

Digest of School Boards Closed Meetings Do Not Comply with Statute

A review of school boards' practices and the Open Meetings Act showed that generally school boards are not in compliance with the statute. The fact that school boards meet regularly in closed meetings and that minutes of most closed meetings do not comply with the law raises the concern that school boards may be circumventing the legislative intent of the Open Meetings Act that the "peoples business" be done openly and in the public.

School Boards Are Not Following Closed Meeting Requirements. We reviewed records and interviewed staff at ten school districts to identify compliance with the State's Open Meetings Act. We found that eight of the school boards are not in compliance with the Open Meetings Act; four school boards keep no closed meeting minutes; and, four school boards only keep brief summary minutes of their closed meetings. According to the State's Attorney General's Office and Legislative General Counsel, these minutes do not meet the requirement of recordings or detailed written minutes of closed meeting proceedings found in *Utah Code* 52-4-7.5.

In addition to insufficient records of closed meetings, school boards generally do not review or approve their closed meeting minutes. This is concerning because school boards meet more frequently in closed meetings than other public bodies—lending to a question of appropriateness of discussions taking place in these closed meetings. Another concerning practice found in four school districts is the practice of opening the door in a closed meeting and considering the meeting open. School district officials report that part of the problem with their records can be attributed to insufficient and inconsistent training by the Utah State Office of Education and the Utah School Boards Association.

The Open Meetings Act Specifies Reasons and Procedures for Closed Meetings. Closed meeting provisions found in the Open Meetings Act sets forth requirements for public bodies to adhere to if they close a meeting. While school boards are generally complying with the open meeting requirements of the Open Meetings Act, closed meeting requirements of the same law are not being followed.

Interpretations of the Open Meetings Act Varies. The Open Meetings Act requires detailed minutes of closed meetings, but school boards are interpreting the word detailed in a variety of ways. The Legislature may want to consider both clarifying the statute and methods of strengthening statutory compliance.