

ELECTRONIC PARTICIPATION IN COMMITTEE MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, or as otherwise permitted by law, committees of 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. 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.

"Committee" means a committee, subcommittee, or other entity however designated of the School Board created to perform delegated functions of 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;
- 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;

- 41 • the committee member's principal residence is more than 60 miles from the meeting
- 42 location identified in the required notice for such meeting; or
- 43 • the member is unable to attend the meeting due to a personal matter and identifies with
- 44 specificity the nature of the personal matter. However, the member may not use remote
- 45 participation due to personal matters more than two meetings per calendar year or 25
- 46 percent of the meetings held per calendar year rounded up to the next whole number,
- 47 whichever is greater.

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

54 If participation by a committee member through electronic communication means is approved, the
55 committee records in its minutes, if any, the remote location from which the committee member
56 participated. The remote location need not be open to the public and may be identified in the
57 minutes, if any, by a general description.

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

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

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

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

73 **All-Virtual Public Meetings**

74 Committees of the School Board may conduct all-virtual public meetings when

- 75 • the required notice of the meeting indicates whether the meeting will be in-person or
- 76 all-virtual along with a statement notifying the public that the method by which the
- 77 committee chooses to meet will not be changed unless the committee provides a new
- 78 meeting notice in accordance with the provisions of Va. Code § 2.2-3707;
- 79 • public access to the all-virtual public meeting is provided via electronic communication
- 80 means;

- 81 • the electronic communication means used allows the public to hear all members of the
82 committee participating in the all-virtual public meeting and, when audio-visual
83 technology is available, to see the members of the committee;
- 84 • a phone number or other live contact information is provided to alert the committee if
85 the audio or video transmission of the meeting provided by the committee fails, the
86 committee monitors such designated means of communication during the meeting, and
87 the committee takes a recess until public access is restored if the transmission fails for
88 the public;
- 89 • a copy of the proposed agenda and all agenda packets and, unless exempt, all materials
90 furnished to members of the committee for a meeting is made available to the public in
91 electronic format at the same time that such materials are provided to members of the
92 committee;
- 93 • the public is afforded the opportunity to comment through electronic means, including
94 by way of written comments, at those public meetings when public comment is
95 customarily received; and
- 96 • no more than two members of the committee are together in any one remote location
97 unless that remote location is open to the public to physically access it.
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99 If a closed session is held during an all-virtual public meeting, transmission of the meeting to the
100 public resumes before the committee votes to certify the closed meeting as required by subsection
101 D of Va. Code § 2.2-3712;

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

105 Adopted: December 14, 2023

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107 Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.3, 2.2-3711,
108 2.2-3712.

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110	Cross Ref.:	BCE	School Board Committees
111		BCEA (Optional)	Disciplinary Committee
112		BCF	Advisory Committees to the School Board
113		BDD	Electronic Participation in School Board Meetings from
114			Remote Locations
115		BDDA	Notification of Meetings
116		BDDC	Calling and Certification of Closed Meetings
117		BDDG	Minutes