

November 14, 2005

Ms. Diana Vice
4398 W. 700 N.
Mulberry, IN 46058

*Re: Formal Complaint 05-FC-207; Alleged Violation of the Open Door Law by the
Rossville Consolidated School District*

Dear Ms. Vice:

This is in response to your formal complaint alleging that the Rossville Consolidated School District ("School") violated the Open Door Law by meeting in executive session for training purposes. I find that the School Board of the School could meet in executive session; therefore, the School did not violate the Open Door Law.

BACKGROUND

You alleged in your formal complaint against the School that the executive session for October 12, 2005 included a training session, which is not "litigation, employee matters, or real estate purchases." I assume for purposes of this advisory opinion that your complaint is against the School Board of the Rossville Consolidated School District. You included a copy of the newspaper notice, reciting that the Rossville School Board would meet in "a closed executive session to train school board members with an outside consultant and to discuss strategy with respect to the initiation of litigation."

I sent a copy of your complaint to the School. Superintendent James W. Hanna responded by letter, a copy of which is enclosed for your reference. Dr. Hanna told me that on October 4, the School posted two notices for the October 12 executive session. He enclosed copies of the notices. Dr. Hanna contends that the notices conform to all the formal requirements of the Open Door Law, and further indicated that the discussion at the executive session was limited to only the two purposes indicated in the notices.

ANALYSIS

All meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them, except as provided in section 6.1 of the Open Door Law. Ind. Code 5-14-1.5-3(a). An executive session is a meeting from which the public is excluded. IC 5-14-1.5-2(f). Governing bodies may meet in executive session for certain limited purposes. The purposes for which governing bodies may meet are set out in IC 5-14-1.5-6.1(b).

Some of the purposes for which a governing body may meet include for discussion of strategy with respect to litigation, for discussion of strategy with respect to the purchase or lease of real property, or for certain specific actions with respect to employees. *See, e.g.*, IC 5-14-1.5-6.1(b)(2); IC 5-14-1.5-6.1(b)(5), (6), and (9). However, these are not the only topics permissible in an executive session. Under IC 5-14-1.5-6.1(b)(12), a governing body may meet in executive session to train school board members with an outside consultant about the performance of the role of the members as public officials. It was for this purpose that the School met in executive session, in addition to discuss strategy with respect to litigation that had been filed against the School.

I read your complaint to take issue only with respect to whether the School's Board could meet in executive session for the training session. In my opinion, the School did not violate the Open Door Law when the School Board met for a purpose that is clearly provided for in the Open Door Law. You do not raise any issue with respect to the adequacy of the notice of the executive session, and indeed I do not find any infirmity in the notices. Although the notice on Rossville Consolidated School letterhead did not contain the specific citation for the executive session (although it recited the text of the statutory purpose), the preprinted form that was also posted contains the more complete citation to the text and the statutory citation to the two executive session exceptions that applied. Therefore, I decline to find that the School violated the Open Door Law.

CONCLUSION

For the foregoing reasons, I find that the Rossville Consolidated School Corporation did not violate the Open Door Law.

Sincerely,

Karen Davis
Public Access Counselor

cc: Superintendent James Hanna