

# **ARTICLE VI: MEETINGS**

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## **POLICY 1-6.1 REGULAR SCHOOL BOARD MEETINGS**

The Poquoson City School Board shall transact all business at official school board meetings. Except as otherwise provided by law, all meetings of the School Board shall be open to the public and any person may photograph, film, record or otherwise reproduce an open meeting. Further, the School Board shall not conduct any meeting required to be open in any building or facility where such recording devices are prohibited. The meetings of the School Board shall be held as specified by the School Board at its annual organizational meeting. The date, time and location of regular meetings of the School Board may be changed by the Chairman provided each member is duly notified, or a reasonable attempt has been made to notify each member.

### **Closed Meetings**

Closed meetings may be held only in accordance with Virginia law, including for the following purposes:

1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student or students and the student or students involved in the matter are present, provided the teacher makes a written request to be present to the Chairman of the School Board. Nothing in this subdivision however, shall be construed to authorize a closed meeting by an elected school board to discuss compensation matters that affect the membership of the school board collectively.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the Poquoson City Public Schools. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians, shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the Chairman of the School Board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the School Board would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants, pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board. For the purposes of this subdivision "probable litigation" means litigation which has been specifically threatened or which the public body or its legal counsel has a reasonable

basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the School Board is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this Subdivision shall be construed to permit the closure of a meeting merely because an Attorney representing the public body is in attendance or is consulted on a matter.
9. Discussion or consideration of honorary degrees or special awards.
10. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by the School Board and subject to the exclusion in subdivision 4 of Virginia Code § 2.2-3705(A)(11).
11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
12. Discussion or consideration of medical or mental records subject to the exclusion in subdivision 1 of Virginia Code § 2.2-3705.5.
13. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
14. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
15. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 11 of Virginia Code § [2.2-3705.6](#) (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such records.
16. As otherwise permitted by the Virginia Freedom of Information Act.

No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

### **Electronic Participation in Meetings**

School Board members may participate in closed meetings through electronic communication means from a remote location under the following conditions:

1. The School Board member who desires to participate from a remote location must notify the chair of the School Board, on or before the day of the meeting, that he/she is unable to attend the meeting due to:

- a. a personal matter and the member identifies with specificity the nature of the personal matter; or
  - b. a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or
  - c. a medical condition of a member of the member's family that requires the member to provide care for such family member, thereby preventing the member's physical attendance; and
2. The School Board approves the member's participation by a majority vote of the members present; and
3. A quorum of the School Board is physically assembled at the primary or central meeting location; and
4. The School Board makes arrangements for the voice of the remote participant to be heard by all persons present; and
5. The School Board records in its minutes the specific nature of the personal matter, that the member is participating through electronic communications means due to the distance between the member's principal residence and the meeting location, or the fact of the member's temporary or permanent disability or other medical condition or a family member's medical condition that required the member to provide care for such family member, and 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 general description.

Such remote participation by a School Board member due to a personal matter shall be limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

This policy regarding electronic participation in meetings shall be applied strictly and uniformly, without exception, to the entire membership 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.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

#### Calling and Certification of Closed Meetings

1. No closed meeting shall be held unless the School Board has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law, and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the opening meeting. A general reference to the provisions of the Virginia Freedom of Information Act, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.
2. The notice provisions of this policy and applicable law shall not apply to closed meetings of the School Board held solely for the purpose of interviewing candidates for the position of division superintendent. Prior to any such closed meeting for the purpose of

interviewing candidates, the School Board shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within fifteen days thereafter.

3. The School Board holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted under the Virginia Freedom of Information Act and identified in the motion required by paragraph 1, above.
4. At the conclusion of the closed meeting, the School Board shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the School Board minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the School Board. Any member of the Board who believes that there was a departure from the requirements of subdivisions (i) and (ii) above shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the School Board minutes.
5. Failure of the certification required by paragraph 4, above, to receive the affirmative vote of a majority of the members of the School Board present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce these provisions.
6. The School Board may permit non-members to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the School Board in its consideration of a topic which is a subject of the meeting.
7. The School Board may permit a member of the School Board to attend a closed meeting held by any committee or subcommittee of the School Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the School Board. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. The minutes of the committee or other entity shall include the identity of the member of the School Board who attended the closed meeting.
8. Except as specifically authorized by law, in no event may the School Board take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by Virginia Code § 2.2-3707.
9. Minutes may be taken during closed meetings of the School Board, but are not required. Such minutes shall not be subject to mandatory public disclosure.

### **Electronic Meetings**

The School Board, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that:

1. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
2. The purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The local public body convening

a meeting in accordance with this policy shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body; (c) provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and (d) otherwise comply with the provisions of the Virginia Freedom of Information Act. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700 through 2.2-3714, 22.1-72.

