



Meeting requirements

# Open for business: Ohio school board meetings

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**H**appy new year! It promises to be another exciting year for school board members, administrators, teachers, staff and students. The last two years have brought dramatic changes to public schools in Ohio as educators responded to challenges they couldn't have imagined when 2020 began. The new year gives schools plenty of opportunities to build on, improve and perfect the solutions they have implemented.

Veteran board members are being joined by hundreds of newly elected members. OSBA welcomes new members and welcomes back those board members who are continuing their service. One good way to start the year off right, for both new and returning board members, is a quick overview of Ohio's Open Meetings Act (OMA).

## The law

OMA is found in Ohio Revised Code (RC) 121.22. Although the law applies to all public bodies, including boards of education, this article limits discussion

to school boards.

The law sets forth four basic requirements for school boards:

- School boards must conduct business and take official action in meetings open to the public.
- School boards must establish a method of giving notice of meetings to the public.
- Minutes must be taken and open to public inspection.
- School boards can go into executive session only for the limited reasons that are listed in the law.

A meeting subject to OMA is any prearranged discussion by a majority of a school board's members about the board's business. Any gathering of board members that meets these requirements, regardless of what the board members call it, is a meeting that must comply with OMA.

To be considered present at a meeting open to the public, a school board member must be present in person.

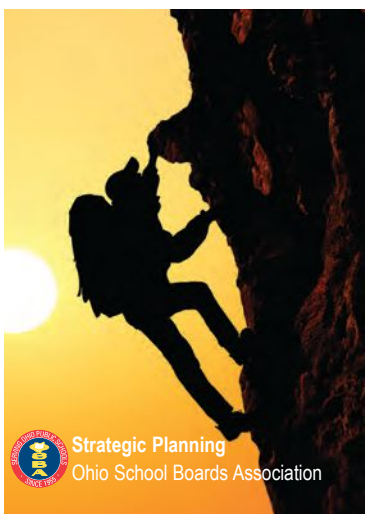
Board members present in person can be counted when determining the quorum, vote, make and second motions, and be paid for attendance at the meeting.

Some school boards have policies that allow a board member to attend by telephone or virtual means. However, even in districts with these policies, the majority of board members must be present at a meeting in person for it to be considered a public meeting. If there is not a quorum of members present in person at a meeting, it cannot be convened or held. For a five-member board, three members is a quorum. For a seven-member board, four members is a quorum. For boards of other sizes, check your board policies or with your legal counsel to determine the number required for a quorum.

## Regular and special meetings

The law describes two different kinds of meetings: regular and special. Regular meetings are those scheduled by the board at its organizational meeting in January. RC 3313.15 requires that school boards meet at least once every two months, but most meet at least once a month. Some boards choose to set meetings on a regular schedule, such as the second Tuesday of each month. Others have meetings that move around a bit, particularly if their members have career, family or other commitments that make it difficult for all of members to meet on a particular day each month. Either approach is permissible under the law, provided that the board follows the method of notifying the public of the meeting's time and place that it has set in its policies.

Special meetings are meetings that aren't




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regular meetings. Special meetings can be called by the board's president, any two board members or the district's treasurer. The board must issue a notice of the time, place and purpose of each special meeting. At a special meeting, the board can discuss only those matters that it included as the purpose of the meeting in its meeting notice. The board can include more than one purpose in the meeting notice. The purpose described in the notice must be specific enough for the public to know what will be discussed.

Emergency meetings are a kind of special meeting for matters that require immediate official action of the board. What constitutes an emergency is within the board's reasonable discretion, but emergency meetings should be used for genuine, time-sensitive emergencies.

### Minutes

Minutes are a record of the proceedings of the board's meeting. RC 3313.26 requires the board treasurer to record the proceedings of each board meeting. If the treasurer will not be present at a board meeting, the board should choose one of its members to serve in the treasurer's place and keep the record of the meeting (RC 3313.23). Minutes need to include sufficient information for the public to understand the board's rationale for its

decisions. The board must approve its minutes for each meeting but can waive the reading of the minutes. Once they have been approved, the board's meeting minutes must be maintained and made available upon request.

### Executive session

All official actions of the board, including decisions and votes, must be taken in open session. However, the law allows school boards to discuss a very small number of matters in executive session, which is closed to the public. Boards routinely include the district's superintendent and treasurer in their executive session discussions. A board can invite anyone else it chooses to be present in an executive session. Among the matters for which executive session are permissible are certain personnel and students matters; discussion of imminent or pending lawsuits with the board's attorney present; preparing for, conducting or reviewing collective bargaining negotiations; and details of security arrangements.

### Violations

There are consequences and penalties for OMA violations. The school board's actions will be invalidated if they resulted from discussions or votes in a meeting that was not open to the public or were taken in a meeting for

which proper notice was not issued. If a school board has not complied with OMA, any person can bring an action against the board in the court of common pleas to enforce OMA. If the person presents proof of a violation or threatened violation, the court shall issue an injunction to compel the members of the board to comply with OMA. In that case, the court can also assess a civil forfeiture of \$500 against the board, to be paid to the person who brought the action and require the board to pay all court costs and, in some cases, reasonable attorneys' fees.

While these basic provisions of OMA are fairly straightforward, OSBA's Division of Legal Services routinely fields questions from board members and administrators about more complicated fact situations. If you have a question about how OMA applies to a situation in your district, please call at (855) OSBA-LAW or (855) 672-2529. We will be happy to help you with your question or, if necessary, point you in the direction of other available resources. ■

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