



## OPEN MEETING ACT AND VIRTUAL MEETING CHANGES

### **Q: Can we conduct our upcoming regular meeting via teleconference or videoconference?**

No. Regular meetings cannot be conducted via teleconference or videoconference as the meeting notice filed by the Dec. 15 deadline for regular meetings did not include the listing of who would be present via teleconference or videoconference. This law also was not effective at that time.

If you plan to meet via teleconference or videoconference, please adopt the following policies during the first such meeting and make them effective retroactively:

- [Board of Education Meetings Teleconferencing or Videoconference Regulations](#)
- [Board of Education Meetings Teleconferencing or Videoconference Regulations Sample Notice and Agenda](#)
- [Board of Education Meeting Public Participation](#)

### **Q: How do we call a meeting that includes teleconferencing or videoconferencing board members?**

- Provide a special meeting notice to the county clerk's office that includes:
  - Time, date, place (if a physical meeting will occur) of the meeting
  - Listing of who will be attending via teleconference
  - Listing of who will be attending via videoconference
  - Listing of who will be physically present at the meeting site.

This new law change is effective as of Feb. 10, 2021, and will remain in effect until Feb. 15, 2022, or until 30 days after the Governor of Oklahoma terminates the state of emergency, whichever date first occurs.

### **Q: What would a meeting notice look like?**

*For a completely virtual meeting, a meeting notice to be filed and court stamped with the county clerk would appear as follows ([CLICK HERE FOR A TEMPLATE FOR THIS OPTION](#)):*

The \_\_\_\_ Board of Education will be conducting a special meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_ a.m./p.m.



This meeting will be conducted entirely via teleconferencing and videoconferencing. Those present at remote locations will be:

Via Teleconference: (List names and position)

Via Videoconference: (List names and position)

*For a meeting that will have both a physical and a virtual presence, the meeting notice that is filed and court stamped with the county clerk would appear as follows ([CLICK HERE FOR A TEMPLATE FOR THIS OPTION](#)):*

The \_\_\_\_ Board of Education will be conducting a special meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_ a.m./p.m.

This meeting will include teleconferencing and videoconferencing, but there will be parties present at (physical location if some will be at school address or in same location).

Those present at remote locations will be:

- Via Teleconference: (List names and position)
- Via Videoconference: (List names and position)
- Those present at the physical meeting site will be: (include names and positions).

**Q: Can a board member change their mind about being physically present, videoconferencing or teleconferencing in for a board meeting?**

A board member who was scheduled to attend a meeting via videoconferencing or teleconferencing can change their mind and attend physically. However, a board member who was included in the notice to the county clerk as being present physically cannot legally decide to attend via teleconference or videoconference.

**(NEW) Q: Our meeting notice says our meeting will be held partially via videoconferencing or teleconferencing, and we will have a physical meeting site. However, all board members have decided to attend in person. Must we still provide a videoconference or teleconference option?**

Yes. This is a change the legislature made in the new bill. Even if a board decides to meet in person after posting the meeting as only partially in person, the public must still be able to hear/watch the meeting as posted in the meeting notice.



**Q: Are we required to have a physical meeting site?**

No. The entire meeting can be conducted without a physical meeting site.

**Q: Does the district need to post an agenda?**

Yes, the district must post an agenda on the school district's website. The agenda must comply with the requirements of the Oklahoma Open Meeting Act. However, the district is not required to make the notice to the public available in the central office of the school district nor at the location of the meeting during normal business hours at least 24 hours prior to the meeting.

The agenda will also need to identify who will be present via videoconference, teleconference, or physically present at the meeting site, if one exists.

**(NEW) Q: What if there is a code or password for the virtual meeting link for the public?**

The code or password must be posted on the agenda so that members of the public may access the meeting without having to reach out to school employees for a code or password.

**Q: Can the board of education conduct an executive session?**

The board may convene into executive session by teleconference or videoconference for one of the reasons listed in statute for executive session.

- That listing of topics has not changed and must be worded appropriately on the posted agenda.
- The agenda must include language that provides that the executive session will include teleconferencing or videoconferencing.
- The agenda must state the identity:
  - Each member appearing remotely
  - The method of each member's remote appearance
  - The identify of any member that will be physically present at the meeting site, if any, for the executive session.

**Q: Does the minutes clerk need to participate in the meeting?**

Yes, the minutes clerk will need to keep the official minutes of the meeting and must record all votes taken via roll call vote. The minutes clerk will not participate in any executive sessions so standard executive session minutes procedures should be followed.



**(NEW) Q: The superintendent, the minutes clerk or another district staff member is unable to be physically present at a board meeting. Can they participate in the meeting virtually?**

Yes. The Oklahoma Open Meetings Act governs the physical presence of board members but not other meeting participants. Even if the board meeting has a physical meeting site, the superintendent, minutes clerk and other district employees may participate in the meeting remotely.

**Q: What are the options for documenting the meeting?**

A record of the meeting must be maintained. The district may record meetings via written, electronic, or other means.

**Q: If we have a meeting via teleconference or videoconference, do we need to allow public comments?**

If a board's policy allows public participation at a special meeting, it needs to find a method that would allow participation in some form. This could include submitting written comments via a form or to a specific email address. Please see our updated [sample policy here](#).

**Q: What should a board do if the teleconference or videoconference cuts out?**

If the teleconference or videoconference feed cuts out while the meeting is being conducted, the meeting must immediately cease until the connection is re-established.

**Q: Must documents utilized during a teleconference or videoconference be made available to the public?**

Yes. Any documents provided to the board must also be made immediately available to members of the public on your district website. This can be accomplished by posting the documents on your district website (or to the public page in Assemble) prior to the start of the meeting. Documents which are provided to your board as part of executive session should not be made available to the public as those documents remain confidential.

**Q: May we still have a regular (non-virtual) meeting?**

Yes. Though the legislature has given public bodies the option to meet virtually, a board may still meet in-person following the usual steps of notice to the county clerk and agenda posting requirements.



**Q: If we have a regular (non-virtual) meeting, may we restrict the attendees to comply with recommendations from local health officials and the Centers for Disease Control and Prevention?**

No. The Oklahoma Open Meeting Act specifically requires that all public meetings remain open to the public. A board cannot restrict who attends a meeting or the number of attendees, even to comply with the recommendations of a local health official or the CDC. Boards should look to holding their meetings virtually in order to comply.

**Q: I have questions. Who can help?**

Please call our office at 405.528.3571 and ask to speak to a member of the legal team.