



LAPCS Open Meetings Update:

[Here's the updated law](#) per Section 4 of Governor John Bel's Proclamation Number JBE 2020-30 for Additional Measures for COVID-19 Public Health Emergency.

Overview of the Updated Open Meetings Law in Wake of COVID-19:

Section 4:

Proclamation number JBE 2020-30 provides that, "all state agencies, boards, and commissions, and local political subdivisions of the state shall provide for attendance at essential governmental meetings via teleconference or videoconference and such attendance shall be allowed during the pendency of this emergency. All efforts shall be made to provide for observation and input by members of the public. Before any meeting conducted pursuant to this section, the state agency, boards, and commission, or local political subdivision of the state shall first provide a written certification that it will otherwise be unable to operate due to quorum requirements. Such certification shall be posted at the same time and in the same manner as the agenda for the meeting. Nothing in this order shall be interpreted to waive any notice requirements."

As you are aware, the Louisiana Open Meetings Law provides strict requirements for meetings held and actions taken by charter school boards. However, the onset of COVID-19 pandemic has created a number of hurdles for board compliance with the Law, specifically the requirement that any action can only take place if there is a quorum of members physically present in attendance during an open meeting.

In response, Governor Jon Bel Edwards issued emergency proclamation 30 JBE 2020 on March 16, 2020. Section 4 of the proclamation relaxes the Open Meeting Law's quorum requirements for all state agencies, boards, and commissions. During the pendency of this emergency, charter school board members are permitted to actively participate in meetings remotely via teleconference or videoconference until April 13, 2020, or unless otherwise instructed by the Governor.

The proclamation sets forth three requirements for boards who choose to hold remote meetings:

- (1) Prior to any remote meeting, the board must first provide a written certification that it will otherwise be unable to operate due to quorum requirements, and must post such certification at the same time in the same manner as the agenda for the meeting;
- (2) Boards must make all efforts to provide for observation and input by members of the public;
- (3) Boards must continue to adhere to all notice requirements under the Law.



The written certification should read something like the following:

Pursuant to emergency proclamation 30 JCE 2020, the --[BOARD NAME] certifies that it must conduct the meeting scheduled for [DATE] via [teleconference/video conference] or the Board will otherwise be unable to operate due to quorum requirements. Board meetings shall be held in this manner during the pendency of this emergency.

If you have any questions regarding the above requirements please reach out to [Sarah Vandergriff](#) at LAPCS.

Frequently Asked Questions:

- **Does this apply to charter school boards?**
 - **Yes.** Charter Schools are public schools, so we are required to adhere to the state's Open Meetings Law. This Executive Order permits public boards to conduct official governmental meetings via teleconference or videoconference in lieu of normal Open Meetings Law protocols.
 - Charter Schools should adhere to the Governor's Executive Order as it relates to conducting virtual or telephone Charter School Board meetings until April 13, 2020, or as otherwise instructed by the Governor.

- **Does this change public notice requirements?**
 - **Yes,** slightly.
 - **Website Posting:** Schools must still post their published agendas on the school's website. If the board is able to have the public participate in a virtual or telephone meeting, it is recommended that the posting include the telephone number or weblink and any access codes required for participation.
 - **Physical Location Posting:** Depending upon any traveling restrictions placed on your community due to social distancing protocols during this emergency pandemic crisis, you may or may not be able to physically post an agenda at a school site location--use your best judgment.
 - **New Notice Requirement:** Per the Governor's Executive Order, you **1) must certify in writing that you are otherwise unable to convene in person due to quorum requirements. 2)** This certification must be posted along with your agenda and information as to where/how the telephone or virtual meeting will be conducted

- **How do we offer public participation?**
 - Boards should make reasonable attempts to enable public participation, but telephones and internet services are also operating at maximum capacity in most areas, so public participation might be unavailable or unreliable. If it is not an option, then boards should make reasonable attempts to record the meeting, as well as take detailed minutes (which must still be posted to the school's website within a reasonable timeframe).

- **Is there a practice or provision for public comment?**
 - A recommended best practice is to allow the public to submit questions in advance, or to provide a comment box during video conference meetings; offering real-time public comments out loud on a conference call or video platform could easily become hectic. Boards should provide an email address where the public can submit questions. Responses can be provided via email reply, can be discussed in the next public meeting, or can be addressed in a document posted on the school's website. The board should ensure it is actively communicating vital information at this time and should try to limit conversations to issues directly related to COVID-19.

- **How should executive sessions be covered?**
 - Open Meetings Law permits boards to utilize executive sessions *in cases of extraordinary emergency, which includes a threat of pandemic* (issues relating to Coronavirus qualify for this exception).
 - Should a board feel it is absolutely necessary to meet in person (*note: Governor Edwards has given guidance of 50 people or less for gatherings*), then the board should consider utilizing the executive session.
 - That said, information discussed in the executive session should be limited to school issues directly dealing with or related to the current health crisis. All other non-Coronavirus related discussions should be saved for a later time.
 - Boards must closely follow the protocol for announcing and including executive sessions on the agenda.

- **What platforms can be used?**

Our recommendation is to use a platform that has recording capability. Both of the following include this feature:

 - <https://www.freeconferencecall.com/>
 - <https://zoom.us/>