

Open Public Meetings Act (OPMA)
 Training for School District Directors

Prepared by attorneys at:
 Soha & Lang, P.S.
 Seattle, WA
 (206) 624-1800

Target Audience for this Training

**Specifically for Directors serving
 on public school district boards in
 Washington State**

SOHA
&
LANG

**Why Must Directors Be Familiar
 With the OPMA?**

1. Public school board meetings are subject to the OPMA;
2. State law mandates training;
3. Violations harm school districts;
4. A director may be fined for violating the OPMA.

SOHA
&
LANG

What Is the OPMA?



Washington Sunshine Law

Government business should be conducted in the light for everyone to see

SOHA & LANG

Purpose of the OPMA

“The legislature finds and declares that all public . . . boards . . . and all other public agencies . . . exist to aid in the conduct of the people’s business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.”

RCW 42.30.010

SOHA & LANG

What the OPMA Requires

“All meetings of **the governing body of a public agency** shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.”

RCW 42.30.030

SOHA & LANG

What the OPMA Requires

The OPMA generally requires that “meetings” at which “action” takes place occur with advance notice to the public and in the open so the public can participate

SOHA
&
LANG

When Does the OPMA Apply?

1. What is a meeting?
2. What constitutes “action”
3. What are common exceptions?

SOHA
&
LANG

When Does the OPMA Apply

MEETING:

Anytime a quorum (majority) of directors are acting on district business, whether or not in person.

- Might be via email
- Might be by telephone conference
- Could be at a retreat, informal gathering or carpooling
- Committee meetings
- Study sessions

SOHA
&
LANG

When Does the OPMA Apply

ACTION:

- Voting (no secret ballots)
- Discussing, considering, deliberating
- Taking testimony
- Interviews
- Reviews and evaluations

SOHA
&
LANG

What the OPMA Requires

Regular School Board Meetings:

- Board policy sets day, time and location
- Agenda posted on website 24 hours in advance
- Any member of public can attend w/o conditions
- Procedure for interruptions
- Adjournments must be announced and posted
- Minutes must be taken

SOHA
&
LANG

What the OPMA Requires

Special School Board Meetings:

- Called by Board president/chair or a majority of Board
- 24 hour written notice to each Director
- 24 hour notice to media on notification list
- 24 hour notice posted on website, at District offices and at meeting location
- Notices must indicate the business scheduled to occur at the Special Meeting and no other business may occur
- Minutes must be taken

RCW 42.30.080

SOHA
&
LANG

What the OPMA Requires

Emergency School Board Meetings (**extremely rare**):

In case of an actual emergency (e.g., fire, flood or earthquake), the notice requirements are suspended and the Board may meet where and when necessary to address the emergency

RCW 42.30.070

SOHA
&
LANG

What the OPMA Requires

When can the board go into executive session and exclude the public from meeting?

- Must meet specific subject criteria;
- Announce subject and approx. length of time in open meeting and do not discuss anything else;
- General reference in meeting minutes

RCW 42.30.110

SOHA
&
LANG

What the OPMA Requires

Subjects that can be discussed in executive session:

1. Matters affecting national security;
2. Possible real estate purchase;
3. Minimum sale or lease price for District real estate;
4. Negotiations re publicly bid contracts;
5. Complaints or charges against employee or Director;
6. Quals. of applicant or performance of employee (e.g. Superintendent)—final action must be in open meeting;
7. Evaluate quals. of candidate for appointment to fill Director vacancy—interviews and final action in public;
8. Discussions with school district's attorneys re litigation or potential litigation.

RCW 42.30.110

SOHA
&
LANG

Exempt from the OPMA

Exempt from open meeting requirements:

1. Collective Bargaining—negotiations, grievance meetings, discussing interpretation of contract
2. Quasi-Judicial Hearings—appeals of student or staff discipline

Note - Need not include in Board meeting minutes

RCW 42.30.140

SOHA
&
LANG

What the OPMA Requires

Compliance Tips:

1. Regular Meetings: Don't change day, time or location, and post an agenda.
2. Special Meetings: Require 24 hour written notice, and do not discuss anything off agenda.
3. Executive Session: Publicly announce. Limit to precise topics. No final action.
4. Informal Discussions: Beware that informal discussions or emails with board members re District business may be a "meeting" triggering the OPMA.

SOHA
&
LANG

Violations of the OPMA

1. Harm the District
Action taken in violation of the OPMA is null and void; Lawsuits, including attorney fees and costs.
2. Harm You
Directors fined \$100 for knowingly participating in meeting in violation of the OPMA
3. Harm the Public

SOHA
&
LANG

Purpose of the OPMA

“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know . . .”

RCW 42.30.010

SOHA
&
LANG

End of Training

Congratulations on your election to serve on the board of directors of a Washington public school district.

AND

Thank you for taking the time to complete this training on Washington’s Open Public Meetings Act.

SOHA
&
LANG
