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Advisory Opinion 25AO:0008

DATE: July 1, 2025

SUBJECT: Training requirements for newly elected and appointed officials as mandated by H.F. 706

This opinion concerns training requirements for newly elected and appointed officials as mandated by H.F. 706. Advisory opinions may be adopted by the board pursuant to Iowa Code section 23.6(3) and Rule 497–1.2(2): “[t]he board may on its own motion issue opinions without receiving a formal request.” IPIB’s jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

H.F. 706 took effect on July 1, 2025. It created a requirement that all newly elected and appointed officials of a government body attend training on Iowa’s Sunshine laws, codified in Iowa Code chapters 21 and 22. The government body must retain a certificate verifying completion for the elected and appointed officials. The legislation also allows third-party providers to conduct this training after receiving approval of the training by the IPIB. The following is guidance to assist in the implementation of H.F. 706.

NEWLY ELECTED AND APPOINTED OFFICIALS TRAINING REQUIREMENTS

Under H.F. 706 who is required to participate in the open meetings and public records training?

All public officials, newly elected or appointed after July 1, 2025, who are a member of a governmental body. Re-election or re-appointment to the position does not trigger the requirement to attend training. Individuals who were elected or appointed prior to July 1, 2025, are, however, encouraged to take training to stay up to date and better ensure compliance with Iowa’s Sunshine laws, but there is no requirement under H.F. 706 to do so.

Does this include appointed members of boards and commissions?

Yes, if these appointed members are part of a governmental body as defined in Iowa Code § 21.2, then they must receive training.

What if I am elected to another position or appointed to a different Board?

Completing the required training as a member of a governmental body satisfies the training requirements with regard to service on a committee or subcommittee of the governmental body and or on any other governmental body. If moving to a different government body, an individual should request a copy of their training certificate and provide it to the new and/or additional governmental body to maintain for proof of compliance.

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Is there a specific training required?

The training must be at least one hour, but should not be more than two hours. The Iowa Public Information Board (IPIB) will provide training free of charge. The IPIB will conduct quarterly, online trainings for newly elected and appointed officials. The IPIB may develop additional in person and online training resources to meet the needs of public officials. The IPIB will also review and approve training materials from third-party resources. A list of approved training providers will be provided on IPIB's website.

When must the training be completed?

All newly elected or appointed officials must complete an approved training within 90 days of 1. taking the initial oath of office; 2. assuming the responsibilities, if the member is not required to take an oath of office; or 3. after being elected to the office.

How will I document that I have completed the training?

All approved training providers, including IPIB, must provide a certificate of completion. The government body is responsible for maintaining this documentation and must provide it for inspection, upon request. The entity providing the training is responsible for maintaining a record of individuals who have attended the training. For instance, if IPIB provided the training, IPIB will keep a record of the individuals who attended the training.

What if the certificate is lost or never received?

The entity providing the training will provide a replacement certificate upon verification the individual completed the training program.

What if I don't complete the training?

If an individual who is required to complete the training fails to do so, the individual has 60 days to complete the training upon notice of the deficiency. If the individual does not complete the training, then a fine can be assessed. The fines are outlined in Iowa Code § 21.6(3) and range from \$500 for a violation up to \$12,500 if the violation is determined to be knowing and intentional. The fact that a public official has not completed the training requirement will not nullify any actions taken by the government body.

TRAINING APPROVAL REQUIREMENTS

I want to conduct training, what must be included in the training to be approved by IPIB?

The training must require at least one hour to complete (but not more than two hours) and include information on the following information vital to understanding requirements under Iowa Code chapters 21 and 22 as outlined below. IPIB will provide a copy of its training materials.

