

February 1, 2017

*Strategic Goals: (1) Ensure that Vermont's public education system operates within the framework of high expectations for every learner and ensure that there is equity in opportunity for all.
(2) Ensure that the public education system is stable, efficient, and responsive to changes and ever-changing population needs, economic and 21st century issues.*

State Board of Education Legislative Subcommittee Special Meeting Draft Minutes

Present via conference call:

State Board of Education Legislative Subcommittee Members: Bill Mathis, Chair;
Krista Huling, Mark Perrin

Agency of Education (AOE): Molly Bachman, General Counsel, Maureen Gaidys,
Executive Assistant

Others: Stephan Morse, Board Chair

Item A: Call to Order

Chairman Mathis called the meeting to order at 9:01 a.m. He asked who was taking minutes. Gaidys is taking minutes.

Chair Mathis called a roll call for the conference call: Bill Mathis, subcommittee Chair; Krista Huling, subcommittee member; Mark Perrin, subcommittee member; Stephan Morse, not a member of the subcommittee. There were no members of the public present in the meeting room. Chair Mathis asked any members of the public who were on the conference call to identify themselves. No one did.

Chair Mathis stated that the first order of business would be the resolution drafted by Bachman, then approval of the minutes of the February 4 meeting, then discussion of legislative items of interest and anything else. Bachman pointed out that there was only one item on the agenda. Chair Mathis noted that he was hereby amending the agenda.

Item B: Consideration of procedure to ensure Compliance with the Open Meeting Law

Bachman gave background on this issue: In January, State Board Chair, Stephan Morse received a letter alleging a violation of Vermont's Open Meeting Law. It was alleged that the legislative subcommittee had a meeting that was not properly warned and for which there was not a published agenda or meeting minutes. Investigation showed the meeting was properly warned, however, the agenda and minutes were not published. Open Meeting Law states that if there is a violation of this law, it can be cured by: 1) ratifying the action that was taken or 2) adopting specific measures to prevent a future violation of Open Meeting Law. Although the full State Board in effect ratified the Subcommittee's action at the following board meeting, out of an abundance of caution – Bachman recommended that the legislative subcommittee consider the resolution that adopts some measure to ensure that public records law requirements are met in the future.

Bachman shared the [Proposed Resolution](#).

Mathis commented that the resolution draws directly from existing law. Bachman said that this resolution is designed to address the opportunity to cure the violation. Mathis suggested that this resolution would be applicable to all committee and general meetings of the Board. Bachman said that could be addressed at a full Board meeting. Huling suggested moving on this resolution and then bringing it back to the full Board.

Motion: Huling moved to accept the resolution as presented and present this at the next State Board meeting. Perrin seconded the motion. There was no discussion.

Vote: There was unanimous approval on this motion.

Mathis asked about ratifying the subcommittee meeting of 2/16/16 and if there was still a need to do this. Bachman said that could be done, but it would be moot as that action has already been ratified by the Board; she does not think this is necessary. Bachman commented that this option is more forward-looking and adopted out of an abundance of caution. Bachman noted that the resolution needs to be signed by the subcommittee chair. Mathis agreed to take care of that.

Chair Mathis asked what the difference was between a committee and a subcommittee. Bachman stated that Open Meeting Law defines a public body to include a subcommittee of a Board. Adopting the resolution is an acknowledgement that if a subcommittee is formally formed and appointed by the full Board, then it becomes a public body in and of itself and its actions should also be warned and recorded. Chair Mathis suggested that there is no difference in law – just organizational choice. Bachman agreed. Mathis noted that Morse called for any subcommittee meeting of the Board to be warned. Gaidys suggested that since monthly Board meetings will be

starting at 10:00 a.m., due to an ongoing early morning conflict with Secretary Holcombe that subcommittees could meet in the 8:00 - 10:00 a.m. slot before the regularly scheduled monthly Board meeting.

Chairman Mathis asked the members to look at the recent legislative report delivered to the Governor and General Assembly and if there were any specific items that should be acted upon.

Morse questioned if this was on the agenda – and cited that counsel had advised that there was only one agenda item. Chair Mathis said it was originally on the agenda but that it was not on the agenda that was posted. Morse said he was hesitant to discuss anything further at this time. Huling suggested continuing this discussion at a subcommittee meeting prior to the next Board meeting; she suggested a 9:00 – 10:00 a.m. meeting. Gaidys confirmed that there was space available for that time period on February 21, 2017. Chair Mathis asked Gaidys to create an agenda and warn the legislative committee meeting. Chair Mathis asked if there was further discussion. Huling asked for space on the agenda to potentially vote on the current topic of the Board's subcommittees adopting the resolution.

Chair Mathis asked what the law said about warning a vote. Bachman said that if a vote is anticipated, go ahead and put it on the agenda. The overarching goal is to give the public an opportunity to know what is happening at the meeting so that they know if they have any interest in it. Here the resolution was on the agenda so the natural conclusion would be there may be a vote. Chair Mathis and Oller will draft an agenda for the next legislative subcommittee meeting on February 21, 2017 at 9:00 a.m.

Item C: Adjourn

Motion: Huling moved to adjourn. Peltz seconded this motion. Morse stated that the committee is very appreciative of all the staff time that has gone into this issue.

Chairman Mathis called a vote to adjourn.

Vote: The vote to adjourn passed unanimously.

The legislative subcommittee meeting adjourned at 9:28 a.m.

Minutes recorded and prepared by Maureen Gaidys

