



## FIVE FAST FACTS

# Ohio's Sunshine Law

Ohio's Sunshine Law (Ohio Revised Code Section (RC) 121.22) requires public bodies, including boards of education, to hold public meetings, provide notices of when those meetings will occur, keep minutes of those meetings, permit executive sessions for discussion of limited subjects and establish penalties for violations of the law.



### **1. School boards must give the public notice of public meetings.**

A “meeting” is defined as any prearranged discussion of the public business of a board of education, committee or subcommittee by a majority of its members. Regardless of what name is given for a gathering (e.g. work session, study group, retreat, etc.), if it meets the definition, it is a meeting. Boards are required to adopt a rule establishing a method by which people can determine when board meetings will occur. Regular meetings of the board are set at the organizational meeting and the board must issue notice of the time and place of those meetings. For special meetings (any meeting not set at the organizational meeting), the notice must provide the time, place and purpose(s) of the meeting and be sent at least 24 hours in advance to news media that have requested notification. Written notice must be provided to each board member at least two days prior to the meeting date.

### **2. Depending on the board members' actions, a community forum or levy committee meeting may become a board of education meeting if a majority of the board members attend.**

If board members are present only as observers and do not discuss board business, attendance at a community or levy event does not meet the definition of a meeting. However, if the board members engage in discussion with one another about the public business of the public body at the meeting, it's possible the board has met the definition of a meeting, making it subject to the Sunshine Law. Board members should be aware of the parameters for participation at community meetings. A conservative approach would be to have fewer than a majority present at such meetings.

# FAST FIVE FACTS ON OHIO'S SUNSHINE LAW

## RESOURCES

Fact sheet: *Understanding Ohio's Sunshine Laws*

<http://links.ohioschoolboards.org/81215>

Ohio Attorney General's Sunshine Laws Manual

<http://links.ohioschoolboards.org/63125>

RC 121.22

<http://codes.ohio.gov/orc/121.22>

### 3. Only certain matters may be discussed in executive session.

A board may only discuss the following six topics in executive session:

- the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official, or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing;
- the purchase of property for public purposes or the sale of property at competitive bidding;
- conferences with the board's attorney to discuss matters which are the subject of pending or imminent court action;
- preparing for, conducting or reviewing negotiations or bargaining sessions with employees;
- matters required to be kept confidential by federal law or rules or state statutes;
- specialized details of security arrangements.

Executive sessions are for the purpose of deliberations only. No action may be taken during an executive session.

### 4. School boards must follow proper procedures to enter executive session.

There must be a motion and a second to go into executive session, followed by a roll call vote. The motion must state which of the purposes listed above is the reason for executive session. While it is fine to use general topics to help remember the reason(s) the board can properly go into executive session, the actual wording of the resolution should incorporate the words found in RC 121.22. The board may invite any other persons into an executive session.

### 5. School boards must promptly prepare, file and maintain minutes of regular and special meetings.

Meeting minutes constitute the official record of all board actions.

Minutes should be of sufficient specificity that an individual not present at the meeting could read, understand and appreciate both the board's official actions and the rationale behind those actions. A public body can meet its obligation to keep records of a board meeting by any of three methods: a verbatim written record; an audiotape or videotape of the meeting; or abstracts of discussions. Minutes should not be kept of executive sessions. However, the minutes of the meeting at which the executive session occurs must reflect the general subject matter discussed in the executive session.



## Ohio School Boards Association

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*OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.*