

# SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – December 2006

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## Can governmental bodies hold hearings in closed session?

***Yes, sometimes -- but only if expressly authorized by statute.***

The work of governmental bodies is broad and varied. Sometimes, they conduct *hearings* – and that may bring up “open meetings” questions. When a quorum of a governmental body holds a hearing, the body is “meeting” under Iowa’s Open Meetings Law (Iowa Code ch. 21). How does the Open Meetings Law apply to hearings? Can a governmental body conduct a hearing in closed session? What about deliberations? Can a governmental body decide a case behind closed doors?

Like all meetings, *hearings can be conducted in closed session only when expressly authorized by statute.*

**Here are some closed-session guidelines to apply when a governmental body is conducting a hearing or conducting deliberations on the outcome of a hearing:**

- Iowa Code Ch. 21 provides only limited authority to close a hearing: Chapter 21 itself authorizes a closed session only for hearings *to suspend or expel a student*, unless an open session is requested by the student, or a parent, or guardian. See Iowa Code sec. 21.5(1)(e). Chapter 21 authorizes a closed session otherwise only to discuss *a decision to be rendered* in a contested case, a type of hearing conducted only by state agencies. See Iowa Code sec. 17A.2(5), 21.5(1)(f).
- Check other statutes for specific authority to close a hearing: Other statutes may allow a governmental body to close a hearing. For example, most professional licensing boards can hold disciplinary hearings against licensees in closed session if requested by the licensee. See Iowa Code sec. 272C.6(1). Or, a school board can conduct a “private hearing” on the termination of a teacher’s or administrator’s contract, if the teacher or administrator requests a hearing in writing. See Iowa Code sec. 279.15.

**Remember: Governmental bodies subject to Iowa’s Open Meetings Law must hold hearings and deliberations in open session, unless a closed hearing or closed session is authorized under an express provision of law – either in Chapter 21 or in another statute.**

Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens’ Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

“Sunshine Advisory” bulletins provide information on Iowa’s public records and open meetings laws – our “Sunshine Laws.” The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.



**Iowa Attorney General’s Office: Hoover Building, Des Moines, Iowa 50319.**

On the Web: [www.IowaAttorneyGeneral.org](http://www.IowaAttorneyGeneral.org) . (Click on “open government.”)