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SOLICITOR GENERAL'S OFFICE
GOVERNMENT ACCOUNTABILITY UNIT

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Via Email & By Certified Mail, Return Receipt Requested

Liberty Elementary School District Governing Board
c/o Carrie O'Brien, Board Attorney
Gust Rosenfeld PLC
1 E. Washington, Ste. 1600
Phoenix, AZ 85004
cobrien@gustlaw.com

Re: Open Meeting Law and the Liberty Elementary School District Governing Board

Board Members and Ms. O'Brien:

As you know, the Office of the Attorney General (the "Office") received a complaint alleging that the Liberty Elementary School District Governing Board (the "Board") violated Arizona's Open Meeting Law. The Office has concluded its review of the allegations and determined that there was an Open Meeting Law violation in connection with the textbook selection committee (the "Committee"). The facts recited in this letter serve as a basis for this conclusion, but are not administrative findings of fact and are not made for purposes other than those set forth in A.R.S. § 38-431 *et seq.*

Violation

The complaint alleged that the Board created the Committee around November 2021, and the Committee did not generally comply with the Open Meeting Law. Specifically, the complaint alleged that at the Board's November 8, 2021 meeting, the Committee presented information to the Board on a new science curriculum, despite the Committee not holding any public meetings.

Textbook selection committees are public bodies subject to the Open Meeting Law. *See* A.R.S. § 15-721(F)(2) ("The governing board shall ... [r]equire that all meetings of committees authorized for the purposes of textbook review and selection be open to the public as prescribed in title 38, chapter 3, article 3.1."). Here, the Board's response indicated that the Board took remedial action and redid the entire textbook selection process at issue in the complaint, in a manner that complied with the Open Meeting Law. *See* Board's Response at 1. However, because the original Committee did not hold public meetings, the Office has determined the Board violated the Open Meeting Law.

Remedy

To remedy this violation, the Office considered the readily available records documenting whether the Board has had any recent open meeting violations, and the Board's response.

Having weighed these factors, and in order to resolve this matter, the Office has determined that the Board must share the contents of this violation letter with the public at the next practicable public meeting, and a copy of this letter must be posted on the Board's website for at least one year from the date of this letter. Any future textbook selection committees must also comply with the Open Meeting Law. The Office has noted this occurrence as a violation, which will be considered in determining the response to any further Open Meeting Law violations by the Board and its current members.

This letter relates solely to the disposition of the aforementioned Open Meeting Law complaint; it is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters.



Michael S. Catlett
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Open Meeting Law Enforcement Team