

ROCKWELL CHARTER SCHOOL

Board Meeting Policy and Procedures

Purpose

The Board of Directors of Rockwell Charter School has established this policy to ensure that the board follows all requirements of a public body as described in Utah's Open and Public Meetings Act (OPMA). The board acknowledges its status as a public body that is vested with the authority to make decisions regarding the public's business and, therefore, must deliberate and take action openly per Utah Code §52-4-102 except when allowed to close a meeting under the provisions of Utah Code §52-4-204 and §52-4-205. This policy also includes procedures that govern in-person and electronic meetings of the board in compliance with Utah Code §52-4-207 that allow a board meeting to be convened and conducted by means of telephonic, telecommunications, or computer or digital conference.

Definitions

Anchor Location: means the physical location where the public body conducting an electronic meeting under Utah Code §52-4-207 normally conducts meetings of the public body; or a location other than the physical location described previously that is reasonably as accessible to the public as that location.

Approved Minutes: means written minutes of an open meeting that have been approved by the public body that held the open meeting.

Charter Schools as Public Schools: Per Utah Code §53G-5-401, charter schools are considered to be public schools within the state's public education system subject to Utah Code §53E-3-401 and governed by independent boards. As public schools Utah Charter Schools must comply with all federal and state legislation and federal regulations including the OPMA.

Electronic Information: means information presented or provided in an electronic format.

Electronic Meeting: means a meeting that some or all public body members attend through an electronic video, audio, or both video and audio connection, as provided in Utah Code §52-4-207.

Fiduciary or Commercial Information: means information related to any subject if disclosure would conflict with a fiduciary obligation or is prohibited by insider trading provisions; or that is commercial in nature as defined in Utah Code §52-4-103.

Meeting: means a gathering of a public body or specified body with a quorum present; and that is convened by an individual with authority to convene the public body or specified body following the process provided by law for convening the public body or specified body; and for the express purpose of acting as a public body or specified body to: receive public comment about a relevant matter; deliberate about a relevant matter; or take action upon a relevant matter.

Participate: means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

Pending Minutes: means written minutes of an open meeting that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.

OPMA Training: means the requirement of the presiding officer of a public body to ensure that the members of the public body are provided with annual training on OPMA.

Utah Public Notice Website: means a state website created under Utah Code §63A-16-601.

Meetings Open to the Public

Per Utah Code §52-4-201, a meeting of the Board of Directors must be open to the public when a quorum is present unless closed in accordance with Utah OPMA. A local school board holding a meeting that is open to the public shall allow a reasonable opportunity for the public to provide verbal comments that are germane to the authority of the local school board.

General Guidelines for Public Comment at Board Meetings

The Board Chair presides during the public comment period, just as the Chair presides at the board meeting. Although members of the public are authorized by OPMA law to attend the board's meetings and to address board members on matters of concern, board meetings belong to the board to conduct its business and are not meetings of the public.

The Board Chair will ensure that the names and contact information of members of the public who comment at the board meeting have been recorded and that the substance of their comments have been entered into the minutes. The Board Chair will also ensure that time limits for public comments are observed consistently and that the public has an opportunity to provide written comments to the board in lieu of spoken comments at the board meeting.

Although the public may comment on items on the agenda of the board meeting or on any other matter germane to the authority of the local school board, the public does not participate in the decision-making at the meeting. Instead, the public has a designated time period in which to provide input to the governing body. The board may take the input into consideration in making decisions or in setting future agendas, though neither is required. The Board Chair will ensure that the procedures for public comment are announced at the beginning of each meeting or before public comment.

In accordance with Utah Code §52-4-202, and at the discretion of the Board Chair or presiding board officer of the meeting, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting. However, the board may not take final action on a topic in an open meeting unless the topic is listed under an agenda item and included with the advance public notice required by OPMA.

