



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 25, 2019

Transmitted Via Electronic Mail

Chairman Alan Reed
Director Tamara Baysinger
Idaho Public Charter School Commission
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Re: Notice of Violation of Idaho's Open Meetings Law and Opportunity to Cure

Dear Chairman Reed and Director Baysinger:

Our office received several complaints alleging that the Public Charter School Commission ("PCSC") violated Idaho's Open Meetings Law ("OML") at its meeting on April 11, 2019. Pursuant to statutory authority vested in the Attorney General under Idaho Code § 74-208(5), our office has investigated the allegations and concluded that probable cause exists for this office to bring a complaint against the PCSC for violating the OML for the following:

- Failing to properly identify the executive session as an action item as required by Idaho Code § 74-204(4);
- Changing the topic within executive session to topics not identified as a basis for entering executive session as prohibited by Idaho Code § 74-206(2); and
- Discussing topics for which executive session is not provided as prohibited by Idaho Code § 74-206(2).

This office recommends that the PCSC cure these violations by taking the following actions immediately:

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- Acknowledge publicly that it violated the OML during its meeting on April 11, 2019 by: (a) failing to identify the executive session as an action item in the agenda, and (b) allowing the discussion during executive session to drift into several topics for which executive session is not provided and which were not identified in the motion for executive session.
- Schedule a training on the OML within 60 days of the PCSC's acknowledgment of the violation(s) to be conducted by a representative of the Idaho Attorney General's Office. The public and press should be invited to observe this training.
- If any decisions or final actions stem from the alleged conduct in violation of the OML, those decisions or actions shall be set aside within a properly noticed and conducted meeting under the OML.

This office also recommends the adoption of several best practices to ensure future compliance. Those recommendations and the findings of our investigation are laid out in detail in the enclosed report. Copies of the report will be provided to the complainants and to representatives of the media upon request.

Please notify this office within fourteen (14) days as to whether these recommendations are acceptable and establish a timetable for compliance. Failure to cure the alleged violations will result in this office filing an Open Meetings Complaint under Idaho Code § 74-208(5). Please direct any questions or correspondence to Assistant Chief Deputy Brian Kane at (208) 334-2400 or brian.kane@ag.idaho.gov.

Sincerely,



BRIAN KANE
Assistant Chief Deputy

BK:kw
Enclosure

cc: Matt Freeman
Briana LeClaire
Joseph Borton
Amy White
Jeff Pierson