



## UTAH ASSOCIATION OF PUBLIC CHARTER SCHOOLS

### Utah River Open & Public Meetings Act (OPMA) — Quick Reference & Checklist

**Purpose:** Make sure board business is conducted openly, with proper notice, accessible minutes, and lawful closed sessions. The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.” Utah Code § 52-4-104 Follow these rules to protect board decisions and avoid legal challenges.

#### 1) What OPMA requires (essentials)

- **Meetings are open to the public** unless an express statutory exception applies (e.g., permitted closed sessions for limited personnel, real-estate, litigation, or student privacy matters). ([Utah Legislature](#))
- **All votes must be taken in public** (no secret ballots or hidden formal votes). ([Utah Legislature](#))
- **Enforcement:** Attorney General, county attorneys, courts, or an aggrieved citizen can pursue remedies. Consequences can include voiding actions and other legal remedies. ([MCC Meetings Public](#))

#### 2) Notice & agenda (must-do items)

- **Post public notice at least 24 hours before the meeting.** The notice must specify date, time, place, and an agenda listing topics the board will consider. Post on the Utah Public Notice website and at the meeting location (and your board/site website if available). ([Utah Legislature](#))
- **Be specific on the agenda.** Avoid vague items like “old business” or “constituent concerns.” Use language that describes the topic and possible action (e.g., “Review and possible approval of 2026 school calendar”).
- **Emergency meetings:** Allowed only in narrow, unforeseen circumstances; still follow any statutory notice/announcement rules for emergencies. (Don’t overuse “Emergency” as a label.) ([Utah Legislature](#))

#### 3) Public participation & off-agenda items

- The board may allow public comment, but board members should not take final action on items that weren’t on the posted agenda. The chair may briefly permit discussion, but voting on that new item must wait for proper notice.

#### 4) Closed Meeting — when and how

- **Permitted reasons** are limited and statutory (examples: personnel, imminent litigation, student discipline, purchase/valuation of real property when publicity would harm the transaction). Always cite the statutory authority when moving into closed session. ([Utah Code 52-4-205](#))
- **Required steps to enter closed session:**
  1. Motion to go into closed session (state the statutory reason on the record).
  2. Roll call vote in open meeting to enter closed session.
  3. Keep minutes/recording of closed sessions or sign an affidavit as required by records law (but those minutes are often protected). ([Utah Legislature](#))

**Sample motion:** "I move that the board enter a closed session to discuss pending litigation and receive legal advice as allowed by Utah Code §52-4-205(1)(d)." (Then record the roll call vote.) ([Utah Legislature](#))

#### 5) Minutes, recordings & record-keeping

- **Keep clear minutes** (date, time, place, members present/absent, summary of matters discussed, and all final actions). Minutes of closed sessions and related recordings are often protected records but must be retained according to GRAMA/records rules. ([Utah Legislature](#))

#### 6) Electronic/remote attendance

- **Electronic meetings are allowed** only if the public body has adopted rules/resolution governing electronic participation and the meeting still meets notice and access requirements. Ensure the public can attend/participate.

#### 7) Avoiding OPMA pitfalls — practical board tips

- **No serial deliberations:** Avoid chain emails, side conversations, or sequential one-on-one calls that collectively form deliberation among a quorum. That can constitute an illegal meeting. ([USBA](#))
- **Don't conflate regular communications with deliberation.** Sharing informational materials is fine; debating or negotiating decisions outside a public meeting is not.
- **Label meetings accurately** (e.g., "Special Board Meeting" not "Emergency" unless truly an emergency). ([Utah Legislature](#))

#### 8) Charter-school specific best practices (UAPCS / USBA guidance)

- **Annual OPMA training** for all board members (board president should ensure this). Maintain training records, will be a question on your annual Audit. ([USBA](#))
- **Publish the full board packet** when practical (in advance) so the public can review materials; if not, at least have packets available at the meeting. ([Utah Charters](#))
- **Use clear written policies** for public comment, conflict of interest disclosures, and closed session procedures. and conflicts on the record. ([Utah Charters](#))

#### 9) Meeting compliance checklist

- Notice posted on Utah Public Notice website ≥24 hours before meeting. ([Utah Legislature](#))
- Agenda lists topics with clear language (no vague catch-alls).
- Meeting location and remote access information posted. ([Utah System of Higher Education](#))
- Minutes template (attendance, motions, votes-**document recusals**, summary). ([Utah Legislature](#))
- If closed session planned: written motion prepared stating statutory reason; roll call vote ready. ([Utah Legislature](#))