



Open Door Law



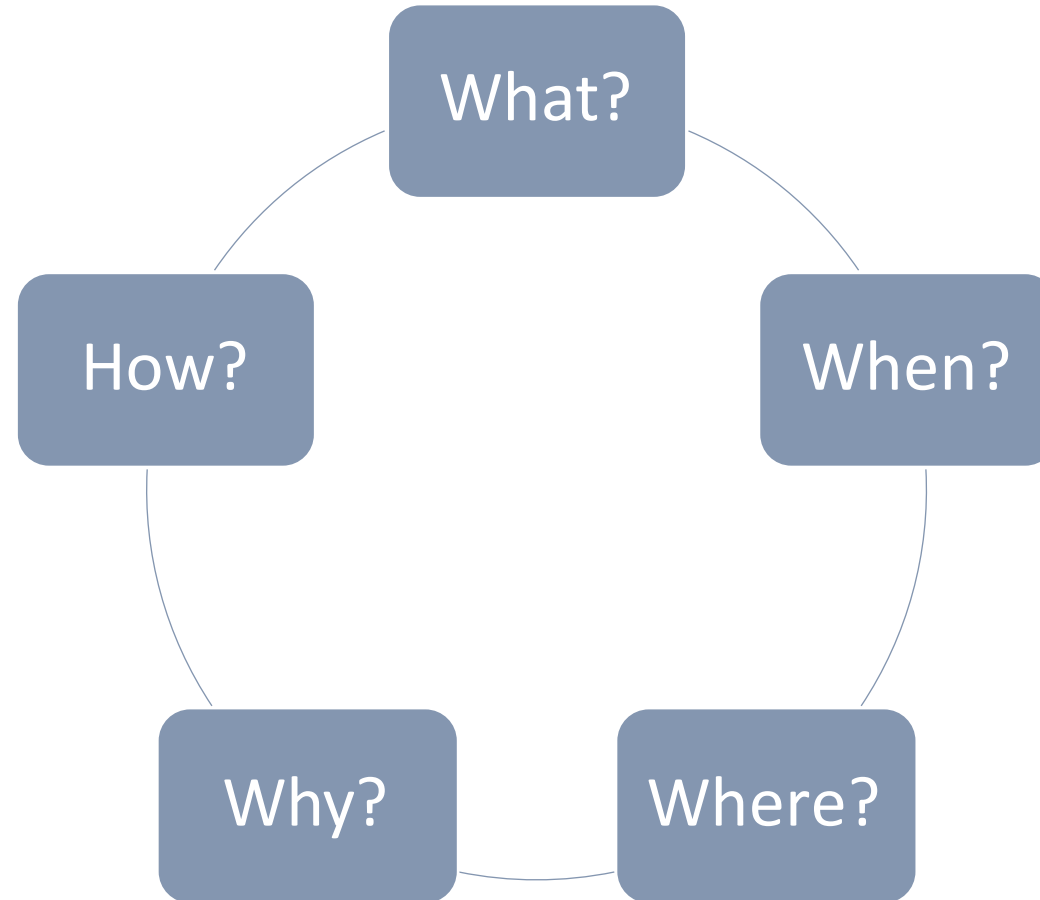
Disclaimer

This presentation contains resource materials that are provided for the user's convenience. The inclusion of any material is not intended to reflect its importance. This resource must not be used in lieu of the direct Indiana General Assembly Indiana Code, but can be used as a supplemental resource that summarizes the relevant Indiana Code. It is the responsibility of each charter school board to assure their governance policies align with Open Door Law and Indiana Charter School Board Governance policies.

- Indiana Charter School Board Team



IC 5-14-1.5 Chapter 1.5 Public Meetings (Open Door Law)



What is Open Door Law and why does it matter?

5-14-1.5-1 Purpose

It is the intent of this chapter 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.



What is Open Door Law?

5-14-1.5-2 Definitions (only the most relevant have been summarized below)

Public Agency	Any entity subject to a required audit per State Board of Accounts, this definition includes any committee appointed by the governing body
Governing Body	Two or more individuals a part of a public agency taking official action on public business and any committee appointed by the governing body
Meeting	A gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business (Please see the full definition for explanation of what a meeting is not).
Official Action	To receive information, deliberate, make recommendations to establish policy, make decisions, or take final action
Public Business	Any function upon which the public agency is empowered or authorized to take official action
Executive Session	A meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose
Final Action	A vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order
Deliberate	A discussion which may reasonably be expected to result in official action
News Media	Newspapers qualified to receive legal advertisements under IC 5-3-1, all news (as defined in IC 34-6-2-87), and licensed commercial or radio or TV stations
Person	An individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity

What are serial meetings?

5-14-1.5-3.1 Serial meetings

Serial meetings occur when members of a governing body participate in a series of at least (2) two gatherings and all of the following occur:

- One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the governing body and the other gatherings include at least two (2) members of the governing body.
- The sum of the number of different members of the governing body attending any of the gatherings at least equals a quorum of the governing body.
- All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.
- The gatherings are held to take official action on public business.

A member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means.

What are executive sessions?

