

CALLING AND CERTIFICATION OF CLOSED MEETINGS

- A. No closed meetings are held by the Regional School Board or any committee thereof unless the Regional 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 and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Virginia Freedom of Information Act or other provision of law. The matters contained in such motion are set forth in detail in the minutes of the open meeting. A general reference to the provisions of FOIA or authorized exemptions from open meeting requirements, or the subject matter of the closed meeting is not sufficient to satisfy the requirements for holding a closed meeting.
- B. The Regional School Board, or committee thereof, in holding a closed meeting, restricts its discussion during the closed meeting only to those purposes specifically exempted under FOIA and identified in the motion required in Section A, above.
- C. At the conclusion of any closed meeting, the Regional School Board or committee thereof immediately reconvenes in an open meeting and takes a roll call or other recorded vote to be included in the 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. Any member of the Regional School Board or committee who believes that there was a departure from the requirements of (i) and (ii) above so states prior to the vote, indicating the substance of the departure that, in the member's judgment, has taken place. The statement is recorded in the minutes of the meeting.
- D. Failure of the certification required by Section C, above, to receive the affirmative vote of a majority of the members present during a meeting does 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, upon proper authentication, constitutes evidence in any proceeding brought to enforce FOIA.
- E. Except as specifically authorized by law, in no event may the Regional 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 Va. Code § 2.2-3707.
- F. The Regional School Board is subject to a civil penalty of up to \$1,000 if a court finds that the Regional School Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted: June 20, 2013
Amended: September 14, 2017
Amended: October 17, 2019
Amended: August 19, 2021

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

Cross Refs.: Pol No. 1010 Constitution and By-laws
Pol No. 1013 Notification of Regional School Board Meetings
Pol No. 1014 Closed Meetings

Pol No. 1012 School Board Committees
Pol No. 1012a Advisory Committees to the School Board
Pol No. 1012c Disciplinary Committee