



HEALTHY SCHOOLS NETWORK, INC.

ACCESS TO DECISION MAKING: Open Meetings and Freedom of Information Laws

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Public schools are operated by local school districts which are public agencies. Board of Education-sponsored meetings must be open and accessible to parents, school personnel and any other members of the public, as must public records. State agencies are public agencies that also fall under these laws. Examples of such meetings or records *might* include:

- State Board of Education or Regents' (or its committee or task force) discussion of potential new state regulations covering schools and report of findings on regulatory compliance;
- Local Board of Education meeting and written report on air quality testing;
- School Board review of the implementation of state laws or to hear about district practices on pesticide use or federal AHERA (asbestos) report.
- Committee of Board Members to consider new policies for student safety.



Committees or “task forces” are sometimes appointed by public agencies to study an issue or to provide an advisory opinion. Meetings of these committees or task forces might NOT be subject to the requirements *unless the law requires them to be created or if they are comprised of Board members only.*

EXAMPLE: New York Open Meetings Law (Chapter 51, Public Officers Law, Article 7, Sections 10-111) **assures the public access to meetings** held by any public bodies which are conducting public business and are performing a governmental function. **This includes school-related meetings.**

START UP RESOURCES

The **National Freedom of Information Coalition** website, <http://nfoic.org/state-freedom-of-information-laws>, provides state by state links for open meetings and open records laws and sample letters for requesting information from your state. Below are select examples in other states.

Maryland's Open Records Law (Md. State Gov't Code Ann. §§10-611 et seq.), guarantees the public access to all public records, excluding information that reveals individual privacy, trade secrets, public policy development memos, and investigative materials. More information and sample request letters can be accessed at <http://www.oag.state.md.us/Opengov/pia.htm>.

Arizona's Open Meetings Act requires that meetings held by public bodies are open to the public, and that notices of these meetings and meeting agendas are provided and made publicly available. Topics excluded from this are information relating to salaries, discipline, negotiations, planning and legal consultation. Complaints will be handed by the county superior court, and violators could face removal from office. More information on the law, including open meeting statutes, Arizona Agency handbook on open meetings, and an open meeting law complaint form can be accessed at <http://www.azag.gov/SGO/>.

Frequently asked questions and very short answers.

How do I know if a meeting is being held? Public agencies must tell the public when they are holding meetings and must make those meetings accessible to the public. Notice must include the time and place of the meeting, and must be posted in one or more designated public locations. All reasonable efforts must be made to ensure meetings are handicapped accessible. Students (or parents/guardians) with disabilities must be able to attend school meetings called to review or to decide on disability-related services.

What is “executive session”? A part of a meeting that is closed to the public. Executive sessions can be convened only during a public meeting and the subject matter must be identified. Topics that can be discussed in Executive Session are limited to those that: 1) will endanger the public if disclosed; 2) expose the identity of a law enforcement agent; 3) are related to investigations or prosecution of a criminal offense; 4) about a law suit; 5) include collective bargaining negotiations; 6) would disclose individual personal information; 8) relate to the preparation, grading or administration or examinations; or, 9) relate to real estate or securities transactions.

Do I have a right to speak at the meeting? Not necessarily. You have a right to attend and to get copies of the minutes. The public body can ban speaking, or it can open part of the meeting to receive comments, take questions, or allow open discussion.

If I can't be there, how do I find out what happened? Public bodies must keep minutes that include a summary of all motions, resolutions, and any other matter that was formally voted on. They must also include a description of the vote.

What if I am denied access to a meeting? If the group meeting falls within Open Meeting Laws, it cannot be closed unless it calls an Executive Session. **Speak up:** remind the public body that it must allow the public to attend. If you are refused, immediately call your state office on Open Meetings/Open Government.

Use this example— In New York State. New York State Committee on Open Government of the New York Department of State. If you are unsure whether a meeting is subject to the law, you can request an official advisory opinion by writing to the agency at 41 State Street, Albany, NY, 12231 or call (518) 474-2518. Website: <http://dos.state.ny.us/coog/coog>.

What You Can Review or Get a Copy of, with or without FOIL:

School fire safety inspection reports, kitchen inspections, emergency management plans, asbestos reports, written indoor air quality tests or evaluations, radon or lead tests, records of pesticide applications, labels of pesticides used, copies of Material Safety Data Sheets (include chemical contents, health and safety information) on products used in schools, and much more.

You may be able to get what you want without using FOIL. For guidance on the information which may be most useful to your environmental health and safety concerns, call us.

Information that can legally be denied under FOIL:

Records or portions thereof that you would expect such as confidential personnel records, records exempt by state or federal statute, records that if disclosed would invade personal privacy or would impair contract/collective bargaining negotiations, records that would reveal trade secrets or impede criminal investigations. And more.

Federal Education Records Privacy Act (FERPA) also protects individual student privacy, and sometimes, the school. If you are denied access, call your state's Open Government Office.

SAMPLE LETTER REQUESTING INFORMATION

Name of FREEDOM OF INFORMATION OFFICER)
(School District or Agency Name and Address)
Dear (Name):

DATE

Under the Freedom of Information Law, I hereby request the following information (or, records):
_____ (provide as much identification/description as possible of the information you are requesting, including date, title of document, if available, etc.). I want to see the information prior to having it copied. Please let me know when it will be available for my inspection. < Or. Say, "If there are any copying fees for the records requested, please inform me before filing the request"> The Freedom of Information Law requires you to respond in writing to a written request within 5 business days. I look forward to hearing from you shortly.

If this request or any part of it is denied, please inform me in writing of the reasons for denial and provide the contact information for the person of body to whom an appeal should be addressed.

Sincerely,
Your Name and Address/Telephone

KEEP A COPY!

Healthy Schools Network, Inc.

773 Madison Avenue • Albany, NY 12208
Tel. (518) 462-0632 • Fax (518) 462-0433



www.HealthySchools.org
www.NationalHealthySchoolsDay.org
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