
OPINION OF THE PUBLIC ACCESS COUNSELOR

ANNA REDD,
Complainant,

v.

LAKE RIDGE NEW TECH SCHOOL CORP.,
Respondent.

Formal Complaint No.
19-FC-13

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Lake Ridge New Tech School Corporation violated the Open Door Law.¹ Attorney Monica Conrad filed an answer to the complaint on behalf of the school corporation. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by

¹ Ind. Code §§ 5-14-1.5-1 to -8

the Office of the Public Access Counselor on February 4, 2019.

BACKGROUND

This case is about whether a school corporation's action to prohibit a person from being on school property conflicts with the Open Door Law's provision that all meetings of the governing bodies of public agencies must be open at all times for purposes of permitting members of the public to observe and record them.

On January 16, 2019, Glenn Johnson, President of the Board of Trustees for Lake Ridge New Tech School Corporation, notified Anna M. Redd by letter that she would "no longer be permitted on school property for any reason, effective immediately." Johnson also stated that Redd would not be permitted to attend "any school sponsored event or another sponsored event" on school property. Johnson explained that the Board ordered the restriction—in accordance with Board Policy 9150—due to Redd's conduct, which the Board determined to be a "detriment to the good of the order of school conducted business." Johnson concluded by stating the board and school officials are authorized to request assistance from local police if she did not adhere to the ban.

Even though the parties offer conspicuously divergent accounts of what happened, they both acknowledge—at minimum—that a heated exchange occurred between Redd and Superintendent Dr. Sharon Johnson-Shirley during a school-sponsored Halloween event on October 30, 2018. The topic of discussion, at least in part, involved the school district's two referendums, which appeared on the November 2018 ballot.

On November 14, 2018, Redd sent a letter to the Board requesting an investigation, and stating that she felt bullied, humiliated, and intimidated by the conduct of the Superintendent during the school event in October.

Ultimately, the Board concluded that Redd instigated the situation based on what it described as Redd's uncivil discourse and personal attacks. As a result, the Board sent Redd notice in January that she was no longer permitted on school property.

On February 4, 2019, Redd filed a formal complaint with this office alleging the school corporation's action constitutes a violation of the Open Door Law ("ODL") because the ban would prohibit her from attending school board meetings, which the Board holds on school property. Redd also stated that she intends to file an action in court over this dispute.

On February 19, 2019, attorney Monica Conrad filed an answer² to Redd's complaint with this office on behalf of the board.

The Board contends, in relevant part, that it notified Redd by letter—after she filed this complaint—that she is permitted to attend all public school board meetings that are held in accordance with the Open Door Law. The Board also acknowledges that its original letter to Redd did not properly advise her that she continues to retain the right to attend Board meetings despite being barred from school property otherwise.

² School Board President Glenn Johnson initially filed an answer to Redd's complaint on February 14, 2019.

ANALYSIS

At issue in this case is whether the action of Lake Ridge New Tech School Corporation to categorically prohibit Anna Redd from being on school property conflicts with Open Door Law as it relates to meetings of the school board.³

1. The Open Door Law

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

The parties agree that the Lake Ridge New Tech School Corporation is a public agency for purposes of the ODL; and thus, subject to the law’s requirements. *See* Ind. Code § 5-14-1.5-2. Additionally, the parties do not dispute that the Board of Trustees for Lake Ridge New Tech Schools (“Board”) is the governing body of the school corporation 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.

³ This opinion addresses only the issue of Redd’s ban as it relates to the public meetings of the school board.

2. Redd's Claim

Redd contends that the Board's action in categorically prohibiting her from being on school property amounts to a violation of the Open Door Law because she would be unable to attend school board meetings, which she asserts are all held on school property.

In its answer the Board maintains it clarified, by letter, that Redd is permitted on school property for purposes of attending public meetings of the school board. The Board also concedes that its original letter to Redd did not properly advise her that she continues to retain the right to attend the Board's meetings.

The school corporation's clarification resolves, to the satisfaction of this office, the underlying ODL dispute presented in Redd's formal complaint. As a result, it is the conclusion of this office that there has been no violation of the Open Door Law.

That is not to say that Redd's complaint was not on steady ground. The Board's original letter to Redd announced in no uncertain terms that she was not to be on school property for any reason. Even if the Board's original intent was not to bar Redd from attending its public meetings, no reasonable person could reach a different conclusion based on the wording of that letter. The Board's clarification resolves that issue.

Notably, this office is offering no opinion on the Board's action to bar Redd from school property for reasons beyond the Board's public meetings. Therefore, this office will not address the arguments and legal authorities raised by the

Board that venture into the realm of constitutional and criminal trespass issues.

The intersection of criminal trespass and the ODL—if any— is an issue for another day. Still, the Board correctly observes that it reserves the right to maintain decorum and good order of a public meeting.

To be sure, the right to observe and record public meetings in accordance with the ODL is not absolute. The ODL does not entitle any person in attendance at a public meeting to disrupt, interfere with, or otherwise jam-up a governing body's official action on public business. Any member of the public interested in observing and recording the meetings of any governing body should remain mindful of this limitation.

CONCLUSION

Based on the foregoing, it is the opinion of the Public Access Counselor that the Board of Trustees for the Lake Ridge New Tech Corporation has not violated the Open Door Law.

A handwritten signature in black ink, appearing to read 'LH Britt', with a stylized flourish extending from the bottom.

Luke H. Britt
Public Access Counselor