

ELECTRONIC PARTICIPATION IN SCHOOL BOARD MEETINGS FROM REMOTE LOCATIONS

Generally

Except as provided hereafter, or as otherwise permitted by law, the Essex County 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 Essex County 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 Essex County School Board who participated in the meeting through electronic communication means, (ii) the identity of the Essex County School Board members who were physically assembled at one physical location, and (iii) the identity of the members of the Essex County School Board who were not present at the location identified in (ii) but who monitored such meeting through electronic communication means.

If the Essex County School Board creates committees, subcommittees, or other entities however designated to perform delegated functions of the Essex County School Board or to advise the Essex County 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 Essex County School Board using electronic communication means, (ii) during which all members of the Essex County 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.

"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 Essex County School Board by electronic communication means in a public meeting where a quorum of the Essex County School Board is otherwise physically assembled.

Quorum Physically Assembled (Individual Remote Participation)

Members of the Essex County 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;
- a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
- the member's principal residence is more than 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 times per calendar year.

The chair reports such requests, if any, to the Essex County School Board at the beginning of each meeting. Those members of the Essex County 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.

If participation by a member through electronic communication means is approved, the Essex County 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 Essex County School Board includes in its minutes the fact that the member participated through electronic communication means due to a (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 60 miles from the meeting location, the Essex County 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 Essex County 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 Essex County 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 Essex County School Board is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to provide for the continuity of operations of the Essex County School Board or the discharge of its lawful purposes, duties, and responsibilities.

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

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Essex County School Board;
- makes arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Essex County 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 section, 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 stated in the minutes of the meeting.

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

Adopted: April 19, 2012
Revised: November 10, 2013
April 3, 2017
August 14, 2017
October 8, 2018
July 10, 2023

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710.

Cross Ref.: BCE School Board Committees
BCEA (optional) Disciplinary Committee

BCF	Advisory Committees to the School Board
BDDA	Notification of Meetings
BDDG	Minutes
BDDL (optional)	Electronic Participation in Committee Meetings from Remote Locations