

Policy © 1-302 Governing Board Meetings and Open Meeting Law Requirements

Compliance with Arizona's Open Meeting Laws

The Governing Board recognizes its responsibility to ensure that its meetings are conducted openly. Notices and agendas for such meetings shall contain sufficient information as is reasonably necessary to inform the public of the matters to be discussed or decided. The Board shall comply with Arizona's open meeting laws as set forth in [A.R.S. § 38-431](#) *et seq.*

Newly elected or appointed Board members shall, at least one (1) day before taking office, review the Arizona open meeting law material prepared by the Attorney General.

Definitions

"Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of the Board or by the Board President, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the Board.

"Business" means any District-related budgetary, personnel, or other question that comes before the Board.

"Emergency meeting" means a meeting held upon shorter notice than otherwise required by law because of an "actual emergency." An actual emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. The existence of an actual emergency does not dispense with the need to give twenty-four (24) hour notice to an employee who is to be discussed in executive session.

"Executive session" means a gathering of a quorum of the Board from which the public is excluded for one or more reasons set forth in [A.R.S. § 38-431.03](#) (describing permissible reasons for an executive session). In addition to the Board members, only those whose presence is reasonably necessary for the Board to carry out its executive session responsibilities may attend an executive session.

"Legal action" means a collective decision, commitment or promise made by the Board in accordance with Arizona law.

"Meeting" means the gathering, in person or through technological devices, of a quorum of the Board at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to that action. A meeting includes one-way electronic communication by one [\(1\)](#) Board member that is sent to a quorum of the Board and that proposes legal action. It also includes an exchange of electronic communications among a quorum of the Board that involves a discussion, deliberation

or the taking of legal action concerning a matter likely to come before the Board for action.

“Quorum” means a majority of the Board. If there is a vacancy or vacancies on the Board, a quorum means a majority of the remaining Board members. A single Board member does not constitute a quorum.

“Regular meeting” means a recurring meeting that is scheduled by the Board for the consideration of business and/or for the Board to take any legal action.

“Special meetings” are those held in addition to regular meetings.

Frequency and Location of Board Meetings

The Board shall hold at least one regular meeting per month during the regular school year and may hold special meetings as often as called.

Board meetings shall be held at the most convenient public facility in the District. However, if a public facility within the District is not available, the Board may meet at any available public facility that is convenient to all Board members, regardless of the county or school district in which the public facility is located. The location shall provide for an amount of seating sufficient to accommodate reasonably anticipated attendance, but the District need not relocate a meeting outside of the District’s largest regular meeting room.

Board Meeting Notices

1. If the Board intends to meet for a specified calendar period, ~~on a regular day, date or event during the calendar period,~~ on a regular day or date, or at a recurring event during the calendar period and at a regular time and place, it may post public notice of the meetings at the beginning of the period. Such notice shall specify the period for which the notice is applicable.
2. The Board shall conspicuously post a statement on its website indicating where all public notices of its meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
3. The Board shall post all public meeting notices on the District’s website and give additional public notice as is reasonable and practicable as to all meetings.
4. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all, or part of the website does not preclude holding the meeting if the Board complies with all other public notice requirements.
5. Except for emergency meetings or previously recessed meetings with appropriate notice, no Board meeting shall be held without at least twenty-four (24) hours’ notice to the Board and the public. The twenty-four (24) hour notice period includes Saturdays if the public has access to the physical posted location in addition to any

website posting but excludes Sundays and other holidays prescribed in [A.R.S. § 1-301](#).

6. In the case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. In such cases, the Board must adhere to the requirements of [A.R.S. § 38-431.02](#) pertaining to emergency meetings.

Board Meeting Agendas

1. The Superintendent is authorized to develop the agenda for each Board meeting, in collaboration with the Board President or the Board. Board members may also request that specific items be considered for placement on a Board meeting agenda.
2. Notice of Board meetings shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of the agenda. The agenda will be available to the public at least twenty-four (24) hours before the meeting, except in the case of an emergency meeting.
3. Unless a Board meeting is entirely remote, the agenda shall include notice of the time that members of the public will have physical access to the Board meeting.
4. Generally, the Board may discuss, consider, or make decisions only on those matters listed on the agenda and other matters related thereto.
5. Board members may present a brief summary of current events without the need to list them on the agenda if the summary is listed on the agenda and the Board does not propose, discuss, deliberate, or take legal action at the meeting on any matter in the summary unless the specific matter is properly noticed for legal action.
6. For executive sessions, the notice and agenda shall include a general description of the matters to be considered and a recitation of the legal authority authorizing the executive session. The general description is not required to contain information that would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee, or compromise attorney-client privilege.
7. **The agenda may include a consent agenda as a time-saving device. The Board may not place any proposal to impose or increase a tax rate, assessment or fee on a consent agenda. All final decisions regarding matters discussed in an executive session must also be listed on the regular agenda and not on a consent agenda.**

Applicability to Advisory Committees, Standing and Special Committees, and Subcommittees of the Board

The provisions of Arizona's open meeting laws apply to advisory committees, standing and special committees of the Board, and subcommittees of the Board. Pursuant to [A.R.S. § 38-431.08](#), communication among a quorum of a three-member advisory committee is exempt if the three-member committee does not include more than one Board member.

