

BOND

SCHOOL LAW INFORMATION MEMO

OCTOBER 21, 2021

Documents to be Discussed at Open Meetings Must be Available to Public at Least 24 Hours in Advance of Meeting

On Oct. 19, 2021, Gov. Kathy Hochul signed legislation ([S.1150-A/A.1228-A](#)), amending the Open Meetings Law to require public agencies to post on their websites and make available any agency records scheduled to be discussed at open meetings at least twenty-four hours prior to the meeting, where practicable. This amendment will take effect on Nov. 18, 2021.

What changed?

Under the current law, documents are only required to be made available before an open meeting “as determined by the agency or department.” To promote transparency, the legislation, as amended, will require public agencies, upon request, to make available to the public any records scheduled for discussion at the open meeting “to the extent practicable” at least 24 hours in advance of the meeting. Such records may be made available for a reasonable fee, determined in the same manner as Freedom of Information Law (FOIL) documents.

Additionally, public agencies with “a regularly and routinely updated website” and utilizing “a highspeed internet connection” must post the records “to the extent practicable” on their website at least 24 hours in advance of the open meeting at which the records will be discussed.

An agency may, but shall not be required to, expend additional moneys to implement the new provisions of this law.

What records are included?

In addition to any routine items, the records will also include any proposed resolution, law, rule, regulation, policy or amendment to be discussed at the open meeting. However, the new legislation will not impact documents that are specifically exempted from disclosure under FOIL (for example, documents protected by FERPA or other laws).

What should you do?

Compliance with the new law requires covered entities to post open meeting documents on their websites and make them available to the public upon request a minimum of 24 hours before the meeting whenever practicable. Given the broad application of the legislation and the effective date, time is of the essence for you to assess your current protocols for open meetings and consider questions such as who will be responsible for posting documents and processing requests for documents.

If you have any questions, please contact any [attorney](#) in Bond’s [School Law practice](#) or the attorney at the firm with whom you are regularly in contact.

