

# **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:** At least one copy of all agenda packets and materials furnished for a meeting should be made available for inspection by the public at the same time, with the exception of closed meeting materials. (In addition, ACPS policy requires that all meeting documents must be provided to the Board Clerk three business days prior to the meeting.)
- **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 should be recorded at all Board Meetings. Those minutes should include the meeting date, location and 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 generally not allowed. However, a Member may participate electronically for up to two Board Meetings per year, but only if a quorum (a majority of all voting members) of the Board is physically assembled. Remote participation requires timely notice to the Board Chair and Clerk so that appropriate arrangements can be made.

### **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.