Resuming Recessed Meetings

The Board may recess a meeting during a meeting and resume it with less than twenty-four (24) hours' notice if:

1. public notice of the initial session of the meeting was given; and
2. before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.

Public Participation in Board Meetings

1. Members of the public shall be permitted to attend and listen to the deliberations and proceedings occurring during a Board meeting. Members of the public do not have the right to speak unless and until recognized by the Board.
2. Members of the public do not have the right to engage in dangerous or disruptive behavior that compromises or prevents the Board from conducting Board business.
3. The Board, in its discretion, may make an open call to the public during a Meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the Board on any issues within its jurisdiction.
4. The Board does not permit commercial solicitations during **the** call to the public or actions that violate the prohibitions set forth in [A.R.S. § 15-511](#) (use of school resources to influence the outcome of an election).
5. An individual who **wants wishes** to make a public comment shall follow the procedures identified by the Board. This may include adding the speaker's name to a list of those wishing to make a public comment, submitting a request card to the Board to make a public comment, or any other reasonable method implemented by the Board.
6. The President may set a time limit on the length of the call to the public period and for each individual speaker. Any time limitation applicable to any individual speaker shall apply to all speakers making a public comment. The President or designee will recognize speakers, maintain proper order, and enforce applicable time limitations.
7. At the conclusion of the open call to the public portion of the meeting, individual Board members may respond to criticism made by those who addressed the Board, may ask staff to review a matter, or may ask that a matter be placed on a future agenda.
8. Board members shall not discuss or take legal action on matters raised during **a** ~~an~~ **open** call to the public unless the matters are properly noticed for discussion and legal action.
9. Persons in attendance at a public meeting may record the meeting provided there is no active interference with the conduct of the meeting.

Emergency Board Meetings

1. The Board is not required to provide twenty-four (24) hours' notice of a Board meeting in the case of an actual emergency. An actual emergency may exist when, due to unforeseen circumstances, immediate action is necessary to avoid some

serious consequences that would result from waiting until the required notice could be given.

2. In such event, the Board will provide notice as is appropriate under the circumstances. If the Board holds an emergency meeting, the Board will post a public notice within twenty-four (24) hours declaring that an emergency session was held, **and along with** an agenda that sets forth the specific matters discussed, considered or decided at the meeting. If the Board held an executive session during the emergency meeting, the agenda shall include a general description of the matters considered and a recitation of the legal authority authorizing the executive session.

Meeting Minutes

1. The Board shall provide for the taking of written minutes or a recording of all its meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:
 - the date, time, and place of the meeting;
 - the members of the Board recorded as either present or absent;
 - a general description of the matters considered;
 - an accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted;
 - the names of the members who propose each motion;
 - the names of the persons, as given, who make statements or present material to the Board and a reference to the legal action **regarding about** which they made statements or presented material;
 - a statement of the reasons for emergency consideration of any matters not on the agenda, including a full description of the nature of the emergency; and
 - if a prior act was ratified during the meeting, a copy of the disclosure statement required for ratification pursuant to [A.R.S. § 38-431.05](#).
2. The minutes or a recording of a public meeting shall be available for public inspection within three (3) working days after the meeting. Minutes the Board has not approved may be marked as “draft,” “unapproved,” or in any other manner to reflect that the Board has not approved or accepted the minutes as drafted.
3. Minutes from an executive session shall include:
 - the date, time, and place of the meeting;
 - the members of the Board recorded as either present or absent;
 - a general description of the matters considered;
 - an accurate description of all instructions given pursuant to A.R.S. § 431.03(A), paragraphs 4, 5, and 7;
 - other matters as deemed appropriate by the Board; and
 - a statement of the reasons for emergency consideration of any matters not on the agenda.

The minutes of an executive session are confidential and may not be disclosed except to certain authorized persons, as set forth and permitted by law. To ensure confidentiality and avoid inadvertent disclosure, minutes of executive sessions should be stored separately from general session minutes.

Adopted:

Legal Authority:

[A.R.S. § 15-321](#)

[A.R.S. § 15-323](#)

[A.R.S. §§ 38-431 - 38-431.09](#)