



STATE OF INDIANA

MICHAEL PENCE, Governor

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July 17, 2015

Mr. Eric Weddle
Education Reporter
WFYI Media

Re: Informal Inquiry 15-INF-14; Dept. of Education State Advisory Council on the Education for Children with Disabilities

Dear Mr. Weddle:

You requested an informal opinion on a Public Access question regarding a meeting of the Indiana Department of Education State Advisory Council on the Education for Children with Disabilities ("Council").

The Department of Education maintains a website at <http://www.doe.in.gov/specialed/state-advisory-council> where citizens can obtain information about Council meetings including time, dates and locations. For the March 20, 2015 meeting, the location and agenda were not listed on the site. The site provided an email address to which questions could be sent regarding that particular information. After several attempts, you received no response from the listed address.

Finally, on April 6, 2015, you received a response that the computer system had been down and that the specific email address you were asked to use to get meeting information was not available to the council staff until the time they emailed you.

A response to your inquiry from the Indiana Department of Education concedes there certainly was a problem with the email system, but the issue had been fixed. The particular meeting for which you were unable to obtain information was cancelled due to lack of quorum and rescheduled.

The Department states because of a transition from an old Chairperson to a new one, the meeting location had been changed and resulted in some confusion. Currently the website has the upcoming meeting dates, times and location. It also says that the Council does comply with the spirit of the public access law because the meeting agenda is posted outside the meeting place and because the meeting notice is attached outside the Department of Education office.

Although not always required by law, internet posting is often the best way to reach the widest audience to inform interested members of the public when and where meetings are taking place. Additionally, it is the most convenient way to post agendas. Given that state agencies housed in Indianapolis have a state-wide reach, it only makes sense notices are posted online as opposed to a paper copy at the place of the meeting. This is especially the case when meeting locations are fluid. It appears as if the Department of Education and the Council has remedied this problem by now posting all of the meeting materials online.

To answer your direct question, I do agree it was not best practice to rely on an unreliable online email portal to which individuals were required to send inquiries. It is my hope they continue to post everything instead of using the email method.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Ms. Kelly Bauder, Esq.