



STATE OF INDIANA

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December 31, 2014

Mr. Paul R. Obermeyer
6227 Regent Court
South Bend, IN 46614

Re: Formal Complaint 14-FC-298; Alleged Violation of the Open Door Law by the Indiana State Board of Education

Dear Mr. Obermeyer,

This advisory opinion is in response to your formal complaint alleging the Indiana State Board of Education ("Board"), violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et. seq.* The Board has responded to your complaint via staff attorney, Mr. Brian Murphy, Esq. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor December 2, 2014.

BACKGROUND

Your complaint dated December 1, 2014, alleges the Indiana Board of Education violated the Open Door Law (Ind. Code § 5-14-1.5 *et. al.*) by failing to post notice on the Board's website. The Board responded by arguing they have provided proper notice for all of their meetings as required by the Open Door Law.

ANALYSIS

It is the intent of the Open Door Law (ODL) 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. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, 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. See Ind. Code § 5-14-1.5-3(a).

A majority of a governing body that gathers together for any one or more of these purposes is required to post notice of the date, time and place of its meetings at least forty-eight (48) hours in advance of the meeting, not including weekends or holidays.

Ind. Code § 5-14-1.5-5(a). Furthermore, public notice shall be given by the governing body of a public agency as follows: The governing body of a public agency shall give public notice by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. Please see Ind. Code § 5-14-1.5-5(b).

Please be advised the Open Door Law does not require notice be posted on the Internet. The only obligation is that the requirements found at Ind. Code § 5-14-1.5-5(b) be followed.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Indiana State Board of Education did not violate the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Mr. Brian Murphy, Esq.