Open Meetings

For students, parents, voters, taxpayers, and anyone else who is interested in public education, Kentucky's Open Meetings rules ensure important opportunities to observe public agency decisions.

WHO MUST FOLLOW THE OPEN MEETINGS LAW?

The Open Meetings law applies to "public agencies." Good local examples are school boards and school councils, while important state examples are the Kentucky Board of Education, Education Professional Standards Board, and Council on Postsecondary Education. More broadly, bodies created by state law or executive order are subject to Open Meetings, including the State Advisory Panel for Exceptional Children, Gifted Advisory Council, National Technical Advisory Panel on Assessment and Accountability, and many others. Plus, if an agency subject to the law appoints a committee, that new committee must also follow the law. (The "Linking the Law" box explains how to find each part of Kentucky's Open Meetings Law, including the definition of "public agency in KRS 61.805.)

WHEN ARE MEETINGS HELD?

All meetings must be held at times and places convenient to the public, with arrangements that allow everyone to see and hear the discussion.

LINKING THE LAW

To see the exact legal rules, go to www.lrc.ky.gov/Statutes/index.aspx, and choose Chapter 61.

For Open Meetings, scroll down to find these sections:

- 61.800 Legislative statement of policy
- 61.805 Definitions
- 61.810 Exceptions to open meetings
- 61.815 Requirements for conducting closed sessions
- 61.820 Schedule of regular meetings
- 61.823 Special meetings
- 61.826 Video teleconferencing
- 61.835 Minutes to be recorded
- 61.840 Conditions for attendance
- 61.846 Enforcement by administrative procedure
- 61.848 Enforcement by judicial action

Regular meetings are listed on a schedule that each agency sets for itself and makes available to the public. If that regular schedule is not easy to find on the agency's website, ask in person or by phone or e-mail at the agency's office.

Special meetings can be held outside the regular schedule, if called by the chair or a majority of members. For special meetings, the date, time, place, and agenda for the meeting must be shared at least 24 hours before the meeting by:

- Delivering written notice to every member of the public agency and to each media organization that has asked in writing to be notified
- Posting written notice in a conspicuous place at the agency's headquarters and the building where the meeting will be held (if different).

During a special meeting, the agency can only consider the items that were listed in the agenda sent out with the notice of the meeting.

Work sessions where the agency plans to discuss upcoming business without making decisions are still meetings: they must be open to the public and either on the regular schedule or called as special meetings.

Video-teleconferences are allowed if individuals can see and hear each other by means of video and audio equipment.

WHO CAN ATTEND PUBLIC AGENCY MEETINGS?

Everyone can attend all parts of every meeting, except when closed session discussions are allowed by law.

Closed sessions that exclude the public are allowed only to discuss topics listed in KRS 61.810, which include:

- "Proposed or pending litigation"
- "Future acquisition or sale of real property"
- "Appointment, discipline, or dismissal of an individual employee, member, or student"
- Ten other issues that come up less often: the "Linking the Law" box explains how to find them in section 810.

Closed sessions can only be held if the right procedures are followed, including:

- Starting out in a properly called regular or special session
- Announcing that a closed session is needed, describing the general topic to be discussed and saying which subsection of the law allows a closed session for that issue
- Having a motion and majority vote to go into closed session
- Going into closed session for discussion of the announced issue, but coming back into open session to make any official decision or to adjourn.

WHEN CAN THE PUBLIC SEE THE MINUTES OF AN AGENCY'S MEETINGS?

The minutes, providing a record of votes and actions taken at each meeting, must be available no later than the close of the agency's next meeting. (This rule gives the agency members a chance to review, amend, and approve the minutes before they are released.)

WHAT HAPPENS IF AN AGENCY SEEMS TO BREAK OPEN MEETINGS RULES?

It is always good practice to communicate with the agency itself in writing, describing the rule and how it seems to have been broken. That may allow for a quick and quiet resolution of the problem. If that does not work, the relevant laws provide a process for asking the Attorney General to rule quickly on whether the rules have been followed. In the "Linking the Law" box, KRS 61.846 explains how to start those procedures if needed.

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