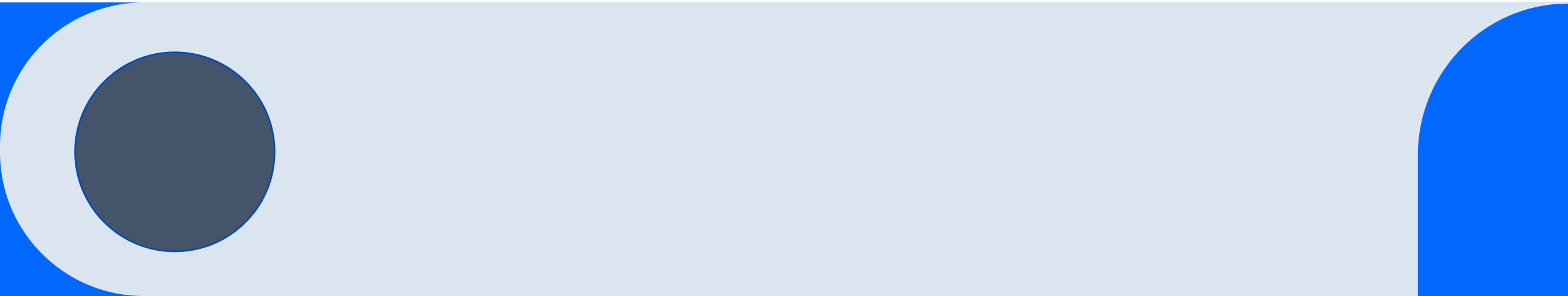


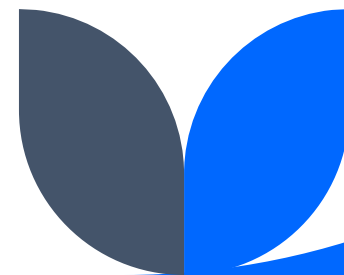
Missouri Sunshine Law



What is “Sunshine Law?”

Missouri Sunshine Law is a series of laws in section 610 of the Missouri Revised Statutes that are designed to give the public to access records and other government documents.

This enables the public to know what their government is doing.

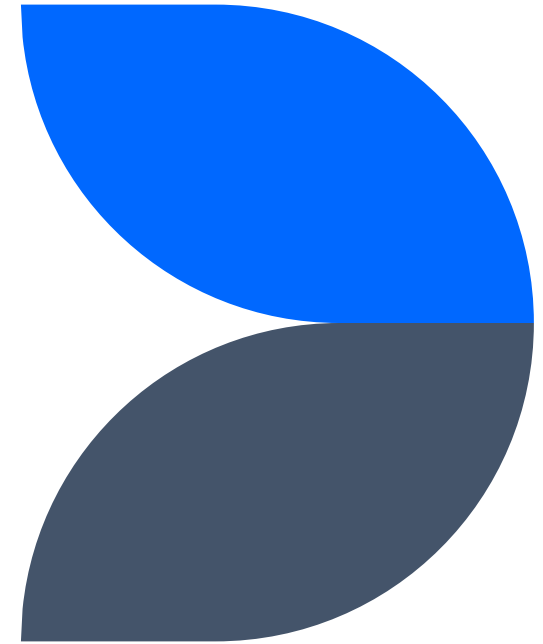


The Sunshine Law isn't:

- Its NOT a right to know, ONLY the ability to find out.
- Does NOT require a government to justify its policies.
- Its NOT a substitute for an educated public.
- Should NOT be used for bad purposes, but unfortunately often is.

Sunshine Law governs 3 categories of records:

- Public records
- Public meeting
- Police records

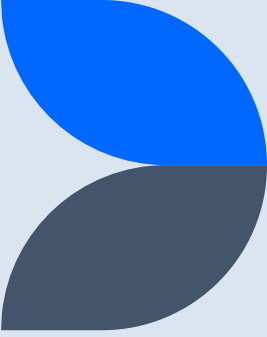


The Sunshine Law is meant to be “liberally” construed.

