



Title VI Indian Parent Advisory Committee By-Laws

The following are the by-laws that have been established and approved by the Berryhill Public Schools Title VI Indian Parent Advisory Committee (IPAC).

Article I – Reference

In accordance with the (CFDA 84.060A) Office of Elementary and Secondary Education, Office of Indian Education a Parent Advisory Committee elected in accordance with federal regulations, will adopt and abide by reasonable by-laws for the conduct of the project for which assistance is sought.

Article II – Name

The name of this committee shall be the Berryhill Public Schools, District 10, Title VI *Indian Parent Advisory Committee (IPAC)*.

Article III – Purpose/Assurances

The establishment and work of the IPAC shall be to (1) ensure compliance with the rules and regulations as found in the Federal Register and in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Section 6102 (20 U.S.C. 7401), Section 6111 (20 U.S.C. 7421) and Section 6114 (20 U.S.C. 7424); (2) to participate in the design, operation, and evaluation of the Title VI, Indian Education; (3) to act in an advisory capacity for the Berryhill Public Schools, District 10, on with the Local Education Agency (LEA) on the development, operation and evaluation of the Title VI-that may directly or indirectly impact IPAC's efforts regarding the Title VI, Indian Education Programs, and; (4) to have Indigenous goals at our core which includes, but is not limited to:

- a. To promote and encourage pride in Native American culture and heritage;
- b. To promote and encourage participation by families of Native American students in all areas of education provided by Berryhill Public Schools;
- c. To promote and encourage excellence in education;
- d. To evaluate and advance the opportunity of higher education for Native American students;
- e. To promote and encourage the best interests of Native American students in the Berryhill community and of Berryhill Public Schools.

Article IV – Membership

Section 1 Establishment of the Indian Parent Advisory Committee (IPAC)

- A. The IPAC meeting is open to all parents and immediate family members of Title VI eligible students in the Berryhill Public School District.
- B. ESEA section 6114 (c)(4) requires the Indian Parent Committee to be composed of:
 - (1) Parents and immediate family members of eligible Indian children in the local education agency’s schools (LEA);
 - (2) Representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;
 - (3) Teachers in the schools; and
 - (4) If appropriate, Indian students attending secondary schools of the agency;
 - (5) A majority of whose members are parents and family members of Indian children.
- C. The following are not eligible to serve on the IPAC:
 - (1) family members of program staff;
 - (2) school board members; and
 - (3) those persons who have a prior felony conviction and/or registered sex offender and/or violent crime offender.
- D. The afore mentioned groups intended to compromise the IPAC shall be known as the “Eligible Voters.”
- E. The IPAC shall be composed of five (5) members at large, the Chairperson, Vice Chairperson, Secretary, one (1) teacher, and one (1) student representative.
- F. All IPAC members must have a formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the IPAC. Committee shall be made aware of topic and discuss any concern beforehand. Authorization shall stay in effect for one calendar year and re-evaluated.

Section 2 Election of the ten (10) Members of the IPAC

- A. New members are elected in an open meeting by a majority vote of Eligible Voters in attendance within the Berryhill Public School District.
- B. Membership in the IPAC cannot be transferred.
- C. The IPAC elections are to elect the IPAC members and not an election of officers. New members, student and teacher are elected by everyone present in meeting.
- D. Officers (Chairperson, Vice Chairperson, and Secretary) shall be elected by the IPAC at the first official meeting of the new Indian Parent Advisory Committee. This will be considered a reorganization meeting.

Section 3 Annual Elections/Community Voting Rights

- A. The Annual Election Meeting (Annual Meeting) shall be held on the first official IPAC meeting, or at a date as near to that day as determined by the IPAC.

- B. The current IPAC members shall maintain their position on the IPAC until the completion of the Annual Election Meeting. The presiding Chairperson (or a remaining officer from the current IPAC, if the Chairperson is not re-elected) shall call the first official meeting of the 'new' Indian Parent Advisory Committee members.
- C. Nominations for new IPAC members shall be taken from the floor by an eligible voter at the duly called Annual Meeting.
- D. The IPAC Chairperson or designee shall act as the election judge for the Annual Meeting.
- E. The IPAC will also have the option of having the election judge preside over the election of officers at the first official meeting of the new IPAC.
- F. Newly elected IPAC members shall take their positions as IPAC members at the first official meeting of the new IPAC.
- G. Beginning at the Annual Meeting 2022, and every year going forward:
 - a. Five (5) Title VI IPAC members may elected in odd calendar years
 - b. Five (5) Title VI IPAC members may elected in even calendar years

Section 4 Voting Rights for IPAC Members

- A. Each member of the IPAC shall have one (1) vote in any matter submitted to the IPAC for a general vote.
- B. Proxy voting and absentee balloting shall not be permitted.
- C. IPAC members may not abstain from voting unless there is a conflict of interest. If there is no conflict, the IPAC member must cast a vote.
- D. The Chairperson may only vote in case of a tie among the other members.

