



STATE OF INDIANA

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August 12, 2008

Arthel Martin
1745 Polk Street
Gary, Indiana 46407

*Re: Formal Complaint 08-FC-179; Alleged Violation of the Open Door Law
by the Gary Community School Board*

Dear Ms. Martin:

This advisory opinion is in response to your formal complaint alleging Gary Community School Board ("Board") violated the Open Door Law ("ODL") (Ind. Code 5-14-1.5). It is my opinion that if the Board met in executive session to discuss matters not specifically identified in section 6.1(b), the Board violated the ODL.

BACKGROUND

You filed a complaint on July 23, 2008, alleging the Board violated the ODL by conducting an executive session on June 27 at which the Board discussed the school corporation budget as well as school food service.

My office sent a copy of your complaint to the Board President and invited the Board to respond. To date my office has not received a response to the complaint.

ANALYSIS

It is the intent of the Open Door Law that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. I.C. § 5-14-1.5-1. Except as provided in section 6.1 of the Open Door Law, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. I.C. § 5-14-1.5-3(a).

Executive sessions, which are closed to the public, may be held only for one or more of the instances listed in I.C. § 5-14-1.5-6.1(b). Based on the information you provided, it is my opinion the subject matter you allege the Board discussed was not appropriate for executive session, since none of the instances listed in section 6.1(b) authorize an executive session for a discussion of budget or food service contract matters.

If the Board met in executive session to discuss matters not specifically identified in section 6.1(b), the Board violated the ODL.

CONCLUSION

For the foregoing reasons, it is my opinion that if the Board met in executive session to discuss matters not specifically identified in section 6.1(b), the Board violated the ODL.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Nellie Moore, Gary Community School Board President