

ELECTRONIC PARTICIPATION IN COMMITTEE MEETINGS FROM REMOTE LOCATIONS

Generally

Except as provided hereafter, or as otherwise permitted by law, committees of the Albemarle County School Board (“School Board”) and committees created to advise the School Board do 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 committee and without regard to the identity of the committee member requesting remote participation or the matters that will be considered or voted on at the committee meeting.

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

Members of the School Board are permitted to attend any closed meeting held by any committee of the School Board or any committee created to advise the School Board. The minutes of the committee, if any, include the identity of any School Board member who attends a closed meeting of the committee.

Definitions

"All-virtual public meeting" means a public meeting: (i) conducted by the committee using electronic communication means; (ii) during which all members of the committee 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.

“Committee” means a committee, subcommittee, or other entity however designated of the School Board created to perform delegated functions of the School Board or to advise the School Board. It does not exclude any such committee, subcommittee, or entity because it has private sector or citizen members.

“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 committee by electronic communication means in a public meeting where a quorum of the committee is otherwise physically assembled.

Quorum Physically Assembled (Individual Remote Participation)

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

- the committee member has a temporary or permanent disability or other medical condition that prevents the committee member's physical attendance; for purposes of determining whether a quorum is physically assembled, a committee member 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 committee member's family requires the committee member to provide care that prevents the committee member's physical attendance; attendance or the committee 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 committee 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 up to the next whole number, whichever is greater.

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

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 committee member's participation from a remote location is challenged, the committee will vote whether to allow such participation. If the committee votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes, if any, with specificity.

If participation by a committee member through electronic communication means is approved, the committee records in its minutes, if any, the remote location from which the

committee member participated. The remote location need not be open to the public and may be identified in the minutes, if any, by a general description.

If participation is approved based on a temporary or permanent disability or other medical condition of the committee member or a member of the committee member's family, the committee includes in its minutes, if any, the fact that the committee member participated through electronic communication means due to a: (i) temporary or permanent disability or other medical condition that prevented the committee member's physical attendance or; (ii) a family member's medical condition that required the committee member to provide care for such family member, thereby preventing the committee member's physical attendance.

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

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

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

All-Virtual Public Meetings

Committees of the School Board and committees appointed to advise the School Board may conduct all-virtual public meetings when

- the required notice of the meeting indicates whether the meeting will be in-person or all-virtual along with a statement notifying the public that the method by which the committee chooses to meet will not be changed unless the committee provides a new meeting notice in accordance with the provisions of Va. Code § 2.2-3707;
- public access to the all-virtual public meeting is provided via electronic communication means;
- the electronic communication means used allows the public to hear all members of the committee participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the committee; when audio-visual technology is available, a committee member shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;
- a telephone number or other live contact information is provided to alert the committee if the audio or video transmission of the meeting provided by the committee fails, the committee monitors such designated means of communication during the meeting, and the committee takes a recess until public access is restored if the transmission fails for the public;
- a copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the committee for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the committee;

- the public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received; and
- no more than two (2) members of the committee are together in any one remote location unless that remote location is open to the public to physically access it.

If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the committee votes to certify the closed meeting as required by subsection D of Va. Code § 2.2-3712;

The committee does not convene an all-virtual public meeting: (i) more than two (2) times per calendar year or twenty-five (25%) percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; or (ii) consecutively with another all-virtual public meeting.

Adopted: October 26, 2023

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.3, 2.2-3711, [2.23712](#), and [51.5-40.12.2-3712](#).

Cross Ref.:	BCE	<i>School Board Committees</i>
	BCEA	<i>Disciplinary Committee</i>
	BCF	<i>Advisory Committees to the School Board</i>
	BDD	<i>Electronic Participation in School Board Meetings from Remote Locations</i>
	BDDA	<i>Notification of Meetings</i>
	BDDC	<i>Calling and Certification of Closed Meetings</i>
	BDDG	<i>Minutes</i>