Section 5 Termination of Membership

IPAC member(s) can be removed from membership by vote of the Committee for the following reasons:

- a. The member does not attend two (2) regular or special meetings of the IPAC.
- b. An automatic termination will occur where the student of the IPAC member is no longer enrolled in the Berryhill Public School District.
- c. For action or behavior that brings discredit to the IPAC. All members will conform to all rules, regulation, and guidelines of Federal law, State law and the Berryhill Public Schools policies and procedures which include Social Media Conduct Policy #501 and the School Visitors Policy #414.
- d. Members may resign in writing to the IPAC.

Section 6 Vacancies

- A. Names of the nominated candidates, who were not elected to the IPAC at the Annual Meeting, will be listed as alternates and may be utilized as alternates for any member of the IPAC who resigns, is terminated, or otherwise may become ineligible to serve on the IPAC.
- B. To maintain the IPAC quorum of six (6) members the IPAC shall select by majority vote, an eligible candidate, such candidate to be selected from amongst the afore mentioned nominated candidates, to serve for the remainder of the original term of the vacated position.

- C. If the new IPAC member fills the vacancy of a IPAC officer, that officer position does not transfer to the new IPAC member.
- D. Following the election of the new IPAC member, an election among the IPAC members shall be held to replace the officer whose position was vacated.

Section 7 Powers and Duties

- A. Attend IPAC meeting and trainings.
- B. Review, make suggestions, approve and sign the Title VI program application and attachments.
- C. Review, make suggestions, approve and sign the Title VI Budget and Revisions.
- D. Review annual report of substantial learning progress made by Title VI, Native American students.
- E. Conduct IPAC elections.
- F. Review and revise as necessary the IPAC By-laws on an annual basis.
- G. Review and make suggestions including but not limited to cultural education, curriculum and materials used in the contract program.
- H. Recommend for consideration qualified prospective staff members from which the School District may select for interview and review for hire.
- I. Evaluate program results and make recommendations to the School District Administration.
- J. Have available copy(s) of the sub-contract application on file.
- K. Review all reports, evaluations, surveys, and other program and budget related documents determined necessary by the IPAC to carry out its responsibilities.
- L. Assist other IPAC members in planning and implementing programs and special events.

Article V – Officers

Section 1 Removal

An IPAC Officer can be removed for action or behavior that brings discredit to the IPAC. All members will conform to all rules, regulation, and guidelines of Federal law, State law and the Berryhill Public Schools policies and procedures which include Social Media Conduct Policy #501 and the School Visitors Policy #414.

Section 2 Duties of the Officers and IPAC members At-large

- A. Chairperson and/or Vice Chairperson

The Chairperson and Vice Chairperson shall perform all duties incidental to the office of the Chairperson and Vice Chairperson and such other duties as may be prescribed by the IPAC from time to time. The Chairperson and Vice Chairperson shall act on behalf of the IPAC, as recorded by motion of the IPAC. Specific duties are:

- 1. To preside over all general meetings.
- 2. Prepare the meeting agendas in conjunction with the Berryhill Public Schools Title VI Program Administrator/Coordinator.

3. Sign on behalf of the IPAC, all letters, reports and other committee documents as required and with the authority granted by the IPAC to do so.
4. Assures Rules, Regulations and By-Laws are disseminated to interested parents and community.

B. Secretary shall:

1. Keep the minutes of the regular, special, and emergency meetings.
2. Perform other such duties as prescribed by the IPAC from time to time.
3. Maintain list of phone and email/mail addresses of IPAC members.

C. Student and Teacher and Members At-Large shall:

1. Serve and participate fully in meetings and in voting capacity on IPAC.
2. Serve on special committees or perform other duties as assigned by Chairperson and Vice Chairperson.

