

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

The School Board values electronic communication as a means to increase citizen participation and to accommodate individual board members and citizens when circumstances may prevent them from physically attending a public meeting. The School Board welcomes remote participation in public meetings to the extent permitted by Virginia law.

Except as provided hereafter, or as otherwise permitted by law, the School Board does not conduct any meeting wherein the public business is discussed 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 Board or to advise the 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.

I. 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 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.

"Meeting" means any gathering of three or more members of the Alexandria City School Board, or a quorum of members if less than three, of any of its committees or advisory committees, at which public business is discussed.

"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.

II. Quorum Physically Assembled (Individual Remote Participation)

Members of the School Board may use remote participation instead of attending a meeting

46 in person if, in advance of the meeting, each member seeking to use remote participation
47 notifies the chair that:

- 48 ● the member has a temporary or permanent disability or other medical condition
49 that prevents the member's physical attendance;
- 50 ● a medical condition of a member of the member's family requires the member to
51 provide care that prevents the member's physical attendance;
- 52 ● the member's principal residence is more than 60 miles from the meeting location
53 identified in the required notice for such meeting; or
- 54 ● the member is unable to attend the meeting due to a personal matter and identifies
55 with specificity the nature of the personal matter. However, the member may not
56 use remote participation due to personal matters more than two meetings per
57 calendar year or 25 percent of the meetings per calendar year rounded up to the
58 next whole number, whichever is greater.

59
60 The chair reports such requests, if any, to the Board at the beginning of each meeting.
61 Those members of the Board assembled at the primary meeting location must consider the
62 requests for remote participation from each member seeking to use remote participation
63 prior to the member participating in the meeting. The requests, as reported by the chair,
64 and the votes on each member's request are recorded in the minutes.

65
66 If participation by a member through electronic communication means is approved, the
67 School Board records in its minutes the remote location from which the member
68 participated. The remote location need not be open to the public and may be identified in
69 the minutes by a general description.

70
71 If participation is approved based on a temporary or permanent disability or other medical
72 condition of the member or a member of the member's family, the School Board includes
73 in its minutes the fact that the member participated through electronic communication
74 means due to a (i) temporary or permanent disability or other medical condition that
75 prevented the member's physical attendance or (ii) a family member's medical condition
76 that required the member to provide care for such family member, thereby preventing the
77 member's physical attendance.

78
79 If participation is approved because the member's principal residence is more than 60
80 miles from the meeting location, the School Board includes in its minutes the fact that the
81 member participated through electronic communication means due to the distance between
82 the member's principal residence and the meeting location.

83
84 If participation is approved because of a personal matter, the School Board includes in its
85 minutes the specific nature of the personal matter cited by the member.

86
87 If a member's participation from a remote location is disapproved, such disapproval is
88 recorded in the minutes with specificity.

89
90 **III. Quorum Not Physically Assembled**

91
92 The School Board may meet by electronic communication means without a quorum
93 physically assembled at one location when the Governor has declared a state of emergency

94 in accordance with Va. Code § 44-146.17, or the City of Alexandria has declared a local
95 state of emergency pursuant to Va. Code § 44-146.21, provided:

- 96
- 97 • The catastrophic nature of the declared emergency makes it impracticable or
- 98 unsafe to assemble a quorum in a single location; and
- 99 • The purpose of the meeting is to provide for the continuity of operations of the
- 100 School Board or the discharge of its lawful purposes, duties, and responsibilities.

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

- 102
- 103 • Gives public notice using the best available method given the nature of the
- 104 emergency contemporaneously with the notice provided to members of the School
- 105 Board;
- 106 • Makes arrangements for public access to the meeting through electronic
- 107 communication means, including videoconferencing if already used by the School
- 108 Board;
- 109 • provides the public with the opportunity to comment at those meetings when public
- 110 comment is customarily received; and
- 111 • otherwise complies with the provisions of the Virginia Freedom of Information
- 112 Act.

113
114 For any meeting conducted pursuant to this section, the nature of the emergency, the fact
115 that the meeting was held by electronic communication means and the type of electronic
116 communication means by which the meeting was held shall be stated in the minutes of the
117 meeting.

118
119 The provisions of this section are applicable only for the duration of the declared
120 emergency.

121
122 **II. Applicability**

123 The meeting provisions of this policy, including:

- 124 • electronic participation by members when a quorum is physically assembled; and
- 125 • electronic participation by members when a quorum is *not* physically assembled;
- 126 apply to members of the School Board and its Advisory Committees.

127
128 Adopted: September 20, 2007

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130 Amended: September 18, 2008

131
132 Amended: April 24, 2014

133 Amended: December 15, 2016

134 Amended: October 12, 2017

135 Amended: May 9, 2019

136 Amended: February 4, 2021

137 Amended: June 17, 2021

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139 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.2,
140 2.2-3708.3, 2.2-3710.

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| 143 | | |
| 144 | Cross Ref.: | BCE School Board Committees |
| 145 | | BCF Advisory Committees to the School Board |
| 146 | | BDD Notification of Meetings |
| 147 | | BDDG Minutes |
| 148 | | |

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

The School Board values electronic communication as a means to increase citizen participation and to accommodate individual board members and citizens when circumstances may prevent them from physically attending a public meeting. The School Board welcomes remote participation in public meetings to the extent permitted by Virginia law.

