

# Open Meetings: Frequently Asked Questions



# Open Meetings FAQs

Knowing and understanding the open meetings law is critical for all board members. The following information provides answers to some frequently asked questions regarding the open meetings law, but by no means addresses all possible questions that may arise. For additional information, please see the resources listed at the end of this document.

## **Which boards are subject to the open meetings law?**

The law requires all governmental bodies to perform their official functions in the open. Governmental bodies include the following:

- School boards;
- Area education agency boards;
- Community College boards of trustees; and
- Iowa State Board of Education.

## **What is a “meeting?”**

A gathering in person or by electronic means:

- Formally or informally
- Of a majority of members of a board, including certain advisory committees
- Where deliberation or action upon any matter within the scope of the board’s policy making duties takes place.

## **What is a quorum?**

A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

## **What are the different types of meetings?**

- **Regular Meetings** – Regular meetings include those meetings of the board generally held at the same time, in the same place and on the same day(s) every month. Some school districts have two regular meeting times, one for use during the school months and another during the summer months. Boards should set their regular meeting time for the year at the organizational meeting. Boards may want to have a board policy which establishes the regular meeting time and location.
- **Work Sessions** – Work sessions are open meetings generally held when the board wants to engage in board development, planning or goal setting. At work sessions, while the board may be discussing or deliberating policy issues, it is not acting upon any of the issues. Even though the board is not acting on policy issues, the board is deliberating policy issues, so a work session is

considered a meeting, and all the provisions of the open meetings law apply including the provision that meetings be accessible to the public and minutes be kept and published.

- **Special Meetings** – Special meetings are held in addition to regular meetings. Special meetings are held to consider lengthy issues or those issues needing attention prior to the next regular meeting of the board.
- **Emergency Meetings** – Emergency meetings are held only when the board must act immediately and cannot wait the required 24-hour notice period for a special meeting. For example, an emergency meeting is appropriate if a board has bid on a piece of property, the bid is accepted, and the board must act that same day in order to finalize the bid. Only on rare occasions will a board need to hold an emergency meeting as most items can wait the required 24 hours for a special meeting or until the next regular meeting. The minutes of the emergency meeting should state why the meeting was held without the required 24-hours' notice.
- **Closed Sessions** – A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body, or all the members present at the meeting. A closed session may be held “only to the extent a closed session is necessary” for any of the reasons listed in Iowa Code §21.5.

### **What kinds of meetings are exempt from the open meetings law?**

Exempt meetings are not subject to the open meetings law and need not comply with the notice, minutes or other requirements of that law. The following information illustrates examples of when the open meetings law does not apply.

- **Chapter 20.17(3)** *exempts negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators in the collective-bargaining process for public employees. However, the initial two sessions shall be open to the public.*
- **Chapter 21.9** *exempts a meeting to discuss strategy regarding the employment conditions of employees not covered by a collective bargaining agreement.*
- **Chapter 279.15** *exempts hearings to discuss with a teacher a superintendent's recommendation to terminate a contract with that teacher.*
- **Chapter 279.24** *exempts a conference between a school board and an administrator to discuss reasons for a proposed termination of contract.*

While the notice, minutes, and other requirements of the open meetings law are not required for exempt meetings, there are practical reasons why

a board may choose to provide notice of other open meetings requirements to the public. For example, while negotiating sessions do not require formal posting, consider the following: Might the board be well advised to let the public know that they are meeting outside the public view, that they have a good reason, and that it is allowed under the law? What issues might arise if the board seems to be getting together and no one knows why?

**Does an individual who wants to speak or provide an opinion at a board meeting have a legal right to do so?**

No. There is often confusion about the role of the public in a board's open meeting. The term "open meeting" means that the meeting is open to the public to observe and listen to the proceedings of the meeting. The term, "open meeting," does not mean the public may join in the board's discussion. As the Iowa Supreme Court stated:

It is clear the purpose of chapter 98 [now chapter 21] is to prohibit secret and "star chamber" sessions of public bodies, to require such meeting be open and to permit the public to be present unless within the exceptions stated therein. The statute does not require the public body to allow any individual or group to be heard on the subject being considered. *Dobrovlny v. Reinhardt*, 173 N.W.2d 837, 840–841 (Iowa 1970).

Iowa school boards generally use one of three approaches for the process of hearing public comment during board meetings. These approaches include: (1) Public comments are allowed during a specified time on the regular board meeting agenda and the comment is not limited to agenda items; (2) Public comments are allowed during a specified time on the regular board meeting agenda, but public comment is limited to items on the board's agenda; and (3) Public comments are allowed on each agenda item, as it is discussed and considered by the board. The board's approach should be clearly outlined in board policy.

Where can I get additional information?

- Contact IASB at 1-800-792-4272 or [IASB@ia-sb.org](mailto:IASB@ia-sb.org)
- Iowa Public Information Board, <https://ipib.iowa.gov/> (2015).
- Iowa Freedom of Information Council, <http://iowafoic.nfoic.net/> (2015).