Article VI – Meetings

The IPAC shall meet not less than four (4) times per calendar year including the Annual Election Meeting. A majority of the members present at any meeting may adjourn the meeting. All meetings will be held using parliamentary procedures to conduct an orderly meeting.

Section 1 Regular Meetings

- A. The date and time of regular IPAC meetings shall be set at the first committee meeting of the school year. Meeting months shall be determined by the IPAC and Berryhill District's Title VI Program Administrator/Director.
- B. Notice of the regular meeting may be posted on the door of the administration building, site office door, auto/robo calls, email, and will be announced on social media at least 24 hours before meeting.
- C. IPAC meeting packets shall be mailed or emailed to each member not less than five (5) days prior to each meeting.

The monthly packets may include:

1. The agenda.
 2. Copy of the last IPAC meeting minutes.
 3. Staff reports.
 4. Financial reports.
- D. All regular meeting shall be open to the public in compliance with the Oklahoma Open Meeting Act (25 O.S. 301-314).

Section 2 Special Meetings

Special meetings of the IPAC may be called by the Chairperson or by a majority vote of the IPAC. All IPAC members and Berryhill District's Title VI Program Administrator/Director

shall be given a two (2) day notice by telephone and email/messaging (Groupme) of the special meeting. The IPAC members must be given the purpose of the special meeting. Agenda items must be limited to those areas of concern causing the call of the special meeting.

Section 3 Informal Meetings of the IPAC (Work Sessions)

Informal Meetings (work sessions) can be conducted by IPAC. Informal Meetings will not include formal action (motions) and may be held off school campus. Informal meeting work will be recapped at next regular or Special Meeting.

Section 4 Executive Session Meeting (no minutes or recordings are to be made)

The participants of the executive session are not to discuss or disclose the issues made known at the executive session. An executive session may be called by any three (3) members of the IPAC, before or during a regular IPAC meeting. To qualify for an executive session, the issue must be one of the following:

- A. Personnel matters.
- B. Misconduct of an IPAC member.
- C. Dealing with sensitive issues pertaining to the program.
- D. Once out of session, a formal motion of action must be brought up at the regular meeting (table, vote up or down on an issue, etc.).

Section 5 Quorum

The presence of six (6) IPAC members shall be required to constitute a quorum necessary for the transaction of business of IPAC. No decision of the IPAC shall be valid, unless there are six (6) IPAC members present.

Section 6 Agenda

- A. The agenda for each meeting shall be prepared by the Chairpersons and Berryhill District Title VI Program Administrator/Coordinator. Individual members of the IPAC are encouraged to submit agenda items to the Chairpersons and/or Berryhill District Title VI Program Administrator/Coordinator. The individual members of the IPAC may also present their proposals formally under the agenda items of “New Business”.
- B. An item may be placed on the agenda by contacting the Chairpersons in writing at least seven (7) days prior to the regular meeting date.
- C. In accordance with the Oklahoma Open Meeting Act, an agenda must be posted at the place of the regular meeting at least twenty-four (24) hours in advance of the meeting.

Article VII – Amending the By-Laws

The IPAC By-Laws shall be amended only at a regular meeting by a majority vote of the members of the IPAC Eligible Voters in attendance. Provided that the amendment is to carry out the purpose and objectives of the IPAC cited in (Article III, sections 1-3). Any amendment must

conform to the rules and regulation of the Federal Register, Code of Federal Regulations 25 CFR, Part 273.15.

Article VIII – Ratification

These IPAC By-Laws shall be declared adopted by the IPAC when passed by majority of the full membership of the IPAC at a regular meeting of the IPAC.

Article IX – Grievance Procedure

Grievance procedures for complaints from Berryhill Public School District Native American students, parents/family members, and/or Title VI staff relating to program(s) contracted under Title VI shall be as follows:

Section 1 The complainant shall submit a grievance in writing to the IPAC for investigative review and action.

- A. Upon receipt of a written complaint, IPAC members shall, within fifteen (15) working days, make an investigation, which may include conducting interviews, gathering documentation and submitting any findings to the complainant. If the complaint cannot be resolved within the specific time, the IPAC may request additional time from the complainant.
- B. If the complaint cannot be resolved by the IPAC to the satisfaction of the complainant, the IPAC shall forward the complaint with all investigative documentation, findings, and/or recommendations to the school district administration.

