Frequently Asked Questions:  

Compliance:

- Open meetings laws apply to charter school boards & committees – La. R.S. 42:13, 17:3996(B)(9)
  - Applies anytime a quorum (simple majority) of board/committee members convene to deliberate or act on a matter over which the board/committee has supervision, control, jurisdiction, or advisory power (this includes board retreats) – La. R.S. 42:13
    - Board members participating via phone cannot be counted in determining if a quorum exists and cannot vote
    - Board members cannot circumvent Open Meetings Law by discussing via e-mail (as a quorum or “rolling quorum”) substantive matters or polling board members on school issues

Voting

- Can only take action if there is a quorum – La. R.S. 42:13,14
- No voting by proxy or secret ballot; all votes must be live, cast out loud, & recorded – La. R.S. 42:14
  - Must be physically present to vote

Meeting Minutes

- Boards & committees must keep written minutes of meetings that includes the following information – La. R.S. 42:20:
  - Date, time, and place of the meeting
  - The names of the board/committee members and if they are either present or absent at the meeting
    - Best Practice: Be sure to record the time at which individual board/committee members join and/or leave the meeting
  - The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken
  - Note: meeting minutes do not need to be overly detailed with specifics
  - And, any other information a board member requests to be included or reflected in the minutes
- Minutes are public records & must be made available – La. R.S. 42:20

Public Participation

- There must be a public comment period before each vote – La. R.S. 42:15
  - One general comment period for all agenda items will not suffice
  - If the board/committee is not voting on an agenda item, then public comment is not required as to that agenda item
- A person who willfully disrupts a meeting and seriously compromises the ability of the meeting to be conducted in an orderly manner can be removed – La. R.S. 42:17


**Notice & Agendas**

- **Annual Notice**: written public notice of planned, regular meetings must be given at the beginning of each calendar year with the *dates, times, and places* of the planned meetings – La. R.S. 42:19

- **24-Hour Notice**: written public notice of any regular, special, or re-scheduled meeting must be given at least 24-hours in advance of the meeting. This notice must include the *agenda, date, time, & place* of the meeting. In cases of an *extraordinary emergency* (i.e., natural disaster) then notice must be appropriately given as circumstances permit – La. R.S. 42:19
  - **Agenda**: Each agenda item must be listed separately and described with reasonable specificity – La. R.S. 42:19:
    - Agenda items must be read aloud during the meeting
    - Must indicate what matters will be discussed in executive session
      - If referencing litigation then the court, case number, & parties must be identified
    - *The agenda cannot be changed less than 24-hrs. prior to the scheduled meeting*
      - *If the board/committee wants to discuss an issue not identified on the agenda, then:
        - Issue must be identified by motion during the meeting with reasonable specificity including the purpose for the addition to the agenda and entered into the minutes; *and*
        - The public has an opportunity to comment on the proposed addendum to the agenda; *and*
        - The members present at the meeting unanimously approve the motion to add agenda item

- **Posting Notice**: for both annual notice & 24-hour notice, the charter school boards/committees must post a copy of the written notice: (i) at the principal office of the board/committee holding the meeting; (ii) at the building in which the meeting is to be held; or, (iii) by publication of the notice in an official journal of the public body – La. R.S. 42:19:
  - Notice must also be given on the school’s website at least 24-hours before the meeting

- **Media Requests**: If any member of the news media requests notice of the board meetings, then a copy of the notice must be mailed to that news media member and the board must give notice of all meetings to that news media member in the same manner as is given to members of the school and board – La. R.S. 42:19
Executive Session

- Certain matters that qualify as an exception to open meetings can be discussed privately and off the record by holding an “Executive Session” – La. R.S. 42:16
  - If a matter does not qualify as an exception then it cannot be discussed in executive session

- Qualifying Uses of Executive Session for Charter Schools – La. R.S. 42:17:
  - Discussion of the character, professional competence, or physical or mental health of a person
    - Person must be notified in writing at least 24 hours before the meeting is to be held & that person can require that the discussion be held in open meeting
    - Cannot be used to discuss the appointment of a person to a public body or, except as provided in the Procurement Code – La. R.S. 39:15939(C)(2)(c), for discussing the award of a public contract
  - Strategy sessions or negotiation discussions with respect to:
    - Collective bargaining;
    - Prospective litigation (after formal written demand);
    - Litigation when an open meeting would have a detrimental effect on the bargaining or litigation position of the board
  - Discussions regarding security personnel, plans, or devices
  - Investigative proceedings regarding allegations of misconduct
  - Cases of extraordinary emergency – which is limited to:
    - Natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude
  - Discussions between a school board and individual students, or parents/tutors of student, or both… regarding problems of that student, provided that any such parent, tutor, or student may require that such discussions are held in open meeting
  - Or any other matters as may be provided for by the legislature

- Proper Use of Executive Session - La. R.S. 42:16:
  - Motion must be made in open meeting to move into executive session on item listed on agenda;
    - If item is not listed on agenda then: motion must be made to add executive session agenda item; public comment on addition; unanimous vote to add item
  - At least 2/3 of members present must approve motion and the vote of each member & reasons for using executive session must be recorded into minutes
  - Once in executive session, only qualifying matters can be discussed
  - No final or binding action (i.e., voting) can be taken while in executive session