This means that ALL meetings and records are open to the public- unless there is statutes that specifically authorizes them to be closed to the public.

So what IS specifically closed?

What is specifically closed to the public?



- 1
Personnel
Records
- 2
Juvenile
Police
Records
- 3
Police
records
BEFORE a
case is closed
- 4
Certain police
records
AFTER the
case is closed
- 5
Certain records
that are
TEMPORARILY
closed for a
period of time.

Sunshine Law applies to:

- **The State of Missouri**
- **ALL Missouri counties**
- **ALL Missouri cities, towns, & villages**
- **ALL political subdivisions in the state-schools, library, hospital, road, development, & fire districts, for example.**
- **ALL committees, boards & commissions created by any one of the above.**
- **Quasi-Governmental Organizations-whose primary purpose is to enter into contracts with a governmental entity or serves a governmental function by the ability to allocate tax credits, tax abatement, eminent domain or public debt.**



Sunshine Law does not apply to :

- **A residential subdivision board or home-owners association.**
- **Private corporations**
- **All courts**
- **Staff meetings**



Official's Duties:

- Must designate a “custodian of records”
- Should have one person whose job is to make sure that all meetings are posted correctly
- Must designate a place to post notices
- Must have a Sunshine Law policy
- If the public body has not closed the record, it's open!

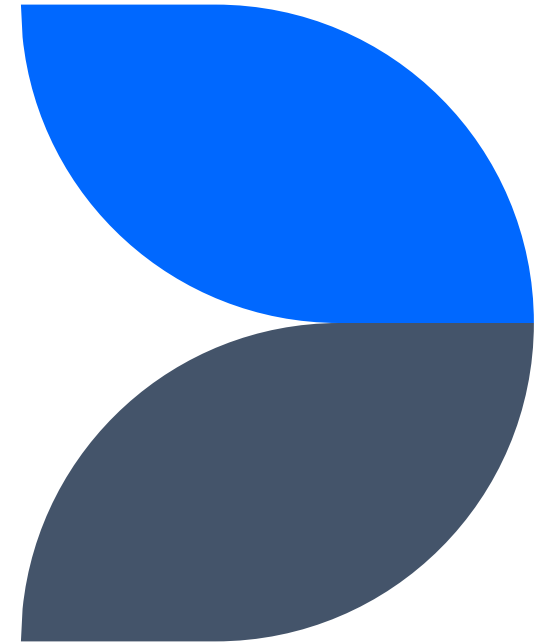
OPEN MEETINGS

What constitutes an open meeting?

- Must be a quorum
- Must be discussing public business

Definitions:

- **Public meeting**: any meeting of a public body subject to sections 610.10 to 610.030 RSMO at which any public business is discussed, decided or public policy is formulated.
- **Public business**: all matters which relate in any way to the performance of the public body's conduct of business or functions.
- **Quorum**: the minimum number of members required to make the proceedings of the meeting valid.



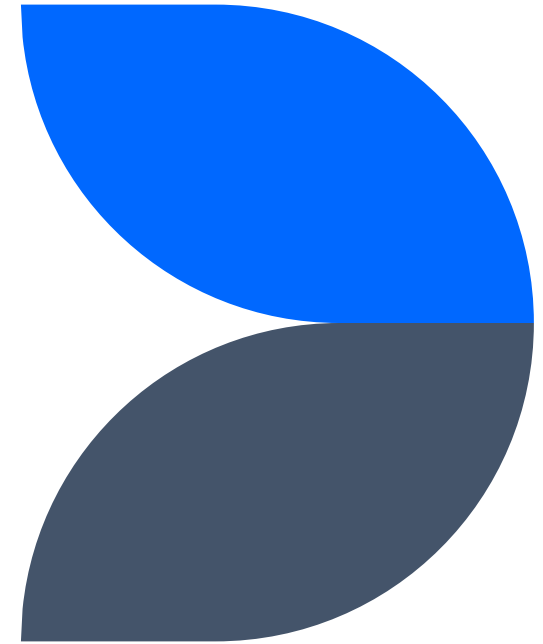
Open meetings

Voting and Other Issues

- Elected officials must be present to vote (but not appointed)
- If meeting held by phone, must be accessible by public
- Public may *always record a meeting*
- Public has no right to speak at meeting
- If body goes into closed session, public must be given place to wait
- Doors Open or Closed-may be closed if able to be opened

