

## **ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS**

### Generally

Except as provided hereafter, or as otherwise permitted by law, the School Board does 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.

The minutes of meetings conducted in accordance with this policy include: (i) the identity of the members of the School Board who participated in the meeting through electronic communication means; (ii) the identity of the School Board members who were physically assembled at one physical location; and (iii) the identity of the members of the School Board who were not present at the location identified in (ii) but who monitored such meeting through electronic communication means.

If the School Board creates committees, subcommittees, or other entities however designated to perform delegated functions of the School Board or to advise the School Board, it may adopt a policy on behalf of its committees, subcommittees, or other entities that applies to the committees', subcommittees', or other entities' use of individual remote participation and all-virtual public meetings.

### Definitions

“All-virtual public meeting” means a public meeting: (i) conducted by the School Board using electronic communication means; (ii) during which all members of the School Board who participate do so remotely rather than being assembled in one physical location; and (iii) to which public access is provided through electronic communication means.

"Caregiver" means an adult who provides care for a person with a disability as defined in Va. Code § 51.5-40.1. A caregiver must be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom the caregiver is caring.

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

“Remote participation” means participation by an individual member of the School Board by electronic communication means in a public meeting where a quorum of the School Board is otherwise physically assembled.

### **QUORUM PHYSICALLY ASSEMBLED (INDIVIDUAL REMOTE PARTICIPATION)**

Members of the School Board may use remote participation instead of attending a meeting in person if, in advance of the meeting, each member seeking to use remote participation notifies the Chair that:

- the member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance; for purposes of determining whether a quorum is physically assembled, a member of the School Board who is a person with a disability as defined in Va. Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the member was physically present;
- a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance; - attendance or the member is a caregiver who must provide care for a person with a disability at the time the meeting is being held thereby preventing the member's physical attendance; for purposes of determining whether a quorum is physically assembled, a member of the School Board who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the member was physically present;
- the member's principal residence is more than sixty (60) miles from the meeting location identified in the required notice for such meeting; or
- the member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two (2) meetings per calendar year or twenty-five (25%) percent of the meetings held per calendar year rounded to the next whole number, whichever is greater.

~~The Chair reports such requests, if any, to the School Board at the beginning of each meeting. Those members of the School Board assembled at the primary meeting location must consider the requests for remote participation from each member seeking to use remote participation prior to the member participating in the meeting. The requests, as reported by the Chair, and the votes on each member's request are recorded in the minutes.~~

Individual participation from a remote location will be approved unless such participation would violate this policy or the Virginia Freedom of Information Act, Va. Code § 2.2-3700 et seq. If a member's participation from a remote location is challenged, the School Board will vote whether to allow such participation. If the School Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

If participation by a member through electronic communication means is approved, the School Board records in its minutes the remote location from which the member participated. The remote location need not be open to the public and may be identified in the minutes by a general description.

If participation is approved based on a temporary or permanent disability or other medical condition of the member or a member of the member's family, the School Board includes in its minutes the fact that the member participated through electronic communication means due to: (i) temporary or permanent disability or other medical condition that prevented the

member's physical attendance; or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

If participation is approved because the member's principal residence is more than sixty (60) miles from the meeting location, the School Board includes in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

If participation is approved because of a personal matter, the School Board includes in its minutes the specific nature of the personal matter cited by the member.

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

### **QUORUM NOT PHYSICALLY ASSEMBLED (ALL-VIRTUAL PUBLIC MEETINGS)**

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, or the locality in which the School Board is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, 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 provide for the continuity of operations of the School Board or the discharge of its lawful purposes, duties, and responsibilities.

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

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board;
- makes arrangements for public access to the meeting through electronic communication means, including videoconferencing if already used by the School Board;
- provides the public with the opportunity to comment at those meetings when public comment is customarily received; and
- otherwise complies with the provisions of the Virginia Freedom of Information Act.

For any meeting conducted pursuant to this subsection, 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 are to be stated in the minutes of the meeting.

The provisions of this section are applicable only for the duration of the declared emergency.

Adopted: September 6, 2007

Amended: August 14, 2008; January 27, 2010; August 8, 2013; May 8, 2014;

August 14, 2014; August 24, 2017; August 23, 2018; September 24, 2020;  
August 12, 2021; August 11, 2022; February 8, 2024

Equity Review: September 24, 2020; August 12, 2021

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.23701, 2.2-3707, 2.2-3708.2, 2.23708.3, ~~2.2-3710~~, 2.2-3710, and 51.5-40.1.

Cross Ref.: BCE, *School Board Committees*  
BCF, *Advisory Committees to the School Board*  
BDDA, *Notification of Meetings*  
BDDG, *Minutes*