



To: State Board of Education Rule Series 2200 Committee
Jennifer Samuelson, Chair
Kim Gleason, Committee Member
Tom Lovett, Committee Member

From: Sue Ceglowski, Executive Director

Re: Open Meeting Law (Public Comments Delivered at August 4 Committee meeting)

Date: August 4, 2023

The Rules Series 2200 Committee of the State Board of Education met on July 24, 2023. The heading/title of that meeting on the State Board's web page referenced the meeting as a "State Board of Education Rule Series **2000** Committee Meeting." Additionally, the agenda for the meeting was not available on the website (when I clicked on the agenda link I received a message indicating "Page Not Found").

After the July 24 meeting (which I was unable to attend), I notified Chair Samuelson of this committee about the errors on the website and they were corrected. At the time, there was nothing on the website about this August 4 meeting of the committee.

Despite my communications with the Chair about the errors on the website that I just spoke about, today's meeting was again improperly titled on the website as "State Board of Education - Rule Series **2000** Committee Meeting." Anyone looking at the website would not know that this meeting today is actually a meeting of the Rule Series **2200** Committee unless they clicked on the link. In fact, the only reason I know this meeting is happening today is because I emailed the chair to ask when the next meeting of the committee would be.

The misnaming of committee meetings on the website violates the spirit of the Open Meeting Law and perhaps the law itself. There is no advance public notice of a meeting if it is improperly titled as a different meeting. This type of confusion and lack of transparency is what leads to lack of trust in a public body.

As another example, I am not sure if this committee has a meeting scheduled for August 7 or not. There is a Rule 2200 Series Committee meeting listed on the website with a date of August 7 but when I clicked on the meeting link, it brought me to a meeting of the Special Education Advisory Panel Executive Committee being held on August 24.

In addition, this committee just approved minutes that don't comply with the Open Meeting Law. 1 VSA Section 312(b)(1) requires that minutes must contain at least minimal information. Two of the minimal pieces of information that are required are (1) all members of the public body present (2) all other active participants in the meeting. The July 24, 2023 meeting minutes of this committee do not include the names of any committee members who were present or any other active participants in the meeting.

Finally, the July 24 draft minutes provided on the website as of August 3, 2024 include a motion to enter executive session which states that the legal implications of some decisions the SBE might make regarding amendments to the 2200 series rules would place the Board at a substantial disadvantage. The correct legal standard for entering executive session is provided in 1 VSA Section 313(a)(1) which says a public body may only hold an executive session after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage. The motion to enter executive session did not state that *premature general public knowledge would clearly place* the SBE at a disadvantage¹ - therefore it's questionable whether or not the committee held a legal executive session.

The purpose of the Open Meeting Law is to promote transparency, accountability and better decision making in government. As members of a state level public body, transparency, accountability and better decision making should matter to you. It is unacceptable that the State Board of Education is not complying with the most basic transparency and accountability laws. The issues involved in the 2200 Rules go to the heart of matters relating to equity, accountability and education quality in the taxpayer funding of selective admission private schools. A less than precise process by the committee relative to this matter is cause for concern related to your ultimate product.

Thank you.

Cc: State Board of Education
Heather Bouchey, Interim Secretary of Education
Emily Simmons, General Counsel

¹ It appears that the motion to enter executive session in the draft minutes was changed between the afternoon of August 3 and the morning of August 4 - the latest version of the draft minutes, which was approved by the committee, includes the correct language regarding "premature general public knowledge." There is not a recording of the July 24 meeting, so the minutes are the only record of the meeting.