



## Five Frequently Asked Questions on School Board Safety, Open Meeting Law and Parental Rights Re: School Mask Policies

In light of recent school board meetings in which opposition to school mask policies have been discussed and debated, and recent assertions regarding Arizona's Open Meeting Law (OML) and the parental rights of parents made at these meetings, this FAQ is offered as guidance to boards and their communities.

**Q1: Can a scheduled board meeting be canceled without 24-hour notice if there is a concern for the safety of board members, school administrators and those in attendance?**

A1: Yes, a board meeting can be canceled right up to the time of the meeting with no required notice. This certainly can be done if there are safety concerns but also can be done for no specified reason at all. The notice requirements of the OML relate to scheduling a meeting not to canceling one.

**Q2: Can a scheduled in-person board meeting be changed without 24-hour notice to a virtual meeting without violating the OML?**

A2: Yes. The OML specifically allows for the participation of board members through technological means. While the best option is to provide as much notice as possible that some or all board members will participate virtually, it is not required so long as the normal 24-hour notice – virtual or in-person - that a meeting will be held is complied with.

**Q3: Can a board have a meeting without a call to the public? Can a board cancel the call to the public with less than 24-hour notice?**

A3: Yes and yes. There is no mandated call to the public under the OML. Boards can also remove items on the agenda with less than 24-hour notice. It is a good practice to provide as much notice as possible, however.

**Q4: Can a board have a law enforcement presence at a board meeting to keep the peace and assist in controlling the meeting?**

A4: Yes. In meetings where there is a safety concern or where controversial topics within the community will be discussed this is recommended.

**Q5: Do the parental rights found in Arizona Revised Statutes 1-602, allow parents to ignore general school district policies regarding the wearing of masks by students?**

A5: No. The parental rights found in A.R.S. 1-602 allow parents, among other things, to direct their child's education in certain ways and health care decisions for their child. They do not allow parents to direct their child to not observe a rule that applies equally to all students designed to protect all students, staff and the public. School districts have the right to make safety decisions that apply to all students and staff.