

CALLING AND CERTIFICATION OF CLOSED MEETINGS

- A. No closed meetings shall be held by the School Board or any committee thereof unless the School Board or committee 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 as authorized in Va. Code § 2.2-3711(A) or other provision of law and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Virginia Freedom of Information Act (FOIA) or other provision of law. The matters contained in such motion ~~are shall be~~ set forth in detail in the minutes of the open meeting. A general reference to the provisions of ~~FOIA the Virginia Freedom of Information Act~~ or authorized exemptions from open meeting requirements, or the subject matter of the closed meeting ~~is not shall not be~~ sufficient to satisfy the requirements for holding a closed meeting.
- B. The School Board, or committee thereof, in holding a closed meeting, ~~shall restricts~~ its discussion during the closed meeting only to those purposes specifically exempted under (FOIA) ~~the Virginia of Freedom of Information Act~~ and identified in the motion required in ~~Section subsection~~ A, above.
- C. At the conclusion of any closed meeting, the School Board or committee thereof ~~shall~~ immediately reconvenes in an open meeting and ~~shall~~ takes a roll call or other recorded vote to be included in the minutes, certifying that to the best of each board member's knowledge (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting. Any member of the Board or committee who believes that there was a departure from the requirements of ~~subdivisions~~ (i) and (ii) above, ~~shall~~ so states prior to the vote, indicating the substance of the departure that, in ~~the member's his~~ judgment, has taken place. The statement ~~is shall be~~ recorded in the minutes of the meeting.
- D. Failure of the certification required by ~~Section subsection~~ C, above, to receive the affirmative vote of a majority of the members present during the meeting ~~does 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, constitutes evidence in any proceeding brought to enforce FOIA ~~the Virginia Freedom of Information Act~~.

E. Except as specifically authorized by law, in no event may the School Board or committee thereof take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Virginia Code § 2.2-3707.

E.F. The School Board is subject to a civil penalty of up to \$1,000 if a court finds that the Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted: May 9, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.1-3701, 2.2-3712, and 2.2-3714.

Cross Refs: BCE, School Board Committees
BCF, Advisory Committees to the School Board
BDC, Closed Meetings
BDDA, Notification of School Board Meetings