*Adopted: November 2002*

*Revised: July 2007, June 2010, August 2012, August 2013, August 2014, August 2016, August 2017, August 2021, September 2022*

## **POLICY 1-6.2 AGENDA PREPARATION AND DISSEMINATION**

An agenda shall be mailed to all Poquoson City School Board members and the press at least three days prior to a regularly scheduled School Board meeting. The preparation of the agenda shall be the responsibility of the School Board Chairman with the assistance of the division superintendent. Any member of the School Board may submit items for inclusion on the agenda. School Board members are discouraged from adding items to the agenda on the date of the meeting.

A copy of the proposed agenda and all agenda packets and materials shall be made available for inspection by the public at the same time such documents are furnished to the School Board members unless the materials are exempt under the Virginia Freedom of Information Act.

The School Board will approve the format of the order of business for regular School Board meetings. If a change to the format is proposed by a School Board member and/or the division superintendent, it shall be approved in a regular business meeting or during the annual Organizational Meeting.

### **Notification of School Board Meetings**

The division superintendent or his/her designee shall give advance notice of regular and special meetings of the School Board by placing the notice:

1. on its official public government website
2. in a prominent location at which notices are regularly posted, and
3. in the office of the clerk of the School Board.

Notice shall include the date, time, and location and tentative agenda of such meetings and shall be posted at least three working days prior to the meetings.

Notice shall be furnished to any citizen who requests such information. Requests to be notified on a continual basis shall be made at least once a year in writing and shall include the name of the requesting party, address, zip code, telephone number, electronic mail address, if available, and organization, if any.

Notice, reasonable under the circumstances, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to members of the School Board.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-78, 2.2-3707.

Adopted: November 2002,

Revised: July 2003, August 2015, August 2017

### **POLICY 1-6.3 QUORUM/CALL TO ORDER**

#### **Quorum**

At any meeting of the Poquoson City School Board, a majority of the School Board members shall constitute a quorum. Should a quorum not be assembled at the hour appointed, the members present shall be competent to adjourn from time to time in order that an opportunity may be given for a quorum to assemble.

#### **Call to Order**

Should a quorum be assembled at the hour and place appointed for the meeting, the Chairman, or in the absence of the Chairman the Vice-Chairman, shall assume the chair and declare the meeting in order. Should a quorum be assembled at the hour appointed and the Chairman and Vice-Chairman be absent, a member nominated shall serve during the meeting or until the Chairman or Vice-Chairman shall appear.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-73, 22.1-78, 22.1-79.

*Adopted: November 2002*

## **POLICY 1-6.4 RULES OF ORDER**

In the absence of any specific rule, “Robert’s Rules of Order Revised” shall be considered the governing authority on parliamentary law. Specific rules of order of the Poquoson City School Board are as follows:

1. It shall be the duty of the Chairman or presiding officer at all times to preserve order and to endeavor to conduct all business before the School Board with propriety and dispatch.
2. When any business is brought regularly before the School Board, the consideration of the same cannot be interrupted except by a motion:
  - a. for adjournment,
  - b. to lie on the table,
  - c. for the previous question,
  - d. for commitment, or
  - e. for amendment.
3. The chairman may speak to points of order in preference to other School Board members, and shall decide questions of order subject to an appeal to the School Board by any two members.
4. A motion made must be seconded and then repeated distinctly by the Chairman or read aloud before it is debated; and every motion shall be reduced to writing if the Chairman or any of the School Board members requires it.
5. Any School Board member who shall have made a motion shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon. He may not withdraw his motion after debate is had without leave being granted by the School Board.
6. An amendment may be moved on any motion and shall be decided before the original motion. No more than one amendment to an amendment shall be entertained.
7. If the motion under debate is composed of two or more parts which are so far independent of each other as to be susceptible of division into several questions, any two School Board members may have it divided and a vote taken on each part.
8. A motion once voted down cannot be renewed at the same meeting of the School Board without the consent of a majority of the members of the School Board.
9. If any member considers himself aggrieved by a decision of the Chairman, it shall be his privilege to appeal to the School Board and the vote on such appeal shall be taken without debate.
10. When the Chairman has commenced taking a vote, no further debate or remark shall be admitted unless there has evidently been some mistake, in which case the mistake shall be rectified and the Chairman shall recommence taking the vote.
11. A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the School Board is voting on another question or while a member is addressing the School Board.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

*Adopted: November 2002*

## **POLICY 1-6.5 BOARD MINUTES AND RECORDING VOTES**

### **Board Minutes**

The official minutes of the Poquoson City School Board shall be recorded by the clerk, approved by the School Board in regular session, signed by the clerk and Chairman of the Board, stored in a safe place and shall be made available for general public examination during the hours when the School Board office is regularly open to the public. In addition, the minutes shall be posted on the official school division website within seven working days of final approval of the minutes. The clerk may keep such records and other official papers electronically. The division superintendent is authorized to make a charge for the copying and search time expended by School Board employees in supplying requested records, consistent with applicable law.

