROUND

In your complaint, you allege that you were "singled out" and "cutoff" from the designated public participation segment of a public meeting on October 14, 2003.

In her response, Ms. Moody states that notices and agendas for the regularly scheduled board meeting were posted in accordance with the statutory requirements. Ms. Moody also alleges that the Open Door Law does not apply to your complaint, and that this office is not the appropriate venue in which to file your complaint.

ANALYSIS

The intent and purpose of the Open Door Law is that "the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed." Ind. Code § 5-14-1.5-1. The provisions of the Open Door Law are to be "liberally construed with the view of carrying out its policy." IC 5-14-1.5-1. The Board is a governing body subject to the Open Door Law. IC 5-14-1.5-2(b)(2). Therefore,

all meetings of the Board “must be open at all times for the purpose of permitting members of the public to *observe and record* them.” IC 5-14-1.5-3.

Although the Open Door Law provides the public with an opportunity to attend and record public meetings, it does not require the governing body to provide the public with an opportunity to speak at public meetings. Therefore, it is my opinion that the Board did not violate the Open Door Law by denying you the opportunity to speak at the public meeting.

CONCLUSION

Because the Open Door Law does not guarantee the right to speak at a public meeting, it is my opinion that the Board did not violate the Open Door Law by denying you the opportunity to do so.

Sincerely,

Michael A. Hurst
Public Access Counselor

cc: Ms. Rochelle D. Moody, Attorney for the Gary Community School Corporation