Procedures for Public Comment at Board Meetings

- The Board Chair will provide printed copies of the guidelines and expectations governing the public comment period.
- The Board Chair will review the guidelines at the beginning of each public comment period, if necessary, and explain:
 - that this is the time for the school community and residents to express their views in order to inform the board;
 - that the board will not engage in dialogue with the public during this time;
 - that the board has the right to set limits on what subjects may be addressed, how long public comment will be, and how many times people may speak.
- During the public comment period, the Board Chair will:
 - Require all speakers to address their remarks to the Chair;
 - Require all speakers to keep to the time limits;
 - Inform the public that the Board Chair may provide brief factual information, if appropriate;
 - Inform the public that neither staff members nor board members will respond to or give answers to public comment during the board meeting;
 - Require board members to act courteously and respectfully even if the public makes critical and harsh remarks;
 - Remind the public that they do not have the right to disrupt the meeting;
 - Remind the public that the Board prohibits demonstrations (booing, hissing, clapping) because these actions can be chilling to discourse and inhibit free speech;
 - Inform the public that, in case of serious or wilful disruption to the extent that orderly conduct is seriously compromised, the Chair may adjourn the meeting to a different location or remove any person from the meeting in accordance with Utah Code §52-4-301.

Allowance for Public Invitations

The Board of Directors has the right to invite anyone to speak whom it wishes to hear from at other times than the public comment period with the understanding that the Board Chair sets the board's agenda.

Public Notices of Meetings

In accordance with Utah Code §52-4-202, the board shall give not less than 24 hours' public notice of each board meeting on the Utah Public notice Website, in, on, or near the anchor location for the meeting, or in, on, or near the structure or other area where the meeting will be held. The public notice shall include the following:

- The meeting agenda including agenda items with reasonable specificity to notify the public as to the topics to be considered at the meeting;
- The meeting date;
- The meeting time; and
- The meeting place.

In addition, because the board holds regular meetings that are scheduled in advance over the course of a year, the board shall give public notice at least once each year of its annual meeting schedule which includes the date, time, and place of the scheduled meetings.

The Board of Directors may not take final action on a topic in an open meeting unless the topic has been listed under an agenda item and included with the advance public notice required by OPMA.

Exception to 24-Hour Notice Requirements

The 24-hour notice requirement may be disregarded if, because of unforeseen circumstances, it is necessary for the Board of Directors to hold an emergency meeting to consider matters of an emergency or urgent nature; and the board gives the best notice practicable of:

- The time and place of the emergency meeting; and
- The topics to be considered at the emergency meeting.

Restrictions and Limitations of Emergency Meetings

An emergency meeting of the Board of Directors may not be held unless an attempt has been made to notify all members of the board and a majority of the board members approve holding the emergency meeting.

Written Minutes of Open Meetings

The Board of Directors must keep written minutes and a recording of all open meetings. Written minutes of an open meeting shall include:

- The date, time, and place of the meeting;
- The names of members present and absent;

- The substance of all matters proposed, discussed, or decided by the board which may include a summary of comments made by members of the board;
- A record, by individual member, of each vote taken by the board;
- The name of each person who is not a member of the board and, after being recognized by the presiding member of the board, provided testimony or comments to the board;
- The substance, in brief, of the testimony or comments provided by the public; and,
- Any other information that is a record of the proceedings of the meeting that any board member requests be entered in the minutes or recording.

The Board of Directors shall establish and implement procedures for the board's approval of the written minutes of each meeting. Approved minutes of an open meeting are the official record of the meeting.

Recordings of Open Meetings

The Board of Directors may satisfy the requirement that minutes include the substance of matters proposed, discussed, or decided, or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided, or the testimony or comments provided.

A recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through the adjournment of the meeting and be properly labeled or identified with the date, time, and place of the meeting.

All of any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

Requirements for Posting Minutes and Recordings

The Board of Directors shall clearly indicate when minutes are posted whether they are "pending approval," or have not yet been approved by the board, and are therefore subject to change until the board approves them. The board shall make pending minutes available to the public within 30 days after holding the opening meeting that is the subject of the pending minutes; and the approved minutes within three business days after approving written minutes of an open meeting.

