

## Florida Sunshine Law – Comprehensive Primer

### **1. Overview and Purpose**

Florida charter schools are public schools operated by independent governing boards. Because they perform a public function and expend public funds, charter school governing boards are fully subject to Florida’s Government-in-the-Sunshine Law (§ 286.011, Fla. Stat.).

For charter schools, the Sunshine Law ensures that:

- All governing board deliberations occur openly.
- Parents, students, and community members can observe, participate, and hold boards accountable.
- Decisions related to budgets, policies, school leadership, and student issues are made transparently, not through private or informal channels.

### **2. When the Sunshine Law Applies to Charter Schools**

#### **2.1 Definition of a “Meeting”**

A Sunshine-governed meeting occurs whenever two or more members of the governing board discuss charter school business that may later require board action.

This applies whether the interaction occurs:

- At the school
- Over email
- By text message
- In a group chat
- At board retreats or workshops
- In virtual platforms like Zoom/Teams

#### **2.2 Types of Triggering Interactions**

Triggers for charter school boards include, but are not limited to discussing:

- Hiring or evaluating the principal

- Budget amendments
- Contract approvals (curriculum vendors, transportation, food service)
- Student discipline appeals
- Charter renewal or compliance actions
- Facility leases or expansion plans

### **2.3 Non-Meetings**

These situations do not create a Sunshine meeting:

- A board member receiving a one-on-one briefing from the school leader
- Individual fact-finding tours or site visits
- Attendance at community events where board members do not discuss actionable school matters
- Professional development events (unless deliberation occurs)

## **3. Requirements for Charter-School Sunshine-Compliant Meetings**

### **3.1 Public Access**

All charter school governing board meetings must be:

- Open and accessible to the public
- Held in a space large enough for expected community attendance
- Physically located in the county where the school operates (best practice)
- Accessible virtually if virtual participation is offered

### **3.2 Notice Requirements**

Charter schools must provide reasonable notice, which typically includes:

- Posting notice on the school website
- Posting notice at the school's front office
- Providing agenda details (recommended, though not mandated)
- Giving enhanced notice for major actions such as facility purchases or charter amendments

### **3.3 Minutes**

Charter schools must keep minutes that:

- Reflect motions, votes, and outcomes
- Show attendance including board member participation
- Are made available promptly for public inspection

While audio/video is not required, most charter boards record meetings for accuracy and transparency.

## **4. Communication Boundaries for Charter School Boards**

### **4.1 Prohibited Private Communications**

Charter school board members may not privately discuss charter school business that may later come before the board for action. Prohibited examples:

- Group text threads discussing policy changes
- Email strings debating budget issues
- “Reply-all” emails with opinions about school operations
- Social media threads where multiple board members comment on school matters

Using the school leader or staff to pass opinions between board members (“polling”) is also prohibited.

### **4.2 Permissible Communications**

Board members *may*:

- Discuss logistics (meeting times, attendance, carpooling)
- Engage in one-on-one briefings with the school leader
- Receive informational packets as long as there is no back-and-forth among board members

## **5. Staff Involvement and Delegated Decision-Making**

### **5.1 Charter School Staff Meetings**

Internal staff meetings typically do not fall under the Sunshine Law because:

- They involve administrative implementation
- They are used for fact-finding or operational management

## **5.2 Delegated Committees**

However, a charter school committee may become subject to Sunshine if the governing board:

- Delegates decision-making authority
- Adopts committee recommendations automatically
- Uses the committee's work as an integral step in official board action

Examples of committees that may trigger Sunshine requirements:

- Principal evaluation committees
- Finance or budget development committees
- Facility expansion or land acquisition committees

## **6. Public Participation Requirements**

Charter school boards must provide the public a meaningful opportunity to speak:

- Before the board takes action
- Under reasonable rules (time limits, decorum policies)

Most charter schools:

- Open comments at the start or end of meetings
- Allow comments on agenda items
- Provide alternative methods (email submission, written comments) when appropriate

## **7. Exemptions Relevant to Charter Schools**

Charter schools, like all public entities, must follow statutory exemptions, such as:

- Student records (FERPA-protected)
- Active investigations of employee misconduct
- School safety and security plans
- Attorney-client shade meetings (litigation strategy)

- Personal identifying information of employees in certain protected classes

Exemptions apply narrowly, and the school should consult counsel when uncertain.

## **8. Public Records Obligations**

Under Chapter 119, charter schools must maintain and produce records including:

- Emails related to school operations
- Text messages concerning school business (even on personal phones)
- Drafts, notes, and working documents related to governance
- Vendor contracts and financial records

Charter schools must respond to public records requests promptly and comply with retention schedules.

## **9. Enforcement and Penalties as Applied to Charter Boards**

Violations can result in:

- Actions being voided
- Civil lawsuits and attorney's fees
- Non-criminal infractions or misdemeanors
- Findings of non-compliance that may affect charter renewal or financial/operational status

Good-faith reliance on counsel helps, but is not a complete defense.

## **10. Best Practices for Charter School Boards and Staff**

### **10.1 For Governing Board Members**

- Conduct all deliberation during noticed meetings
- Avoid "reply-all" communications
- Use a single official email address for board work
- Refrain from discussing board business on social media

- Request that the school leader distribute information one-way only

## **10.2 For Charter School Leaders and Staff**

- Provide identical information to all board members simultaneously
- Avoid polling board members
- Maintain clear notices and timely agenda postings
- Keep thorough minutes and retain supporting materials
- Train new board members annually on Sunshine and ethics laws

## **11. Shade Meetings for Charter Schools**

Charter school boards may hold attorney-client “shade sessions” only for litigation strategy and settlement discussions.

Requirements include:

- Public announcement of the session
- Attendance limited to the board, counsel, and the school leader
- Audio recording of the entire session
- Public release of the transcript once litigation ends

## **12. Social Media Guidance for Charter Boards**

Because charter schools operate in close parent-community environments:

- Board members should avoid engaging in debates about school issues online
- Two or more board members should never discuss charter matters on the same comment thread
- Even “liking” or endorsing positions on issues coming before the board can be problematic

### **13. Summary**

For charter schools, compliance with the Sunshine Law ensures:

1. Transparent governance
2. Public trust and parent confidence
3. Legal protection of board actions
4. Proper handling of public records
5. Avoidance of costly violations or charter compliance issues.

Shawn A. Arnold, B.C.S, Esq.

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