

# Board Member Electronic Communications Standards

*Editor's Note: Recently, we have been fielding multiple inquiries on the proper use of email in board communications. This article is excerpted from the VSBA Resource Directory, a valuable reference for school board members with 130 pages of information. Order yours today for \$15 by calling the VSBA at (802) 223-3580 or online at vtvsba.org.*

**School board members should follow the same standards when communicating electronically as are required under Vermont's Open Meeting Law for conducting regular school business.** Just as a majority of the board members may not meet to deliberate on school issues without notifying the public, a quorum of the board may not deliberate or make decisions using electronic systems.

Though there is little case law that provides definitive procedures, the following suggestions should guide school board actions.

## What Board Members Can Do Electronically

- Send individual email to another board member or administrator to share information. The electronic dialogue may not involve the majority of board members in simultaneous communication and, thus, violate the open meeting law quorum standard.
- Receive board packet information in advance of each meeting.
- Solicit opinions and feedback from citizens on school related issues.
- Conduct a legal meeting via email or Internet chat if the board follows the open meeting law requirements (e.g. legally warn that an electronic board meeting will be conducted and indicate how community members may observe and participate in the electronic meeting.)

## School Board Members Should Not

- Share confidential information via email.
- Use electronic communications to make school district decisions, as doing so prevents community members and administrators from being able to observe board deliberations and participate in the meeting.
- Convene a quorum of board members simultaneously online to host discussions or vote on issues unless Open Meeting Law requirements have been followed.

**In most cases, email is considered a public record subject to disclosure under the Vermont Access to Public Records Act (1 V.S.A. § 315-319).** Email is also very traceable, given that it is stored within the Internet service provider's system where, email archives can be requested by interested parties, members of the press, or through a court subpoena.

Good advice to follow is to never communicate anything using email that you would not share in an open meeting.