



TO: Senate Government Operations Committee

FROM: Cara Zimmerman, Director of Policy Services and Legislative Affairs

RE: Draft 2.1 of S.55

DATE: February 7, 2024

Good afternoon. I am Cara Zimmerman, Director of Policy Services and Legislative Affairs of the Vermont School Boards Association (VSBA). Thank you for the opportunity to testify on draft 2.1 of S.55, an act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law.

As Sue Ceglowski mentioned in her testimony on January 11, VSBA members actively participate in the resolutions process, which is the foundation for our legislative work. At the 2023 annual business meeting, VSBA members passed the following resolution, which is relevant to S.55:

*The General Assembly should amend Vermont's Open Meeting Law to make fully remote meetings a permanent, voluntary option.*

Based on the resolution, VSBA supported S.55 as introduced, which proposed amending the Open Meeting Law to authorize public bodies to meet through electronic means without designating a physical meeting location (a temporary provision allowing public bodies to meet through electronic means without designating a physical meeting location is currently in place and expires on July 1, 2024).

When we became aware of the changes introduced in draft 1.2 of S.55, we brought that version of the bill to the VSBA Board for direction on the association's response to the changes. This testimony provides the response, which we have modified to reflect the most recent version of the bill.

1. The VSBA opposes the mandate for hybrid meetings that is in draft 2.1 of S.55. Although many school boards currently hold hybrid meetings, not all school boards are able to do so effectively, thus our members do not think hybrid meetings should be required by law. Our members work hard to reduce barriers to participation in school board meetings and many hold hybrid meetings to increase accessibility, inclusivity, and engagement. That said, our members have also told us that hybrid meetings are the most challenging type of meeting due to the difficulties of managing both in-person and remote participation. This is due in large part to technical issues that arise such as connectivity issues, audio problems, or difficulties in managing a seamless virtual platform. Ensuring equal opportunities for both in-person and remote participants to observe the work of the school board and participate in public comment can be logistically complex for districts that lack the necessary resources and training to run an effective hybrid meeting. Our members acknowledge that you have an appropriation for an Open Meeting Grant Program but are concerned that the amount appropriated is insufficient to meet the needs of all the public bodies in Vermont, thus shifting the burden to school districts to acquire the equipment, technical assistance, and training necessary to host effective hybrid meetings. Draft 2.1 delays implementation of these hybrid meeting requirements, which we appreciate. However, our members remain opposed to a mandate for hybrid meetings.
2. If the bill moves forward in its current form, we support the exception which allows advisory bodies to meet by electronic or other means without a designated physical location.
3. We support the elimination of section 4 in draft 1.2, which would have required that the hybrid meeting before Town Meeting be held using an electronic platform that allows the voters of the municipality to vote on any business put before the voters during the meeting. Managing the physical meeting, discussion in the room, online discussion, votes within the room and online votes is even more challenging than holding a hybrid meeting of a public body. Some of our members expressed concern that this requirement would force municipalities to move to Australian Ballot because the burdens of this requirement would make it too difficult to vote from the floor.

Turning to Section 3 of the bill and the requirement that the highest ranking elected or appointed officer (in our context, the school board chair) make a formal finding and announcement of the local incident before meeting under the authority provided in this law. I am not sure how you intend public bodies to operationalize this requirement. Would the announcement include the finding? We would ask that you provide more clarity on this section.

Thank you for the opportunity to express our concerns about the changes in draft 2.1 of S.55.