



### **NYS Open Meetings Law**

The Board of Trustees of the Cardinal McCloskey Community Charter School (the “Board”) operates in compliance with the New York State Open Meetings Law (“OML”).

#### Key Requirements of the OML:

1. The Cardinal McCloskey Community Charter School (“CMCCS” or the “School”) is required to publicize when and where meetings of the Board (and its committees and subcommittees) will take place;
2. CMCCS is required to provide information about what will be discussed before the meetings take place;
3. Meetings shall be held in a space accessible to the public; and
4. A record of the decisions made at each meeting shall be created (i.e. minutes).

#### **Public Notice**

- For meetings scheduled at least a week in advance, notice must be given at least seventy-two (72) hours prior to such meeting.
- For meetings scheduled less than a week in advance, the School will provide notice “to the extent practicable” at a reasonable time prior to the meeting.
- Notice of the meeting shall provide date, time, and location of meeting. If appropriate, the notice will also provide instructions for virtual attendance. The notice should specify each location from which Board members will be participating and should indicate that the public can attend the meeting at that location. If a location changes after the regular notice has come out, CMCCS shall post and send to the media a new notice providing the new information on the added or changed location to the extent practicable.
- Notice shall be given to the news media. An email list of the major TV and newspaper outlets as well as local community papers in the area shall be maintained to notify the media.
- Notice shall be conspicuously posted in one or more designated public locations and on the School’s website.
- The School maintains a schedule of upcoming Board meetings on its website.

#### **Materials Scheduled to be Discussed at Meetings**

- Records scheduled to be discussed at a meeting shall be made available “to the extent practicable” upon request and posted online, at least twenty-four (24) hours before the meeting.



### **Meeting Spaces**

- Meetings shall be held at the School in an accessible place to the public.
- CMCCS shall make all reasonable efforts to ensure that meetings are held in a space where the members of the general public are adequately accommodated.
- CMCCS shall make reasonable efforts to permit persons with disabilities to have barrier free access to meetings at its facilities.

### **Meeting Minutes**

- CMCCS shall make a record of summary of all motions, proposals, resolutions, actions taken, and the votes of the members of the Board.
- Minutes shall be made available upon request within two (2) weeks of the meeting.
- If action is taken in executive session, executive session minutes shall be made available within one (1) week of the session. Executive session minutes need only record the actions taken by formal vote and shall consist of a record or summary of such action and the date and vote thereon. The School shall post meeting minutes to its website within two (2) weeks of the date of the meeting, or within one (1) week of an executive session.
- The Board does not have to approve the minutes prior to them being made available to the public. The Board can approve the minutes at the following meeting, but they must still be made available within the two (2) week time frame. Prior to approval of the minutes, the minutes shall be stamped “draft” when they are requested prior to Board approval.

### **Subcommittees**

#### **Quorum**

A quorum is defined as a majority of the total membership of the Board, regardless of whether there are vacancies or absences. For instance, five (5) will always be the quorum for a nine (9) person board, as CMCCS currently exists, even if there are only seven (7) or eight (8) active members at a particular time. A board that does not have at least a quorum of members, cannot meet as a board and cannot take action as a board. These same quorum requirements apply to committees and subcommittees. A board of trustees cannot take a vote without a quorum being present and no action of the board of trustees is valid without such a quorum.

#### **Executive Session**

The Board or one of its committees may go into “executive session” during which the public may be excluded. All board meetings, except executive sessions, must be open to the public.

Eight (8) categories justify moving into an executive session:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;



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3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending, or current litigation;
5. collective negotiations pursuant to article fourteen of the civil services law;
6. the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading, or administration of a corporation; or
8. the proposed acquisition, sale, or lease of real property or proposed acquisition of securities or sale or exchange of securities held by such a public body, but only when publicity would substantially affect the value thereof.

After a board meeting has officially started with the public, a board member shall make a motion in public to begin an executive session. This motion to move into executive session must indicate one of the eight (8) categories above is to be discussed. The motion must be carried by a majority of the whole board.

Board members are the only people who have the right to attend the executive session, but the Board may authorize any non-board member to attend the executive session if it is necessary for the topic to be discussed (e.g., attorney). Opening the executive session to certain non-board members does not stop the Board from closing it to others.

The Board and its committees may vote during an executive session except they cannot vote to appropriate public monies. However, if the Board takes an action during an executive session, minutes reflective of the action, the date and the vote must generally be recorded in minutes. Minutes of executive sessions do not need to include information that may be withheld under FOIL or other applicable law.

Boards can only discuss topics that meet executive session criteria and as soon as other topics are raised, the Board must move back into an open meeting or cease discussion of the topic.

An executive session cannot happen without noticing the meeting at which the session is scheduled to take place.

The proper construction of a motion for an executive session to discuss personnel issues is, "I move to enter into an executive session to discuss the employment history of a particular person." The person whose employment history is being discussed need not be identified in the motion.



### **Recording and Broadcasting Public Portions of Meetings**

The public portion of the Board's meetings School may adopt reasonable rules governing the location of equipment and personnel used to may be photographed, recorded, and broadcast. The photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process. The public portion of the Board's meetings shall be streamed on the School's website in real-time and posted on the website within five (5) business days after the meeting.

#### *Rules for Recording and Broadcasting Public Portions of Meetings*

- Operation of equipment to photograph, record, or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings;
- Use of equipment necessary to photograph, record, or broadcast is permitted without notice or express permission from the School or those in attendance at the meeting; and
- Personnel who operate equipment necessary to photograph, record, and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.

### **Videoconferencing (OML § 103-a)**

The Board authorizes the conduct of its meetings and those of its committees by videoconferencing in accordance with the following requirements governing member and public attendance, consistent with Section 103-a of the OML:

- Trustees are expected to be physically present at meetings at a location or locations open to the public provided; however, that a trustee who is unable to be physically present at a meeting due to Extraordinary Circumstances (defined below) may participate remotely by videoconference from a location that is not open to the public in accordance with these procedures.
- Extraordinary Circumstances includes the following: disability, illness, caregiving responsibilities, and significant or unexpected factors or events which preclude the trustee's physical presence at the meeting. A trustee with Extraordinary Circumstances who wishes to attend a meeting by videoconferencing must notify the Board President as soon as practicable, but in no event later than three (3) days before the meeting.
- Videoconferencing technology must allow the public to hear and view the member and, where public participation is authorized, to participate.
- The minutes of meetings involving videoconferencing must include which, if any, members participated remotely and must be made available to the public.
- In addition to any other notice requirements for its meeting, the public notice for the meeting must inform the public that videoconferencing will be used, directions on how the meeting can be viewed and, where permitted, how the public may participate, where



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required documents and records will be posted or made available, and the physical location(s) where trustees will be participating in the meeting and where the public can attend the meeting in person.

- The School must record each meeting that uses videoconferencing and such recordings must be posted or linked to the School's website within five (5) business days of the meeting, kept for a minimum of five (5) years thereafter, and recordings must be transcribed upon request.
- A trustee participating by videoconference may participate in the meeting and vote, however, only trustees who are physically present at locations open to the public shall be counted toward meeting quorum requirements. Meeting minutes shall record trustees who are present for quorum purposes, present by videoconference, and absent.
- Where public meetings are broadcast or use videoconferencing, the technology used must permit access by members of the public with disabilities in a manner consistent with the Americans with Disabilities Act and any other applicable law.
- The School shall conspicuously post these written procedures to its website.

**REVISED: 5/6/26**