Section 2 The Berryhill District’s Title VI Program Administrator/Director shall proceed as follows:

- A. Schedule a meeting with the IPAC Chairpersons within ten (10) working days after a complaint has been received. A grievance committee consisting of the school administrator, IPAC Chairpersons, and a IPAC member will review the complaint, investigative documents, findings, and/or recommendations.
- B. Within ten (10) working days of this meeting, the school administrator will contact the complainant to review the grievance committee’s findings regarding the complaint.
- C. If the complainant is not satisfied, the school administrator will forward the complaint to the Oklahoma State Department of Education, for review and action.
- D. The findings of the Oklahoma State Department of Education shall be final.

These By-laws are approved by Berryhill Public Schools, District 10, Indian Parent Advisory Committee, at the May 28, 2020.

Appendix

- Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Section 6102 (20 U.S.C. 7401), Section 6111 (20 U.S.C. 7421) and Section 6114 (20 U.S.C. 7424)
- Berryhill Public Schools School Visitors Policy #414
- Berryhill Public Schools Social Media Conduct Policy #501
- Oklahoma Open Meeting Act (25 O.S. 301-314)

20 U.S. Code § 7401. Statement of policy

| U.S. Code | Notes |
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It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.

(Pub. L. 89-10, title VI, § 6101, formerly title VII, § 7101, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, § 6101, and amended Pub. L. 114-95, title VI, §§ 6001(a), (b)(1), 6002(a), Dec. 10, 2015, 129 Stat. 2046, 2047.)

20 U.S. Code § 7421. Purpose

| U.S. Code | Notes |
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It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities in developing elementary school and secondary school programs for Indian students that are designed to—

(1) meet the unique cultural, language, and educational needs of such students; and

(2) ensure that all students meet the challenging State academic standards.

(Pub. L. 89–10, title VI, § 6111, formerly title VII, § 7111, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, § 6111, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(c), Dec. 10, 2015, 129 Stat. 2046, 2047.)

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20 U.S. Code § 7424. Applications

U.S. Code Notes

(a) APPLICATION REQUIRED

Each entity described in section 7422(a) of this title that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) COMPREHENSIVE PROGRAM REQUIRED Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of Indian students;

(2)

(A) is consistent with the State, tribal, and local plans submitted under other provisions of this chapter; and

(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under subchapter I for all students;

(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7425 of this title;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs;

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(4);

(ii) the community served by the local educational agency; and

(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 1232g of this title (commonly referred to as the "Family Educational Rights and Privacy Act of 1974"); and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

(c) ASSURANCES Each application submitted under subsection (a) shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the

Federal funds made available under this subpart, such agency would make available for services described in this subsection, and not to supplant such funds;

(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart;

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency, and meet program objectives and outcomes for activities under this subpart; and

(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;

(3) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the Indian students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children and teachers, representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program;

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

- (i)** parents and family members of Indian children in the local educational agency's schools;
- (ii)** representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;
- (iii)** teachers in the schools; and
- (iv)** if appropriate, Indian students attending secondary schools of the agency;
- (B)** a majority of whose members are parents and family members of Indian children;
- (C)** with respect to an application describing a schoolwide program in accordance with section 7425(c) of this title, that has—

 - (i)** reviewed in a timely fashion the program;
 - (ii)** determined that the program will not diminish the availability of culturally related activities for Indian students; and
 - (iii)** determined that the program will directly enhance the educational experience of Indian students; and

- (D)** that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws;
- (5)** the local educational agency will coordinate activities under this subchapter with other Federal programs supporting educational and related services administered by such agency;
- (6)** the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;
- (7)** the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and
- (8)** the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.

(d) TECHNICAL ASSISTANCE The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this chapter or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

- (1)** the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;
- (2)** improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and
- (3)** integration of activities under this subpart with other educational activities carried out by the local educational agency.

(Pub. L. 89–10, title VI, § 6114, formerly title VII, § 7114, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1910, renumbered title VI, § 6114, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (4), § 6002(f), Dec. 10, 2015, 129 Stat. 2046, 2049.)

