



OPEN MEETINGS ACT - APPLICATION TO SCHOOL COUNCILS

1. School Councils Are Subject To The Open Meetings Act [O.C.G.A. 20-2-86 (f)].
2. Meeting - Gathering Of A Quorum Of The Members Of The School Council Or Any Committee Of Its Members Created By The School Council At Which Any Public Matter, Official Business, Or Policy Is To Be Discussed Or Presented Or At Which Official Action Is To Be Taken Or Recommendations On Any Public Matter, Official Business, Or Policy Are To Be Formulated, Presented Or Discussed.
3. All Meetings Are Open Unless Otherwise Provided By Law.
4. Regular Meetings Of The School Council
 - A. Announce The Time, Place & Dates Of Regular Meetings,
 - B. Information Available To General Public And Posted And Maintained In A Conspicuous Place Available To The Public At The Regular Meeting Place,
 - C. Members Of The School Council Shall Be Sent Notice Of Meeting At Least Seven Days Prior To A Meeting [O.C.G.A. 20-2-86 (f)], and
 - D. Regular Meetings May Be Cancelled Or Postponed.
5. Announcing The Meeting Of The Electing Bodies Of The School Council [O.C.G.A. 20-2-86 (g)]
 - A. Provide Public Notice At Least Two Weeks Before The May Meeting Of Each Electing Body.
6. Announcing Called Meetings
 - A. Post A Written Notice For At Least 24 Hours At The Place Of The Regular Meetings,
 - B. Give Written Or Oral Notice At Least 24 Hours In Advance Of Meeting To Legal Organ In The County Where The Meetings Are To Be Held Or To A Newspaper Having A General Circulation In The County At Least Equal To That Of The Legal Organ,
 - C. Members Of The School Council Shall Be Sent Notice Of Meeting At Least Seven Days Prior To A Meeting [O.C.G.A. 20-2-86 (f)], and
 - D. In Counties Where Legal Organ Is Published Less Than Four Times Weekly, Notice Shall Be The Posting Of A Written Notice For At Least 24 Hours At The Place Of Regular Meetings And, Upon Written Request From Any Local Broadcast Or Print Media Outlet Whose Place Of Business And Physical Facilities Are Located In The County, Notice By Telephone Or Fax To The Requesting Media Outlet At Least 24 Hours In Advance Of The Called Meeting.
7. School Council Agenda
 - A. Make Available Upon Request The Agenda Of All Matters Expected To Come Before The School Council Prior To Meeting,
 - B. Post Agenda At The Meeting Site As Far In Advance As Reasonably Possible And, At A Minimum, At Some Time During The Two Week Period Immediately Prior To The Meeting, And
 - C. Failure To Include An Item On The Agenda Which Becomes Necessary To Address During The Meeting Does Not Prohibit The School Council From Considering And Acting Upon The Item.
8. Minutes & Summary Of Meeting
 - A. Provide Written Summary Of Subjects Acted On And School Council Members Present To The Public For Inspection Within Two Business Days Of Adjournment Of The Meeting,
 - B. Minutes Shall Be Promptly Recorded And Open To Public Inspection Once Approved As Official By The School Council No Later Than Immediately Following The Next Regular Meeting Of The School Council,
 - C. Minutes May Be Released Prior To Approval Of The School Council,
 - D. Minutes Must Include At A Minimum Names Of School Council Members Present, Description Of Each Motion Or Other Proposal Made, And Record Of All Votes,
 - E. Minutes Must Reflect The Name Of Each Person Voting Against The Proposal Or Abstaining Or It Is Assumed That The Action Taken Was Approved By Each School Council Member In Attendance,
 - F. If The Vote Is A Roll-Call Vote, Name Of Each Person Voting For Or Against The Proposal Shall Be Recorded,



- G. Minutes Of School Council Meetings Shall Be Made Available To The Public At The School Office [O.C.G.A. 20-2-86 (I)], And
 - H. School Council Members Shall Receive A Copy Of Minutes Within 20 Days Following Each School Council Meeting [O.C.G.A. 20-2-86(I)].
9. Visual And/Or Sound Recording Of Open Meetings Shall Be Permitted.
10. Meeting Or Portion Of A Meeting May Be Closed To The Public For
- A. Consulting With Legal Counsel Pertaining To Pending Or Potential Litigation, Settlement, Claims, Administrative Proceedings, Or Other Judicial Actions,
 - B. Discussing Future Acquisition Of Real Estate,
 - C. Discussing Or Deliberating The Appointment, Employment, Compensation, Hiring, Disciplinary Action Or Dismissal, Or Periodic Evaluation Or Rating Of An Employee, And
 - D. Considering a Matter Involving the Disclosure of Personally Identifiable Information From A Student's Educational Records [Family Educational Rights And Privacy Act (FERPA), 20 USC 1232g].
- NOTE: Other Meetings Not Pertinent To School Councils May Be Closed.*
11. Procedures For Closed Meeting
- A. Specify Reason(s) For Closing The Meeting; Must Be Within The Exceptions Listed Above And Recorded In The Minutes,
 - B. Majority Vote Of A Quorum Present For The Meeting Must Vote To Close The Meeting,
 - C. Minutes Must Reflect The Names Of The School Council Members Present And The Names Of Those Voting To Close The Meeting,
 - D. Minutes Are Available To The Public As Are Other Meeting Minutes,
 - E. Only That Portion Of The Meeting That Deals With Exceptions Under The Law Shall Be Closed; Other Portions Of The Meeting Must Be Open,
 - F. When A Meeting Or Portion Of A Meeting Is Closed, The Chairperson Of The School Council Shall Execute And File With The Minutes Of The Meeting A Notarized Affidavit Stating Under Oath That The Subject Matter Of The Meeting Of The Closed Portion Of The Meeting Was Devoted To Matters Within The Exceptions Provided By Law And Identifying The Specific Reason For Closing The Meeting,
 - G. Votes On Personnel Matters Discussed During A Closed Session Must Occur In An Open Meeting, And
 - H. A Meeting May Not Be Closed In Order To Discuss Whether Or Not To Close A Meeting.
12. Violations Of Open Meetings Act
- A. Anyone Knowingly And Willfully Conducting Or Participating In A Meeting In Violation Of The Open Meetings Act Is Guilty Of A Misdemeanor And, Upon Conviction, Punished By A Fine Not To Exceed \$500,
 - B. Superior Courts Have Jurisdiction To Enforce The Open Meetings Law; Attorney General Has The Authority To Bring Law Enforcement Actions, Criminal Or Civil,
 - C. If A Superior Court Determines That A School Council Has Not Complied With The Act, The Court Shall - Unless Special Circumstances Exist – Assess In Favor Of The Complaining Party Reasonable Attorney's Fees And Other Litigation Costs,
 - D. Any Action Taken In Violation Of The Open Meetings Act Is Not Binding, And
 - E. Agency Which Provides Access To Information In Good Faith Shall Not Be Liable.

The complete Open Meeting Law can be found in Chapter 14 of Title 50 O.C.G.A.

The complete Open Records Statues are in Chapter 18 of Title 50 O.C.G.A.