### **Content and Style**

In content and style, the official minutes shall be as brief and simple as possible and still retain the essential facts of each meeting. The minutes shall include, but not be limited to, (i) the date, time and location of the meeting, (ii) the members of the School Board recorded as present and absent, and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. A record of all motions and amendments thereto which are offered, the disposition thereof and the vote thereon, shall be recorded. All matters required by law, schedules of accounts and bills acted upon and approved by the School Board shall be properly recorded. A record of all persons making presentations and the subject of their presentation shall be noted. All items not specifically noted here but required by law or recommended by auditors or by the opinions of the Virginia Attorney General's Office shall be recorded.

### **Procedures for Approval**

Following proper editing, the unofficial minutes shall be sent to School Board members prior to the next regular School Board meeting. Minutes of the previous School Board meeting shall not be read to the School Board except for the purposes of corrections or omissions. An early procedural matter on the agenda shall be the adoption of the minutes of the previous meeting.

With prior approval of the School Board, the clerk may have School Board minutes microfilmed and the originals transferred to the Virginia State Library as provided by applicable law. Disposal of these records shall be recorded in the official minutes of the School Board.

### **Recording Votes**

All matters voted on by the School Board shall be recorded in the minutes by the clerk as passed or defeated. Voting shall be by voice, aye or no, unless there be a negative or abstaining vote, in which case the Chairman may call for a poll of the School Board. A poll of the School Board shall be made at the request of any School Board member. The official vote on all decisions that are unanimous shall be recorded in the official minutes. Except as otherwise required by law or School Board policy all matters shall be passed when they have received the affirmative vote of a majority of the members present.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-74, 22.1-77, 42.1-86.01.

*Adopted: November 2002*

*Revised: July 2004, June 2015, September 2022*

**POLICY 1-6.6 VOTING METHOD**

The official vote on all decisions by the Poquoson City School Board including unanimous votes, shall be recorded in the official minutes. The minutes of the meeting shall reflect the method and result of all votes. No votes shall be taken by secret or written ballot.

In any case in which there shall be a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In complying with this procedure, or in any case in which there is a tie vote when all the members of the School Board are present, the clerk shall record the vote and immediately notify the tie breaker, if any, to vote as provided in Virginia Code § 22.1-75. If no tie breaker has been appointed as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700, et seq., 22.1-44, 22.1-75.

*Adopted: November 2002*

**POLICY 1-6.7 SPECIAL SCHOOL BOARD MEETINGS**

The Poquoson City School Board may hold special meetings when necessary. These meetings shall be held when called by the Chairman or when requested by two or more School Board members. Special meetings may be called provided each member is duly notified or a reasonable attempt has been made to notify each member. Notice of special meetings, reasonable under the circumstances, shall be given to the media and to those citizens who have requested regular notification of meetings contemporaneously with the notice provided to members of the School Board.

Business that does not come within the purposes set forth in the call of the meeting shall not be transacted at any special meeting of the School Board unless the quorum present is in unanimous agreement to consider additional items of business.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700 et seq., 22.1-69, 22.1-72.

*Adopted: November 2002*

## **POLICY 1-6.8 CITIZEN PARTICIPATION**

### **Presentations to the Board**

The public and members of the Poquoson City Public Schools staff, as individuals or as members of an employee organization, shall have an opportunity to make presentations to the Poquoson City School Board at regular meetings of the School Board; provided, however, that the School Board does not hereby obligate itself to act on any request or proposal, whether or not it is informal or formal, in writing or verbal. The School Board reserves the right to limit presentations and to refuse to hear those coming from the floor of a School Board meeting without advance notice.

### **Request Procedure**

A person who wishes to address the School Board should make his request prior to the beginning of the School Board meeting by completing and returning to the clerk of the School Board the Poquoson City School Board Request Form.

### **Recognition from the Floor**

Recognition from the floor in the case where no advance request was made by the person desiring recognition will be granted at a specific time during the meeting at the discretion of the School Board Chairman.

### **Addressing the Board**

Upon recognition by the Chairman, the speaker should clearly state his name, address and the subject of his remarks. He shall address himself to the Chairman. At the conclusion of his remarks, if any School Board member desires further information, said School Board member shall address the speaker only with the permission of the Chairman. The courtesy of the School Board shall be extended to the speaker and the speaker shall respect the privilege extended by the School Board. Resort to personalities will be ruled out of order as will the use of intemperate, abusive, and defamatory language.

The division superintendent shall respond by letter to or meet with the delegations on behalf of the School Board. Questions submitted at a public hearing will be recorded and responses will be placed in the public schools and county libraries.

### **Time Limitations**

The time allotted to any speaker shall be three minutes, except that a motion to extend the time shall be in order and a majority vote by the School Board members present shall be necessary to carry the motion.

### **Complaints Regarding Students or Employees of the Board**

The School Board shall not honor any request of the individuals or groups who desire to discuss or present complaints against students or School Board employees, either singularly or collectively, until or unless such complainants have gone through the proper channels and the division superintendent has received the complaint in writing.

The Chairman shall rule such speaker to be out of order until he has complied with the guidelines established in the preceding paragraph.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-253.13:7 .B.4.

*Adopted: November 2002*

*Revised: July 2004; November 2018*