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STAFF MEMBERS AND SOCIAL NETWORKING SITES

The superintendent and the school administrators will annually remind staff members and orientate new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to the following prohibited behaviors:

1. **Improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.**
 - a. **Teachers may not list current students as “friends” on networking sites.**
 - b. **All e-contacts with students should be through the district’s computer and telephone system.**
 - c. **All contacts and messages by coaches with team members shall be sent to all team members, except messages involving medical or academic privacy matters, in which case the messages will be copied to the athletic director and the school principal.**
 - d. **Teachers will not give out their private cell phone or home phone numbers to students without prior written approval of the district and the parent of the minor child.**
 - e. **Improper private contact via e-mail or phone is prohibited.**
2. **Inappropriateness of posting items with sexual content.**
3. **Inappropriateness of posting items exhibiting or advocating use of drugs or alcohol.**
4. **Monitoring and penalties for improper use of district computers and technology**

As per state law, employees are discouraged from sharing content or comments containing the following when directed at a citizen of the State of Oklahoma:

1. **Obscene sexual content or links to obscene sexual content;**
2. **Abusive behavior and bullying language or tone;**
3. **Conduct or encouragement of illegal activity; and**

4. Disclosure of any information required to be maintained as confidential by law, regulation, or internal policy.

“Social networking” or “social media” means interaction with external websites or services based upon participant contributions to the content. Types of social media include social and professional networks, blogs, micro blogs, video or phone sharing and social bookmarking; and

“Comment” means a response to an article or social media content submitted by a commenter.

The superintendent or designees will periodically conduct internet searches to see if teachers or staff members have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the school administrators and superintendent will download the offensive material and promptly bring that misconduct to the attention of the school district’s legal counsel for review.

Employees who engage in any of the above-referenced prohibited behaviors are subject to the possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

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SCHOOL VISITORS

It is the policy of the Berryhill Board of Education that all visitors to any school facility obtain a visitor's pass at the building principal's office. Parents are requested not to send or allow siblings to visit students in the classroom.

Staff members are not normally expected to have personal visitors during the school day.

Agents or other persons shall not visit teachers during school hours for the purpose of selling books or other articles without written consent from the superintendent.

The superintendent or principal of any school shall have the authority to order any person out of the school building and off the school property when it appears that the presence of such person is a threat to the peaceful conduct of school business, school activities, and/or school classes. This authority shall extend to the removal of any individual attending an official school activity or field trip where students are present, including an activity or field trip not on school property, when the superintendent or principal determines that a threat to the peaceful conduct of students exists. Any person who refuses to leave the school building or grounds after being ordered to do so by the superintendent or principal, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

Any person who is requested to leave the premises shall be unable to return to the premise without the written permission of the administration for a period of six months. A grievance or an appeal may be filed by the individual as per district policy.

Text of Open Meeting Act

Title 25, Oklahoma Statutes §§ 301-314

(As Amended Through Close of Forty-Seventh Oklahoma Legislature, Second Regular Session and First Extraordinary Session, 2000)

[Editor's Note: Bold face, italics and underlines were added for emphasis and clarity.
Comments and explanations not part of the act are enclosed in brackets.]

§ 301. **Citation.** — This act shall be known as the Oklahoma Open Meeting Act.

§ 302. **Public policy.** — It is the public policy of the State of Oklahoma to encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems.

§ 303. **Times and places — Advance notice.** — All meetings of public bodies, as defined hereinafter, shall be held at specified times and places which are convenient to the public and shall be open to the public, except as hereinafter specifically provided. All meetings of such public bodies, except for executive sessions of the State Banking Board and Oklahoma Savings and Loan Board, shall be preceded by advance public notice specifying the time and place of each such meeting to be convened as well as the subject matter or matters to be considered at such meeting, as hereinafter provided.

304. **Definitions.** —

As used in the Oklahoma Open Meeting Act:

1. **“Public body”** means the governing bodies of all municipalities located within the State of Oklahoma, boards of county commissioners of the counties in the State of Oklahoma, boards of public and higher education in the State of Oklahoma and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups in the State of Oklahoma supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. It shall not mean the state judiciary, the Council on Judicial Complaints when conducting, discussing, or deliberating any matter relating to a complaint received or filed with the Council, or the State Legislature or administrative staffs of public bodies, including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education, when said staffs are not meeting with the public body, or entry-year assistance committees, as defined in Section 6-152 of Title 70 of the Oklahoma Statutes. Furthermore, it shall not mean the multidisciplinary team provided for in sub-

section B of Section 1-502.2 of Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of said multidisciplinary team and deciding the placement of any child who is the subject of such recommendations. Furthermore, it shall not mean meetings conducted by stewards designated by the Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title 3A of the Oklahoma Statutes when the stewards are officiating at races or otherwise enforcing rules of the Commission;

