



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

September 16, 2026

Re: Complaint 25-FC-363
Dr. Michaela K. Spangenburg (Complainant) v.
Gary Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on November 13, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 14, 2025, requesting a formal response by December 16, 2025. However, due to technical difficulties on Respondent's end, the notice was not received until August 13, 2026. A formal response, submitted by Attorney Shelice Tolbert of Tolbert & Tolbert LLC on behalf of Respondent, was received in this office on September 14, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when a public citizen was not allowed to discuss a topic at public comments.

ANALYSIS

The 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).

Respondent is a public agency for purposes of the ODL; and therefore, subject to the requirements. IC 5-14-1.5-2(a)(1). As a result, unless an exception applies, all meetings of Respondent should be posted by notice and open to the public.

Complainant stated that at a regular public meeting of Respondent, a member of the public was not allowed to speak during public comments on a topic that was not an agenda item. Complainant alleges that this denial was in violation of ODL.

Respondent stated that it has adopted a policy regarding public comments and reads the policy at the beginning of each meeting. The policy states:

Statement on Public Comments

Pursuant to IC 5-14-1.5-3, The Gary Community School Corporation Board of Trustees welcomes comments from the community. As a result, the agenda for each regular meeting provides time for public expression. The period of public expression is limited to 3 minutes per individual and 30 minutes total discussion of items on the agenda or to express concerns relative to the operation of the School City, school board actions, and other items of general educational interest. If there are many people wishing to address the board we may limit the amount of time a person may speak.

- Comments shall be directed to the board, not to individual board members.*
- Statements shall not be abusive or argumentative. Persons making comments shall not debate statements made by other persons.*
- It shall not be permissible to orally present or discuss complaints against individual employees of the Gary Community School Corporation at any board school trustee's meetings. Issues relating to personnel, individual circumstances, or an individual school, will be referred to the building principal or an appropriate administrator in an attempt to resolve the issue prior to an appeal before the board.*

Speaker cannot transfer their remaining time to another person. The Board President will enforce these rules and may take actions necessary to maintain order at the meeting. Such actions may include, but are not limited to:

- Interrupting the speaker if the statement is too lengthy, unduly repetitive, or otherwise violates the rules.*
- The President may terminate the address of any speaker who violates these rules.*
- Limit the total amount of time devoted to public comments if there is a large number of people wishing to address the board or if there is a large agenda of other business before the board.*

At IC 5-14-1.5-3.2, APRA provides that a school corporation shall allow for public comment as follows:

(a) This section applies only to the governing body of a:

(1) school corporation; or

(2) charter school.

(b) The governing body shall allow oral public comment at a meeting as set forth in section 3 of this chapter.

Additionally, at IC 5-14-1.5-3.3 (d) and (e), APRA also provides authority for a school corporation to adopt rules for conduct of its meetings:

(d) This subsection applies only to the governing body of a school corporation or charter school. The governing body:

(1) shall allow a member of the public who is physically present at the meeting location, including a meeting conducted under section 3.5 of this chapter, to provide oral public comment; and

(2) may allow a member of the public to provide oral public comment during a meeting conducted under section 3.7 of this chapter.

(e) A governing body may adopt reasonable rules to govern the taking of oral public comment at a meeting. However, the taking of oral public comment on a topic must occur before the governing body takes final action on the topic. The governing body may set a limit on the total amount of time for receiving oral public comment on a topic.

This office finds that the two statutes, read together, allow the Respondent to adopt rules for the conduct of the meetings. The statutes do not restrict public comments to the agenda topics. The policy adopted by the Respondent complies with the statutory provisions of the ODL.

Complainant alleges that Respondent improperly restricted a speaker (Speaker) from finishing his comments at the meeting.

Respondent states that the Speaker referred to in the complaint started to discuss pending or threatened litigation at the public meeting. Counsel advised Respondent to not allow the comments, citing these comments to be specifically reserved for executive session under IC 5-14-1.5-6.1(b)(2)(B):

(b) Executive sessions may be held only in the following instances:

...

(2) For discussion of strategy with respect to any of the following:

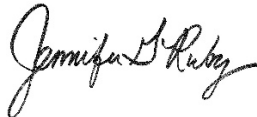
(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.

Speaker moved on from that topic, did not discuss the matter any further, and did not file a complaint himself regarding this incident. Speaker continued with his allotted time discussing a personal incident and completed his comments.

Respondent's actions were provided for in the public policy adopted by the school board and/or statute, and therefore, consistent with the ODL.

CONCLUSION

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

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer G. Ruby
Public Access Counselor