



Can the Board Discuss the District's Response to COVID-19 In Closed (Executive) Session?

Probably not! While the public is no doubt very interested in whether school will be held and no doubt any decision made will upset the community (we are all on edge), the Board can only discuss the specific topics in the state Sunshine Law ([610.021, RSMo.](#)) in closed session, and most of the discussions and votes districts are currently planning do not qualify.

Isn't There an Emergency Exception?

The Sunshine Law does not currently have a provision that allows for its provision to be suspended in an emergency – and for good reason. What would keep a governmental entity from characterizing any stressful even as an emergency?

There are provisions in the Sunshine Law that allow for certain safety plans to be discussed in closed session, but none of those provisions apply in this circumstance. Section 610.021(18) allows for the Board to discuss operational guidelines, policies and specific response plans, but only those “for use in responding to or preventing any critical incident which is or appears to be terrorist in nature . . .” This is not a terrorist event.

Subsection (19) allows for the discussion of security systems and structural plans in closed session if public knowledge might threaten public safety. Subsection (20) closes information regarding district security systems. Neither of these sections is relevant to the current health emergency.

Be Prepared to Discuss Difficult Issues in Open Session

While every district has different concerns and some might qualify for a closed session discussion, the following must be discussed in open session:

- Whether to cancel school or school events.
- Alterations to the school calendar.
- Decisions regarding continued food service to students.
- Decisions on whether to extend additional paid leave to staff or to pay staff if school is closed.
- Decisions on whether to continue paying employees if schools are closed.

Questions? Contact the School Laws Department at (800) 221-6722, Ext. 355