



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-OMD-026

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In re: Lynette Warner/Graves County Board of Education

Summary: The Graves County Board of Education (“Board”) did not violate the Open Meetings Act (“Act”) when it held a regularly scheduled meeting at a school during the school day.

Open Meetings Decision

On January 7, 2021, the Board adopted its schedule for regular meetings during the 2021 calendar year. Once per month, the Board will hold “planning sessions,” open to the public, at various schools throughout the district. Each of the meetings is scheduled to begin at noon. In accordance with this schedule, the Board held its first planning session at an elementary school on January 12, 2021. Lynette Warner (“Appellant”) claims that the Board’s noon meetings are not conducted at a convenient time or place. Appellant submitted a written complaint to the presiding officer of the school board to express her objections. She claims she received no response within three business days. This appeal followed.

The Act provides that when a public agency receives a complaint, it must “determine . . . whether to remedy the alleged violation pursuant to the complaint” and respond in writing to the person making the complaint within three business days. KRS 61.846(1). On appeal, the Board provides proof that it received Appellant’s complaint on January 12 and mailed its response on January 13, 2021. On this record, the Board timely issued its written response to the Appellant’s complaint and did not violate the Act in this regard.

But the Appellant still claims that the Board did not conduct its January 12, 2021 planning meeting at a convenient time or place. The Act requires that public meetings must “be held at specified times and places which are convenient to the public.” KRS 61.820(1). However, the Kentucky Supreme Court has recognized that public agencies are not required to conduct their meetings at the *most* convenient time and place. In *Knox County v. Hammons*, the Supreme Court explained:

The intent of the open meetings statutes is to ensure that government business is not conducted in secret, that the public is adequately notified of the time and nature of government proceedings, and that interested citizens be afforded the opportunity to participate in such proceedings. In short, the open meetings statutes are designed to prevent government bodies from conducting its business at such inconvenient times or locations as to effectively render public knowledge or participation impossible, not to require such agencies to seek out the most convenient time or location.

129 S.W.3d 839, 845 (Ky. 2004). In addition, this Office has previously considered a claim like that of the Appellant. For example, in 10-OMD-171, this Office found that a school board’s decision to hold a public meeting at a school during the school day does not violate the Act. *See also* 95-OMD-106.

While the Board’s planning session may not have been held at the most convenient time, there is no evidence in this record that public knowledge or participation has been rendered “impossible.” *Hammons*, 129 S.W.3d at 845. Therefore, the Board did not violate the Act when it held its meeting on January 12 during the school day.¹

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.846(4)(a). The Attorney General shall

¹ The Appellant also objects to the Board conducting these meetings in schools. The Appellant claims that such meetings could put the safety of children at risk. Since Board meetings are open to the public, the schools would be required to admit any member of the public to attend the meeting inside a school. Between the current state of emergency and other safety concerns, the Appellant has asked the Board to cease meeting inside the school during the school day. Because this Office has no authority under the Act to address this concern, this concern may be addressed to the appropriate school administrators.

be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Lynette Warner
Jesse Wright