STATE OF INDIANA

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March 9, 2026

Re: Complaint 25-FC-154
Patrice Johnson (Complainant) v.
Metropolitan School District of Decatur Township (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on July 22, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Attorney Michelle Cooper of Lewis & Kappes P.C., on behalf of Respondent, was received in this office on November 12, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by failing to livestream the entire board meeting on June 10, 2025, and July 8, 2025.

ANALYSIS

ODL requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, so the people may be fully informed. Indiana Code (IC) 5-14-1.5-1. As a result, 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. IC 5-14-1.5-3(a).

Effective July 1, 2025, executive, legislative and fiscal bodies at all levels of government are to provide, on a publicly accessible platform of their choice, (1) live transmission of the governing body's meeting and/or (2) a recording and publication of the meeting for ninety (90) days. 5-14-1.5-2.9(c). Other public entities may also live stream or record and publish their meetings.

Complainant acknowledges that Respondent did live stream the two (2) meetings of the Board in question on June 10, 2025, and July 8, 2025. Complainant alleges that Respondent deleted or edited out the livestream of

Complainant's public comments on both dates. Complainant spoke during the public comment portion of each meeting, immediately after the Pledge of Allegiance, as evidenced by the Board minutes.

Viewers of the live stream, including the Director of Technology (Director) for the schools and at least one (1) board member, were watching the livestream and noticed that it was not recording or operating properly. On both occasions the Director investigated the problem and addressed it so that the rest of the live stream was recorded and published, but not until after Complainant completed her remarks.

Respondent stated that the live streaming of the Board meetings was being produced by the school's TV program students on both occasions. After being made aware of the problem in publishing the live stream, the Director stepped in, on both occasions, to fix the issues. In an affidavit by the Director, dated November 11, 2025, he acknowledged that 5 to 8 minutes of the June 10, 2025, meeting were not live streamed correctly and that the entire public comment section of the July 8, 2025, meeting was missing. The Director goes on to say that the problems were not the students nor the live streaming equipment but were related to the wi-fi connectivity of the school building. Subsequent actions to improve the wi-fi connectivity have resolved the live streaming issues. All subsequent Board meetings were fully live streamed.

APRA provides that a technical failure that disrupts or prevents the governing body from live streaming, recording, archiving, or maintaining a copy of a live transmission or recording of a meeting does not:

> (1) prevent the governing body from conducting the meeting;
>
> (2) affect the validity of an action taken by the governing body at the meeting;
>
> (3) violate the ODL or any statute concerning the retention, preservation, or production of public records; or
>
> (4) subject any person to civil or criminal liability.

IC 5-14-1.5-2.9(g).

The statute contemplated the failure of technology under these provisions. The Director acknowledged the failure of the live stream but also stated that it failed to record more than just the comments of Complainant. The Director stated, in his affidavit, that none of the lost material on the recording was due to editing the recording.

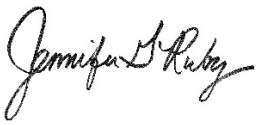
As our office has noted in its "Video Streaming of Public Meetings Guidance" found on our home page or at: https://www.in.gov/iot/files/Video-Streaming-of-Public-Meetings-Guidance.pdf, that:

> *This statute does not remove the need to have the meetings properly noticed, agendas available prior to the meeting, and meeting minutes, or memoranda, made available after the meeting, as normally required by the Open Door Law (ODL) and Access to Public Records Act (APRA).*

IC 5-14-1.5-2.9(c)(2).

CONCLUSION

This office finds that the Respondent did not violate ODL when its live streaming equipment failed to function as expected.



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