

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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December 12, 2011

David C. Cunningham  
Director of Legal Services, Human Resources & Policy  
Lawrence USD 497  
110 McDonald Drive  
Lawrence, KS 66044

Dear David:

You have requested a legal opinion on the advisability/legality of having a duly appointed committee of the board of education engage in communicating among themselves via a blog. Along with this question, you ask if a committee of the board can hold an electronic meeting if appropriate notice is given and that the location would be a "blog site."

It is well established that subordinate groups of public bodies are subject to the Kansas Open Meetings Act (KOMA). See *State ex rel., Murray v. Palmgren*, 231 Kan. 528 (1982). Thus, any meetings of the advisory committee that has been established by the Lawrence School Board are subject to KOMA requirements.

Under KOMA, a meeting is defined as "any gathering or assembly, in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency." In your situation, you indicate the membership of the committee (or body subject to the act) is 26. A majority of that body would be required to trigger the KOMA notice requirements. Therefore, if at least 14 members of the committee participate in this blog, notice must be given of the location and time of the "meeting."

KOMA was amended in 2008 to include meetings in a series, also known as "serial meetings." Serial meetings are to be open if they collectively involve a majority of the membership of the body, share a common topic of discussion concerning the business or affairs of the body, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body. This would apply if a majority of the committee members end up participating in the blog, even if not on-line at the same time.

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We have not been able to find any attorney general opinions or court cases that speak to the ability to hold "electronic meetings." However, at the least in your situation, we would advise that if the members of the committee wish to set up some type of blog or chat, it be done at a designated time and the proper notice be given to those who request notice of the meetings. If a requestor is unable to access the URL and view the blog, then either access should be provided to them, possibly from a computer at the school district office, or the blog meeting should not be held. Even if a majority of the committee is not going to participate in the blog, our advice is to go ahead and give notice to those who request it and make sure they have access to the blog or chat during the designated time.

In conclusion, subordinate groups that are appointed by the board of education are subject to KOMA. The board should error on the side of making sure all discussions, including blogs or chats, are held in a manner that is as transparent and open as possible to be consistent with the legislative intent of KOMA.

Sincerely,

A handwritten signature in cursive script that reads "John M. Rasmussen signing for".

John M. Rasmussen  
Attorney