Updated Meetings Guidance After Executive Order 2020-16

On March 30, 2020, Governor Doug Burgum issued Executive Order 2020-16, which addressed the right of the public to attend in person meetings of public entities, including school boards. School boards have always had the right to conduct meetings via telephone, video conference or other electronic means so long as the Open Meetings requirements were met. However, NDCC 44-04-19 required that a meeting room be accessible to the public and that a speakerphone or monitor be provided for public access at the physical location specified in the notice when one or more members of the school board are participating by telephone or video.

The meeting room location and physical location requirements under this law have now been waived by Executive Order 2020-16 for the duration of the declared state of emergency. This means that school boards may now meet remotely without providing a physical location for in-person public access, as long as the meeting notice to the public includes a conference call number or an electronic link for the public to remotely access the real time/live-stream of the meeting.

PLEASE NOTE: other than the waiver of the physical location requirement, all other open meetings laws continue in force. School boards must still provide notice to the public in compliance with NDCC 44-04-20, including:

- providing an agenda with the date, time, and access information of the meeting at the district office;
- on either the district's website or with the county auditor;
- at the location of the meeting on the day of the meeting if the meeting is being held at a physical location;
- to the official newspaper for special meetings; and,
- to anyone requesting personal notice.

NDSBA encourages school boards to contact their legal counsel for direct guidance on compliance with the open meetings requirements. For other guidance on school district operations during the COVID-19 pandemic, see NDSBA's website (*www.ndsba.org*).