Commented [MS1]: Policy updated to reflect amendment of Va. Code §§ 2.2-3707 and 2.2-3708.2 and enactment of Va. Code § 2.2-3708.3 by HB 444

Commented [MS2]: Board belief statement

Except as provided hereafter, or as otherwise permitted by law, the School Board does not conduct any meeting wherein the public business is discussed 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 Board or to advise the 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.

I. 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 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.

"Meeting" means any gathering of three or more members of the Alexandria City School Board, or a quorum of members if less than three, of any of its committees or advisory committees, at which public business is discussed.

"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.

II. Quorum Physically Assembled (Individual Remote Participation)

Members of the School Board may use remote participation instead of attending a meeting

46 in person if, in advance of the meeting, each member seeking to use remote participation
47 notifies the chair that:

- 48 ● the member has a temporary or permanent disability or other medical condition
49 that prevents the member's physical attendance;
- 50 ● a medical condition of a member of the member's family requires the member to
51 provide care that prevents the member's physical attendance;
- 52 ● the member's principal residence is more than 60 miles from the meeting location
53 identified in the required notice for such meeting; or
- 54 ● the member is unable to attend the meeting due to a personal matter and identifies
55 with specificity the nature of the personal matter. However, the member may not
56 use remote participation due to personal matters more than two meetings per
57 calendar year or 25 percent of the meetings per calendar year rounded up to the
58 next whole number, whichever is greater.

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

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

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71 If participation is approved based on a temporary or permanent disability or other medical
72 condition of the member or a member of the member's family, the School Board includes
73 in its minutes the fact that the member participated through electronic communication
74 means due to a (i) temporary or permanent disability or other medical condition that
75 prevented the member's physical attendance or (ii) a family member's medical condition
76 that required the member to provide care for such family member, thereby preventing the
77 member's physical attendance.

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

83
84 If participation is approved because of a personal matter, the School Board includes in its
85 minutes the specific nature of the personal matter cited by the member.

86
87 If a member's participation from a remote location is disapproved, such disapproval is
88 recorded in the minutes with specificity.

89 ~~A. A School Board Member may participate through electronic communication means in~~
90 ~~any School Board meeting wherein the public business is discussed or transacted if:~~

- 91 ~~1. On or before the day of a meeting, the School Board Member notifies the Chair that~~
92 ~~the member is unable to attend the meeting;~~

93 ~~a. due to a temporary or permanent disability or other medical condition that~~
94 ~~prevents the member's physical attendance, or a family member's medical~~
95 ~~condition that requires the member to provide care for such family member,~~
96 ~~thereby preventing the member's physical attendance; or~~

97 ~~b. due to a personal matter and identifies with specificity the nature of the~~
98 ~~personal matter; and~~

99 ~~2. The School Board approves the member's participation by a majority vote of the~~
100 ~~members present at the primary or central meeting location.~~

101 ~~Electronic participation by a School Board Member due to a personal matter is~~
102 ~~limited to two meetings, or 25 percent of the meetings held per calendar year~~
103 ~~rounded up to the next whole number, whichever is greater. Electronic~~
104 ~~participation due to a medical condition (as described in subsection A.1(a) above)~~
105 ~~is not subject to the same limitation.~~

106 ~~B. If participation by a School Board Member through electronic communication means~~
107 ~~is approved pursuant to subsection A above, the School Board records in its minutes~~
108 ~~the remote location from which the member participated; however, the remote location~~
109 ~~need not be open to the public. If participation is approved due to a temporary or~~
110 ~~permanent disability or other medical condition, the School Board also includes in its~~
111 ~~minutes the fact that the member participated through electronic communication means~~
112 ~~due to a temporary or permanent disability or other medical condition (as described in~~
113 ~~subsection A.1(a) above) that prevented the member's physical attendance. If~~
114 ~~participation is approved due to a personal matter, the School Board also includes in its~~
115 ~~minutes the specific nature of the personal matter cited by the member.~~

116 ~~If a School Board Member's participation from a remote location due to a personal~~
117 ~~matter is disapproved, such disapproval is recorded in the minutes with specificity.~~

118 ~~C. A School Board Member may participate in a meeting by electronic means pursuant~~
119 ~~to subsections A and B above only when:~~

- 120 ~~• A quorum of the School Board is physically assembled at one primary or~~
121 ~~central meeting location; and~~
122 ~~• The School Board makes arrangements for the voice of the remote participant~~
123 ~~to be heard by all persons at the primary or central meeting location.~~

124 ~~H. III. Quorum Not Physically Assembled~~

125 The School Board may meet by electronic communication means without a quorum
126 physically assembled at one location when the Governor has declared a state of emergency
127 in accordance with Va. Code § 44-146.17, or the City of Alexandria has declared a local
128 state of emergency pursuant to Va. Code § 44-146.21, provided:

- 129 • The catastrophic nature of the declared emergency makes it impracticable or
130 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 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 to 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; ~~and~~
- 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 shall be stated in the minutes of the meeting.

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

II. Applicability

The meeting provisions of this policy, including:

- electronic participation by members when a quorum is physically assembled; and
- electronic participation by members when a quorum is *not* physically assembled;

apply to members of the School Board and its Advisory Committees.

Adopted: September 20, 2007

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~~Acts 2020, e. 1283.~~

Cross Ref.: BCE School Board Committees
BCF Advisory Committees to the School Board
BDD Notification of Meetings

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BDDG - Minutes

File: BDD

