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**From:** Jeffrey Francis <[jfrancis@vtvsa.org](mailto:jfrancis@vtvsa.org)>

**Sent:** Wednesday, September 6, 2023 9:37 AM

**To:** Samuelson, Jennifer <[Jennifer.Samuelson@vermont.gov](mailto:Jennifer.Samuelson@vermont.gov)>; Jepson, Lyle <[Lyle.Jepson@vermont.gov](mailto:Lyle.Jepson@vermont.gov)>; O'Farrell, Jennifer <[Jennifer.OFarrell@vermont.gov](mailto:Jennifer.OFarrell@vermont.gov)>

**Cc:** Diop, Mohamed <[Mohamed.Diop@vermont.gov](mailto:Mohamed.Diop@vermont.gov)>; Fearon, Grey <[Grey.Fearon@partner.vermont.gov](mailto:Grey.Fearon@partner.vermont.gov)>; Gleason, Kimberly G <[Kimberly.G.Gleason@vermont.gov](mailto:Kimberly.G.Gleason@vermont.gov)>; Kolbe, Tammy <[Tammy.Kolbe@vermont.gov](mailto:Tammy.Kolbe@vermont.gov)>; Lovett, Tom <[Tom.Lovett@vermont.gov](mailto:Tom.Lovett@vermont.gov)>; Werner, Richard <[Richard.Werner@vermont.gov](mailto:Richard.Werner@vermont.gov)>; Wilburn, Aaliyah <[Aaliyah.Wilburn@partner.vermont.gov](mailto:Aaliyah.Wilburn@partner.vermont.gov)>; Bouchey, Heather <[Heather.Bouchey@vermont.gov](mailto:Heather.Bouchey@vermont.gov)>; Minor, Amy <[amy.minor@colchestersd.org](mailto:amy.minor@colchestersd.org)>; bfarrell <[bfarrell@svuvt.org](mailto:bfarrell@svuvt.org)>; Lynn.cota <[Lynn.cota@fnesu.org](mailto:Lynn.cota@fnesu.org)>; Julie Regimbal <[julie.regimbal@mvsdschools.org](mailto:julie.regimbal@mvsdschools.org)>; Michael Clark <[mclark@gisu.org](mailto:mclark@gisu.org)>; libbyb <[libbyb@mpsvt.org](mailto:libbyb@mpsvt.org)>; rlowe <[rlowe@brsu.org](mailto:rlowe@brsu.org)>; Mark Tucker <[mark.tucker@ccsuvt.net](mailto:mark.tucker@ccsuvt.net)>; Sousa-EXT, Sherry <[ssousa@wcsu.net](mailto:ssousa@wcsu.net)>; sceglowski <[sceglowski@vtvsba.org](mailto:sceglowski@vtvsba.org)>

**Subject:** From Jeff Francis, VSA - Follow Up to My Comments at Last Friday's Secretary Search Committee Meeting

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Chair Samuelson and Members of the State Board Secretary Search Committee,

I wanted to follow up after my comments to Chair Samuelson concerning meeting access at your Search Committee Meeting last Friday, September 1.

As background, I joined the online meeting of the Search Committee because of my interest in the process and future outcome of the search being currently undertaken by the Board as it fulfills its duty to propose names of prospective Secretary candidates to Governor Scott (3 V.S.A. § 2702). My interest is on behalf of the Vermont Superintendents Association, the public education community and myself. I consider the responsibility for proposing Secretary candidates for consideration by the Governor to be one of the most important duties assigned to the State Board of Education.

At the time of the "Public to be Heard" segment of the Agenda, I did not have any comments that I wished to convey to the Search Committee.

That changed immediately following the "Public to be Heard" segment when the Committee started to discuss the work that had been undertaken between meetings by individual Committee members, which yielded printed draft language that was being shared among Committee members using the screen sharing feature of the Microsoft Teams online meeting application and being accessed by only State Board members who had exclusive access to both video and audio capacity.

Others (I don't know how many there were) were attending the meeting using the audio only phone-in access which was provided in the official notice of the meeting and therefore had no access to the screen share.

It struck me in the moment that the State Board Committee and members of the public were at a lawfully noticed, official meeting of a State Board of Education Committee that was engaged in

the important task of fulfilling its duty supporting the upcoming appointment of Vermont's next Education Secretary, with, in effect, the State Board Members participating on one meeting platform with both audio and video connection and others doing their best to keep up, without the benefit of video connection and access to the documents that were being shared on the screen.

Essentially, this is the equivalent of an in-person meeting with the official body deliberating behind some form of visual barrier with full and direct access to one another and the work products being discussed while the public is left to try to follow along, listening in from the other side of the visual barrier.

That seems unnecessary and unreasonable to me because in my experience and observation, the Microsoft Teams meeting platform is routinely used to conduct meetings where the participating state officials and others, including the public, are all together on a common platform. That was the reason that I raised my hand and sought to make the points that I made at the meeting and am making again in this email.

On the Vermont Secretary of State's [main reference page on the open meeting law](#), the principles underlying the law are described this way:

*Vermont's open meeting law requires all meetings of public bodies to be open to the public at all times, unless a specific exception applies. The purpose of the law is to promote transparency, accountability, and better decision-making in government. In general, the open meeting law requires public bodies to:*

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- *Provide advance public notice of meetings, including meeting agendas.*
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- ***Discuss all business and take all actions in open meeting, unless an exception in statute applies. (emphasis added)***
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- ***Allow members of the public to attend and participate in meetings. (emphasis added)***
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- *Take meeting minutes and make them available to the public.*
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It seems reasonable to me, especially in light of the second and third bullets above, that the State Board of Education can and should conduct its future meetings of the full Board and any committees appointed to conduct the business of the Board, ***with precisely the same access to the meetings (video and audio) afforded to the public as is being provided to the State Board.***

I hope that you agree.

Respectfully,  
Jeffrey Francis

cc:

Vermont Superintendents Association Board of Trustees

Vermont State Board of Education

Sue Ceglowski, Executive Director, Vermont School Boards Association

Jeffrey Francis, Executive Director  
Vermont Superintendents Association  
802 229-5834

[jfrancis@vtvsa.org](mailto:jfrancis@vtvsa.org)

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