

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1077

By: Milacek

AS INTRODUCED

An Act relating to Oklahoma Open Meeting Act and schools; amending 25 O.S. 1991, Section 311, as amended by Section 2, Chapter 12, O.S.L. 1992 (25 O.S. Supp. 1999, Section 311), which relates to notices and agendas of meetings of public bodies; stating requirements for district boards of education related to meeting notices, agendas, and executive sessions; amending 70 O.S. 1991, Section 5-118, which relates to meetings of district boards of education; requiring identification and description of certain agenda items for executive sessions; prohibiting placing of names of certain persons on agendas; deleting redundant language; making certain provisions cumulative; providing certain penalties; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 25 O.S. 1991, Section 311, as amended by Section 2, Chapter 12, O.S.L. 1992 (25 O.S. Supp. 1999, Section 311), is amended to read as follows:

Section 311. A. Notwithstanding any other provisions of law, all regularly scheduled, continued or reconvened, special or emergency meetings of public bodies shall be preceded by public notice as follows:

1. All public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year.

2. All state public bodies, including, but not limited to, public trusts and other bodies with the state as beneficiary, shall give such notice to the Secretary of State.

3. All county public bodies, including, but not limited to, public trusts and any other bodies with the county as beneficiary, shall give such notice to the county clerk of the county wherein they are principally located.

4. All municipal public bodies, including, but not limited to, public trusts and any other bodies with the municipality as beneficiary, shall give such notice to the municipal clerk of the municipality wherein they are principally located.

5. All multicounty, regional, areawide or district public bodies, including, but not limited to, district boards of education, shall give such notice to the county clerk of the county wherein they are principally located, or if no office exists, to the county clerk of the county or counties served by such public body.

6. All governing boards of state institutions of higher education, and committees and subcommittees thereof, shall give such notice to the Secretary of State. All other public bodies covered by the provisions of this act which exist under the auspices of a state institution of higher education, but a majority of whose members are not members of the institution's governing board, shall give such notice to the county clerk of the county wherein the institution is principally located.

7. The Secretary of State and each county clerk or municipal clerk shall keep a record of all notices received in a register open to the public for inspection during regular office hours, and, in addition, shall make known upon any request of any person the contents of said register.

8. If any change is to be made of the date, time or place of regularly scheduled meetings of public bodies, then notice in writing shall be given to the Secretary of State or county clerk or municipal clerk, as required herein, not less than ten (10) days prior to the implementation of any such change.

9. In addition to the advance public notice in writing required to be filed for regularly scheduled meetings, all public bodies shall, at least twenty-four (24) hours prior to such meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting, such twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma; provided, however, the posting of an agenda shall not preclude a public body from considering at its regularly scheduled meeting any new business. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. "New business", as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.

10. In the event any meeting is to be continued or reconvened, public notice of such action, including date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

11. Special meetings of public bodies shall not be held without public notice being given at least forty-eight (48) hours prior to said meetings. Such public notice of date, time and place shall be given in writing, in person or by telephonic means to the Secretary of State or to the county clerk or to the municipal clerk by public bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of this section. The public body also shall cause written notice of the date, time and place of the meeting to be mailed or delivered to each person, newspaper, wire service, radio station, and television station that has filed a written request for notice of meetings of the public body with the clerk or secretary of the public body or with some other person designated by the public body. Such written

notice shall be mailed or delivered at least forty-eight (48) hours prior to the special meeting. The public body may charge a fee of up to Eighteen Dollars (\$18.00) per year to persons or entities filing a written request for notice of meetings, and may require such persons or entities to renew the request for notice annually. In addition, all public bodies shall, at least twenty-four (24) hours prior to such special meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting. Only matters appearing on the posted agenda may be considered at said special meeting. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. Twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

12. In the event of an emergency, an emergency meeting of a public body may be held without the public notice heretofore required. Should an emergency meeting of a public body be necessary, the person calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means.

B. 1. All agendas required pursuant to the provisions of this section shall identify all items of business to be transacted by a public body at a meeting, including, but not limited to, any proposed executive session for the purpose of engaging in deliberations or rendering a final or intermediate decision in an individual proceeding prescribed by the Administrative Procedures Act.

2. a. If a public body, other than a district board of education, proposes to conduct an executive session, the agenda shall:

- a. (1) contain sufficient information for the public to ascertain that an executive session will be proposed~~+~~.
  - b. (2) identify the items of business and purposes of the executive session~~+~~ and
  - e. (3) state specifically the provision of Section 307 of this title authorizing the executive session.
- b. If a district board of education proposes to conduct an executive session, the agenda shall conform to the requirements of Section 5-118 of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-118, is amended to read as follows:

Section 5-118. A. Regular meetings of the board of education of each school district shall be held upon the first Monday of each month, or upon such day as may be fixed by the board. Special meetings may be held from time to time as circumstances may demand.

B. All meetings of the boards of education shall be public meetings, and in all such meetings the vote of each member must be publicly cast and recorded. Executive sessions will be permitted ~~only~~ for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignations of any or all of the employees or volunteers of the school district, ~~and~~ for the purpose of discussing negotiations concerning employees and representatives of employee groups, ~~and~~ for the purpose of hearing evidence and discussing the expulsion or suspension of a student or students only when the executive session is requested by the student involved or ~~his~~ the student's parent, attorney, or legal guardian, and for any other purposes allowed in Section 307 of Title 51 of the Oklahoma Statutes; provided, however, that any vote or action thereon must be taken in a public meeting with the vote of each member publicly cast and recorded. ~~It is required that the~~ The

board of education shall provide notice to the student, ~~his or her~~  
the student's parent, attorney or legal guardian that ~~said~~ the  
student is entitled to an executive session regarding the discussion  
of expulsion or suspension of ~~said~~ the student.

~~Any action taken in violation of the provisions of this act  
shall be invalid~~

C. If the district board of education proposes to conduct an  
executive session, the agenda shall:

1. Contain sufficient information for the public to ascertain  
that an executive session will be proposed;

2. Identify the items of business and purposes of the executive  
session; provided that the names of employees, volunteers, or  
students who may be discussed in the executive session shall not be  
listed on the agenda; and

3. Cite this section of law and the subsection of Section 307  
of Title 51 of the Oklahoma Statutes authorizing the executive  
session.

D. The provisions of this act are cumulative with the Oklahoma  
Open Meeting Act. Any person willfully violating the provisions of  
this act shall be subject to the penalties provided in the Oklahoma  
Open Meeting Act, Sections 313 and 314 of Title 25 of the Oklahoma  
Statutes.

E. Each member of the board of education of a school district  
with an average daily attendance exceeding fifteen thousand (15,000)  
or a school district where boundaries encompass a total population  
exceeding one hundred thousand (100,000) persons according to the  
last preceding Federal Decennial Census may be paid from the  
district's general fund a per diem of Twenty-five Dollars (\$25.00)  
for each regular, special or adjourned meeting of the board of  
education ~~that he~~ the member attends, but not for more than four  
meetings in any calendar month.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

47-1-1845

SB

6/12/2015 1:36:52 AM