

VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA) GUIDELINES FOR SCHOOL BOARD MEMBERS

THREE OR MORE BOARD MEMBERS DISCUSSING BUSINESS CONSTITUTES A “MEETING,” WHICH TRIGGERS VFOIA REQUIREMENTS.

Whenever three or more Board Members assemble (whether formally or informally, and whether in person or electronically) to decide upon or discuss the Board’s work, Freedom of Information Act procedures must be observed.

VFOIA MEETING REQUIREMENTS INCLUDE:

- **Written notice of meetings:** Notice of meetings must ordinarily be posted at least 3 working days before any Board Meeting. The notice must state the date, time and location of the meeting. Notice should be posted on the ACPS website, in a prominent public location at which notices are regularly posted, and in the office of the Clerk of the School Board.
- **Open to the public:** All Board Meetings and Work Sessions should be public. The Freedom of Information Act has limited exemptions from this requirement. Consult the Board Clerk with any questions.
- **Agendas & materials:** In addition to being posted electronically, at least one printed copy of all agenda packets and materials furnished for a meeting are made available for inspection by the public, with the exception of closed meeting materials. (In addition, ACPS requires regular meeting and work session agendas to be posted three business days prior to the meeting. All meeting materials and supporting documents are provided to the Board Clerk.)
- **Recording meetings:** Open meetings may be recorded by the public, provided that it does not interfere with the conduct of the meeting.
- **Public votes:** All decisions made by the Board must be made by recorded public vote. Secret or written ballots are not permitted.
- **Minutes:** Minutes are recorded at all Board Meetings. Minutes include the meeting date, location, official attendees, and a summary of matters discussed and any votes taken. The minutes must be publicly available. (Minutes are not taken during closed session, in accordance with VFOIA exemptions.)

ELECTRONIC PARTICIPATION:

Electronic participation in Board Meetings is not encouraged. However, a Board Member may participate electronically due to a personal matter twice per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Electronic participation due to a medical condition is not subject to the same limitation. Electronic participation is only permitted if a quorum (a majority of all voting members) of the Board is physically assembled and approves the request. Remote participation requires timely notice to the Board Chair and Clerk so the request may be added to the meeting agenda.

WRITTEN COMMUNICATIONS:

All e-mail, notes, written communications or other documents concerning Board business are subject to the Freedom of Information Act, regardless of whether they were transmitted via school division-owned devices or personal devices. This means that should a member of the public ask to review those documents and communications, Board Members are required to produce them for public inspection through the Division FOIA Officer. Prior to being released, ACPS' FOIA Officer reviews them to ensure that only those responsive to the request, with redactions should they be necessary, are released.