



STATE OF INDIANA

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September 4, 2026

Re: Complaint 26-FC-081
Amanda Lair (Complainant) v.
Southwest Parke Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on February 24, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 10, 2026, requesting a formal response by April 8, 2026. A formal response, submitted by Jonathan L. Mayes of Bose, McKinney, & Evans, LLP on behalf of Respondent, was received in this office on March 27, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it made a final action in 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, 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 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 alleges that the respondent violated the ODL by reaching a decision prior to a public meeting while in executive session. The executive session in question was held on February 4, 2026, while the subsequent final action took place on February 10, 2026, at an open public meeting.

In its formal response, Respondent explained in detail all of the work with the community in discussing the financial difficulties and the hard choices that it would need to be made. It started laying this out in its first meeting of the year

on January 14, 2026. It then held three (3) public informational meetings, issued staff and community surveys and published the results, and created “a new page on its website titled *ReVisioning SWP* to consolidate much of the input from numerous public meetings.” Respondent’s response went on to state:

Additionally, an FAQ published January 19, 2026, addressed a variety of contingencies, including staff reductions, school consolidation, redistricting, and even school closure. Dr. Harrison’s January 14 presentation was also made available online to the public for viewing on YouTube.

The SW Parke Board of School Trustees further held a special public meeting on February 2, 2026.

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After nearly a month of public meetings, public information sessions, special and regular board meetings, public dialogue, public comment, surveys, and discussion and tough questions by the Board, the Board considered a Resolution Regarding Redistricting and School Operations within the Southwest Parke Community School Corporation at its regularly-scheduled February 10, 2026, meeting, announcing this Agenda item in advance. There was a motion to approve the resolution by a board member, a different board member seconded the motion, and then the Board President opened the matter for discussion.

For nearly an hour, the Board members engaged in discussion among themselves, took public comment, engaged in direct dialogue with the public, and Board members expressed their individual views regarding the Resolution. Then, the Board voted—for the first time.

ODL provides, in relevant part:

(d) “Official action” means to:

- (1) receive information;
- (2) deliberate;
- (3) make recommendations;
- (4) establish policy;
- (5) make decisions; or
- (6) take final action.

IC 5-14-1.5-2(d). The Indiana Court of Appeals has held that “the Open Door Law does not prohibit Middlebury from receiving information, making recommendations, establishing policy, and making decisions in executive session.” See *I.C. § 5-14-1.5-2(d)*.” *Baker v. Town of Middlebury*, 753 N.E.2d

67, 71 (Ind. Ct. App. 2001). Under *Baker* and ODL, public agencies are entitled to take many official actions in executive session, but final action is specifically excluded.

Here, the Respondent took official action by deliberating in executive session as it is permitted to do under ODL. However, final action took place publicly as required by ODL on February 10, 2026.

CONCLUSION

This office finds that the Respondent did not violate 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 "Jennifer" being more prominent.

Jennifer G. Ruby
Public Access Counselor