Closed meetings

- Meetings presumed to be open
- Meetings may only be closed for 23 specific reasons and “as otherwise provided by law”
- Most common:
 - Litigation/Legal Advice
 - Real Estate
 - Personnel



Open records-What is a record?

What is a Record?

Must physically exist No duty to create
But may be electronic

It must be in the possession of the school district (or its agents)

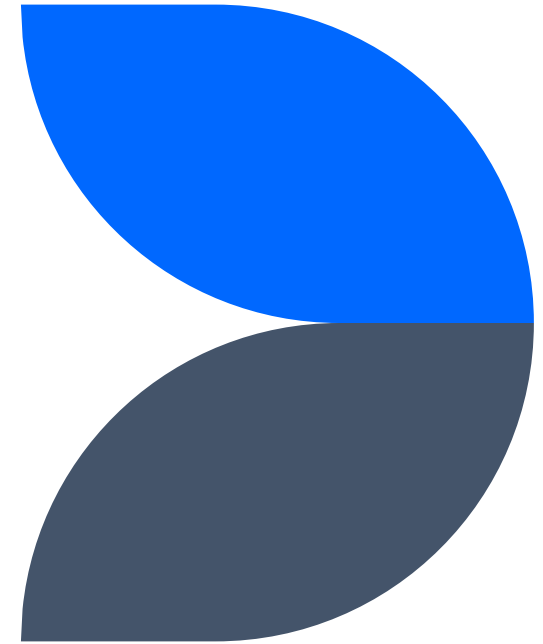
Includes records held for the government.

If a record contains open and closed data, school district is required to produce the record but redact the closed information

Emails are records

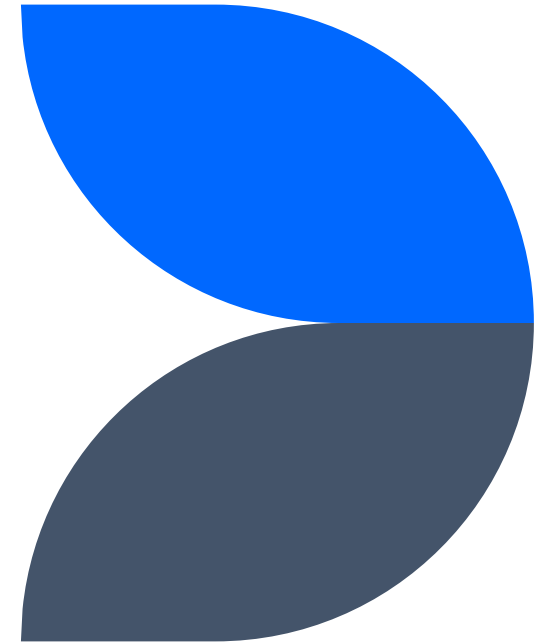
When are school board emails public?

- Emails on school district account / equipment (even if held on personal computers)
- Emails directed to quorum of Board
- Emails that include a quorum MUST include the custodian of record



Other things to consider:

- Text messages-messages from one individual to another individual are not considered a meeting unless a quorum is sent the message, BUT all messages are discoverable in a legal matter.
- The use of a personal phone does not constitute access by open records, but the contents of the phone can be discoverable in a legal matter.
- Any email or text message or files on a District provided device are subject to open record. (relevant for Board member messages to District Staff)



More information:

- Sunshine Law booklets
- Attorney General's Website on Sunshine Law:
<https://ago.mo.gov/missouri-law/sunshine-law>
- Questions may be submitted to the Board Secretary (Custodian of Records) or Superintendent

Thank you

