

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, the School Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the School Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

For purpose of this policy, “electronic communication,” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

I. QUORUM PHYSICALLY ASSEMBLED

A. The School Board may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if 1) on or before the day of a meeting, a member of the School Board notifies the chair that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance or that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and 2) the School Board approves the member’s participation by a majority vote of the members present at the primary or central meeting location.

Participation by a School Board member by electronic communication means due to a personal matter is limited each calendar year to two meetings.

B. If participation by a School Board member through electronic communication means is approved pursuant to subsection A above, the School Board records in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to a temporary or permanent disability or other medical condition, the School Board also includes in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member’s physical attendance. If participation is approved due to a personal matter, the School Board also includes in its minutes the specific nature of the personal matter cited by the member.

If a School Board member’s participation from a remote location due to a personal matter is disapproved, such disapproval is recorded in the minutes with specificity.

C. A School Board member may participate in a meeting by electronic means pursuant to subsections A and B above only when:

- a quorum of the School Board is physically assembled at one primary or central meeting location; and
- the School Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

~~—A School Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public:~~

~~1. —if, on or before the day of a meeting, the School Board member notifies the Chairman that he or she is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter, and the School Board~~

~~a) approves the member's participation by a majority vote of the members present at the meeting; and~~

~~b) records in its minutes the specific nature of the personal matter and the remote location from which the member participated.~~

~~In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.~~

~~If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.~~

~~Such participation by a Board member shall be limited each calendar year to two meetings; or~~

~~2. —if a School Board member notifies the Chairman that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the School Board records this fact and the remote location from which the member participated in its minutes.~~

~~A School Board member may participate in a meeting by electronic means pursuant to this section only when:~~

~~a) a quorum of the School Board is physically assembled at the primary or central meeting location; and~~

~~b) the School Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.~~

II. QUORUM NOT PHYSICALLY ASSEMBLED

The School Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided:

a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and

b) the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the School Board ~~shall~~:

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board; and
- makes arrangements for public access to the meeting;
- ~~make available to the public, at the time of the meeting, a copy of the proposed agenda and agenda packets and all materials, unless exempt, that will be distributed to members of the School Board and that have been made available to the School Board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;~~
- ~~record minutes of the meeting in accordance with Policy BDDG; and~~
- ~~record in the minutes votes taken by name in roll call fashion.~~

For any meeting conducted pursuant to this subsection, ~~T~~the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

~~III. REPORTING~~

~~1. If the School Board meets by electronic means without a quorum physically assembled, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:~~

- ~~the total number of electronic communication meetings held that year;~~
- ~~the dates and purposes of the meetings;~~
- ~~a copy of the agenda for each meeting;~~
- ~~the number of sites for each meeting;~~
- ~~the types of electronic communication means by which the meetings were held;~~
- ~~the number of participants, including members of the public, at each meeting location;~~
- ~~the identity of the members of the School Board recorded as absent and those recorded as present at each meeting location;~~
- ~~a summary of any public comment received about the electronic communication meetings;~~
- ~~a summary of the School Board's experience using electronic communication meetings, including its logistical and technical experience.~~

~~2. At any meeting at which any member of the School Board participates electronically, the School Board will make copies of the public comment prepared by the Virginia Freedom of Information Advisory Council available to the public.~~

Adopted: September 6, 2007
 Amended: August 14, 2008; January 27, 2010; August 8, 2013; May 8, 2014; August 14, 2014;
 August 24, 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-~~3701, 2.2-3707, 3708~~, 2.2-3708.21, 2.2-3710.

Cross Ref.: BDA, *Regular School Board Meetings*
BDDG, *Minutes*