2. **“Meeting”** means the conduct of business of a public body by a majority of its members being personally together or, as authorized by Section 307.1 of this title, together pursuant to a teleconference;

3. **“Regularly scheduled meeting”** means a meeting at which the regular business of the public body is conducted;

4. **“Special meeting”** means any meeting of a public body other than a regularly scheduled meeting or emergency meeting;

5. **“Emergency meeting”** means any meeting called for the purpose of dealing with an emergency. For purposes of this act, an emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss;

6. **“Continued or reconvened meeting”** means a meeting which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of this act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting; and

7. **“Teleconference”** means a conference among members of a public body remote from one another who are linked by interactive telecommunication devices permitting both visual and auditory communication between and among members of the public body and members of the public.

§ 305. **Recording of votes.** — In all meetings of public bodies, the vote of each member must be publicly cast and recorded.

§ 306. **Circumvention of act — Teleconferences excepted.** — No informal gatherings or any electronic or telephonic communications, except teleconferences as authorized by Section 3 of this act, among a majority of the members of a public body shall be used to decide any action or to take any vote on any matter.

§ 307. **Executive sessions.**

A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;

2. Discussing negotiations concerning employees and representatives of employee groups;

3. Discussing the purchase or appraisal of real property;

4. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest;

5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or his parents, attorney or legal guardian;

6. Discussing matters involving a specific handicapped child;

7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law; or

8. Engaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. **The State Banking Board**, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

2. **The Oklahoma Industrial Finance Authority**, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;

3. **The Oklahoma Development Finance Authority**, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;

4. **The Oklahoma Center for the Advance-ment of Science and Technology**, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;

5. **The Oklahoma Savings and Loan Board**, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. **The Oklahoma Health Resource Committee** for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would interfere with the development of patents, copyrights, products, or services;

7. **A review committee**, as provided for in Section 855 of Title 62 of the Oklahoma Statutes;

[A “review committee” may be appointed by a city, town, or county to study and recommend action on proposed projects for such things as neighborhood renewal, economic development and other plans. It determines project eligibility, appropriateness, and financing. Financial statements, marketing plans, trade secrets or other proprietary information submitted to the committee are confidential, except where the person submitting the material consents to disclosure.]

8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law; and

9. All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups supported in whole or part by public funds or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business; and

10. The Oklahoma Indigent Defense System Board for purposes of discussing negotiating strategies in connection with making possible counteroffers to offers to contract to provide legal representation to indigent criminal defendants and indigent juveniles in cases for which the System must provide representation pursuant to the provisions of the Indigent Defense System Act, Section 1355 *et seq.* of Title 22 of the Oklahoma Statutes.

D. An executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;

2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and

3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publicly cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 214 of this title; and

2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

§ 307.1. Teleconferences.

A. No public body shall hold meetings by teleconference except:

1. Oklahoma Futures;

2. The Oklahoma State Regents for Higher Education;

3. The Oklahoma Board of Medical Licensure and Supervision;

4. The State Board of Osteopathic Examiners;

5. The Board of Dentistry;

6. The Variance and Appeals Boards created in Sections 1021.1, 1697 and 1850.16 of Title 59 of the Oklahoma Statutes;

7. A public trust whose beneficiary is a municipality; however, no more than twenty percent (20%) of a quorum of the trustees may participate by teleconference and during any such meetings all votes shall be roll call votes;

8. The Native American Cultural and Education Authority;

9. The Corporation Commission; and

10. The State Board of Vocational and Technical Education.

B. No public body authorized to hold meetings by teleconference shall conduct an executive session by teleconference.

§ 308. Meeting between Governor and majority of members of public body. — Any meeting between the Governor and a majority of members of any public body shall be open to the public and subject to all other provisions of this act.

§ 309. **Legislature.** — The Legislature shall conduct open meetings in accordance with rules to be adopted by each house thereof.

§ 310. **Legislative committee members attending executive sessions.** — Any member of the Legislature appointed as a member of a committee of either house of the Legislature or joint committee thereof shall be permitted to attend any executive session authorized by the Oklahoma Open Meeting Act of any state agency, board or commission whenever the jurisdiction of such committee includes the actions of the public body involved.

§ 311. **Public bodies — Notice.**

A. Notwithstanding any other provisions of law, all regularly scheduled, continued or reconvened, special or emergency meetings of public bodies shall be preceded by public notice as follows:

1. All **public bodies** shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year.

2. All **state** public bodies, including, but not limited to, public trusts and other bodies with the state as beneficiary, shall give such notice to the Secretary of State.

