

## **New Provision of the Open Meetings Law Goes Into Effect February 2, 2012**

On January 3, 2012, an amendment to the Open Meetings Law was enacted that impacts governmental agencies such as school districts and municipalities. The amendment was enacted in response to recommendations made by the Committee on Open Government and has been codified as Section 103(e) of the Public Officers Law. The law goes into effect on Thursday, February 2, 2012.

The new legislation requires two things:

- Any document that is subject to disclosure under the Freedom of Information Law ("FOIL"), as well as any proposed resolution, law, rule, regulation, policy or amendment thereto, that is scheduled to be discussed by a public body during an open meeting must be made available upon request either before the meeting or at the meeting during which the record will be discussed, "to the extent practicable" as determined by the governmental agency; and
- If the governmental agency maintains a regularly and routinely updated website that uses a high speed internet connection, all such records described above that are scheduled to be discussed must be posted on the website prior to the meeting, "to the extent practicable" as determined by the governmental agency.

This Open Meetings Law amendment aims to facilitate the public's ability to follow discussions at open meetings by giving the public the opportunity to obtain copies of the same documents that are provided to board members, as long as those documents would otherwise be subject to disclosure under FOIL. Section 103(e) authorizes each governmental agency to determine what is "practicable" regarding making its records available. This flexibility is intended to allow the new provision to be implemented reasonably and without unnecessary burden or cost to governmental agencies.

The LaFayette Central School District will comply with this Law by simultaneously posting electronic copies of all documents (that would otherwise be subject to disclosure under FOIL) the Board of Education is scheduled to discuss at the meeting 24 hours in advance of the meeting. This will allow people who attend the meetings the opportunity to see and print the documents. A very limited number of paper copies may also be available at the meeting.