



STATE OF INDIANA

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Re: Complaint 25-FC-173
Angela Gibbs (Complainant) v.
Irvington Community Schools Board of Governors (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on August 11, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 15, 2025, requesting a formal response by November 13, 2025. A formal response submitted by Attorney Alexandria Curlin of Curlin & Clay Law Association of Attorneys on behalf of Respondent, was received in this office on November 13, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by taking final action on an employee contract at an executive session.

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).

ODL does provide certain exceptions to the open public meeting through the provisions for executive sessions. IC 5-14-1.5-6.1(b). Executive sessions may be held only in the following instances:

...(5) To receive information about and interview prospective employees.

...(9) To discuss a job performance evaluation, employee specific compensation, or employment matters of individual employees.

Complainant acknowledges that Respondent held an executive session. Complainant alleges that Respondent took a vote at that executive session to select a new CEO, which is a violation of ODL.

The ODL requires that the notice of the executive session specifically identify which provisions of the executive session exceptions are being considered at the meeting.

Respondent provided that a notice of the executive session was properly and timely posted in accordance with the ODL. The notice referenced sections IC 5-14-1.5-6.1(b)(5) “to receive information about and interview prospective employees” and IC 5-14-1.5-6.1(b)(9) “to discuss a job performance of individual employees.”

Respondent stated that there was no vote taken at the executive session regarding the employment of the CEO. Respondent states that all discussions held during the executive session were conducted within the limited provisions of the ODL and allowable executive sessions.

Respondent further stated:

The Executive Session did not include any final action or vote. Consistent with Indiana Code [Section] 5-14-1.5-6(c), no votes or binding decisions were made during this session. Any official action regarding leadership appointments or contracts occurred in a subsequent public meeting announced in compliance with ODL.

CONCLUSION

This office finds that the Respondent did not violate ODL as alleged in the complaint.



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