

Vermont's Open Meeting Law

Background:

The Vermont Legislature passed Act 133 (2024) updating requirements related to Vermont's Open Meeting Law that impact school boards and their committees. The Act distinguishes between local nonadvisory (decision-making) public bodies and advisory bodies and imposes different requirements for each. The following table reflects a summary of the Open Meeting Law. It is not exhaustive of all applicable requirements but is designed to reflect those of a typical school board.



Public Body	Type of Public Body	Meeting Type	Warned	Minutes ⁱ	Staffed Physical Location	Recorded & Posted ⁱⁱ
School Board	Local Nonadvisory	Regular	Yes	Yes	Yes ⁱⁱⁱ	Yes
School Board	Local Nonadvisory	Special ^{iv}	Yes ^v	Yes	Yes	Yes
School Board	Local Nonadvisory	Emergency ^{vi}	Yes ^{vii}	Yes	No ^{viii}	Yes
School Board	Local Nonadvisory	Training and Retreats ^{ix}	Yes	Yes	Yes	Yes
School Board Committee	Advisory Body ^x	Committee Meetings	Yes	Yes	No ^{xi}	No ^{xii}

Notes:

- i Minutes must be posted within five calendar days of any meeting. *See* 1 V.S.A. §§ 312(b)(2).
- ii Recording must be posted a minimum of 30 days following adoption of the minutes by the board. *See* 1 V.S.A. § 312(3)(C). An exception exists for undue hardship, meaning “an action required to achieve compliance would require significant difficulty or expense in light of factors including the overall size of the entity, sufficient personnel and staffing availability, the entity’s budget, and the costs associated with compliance.” 1 V.S.A. § 310 (9).
- iii If a meeting is in-person only, having an electronic or telephonic means of attending is not required unless it is requested. A resident or a member of the press may request electronic or telephonic access to a regular meeting provided the request is in writing and not less than two business days before the date of the meeting. Exceptions to this requirement include undue hardship and emergency events. *See* 1 V.S.A. § 312(j).
- iv Special meetings for this purpose are those that are outside of the regularly date, time, or place of regularly scheduled school board meetings.
- v Special meetings must be noticed with the agenda 24 hours prior to the meeting. The public body must also give notice of the meeting’s time, place and purpose to a newspaper or radio station serving the area, as well as to any person who has requested in writing to be notified of special meetings. Notice must also be given, either orally or in writing, to each board member at least 24 hours before the meeting, except that a member may waive notice of a special meeting. *See* 1 V.S.A. § 312 (d)(1).
- vi Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring the immediate attention by the public body. *See* 1 V.S.A. § 312 (c)(3).
- vii Emergency meetings do not require public announcement, posting of notices, or 24-hour notice to members, so long as some public notice is given as soon as possible before the meeting. *See* § 312 (b)(3).
- viii Emergency meetings may meet in person, hybrid, or remote-only. *See* 1 V.S.A. § 312 (a)(4).
- ix While 1 V.S.A. §310(5)(C) specifically exempts “social gatherings, conventions, conferences, training programs, press conferences, media events...” the VSBA recommends warning training and retreats if the board is even potentially going to discuss board business.
- x Advisory body: A public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters. An advisory body, by its very name, advises, which means that it lacks final statutory decision-making authority. *See* 1 V.S.A. § 310 (1).
- xi If holding a remote-only meeting a local advisory public body must use an electronic platform that allows direct access, attendance, and participation of the public; allow the public to access the meeting by telephone; and include and post information that enables the public to directly access the designated electronic platform in either its published agenda or public notice for the meeting. *See* 1 V.S.A. § 312(a)(5).
- xii Advisory bodies may record and post recordings, but it is not required.

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