



STATE OF INDIANA

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October 27, 2026

Re: Complainant 26-FC-224
Seth Taylor (Complainant) v.
Shoals Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 25, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 11, 2026, requesting a formal response by June 9, 2026. A formal response, submitted by attorney, Kelly Williams of Lewis & Kappes, on behalf of Respondent, was received in this office on June 9, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it improperly conducted an executive session by having a presentation on a topic that did not show on the executive meeting minutes. In addition, it is alleged a final action was taken at the executive session.

ANALYSIS

ODL requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. As a result, ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. IC 5-14-1.5-3(a).

Respondent is a public agency for purposes of ODL, and therefore, subject to the requirements. IC 5-14-1.5-2(a)(1). As a result, unless an exception applies, all meetings of Respondent should be posted by notice and open to the public.

One exception is for executive sessions. An "executive session means a meeting from which the public is excluded, ..." IC 5-14-1.5-2(b)(f). Reasons for holding executive sessions are enumerated in IC 5-14-1.5-6.1.

On April 9, 2026, Respondent held an executive meeting followed by a school board meeting. The school board meeting was attended by the public.

Complainant alleges that a presentation by the Special Education Director was made at the executive session. He further alleges that the topic did not appear on the executive meeting minutes or fall within one of the exceptions provided by IC 5-14-1.5-6.1 as notified by the Respondent.

Complainant further states “as a result of this presentation” a final action was taken in the executive session to remove the Whole Child Classroom (IEP Service).

This office notes that the formal response received by Respondent is only the presentation that Complainant references in his complaint. Therefore, this office has not received any actual response from the Respondent to date.

This office has previously noted:

“The public access counselor is not a finder of fact. Advisory opinions are issued based upon the facts presented.”

See Opinion of the Public Access Counselor 11-FC-80.

As the facts of this case are unclear, this office instead analyzes the potential outcomes on the facts which have been provided.

The ODL provides that executive sessions may be held for numerous reasons. These include a wide variety of topics. IC 5-14-1.5-6.1(b). None of which, this office recognizes as a presentation on a “program review of the Respondent’s Special Education Department, which included observations of classroom and staff, a survey completed by staff, and a review of current caseloads.”

Furthermore, “a final action must be taken a meeting open to the public.” IC 5-14-1.5-6(c).

“Final action” is defined as:

A vote by the governing body on any motion, proposal, rule, regulation, ordinance, or order.

IC 5-14-1.5-2(g).

To the extent that removing the Whole Child Classroom (IEP Service) statutorily required a meeting and vote of Respondent, no decision to remove it should have been made in executive session. However, if this removal did not require a meeting and vote, this office concludes that the decision to remove the program did not amount to a “final action” within the meaning of IC 5-14-1.5-6.1(c), and thus, was not in violation of ODL.

The ODL provides:

The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

IC 5-14-1.5-6.1(d).

To the extent that an executive session was held, Respondent is required under the above section to have certified that no subject matter was discussed in the executive session other than the subject matter specified in the public notice. To the extent Respondent discussed other matters not specified in the public notice, Respondent has violated ODL.

CONCLUSION

This office is not a finder of fact and cannot affirmatively determine whether Respondent violated ODL with the provided information.

However, to the extent the executive session was held outside of a statutorily permissive reason, Respondent violated the ODL.

Further, to the extent Respondent discussed matters at the executive session that were not on the public notice, Respondent violated the ODL.

Further, if a final decision was made at the executive session, Respondent violated the ODL.

A handwritten signature in black ink, appearing to read "Brittney A. Long". The signature is stylized with a large, looped "B" and a long, sweeping underline.

Brittney A. Long
Public Access Counselor