



UPHOLDING OPEN MEETINGS LAW IN A VIRTUAL WORLD

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The COVID-19 health crisis is impacting authorizers, school operators, families, and students in countless ways. One less obvious way is the disruption or postponement of a variety of public meetings critical to open decision making and timely dissemination of information.

This guidance can help charter school authorizers ensure that school boards under their purview make necessary adjustments to protect public health while maintaining public transparency and trust – even in these extraordinary times.

BACKGROUND

Each of the 50 states maintains a version of an Open Meetings Law (OML) or Act that requires public bodies, under normal circumstances, to conduct meetings transparently and in locations that are readily open and accessible to the public. Also known as “sunshine laws,” OML’s legislative purpose is to ensure open business deliberations and an informed public.

Since charter schools are public schools, their governing boards must follow their state’s OML or sunshine law to ensure public transparency and accountability. As the pandemic evolves, many school boards are grappling with dual needs: to keep stakeholders informed of, and in some cases, involved in decision-making on COVID-19-related changes to school programming, operations, and finance; and to adhere to public health recommendations on social distancing.

WHAT CHANGES?

During times of crisis, it is more important than ever that school boards continue effective governance activities. This includes regular meetings to review materials on educational continuity, finance, and operations, and to vote on action items as necessary to maintain consistent and rigorous oversight. Additionally, school boards must consider short- and long-term implications of the pandemic including the educational, financial, and operational risks to the school. **Many states currently have Executive Orders in place that allow for alternative methods to hold such meetings in an exclusively virtual world while also satisfying the intentions and purpose of OML.** These changes include but are not limited to:

- Temporarily suspending any and all “in-person” requirements for a quorum of the public body and/or the chair to be physically present at a noticed meeting location;
- Allowing public access virtually via telephone or online audio/video conferencing platforms¹ so stakeholders can listen to or observe open meetings in real time;
- Prioritizing additional opportunities for stakeholder voice during this uncertain time, such as offering ways for school staff and families to provide input and raise questions for consideration during open meetings prior to or during the meeting, via email, chat function, or telephone; and
- Sharing prompt and comprehensive meeting materials to best approximate synchronous access – meeting minutes noting attendance, votes taken via roll call, and summaries of discussion; meeting transcriptions; and links to recordings.

¹ To maximize virtual conferencing security, particularly if utilizing the Zoom platform, refer to [these tips](#).



WHAT STAYS THE SAME?

Other OML provisions should be followed in standard ways. These include:

- Posting public notice of scheduled, as well as emergency, meetings online and on usual channels, with information about the platform, to optimize opportunities for stakeholder access and attendance, such as web links or call-in numbers;
- Conducting business in virtual Executive Sessions closed to the public only in limited cases defined by law; and
- Posting meeting minutes that summarize discussion and decisions reached as promptly as possible.

AUTHORIZER ACTION STEPS

Consistent with NACSA's core principles of charter authorizing (maintain high standards for schools, uphold school autonomy, and protect student and public interests), a quality authorizer ensures that school boards follow OML in adherence with state law and the charter contract. This is the case in normal times as well as times of crisis.

- Develop and document, if necessary, a shared understanding of how school boards will demonstrate practices aligned with OML and applicable Executive Orders;
- Connect with school board chairs and ensure they are clear on the requirements of OML during the pandemic;
- Review the school's website for evidence of appropriate advance notice of board meetings and how the public can virtually attend those meetings;
- Review the school's website for evidence of posting of meeting minutes, transcriptions, and links to recordings in a timely fashion;
- Periodically attend a board meeting virtually;
- Monitor meeting minutes for evidence of the board going into closed session and ensure it was done under proper legal authority; and
- Provide timely feedback to school boards if you have concerns that they are not upholding OML and/or demonstrating the appropriate commitments to both public health and open and transparent governance.