The board shall also make the approved minutes and public materials available to the public at the public body's primary office; and post the pending and approved minutes and the public materials of the meeting on the school's website.

The board shall also post within three business days after holding an open meeting an audio recording of the open meeting or a link to the recording.

The written minutes or recording of an open meeting are required to be retained permanently and shall be maintained in or converted to a format that meets long-term records storage requirements.

Closed Meetings or Executive Sessions

The Board of Directors may close a meeting if a quorum is present; the meeting is an open meeting for which notice has been given; and two-thirds of the members of the board present at the open meeting vote to approve closing the meeting. A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Utah Code §52-4-205.

The board may not take a vote in a closed meeting except for a motion to end the closed portion of the meeting and return to an open meeting in accordance with Utah Code §52-4-204. The motion to end the closed portion of a meeting may be approved by a majority of the board members present at the meeting.

The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

- The reasons or reasons for holding the closed meeting;
- The location where the closed meeting will be held; and,
- The vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.

Recordings of Closed Meetings

If the Board of Directors closes a meeting for reasons permitted under Utah Code §52-4-205, the board shall make a recording of the closed portion of the meeting and may keep detailed written minutes that disclose the content of the closed portion of the meeting. A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.

The recording and any minutes of a closed meeting shall include:

- The date, time, and place of the meeting;
- The names of members present and absent; and,

- The names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting

Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirement. A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records:

- May be disclosed under a court order only as provided under Utah Code §52-4-304; and,
- Shall be disclosed, upon request, to the Office of the Legislative Auditor General under Utah Code §36-12-15.

Exceptions to Recordings of Closed Meetings

If the Board of Directors closes a meeting exclusively for the purposes described under Utah Code §52-4-205(1)(a), (1)(f), or (2), the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Utah Code §52-4-205(1)(a), (1)(f), or (2). These purposes include discussion of the character, professional competence, or physical or mental health of an individual; discussion regarding deployment of security personnel, devices, or systems; and the reasons listed in Subsection 2 of Utah Code §52-4-205. Under such circumstances, the requirements to make and keep a recording do not apply.

Electronic Meetings

The Board of Directors may conduct a meeting in which some or all members of the public body attend through an electronic video, audio, or both video and audio connection. This policy constitutes the board's required resolution allowing for the use of electronic board meetings at the school in accordance with Utah Code §52-4-207.

- The board shall give public notice of the electronic meeting in accordance with Utah Code §52-4-202 and, at least 24 hours before the electronic meeting is scheduled to begin; and,
- Provide each board member and the public a description of how to connect to the meeting.
- Per Utah Code §52-4-207, when conducting an electronic meeting, the Board Chair shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting. Exceptions to the requirement of an anchor location include:

- When providing space and facilities at an anchor location presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or,
- When the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and,
- The public notice for an electronic meeting without an anchor location must include a statement describing the Board Chair's determination to hold a fully electronic meeting, a summary of the facts upon which the Board Chair's determination is based, and information on how a member of the public may participate in the meeting remotely by electronic means.

When the Board of Directors conducts a meeting in which some or all members of the public body attend through an electronic video, audio, or both video and audio connection, the Board Chair will require that:

- Board members attending the meeting identify themselves when they make comments, present, vote, or otherwise participate in the meeting;
- All voting is accomplished through a roll call vote.

The Board of Directors may conduct an electronic meeting that is in writing on a website by following the provisions of Utah Code §52-4-209.

Prohibition on Predetermining Public Body Action

Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter per Utah Code §52-4-208.

Violations of Utah's Open and Public Meetings Act

The Board of Directors acknowledges, in accordance with Utah Code §52-4-302, that any final action taken in violation of OPMA is voidable by a court of competent jurisdiction; and that a member of the board who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of OPMA is guilty of a class B misdemeanor per Utah Code §52-4-305.