3. All **county** public bodies, including, but not limited to, public trusts and any other bodies with the county as beneficiary, shall give such notice to the county clerk of the county wherein they are principally located.

4. All **municipal** public bodies, including, but not limited to, public trusts and any other bodies with the municipality as beneficiary, shall give such notice to the municipal clerk of the municipality wherein they are principally located.

5. All **multicounty, regional, areawide or district** public bodies, including, but not limited to, district boards of education, shall give such notice to the county clerk of the county wherein they are principally located, or if no office exists, to the county clerk of the county or counties served by such public body.

6. All **governing boards of state institutions of higher education**, and committees and subcommittees thereof, shall give such notice to the Secretary of State. All other public bodies covered by the provisions of this act which exist

under the auspices of a state institution of higher education, but a majority of whose members are not members of the institution's governing board, shall give such notice to the county clerk of the county wherein the institution is principally located.

7. **The Secretary of State and each county clerk or municipal clerk** shall keep a record of all notices received in a register open to the public for inspection during regular office hours, and, in addition, shall make known upon any request of any person the contents of said register.

8. **If any change is to be made of the date, time or place** of regularly scheduled meetings of public bodies, then notice in writing shall be given to the Secretary of State or county clerk or municipal clerk, as required herein, not less than ten (10) days prior to the implementation of any such change.

9. **In addition** to the advance public notice in writing required to be filed for regularly scheduled meetings, all public bodies shall, at least twenty-four (24) hours prior to such meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting, such twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma; provided, however, the posting of an agenda shall not preclude a public body from considering at its regularly scheduled meeting any new business. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. "New business," as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.

10. **In the event any meeting is to be continued or reconvened**, public notice of such action, including date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

11. **Special meetings of public bodies** shall not be held without public notice being given at least forty-eight (48) hours prior to said meetings. Such public notice of date, time and place

shall be given in writing, in person or by telephonic means to the Secretary of State or to the county clerk or to the municipal clerk by public bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of this section. The public body also shall cause written notice of the date, time and place of the meeting to be mailed or delivered to each person, newspaper, wire service, radio station, and television station that has filed a written request for notice of meetings of the public body with the clerk or secretary of the public body or with some other person designated by the public body. Such written notice shall be mailed or delivered at least forty-eight (48) hours prior to the special meeting. The public body may charge a fee of up to Eighteen Dollars (\$18.00) per year to persons or entities filing a written request for notice of meetings, and may require such persons or entities to renew the request for notice annually. In addition, all public bodies shall, at least twenty-four (24) hours prior to such special meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting. Only matters appearing on the posted agenda may be considered at said special meeting. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. Twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

12. In the event of an emergency, **an emergency meeting of a public body may be held without the public notice** heretofore required. Should an emergency meeting of a public body be necessary, the person calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means.

B. 1. All agendas required pursuant to the provisions of this section shall identify all items of business to be transacted by a public body at a meeting, including, but not limited to, any proposed executive session for the purpose of engaging in deliberations or rendering a final or intermediate decision in an individual proceeding prescribed by the Administrative Procedures Act.

2. If a public body proposes to conduct an executive session, the agenda shall:

- a. contain sufficient information for the public to ascertain that an executive session will be proposed;
- b. identify the items of business and purposes of the executive session; and
- c. state specifically the provision of Section 307 of this title authorizing the executive session.

§ 312. Minutes of meetings — Recording of Proceedings.

A. The proceedings of a public body shall be kept by a person so designated by such public body in the form of written minutes which shall be an official summary of the proceedings showing clearly those members present and absent, all matters considered by the public body, and all actions taken by such public body. The minutes of each meeting shall be open to public inspection and shall reflect the manner and time of notice required by this act.

B. In the written minutes of an emergency meeting, the nature of the emergency and the proceedings occurring at such meeting, including reasons for declaring such emergency meeting, shall be included.

C. Any person attending a public meeting may record the proceedings of said meeting by videotape, audiotape, or by any other method; provided, however, such recording shall not interfere with the conduct of the meeting.

§ 313. Actions taken in willful violation of act. — Any action taken in willful violation of this act shall be invalid.

§ 314. Violations — Misdemeanor — Penalty. — Any person or persons willfully violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year or by both such fine and imprisonment