

## **X. Open Meetings Act**

The Open Meetings Act establishes that public boards, including educational employers, must hold meetings that are open to the public. The board must give notice of the schedule of its regular meetings with dates, times, and location at the beginning of each year. At least 48 hours before each regular meeting, the agenda must be continuously posted at the principal office of the public body, at the location of the meeting, or on the public body's website. The notice must provide the subject matter of the meeting and any resolution or ordinance that will be the subject of the final action of the meeting. Items not on the agenda can be discussed, but such items cannot be voted on. It must also give at least a 48-hour notice of any special meetings, including the agenda. Members of the public must be given an opportunity to speak at a public meeting, but the board can adopt rules regarding public comment procedures, including limiting the time allotted for the public to speak.

At all meetings, minutes must be taken that are then available to the public on the public body's website (if any) within 10 days after the approval of the minutes by the board. These minutes must include a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. All sessions, with a few exceptions, must be open. Some exceptions to the requirement for open meetings which pertain to educational employers are discussions concerning appointment, employment compensation, discipline, performance or dismissal of specific employees, deliberations on collective bargaining matters or salary schedules, meetings to discuss litigation or probable litigation, the placement of students in special education programs, and student discipline cases. Minutes of executive sessions must be maintained by the board but need not be made public under most circumstances.

Any final action taken in open session on a matter that was discussed in closed session must be preceded by a public recital of the nature of the matter discussed in closed session. A general description of a confidential matter would be sufficient as long as it informs the public of the business being conducted. In addition, a public body must review semi-annually the minutes of all closed sessions to determine whether confidentiality still exists. After making this determination, the body is required to report in open session and make available for public inspection those minutes that no longer require confidential treatment.

Any person found to have violated any portion of this Act (except the requirement that public employees be trained on the compliance of this Act) is guilty of a Class C misdemeanor. If a board fails to comply with this Act, any person may file suit within 60 days of the alleged violation to force compliance. A court may issue appropriate relief if a violation is found, including requiring a meeting be open, enjoining future violations, ordering that executive session minutes be made public, or declaring any final action taken at a closed meeting to be null and void. Under some circumstances, attorney fees can also be awarded to the prevailing party.

Alternatively, any person who believes that the board failed to comply with this Act may file a request for review with the Public Access Counselor of the Attorney General's Office within 60 days of the alleged violation. The Public Access Counselor may request relevant documents from the board (which cannot be publicly disclosed under FOIA), however, the board is not required to answer. If the board does provide an answer or a redacted answer, the Public Access Counselor will provide a copy of that answer to the person who filed the request for review who may then provide his or her own response. The Public Access Counselor shall consider the request, response, reply, and any other supporting materials provided to either issue a binding opinion including findings of fact and conclusions of law or recommend the parties to mediation. If the Public Access Counselor issues a binding opinion finding a violation of the Act, the board is required to take immediate necessary steps to comply with the directive of the opinion, or it may appeal to circuit court. If the Public Access Counselor doesn't find a violation, the requester can also appeal. The [Illinois Attorney General](#) provides detailed resources about the Open Meetings Act, including copies of Public Access Counselor opinions.