5-14-1.5-6.1 Executive sessions

- Executive sessions may only be held in the following instances for discussion:
 - Assessment, design, implementation of school safety and security measures
 - To receive information about and interview prospective employees
 - With respect to an individual the governing body has jurisdiction over
 - To receive information over the person's alleged misconduct
 - To discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - a physician
 - a school bus driver
 - To discuss records that are classified as confidential by state/federal statute
 - To discuss an individual student's abilities, past performance, behavior, needs prior to a placement decision
 - To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
 - When considering the appointment of another public official to do the following:
 - Develop a list of prospective appointees
 - To review applications
 - To exclude one of the prospective applicants from further consideration
 - Their interviews must be conducted at a meeting that is open to the public
 - To train school board members with an outside consultant about performance as public officials
 - To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC25
 - To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism
- Any final action must be taken at a meeting open to the public.
- Public notice of the executive session must state the subject matter and must reference the relevant instance as outlined in the allowable instances above. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

How is Open Door Law implemented?

5-14-1.5-3 Open meetings; secret ballot votes; member participating by electronic means of communication

- All meetings (except those in executive sessions) must be open to the public for observation and recording at all times.
- Secret ballot votes may not be taken.
- Electronic meetings are permissible so long as they are in compliance with Section 3.5 or 3.6.

How is Open Door Law implemented?

5-14-1.5-3.6 Electronic communications by certain governing bodies

- Members of the governing board can participate electronically, if the member uses a medium that allows for communication amongst members participating virtually, in-person, and for the general public to participate as well.
- The minimum number of members that must participate in-person are (2) two or 1/3 of the members.
- All votes during an electronic meeting must be taken by roll call vote.
- Each member must physically attend at least one meeting annually.
- Members participating electronically are considered to be present, are counted to establish a quorum, and can vote in the meeting.

Electronic Participation Policy

5-14-1.5-3.6

Prior to conducting electronic meetings, governing bodies may first adopt an electronic participation policy that includes the following:

1. A requirement that members request electronic participation within a certain number of days to accommodate electronic participation
2. A limit to the number of members who may participate electronically
3. A limit to the total number of meetings members can participate in electronically
4. A provision that a member participating electronically cannot cast the deciding vote on official action.
5. A requirement that members participating electronically, confirm their votes in writing within a certain number of days after the meeting
6. Require at least a quorum to be physically present at the meeting
7. A provision that a member participating electronically may vote on official action only if a specified number of members:
 - Are physically present
 - Concur in the final action

The electronic participation policy must be posted on the charter school's website.

How is Open Door Law implemented during a disaster emergency?

5-14-1.5-3.7 Electronic meetings during disaster emergency

The members of a governing body are not required to be physically present at the meeting until the disaster emergency is terminated.

The governing body may meet electronically if:

- A quorum is present
- The public may also attend and observe
- All other electronic meeting requirements are met as provided in [5-14-1.5-3.6](#)

How is Open Door Law implemented?

5-14-1.5-6.5 Collective bargaining meetings; applicable requirements

Certain rules apply when discussing collective bargaining at meetings. However, at this time, no Indiana charter schools have a collective bargaining unit per the [IEERB Indiana Teacher Compensation Report](#).

Meeting Accessibility

5-14-1.5-8 Accessibility to individuals with disabilities

A public agency may not hold a meeting at a location that is not accessible to an individual with a disability.



Notice of Public Meetings

5-14-1.5-5

Public notice of the date, time, and place of meetings shall be given at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.

The public notice shall be posted at the principal office of the public agency or if there is not such an office, at the building where the meeting will be held and on the charter school's website.

Posting the Agenda, Memoranda (Minutes)

5-14-1.5-4

The governing body must post the meeting agenda outside of the meeting space prior to the meeting.

- The meeting memoranda (minutes) must include the following:
 - Date, time, and place of the meeting
 - General substance of all matters: proposed, discussed, or decided
 - All records of votes taken
 - Additional information as required by Section 3.5 or 3.6
- The meeting memoranda (minutes) must be made available to the public within a reasonable period of time.

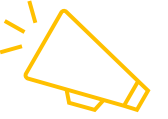
Open Door Law Violations and Civil Penalties

5-14-1.5-7 Violations; remedies; limitations; costs and fees

- An action may be filed by any person in any court of competent jurisdiction to:
 - Obtain a declaratory judgment
 - Enjoin continuing, threatening, future violations of this chapter (Chapter 1.5)
 - Declare void a policy, decision, or final action taken at a Board meeting and/or executive session not meeting requirements

5-14-1.5-7.5 Civil penalties imposed on public agency, officer, or management level employee

- A civil penalty may be imposed for specific intent to violate Open Door Law.
- Both the complainant and the public agency may request an advisory opinion from the public access counselor.



New from the 2022 Session - Effective July 1, 2022

- The governing body shall allow for a member of the public who is physically present at a meeting location or electronically present at an electronic meeting to provide oral public comment including meetings under Section 3.5.
- The governing body may adopt reasonable rules to govern public comment including setting a time limit.

Members of a governing body are not required to be physically present at a meeting if:

- A disaster emergency is in effect by an executive of a political subdivision (e.g. the Governor, the Mayor) for all or part of the area within the governing body's jurisdiction.
- Due to the danger for the basis of the declaration of emergency, meeting in person would be impractical or would present a risk to the health and safety of those attending the meeting.

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