

SCHOOL BOARD GOVERNANCE AND OPERATIONS

FILE: BDCA

CALLING AND CERTIFICATION OF CLOSED MEETINGS

- A. No closed meetings shall be held unless the School Board has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting, and (iii) makes specific reference to the applicable exemption of exemptions from open meeting requirements provided in the Virginia Freedom of Information Act, and stated in Policy BDC. The matters contained in such motion shall be set forth in detail in the minutes of the open meetings. A general reference to the provisions of the Virginia Freedom of Information Act or authorized exemptions from open meetings requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.
- B. The notice provisions of the Virginia Freedom of Information Act shall not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of superintendent. Prior to any such closed meeting for the purpose of interviewing candidates, the School Board shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within fifteen days thereafter.
- C. The School Board in holding a closed meeting, shall restrict its discussion during the closed meeting only to those purposes specifically exempted under the Virginia Freedom of Information Act and identified in the motion required in part A. above.
- D. At the conclusion of any closed meeting, the School Board shall reconvene in open meeting immediately thereafter and shall take a roll call or the recorded vote to be included in the Board minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the School Board. Any member of the Board who believes that there was a departure from the requirements of subdivision (i) and (ii) above, shall so state prior to the vote, indicating the substance of the departure that, in his/her judgment, has taken place. The statement shall be recorded in the School Board minutes.
- E. Failure of the certification required by subsection D, above, to receive the affirmative vote of a majority of the members of the School Board present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith shall, upon proper authentication, constitute evidence in any proceeding brought to enforce these provisions.

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- F. The School Board may permit non-members to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the Board in its consideration of a topic which is a subject of the meeting.
- G. Except as specifically authorized by law, in no event may the School Board take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Va. Code § 2.2-3707 and Policy BDDA.

Adopted: August 6, 1998
Revised: October 16, 2003
Revised : August 16, 2007
Reviewed: December 20, 2007

Legal References: Code of Virginia, 1950, as amended, section 2.2-3712.

Cross References: BDC Closed Meetings
BDDA Notification of School Board Meetings