

EXEMPT MEETINGS

Some meetings frequently held by school boards are not subject to the OPMA. They are known as “private,” “closed,” or more precisely, “exempt” meetings. The board need not provide public notice or public access when it is gathering for collective bargaining sessions, grievance meetings and discussions on the interpretation or application of a collective bargaining agreement. The same is true of gatherings to plan or adopt positions or strategies for collective bargaining, professional negotiations, grievance or mediation proceedings, or for reviewing counter-proposals.

Often boards conduct such activities in executive session. There is no executive session exception for collective bargaining activities. It is more accurate to excuse the public from the meeting room without the minutes reflecting an executive session. It is also important to remember the district’s flexibility under this provision when the collective bargaining process is particularly tense, especially if a strike is contemplated or underway. The board may not want to hold a meeting that has been publicly announced if it is possible the meeting will be subject to picketing or interruptions. If the meeting regards collective bargaining strategies, no public notice or access to the meeting is required.

Quasi-judicial hearings are also exempt from the OPMA. This exemption is generally used to protect the privacy of individuals involved in appeals of discipline matters, either students or staff. Again, these hearings can and should be held without public notice and without public access to the meeting. Especially in student discipline cases, the district is obligated under the federal Family Educational Rights and Privacy Act (FERPA) to keep student information confidential. Witnesses needed to testify at the hearing may be present, and the person appealing the discipline may choose to have people present, but the hearing is not open to the general public.