
OPINION OF THE PUBLIC ACCESS COUNSELOR

KAYLA HOFFMAN,
Complainant,

v.

NORTH LAWRENCE COMMUNITY SCHOOLS,
Respondent.

Formal Complaint No.
22-FC-160

Luke H. Britt
Public Access Counselor

BRITT, opinion of the counselor:

This advisory opinion is in response to a formal complaint alleging that the North Lawrence Community Schools Board of Trustees violated the Open Door Law.¹ Attorney James G. Pittman filed an answer on behalf of the agency. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on October 27, 2022.

¹ Ind. Code § 5-14-1.5-1-8.

BACKGROUND

This case involves a dispute about whether the North Lawrence Community Schools Board of Trustees (Board) violated the Open Door Law (ODL) by approving two spending plans without public discussion.

On September 15, 2022, the NLCS Board held a public hearing on the district's 2023 budget, Capital Projects Plan, and Bus Replacement Plan. NLCS advertised the hearing on Indiana Gateway and the district's website in accordance with state law. Plans of this nature are required to be posted on a school district's website and submitted to the Department of Local Government Finance. It appears these steps were properly taken.

After the public hearing, Kayla Hoffman (Complainant) fastidiously combed through the minutes and audio of prior meetings to determine if the Board held any discussions regarding the spending plans. Hoffman could not identify any instances of the Board discussing these matters. As a result, Hoffman contends that discussions took place offline in violation of the Open Door Law. Hoffman asserts that when questioned the NLCS superintendent she did not receive a satisfactory answer.

Hoffman filed a formal complaint on October 27, 2022.

On December 13, 2022, the Board filed an answer to Hoffman's complaint by providing context and a timeline of events leading up to the budget. The Board argues the spending plans were developed by the administration and submitted to the Board for consideration along with the annual budget. The Board contends that it followed all

applicable procedural safeguards. Moreover, the Board notes that it adopted the Capital Projects Plan, Bus Replacement Plan, and 2023 budget on October 20, 2022. The Board denies having any discussion outside of a public meeting.

ANALYSIS

1. The Open Door Law

The Open Door Law (ODL) requires public agencies to conduct and take official action openly, unless otherwise expressly provided by statute, so the people may be fully informed. Ind. Code § 5-14-1.5-1. As a result, the ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. *See* Ind. Code § 5-14-1.5-3(a).

North Lawrence Community Schools (NLCS) is a public agency for purposes of the ODL; and thus, is subject to the law's requirements. Ind. Code § 5-14-1.5-2. Moreover, the NLCS Board is a governing body for purposes of the ODL. *See* Ind. Code § 5-14-1.5-2(b).

As a result, unless an exception applies, all meetings of the Board must be open at all times to allow members of the public to observe and record.

1.1 ODL definitions

Under the ODL, "meeting" means "a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business." Ind. Code § 5-14-1.5-2(c).

“Official action” means to: (1) receive information; (2) deliberate; (3) make recommendations; (4) establish policy; (5) make decisions; or (6) take final action. Ind. Code § 5-14-1.5-2(d). “Public business” means “any function upon which the public agency is empowered or authorized to take official action.” Ind. Code § 5-14-1.5-2(e).

Notably, the ODL defines “final action” as “a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance or order.” Ind. Code § 5-14-1.5-2(g). Additionally, the ODL mandates a governing body to take all final action at public meeting. *See* Ind. Code § 5-14-1.5-6.1(c).

2.1 The budget process

Generally, the Department of Local Government Finance (DLGF) is the state regulatory agency that responds to alleged defects in the local budget adoption process. Since Hoffman contends the Board may have taken official action outside of a public meeting, however, this office has jurisdiction to address this issue.

Budget adoption can be either a complicated or relatively simple process depending on context. There are multiple statutorily mandated steps to approve spending plans to ensure public transparency. The dollars allocated are public funds, so it stands to reason that the public has a right to know how the money is being spent.

This office consistently recommends robust discussion of pending matters so the public is fully informed of the government’s activities.

Here, the NLCS Board published the relevant spending plans in accordance with Indiana Code and made them available. Both are easy to read and understandable. Moreover, the superintendent presented the Board with the administration's recommended plan during a public hearing.

Hoffman's concern is that the Board did not discuss the plans at the hearing or subsequent adoption meeting.

Given the nature and detail of the plans presented, it is unclear what further discussion would accomplish. Certainly, if there were questions or concerns from the public, then Board members may want to use their floor time to address those matters. There is no requirement, however, that discussion be held for discussion's sake when the spending measure is planned and mapped out conspicuously.

Based on the information submitted, there is no evidence suggesting the Board is attempting to obfuscate or otherwise hide any course of action. The relevant spending plans look to be addressing routine maintenance and repair issues with no new major projects are implicated. Simply put, absent any concerns with the plans, any discussion of the proposed items would seemingly be redundant.

CONCLUSION

Based on the foregoing, it is the opinion of this office that the NLCS Board of Trustees did not violate the Open Door Law.

A handwritten signature in black ink, appearing to read 'LHB', is positioned above the name of the signatory.

Luke H. Britt
Public Access Counselor

Issued: February 14, 2023