Iowa Code Chapter 21

- What are government bodies subject to Chapters 21. (Iowa Code § 21.2(1))
- What is a meeting, including defining deliberation and action? (Iowa Code § 21.2(2))
- Open meetings, public rights and government body permissions (Iowa Code §§ 21.3(1); 21.4(1)(b); 21.7)
- What is notice and the requirements for effecting notice? (Iowa Code § 21.4)
- Electronic meetings (Iowa Code § 21.8)
- Requirements for agendas and minutes under chapter 21 and legal precedent? (Iowa Code §§ 21.3(2); 21.4(2);
- What is a closed session? (Iowa Code § 21.5)
- Procedure for going into closed session and statutory reasons allowed? (Iowa Code § 21.5)
- Procedure during closed session, legal requirements, and actions as a result of closed session? (Iowa Code §§ 21.5(2)-(5))
- Penalties and enforcement for violations (Iowa Code § 21.6)

Iowa Code Chapter 22

- Who is subject to Chapter 22 (public records)? (Iowa Code § 22.1(1))
- What is a record, including discussion of public versus private and the content of the record (Iowa Code § 22.1(3); *Linder v. Eckard*; *Kirkwood Institute v. Sand*)
- What is a lawful custodian and how to handle the records request (Iowa Code § 22.1(2))
- Who may request public records and how (Iowa Code §§ 22.2; 22.4)
- Time frame for responding to a records request and precedent on “unreasonable delay” Iowa Code § 22.8; *see also Horsfield Materials. v. City of Dyersville*; *Belin v. Reynolds*
- Costs allowed, small requests, estimates of costs, and pre-payment of estimated costs (Iowa Code § 22.3)
- Costs for legal review for redaction and confidentiality. (Iowa Code § 22.3(2))
- Redaction and confidential records, including commonly relied upon provisions, and any required balancing tests or factors (Iowa Code § 22.7 and various judicial precedents, such as *Mitchell v. City of Cedar Rapids*)
- Settlements by government bodies (Iowa Code § 22.13)
- Enforcement (Iowa Code § 22.10)

What must be included on the certificate provided to the public official completing the training?

The certificate must include the following information: 1. The public official’s name; 2. The government body on which the public official serves; 3. The training program attended and the name of the provider; 4. The date the training was completed.

How can I get my training approved by IPIB?

To be approved by IPIB, the requestor must provide the materials to be presented to the public officials in the format it will be provided. For instance, if the training will be a live presentation, a copy of the powerpoint and/or handouts to be used would be provided. Similarly, if the training is a recorded video, access to the video recording and accompanying documents would be provided.

In addition to providing the training materials, the requestor must provide the following information to IPIB:

1. The person or persons who are expected to conduct the training and their qualifications or the qualifications of the entity providing the training.
2. Documentation on where in the program each of the required components listed above are included. This could be by slide number, time stamp, etc.
3. Statement verifying the program will be at least one hour, but not more than two hours in length.
4. Statement verifying program participants will receive a certificate of completion, the provider will maintain a record of all participants who have completed the approved training, and the provider will verify and reissue lost or missing certificates.
5. Information on how public officials can register and any costs to participants.

All information should be submitted directly to IPIB at ipib@iowa.gov with an email heading stating “Public Officials Training Submission.” If any components requested are not submitted, IPIB will notify the requestor, but will not review the information provided.

Approval of training materials will be subject to formal Board approval.

IPIB also reserves the right to revoke approval if a provider fails to meet any of the components required for approval.

IPIB also reserves the right to modify this guidance and requirements as needed.

BY DIRECTION AND VOTE OF THE BOARD:

Joan Corbin
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Catherine Lucas
Luke Martz
Joel McCrea
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SUBMITTED BY:

Erika Eckley
Executive Director
Iowa Public Information Board

ISSUED ON:

July 1, 2025

Pursuant to Iowa Administrative Rule 497-1.3(3), a person who has received a board opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request. The IPIB may take up modification or reconsideration of an advisory opinion on its own motion within 30 days after the issuance of an opinion.

Pursuant to Iowa Administrative Rule 497-1.3(5), a person who has received a board opinion or advice may petition for a declaratory order pursuant to Iowa Code section 17A.9. The IPIB may refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requestor demonstrates a significant change in circumstances from those in the board opinion.