

**ELECTRONIC PARTICIPATION IN ADVISORY COMMITTEES TO THE SCHOOL
BOARD MEETINGS REGULATIONS**

Commented [MS1]: New policy required due to a code change by HB 444. <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+HB444>

Electronic Participation in Meetings by Individual Members

In accordance with the Code of Virginia §2.2-3708.3, individual School Board advisory committee (committee) members may participate in committee meetings by electronic means from a remote location that is not open to the public in certain limited circumstances as set forth below. This policy applies to the entire committee membership and without regard to the identity of the member requesting remote participation or the matters to be considered or voted on at the meeting.

Criteria:

1. Personal matter: 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~~ 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.
2. Temporary or permanent disability or medical condition: The member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance at the meeting.

Procedure:

1. Notice: A member wishing to participate in a meeting by electronic means notifies the Chair on or before the day of the meeting.
2. Determination by Chair: The Chair determines whether the request is in accordance with the requirements of this policy, and the Code of Virginia §2.2-3708.3, and, if so, shall approve it.
3. Appeal of denial to full committee: In the event the request to participate by electronic means is denied by the Chair, the member seeking electronic participation may appeal the decision to the full committee, which appeal is decided by majority vote.
4. Minutes: The committee meeting minutes record: (a) the approval or disapproval of the member's request to participate by electronic means, and the basis for the approval or disapproval; (b) the specific nature of the member's personal matter, or the fact of the member's disability or medical condition; and (c) the remote location from which the member will be participating.
5. Quorum physically present: Whenever an individual member wishes to participate electronically from a remote location, a quorum of committee must be physically assembled at the actual meeting location.
6. Comments audible to all: The committee must ensure that the comments of the member participating remotely can be heard by all persons at the actual meeting location.
7. Technological problems: Should technological problems occurring during a meeting interrupt a member's remote participation, the Chair may call a brief recess to address the problem when it becomes known. If the problem cannot be resolved by the end of the recess, the meeting will continue from the point of the recess so as to complete the business of the committee. The Member's inability to participate remotely shall be recorded as an excused absence from the point of interruption.

47 **All-Virtual Meetings of School Board Advisory Committees**

48 In accordance with the Code of Virginia §2.2-3708.3, committees may hold all-virtual meetings
49 for any reason considered valid to the committee if (a) the meeting is scheduled to be all-virtual as
50 part of the committee’s annual meeting scheduling procedures or (b) the committee passes a
51 motion to hold the meeting virtually and the results of the motion are recorded in the meeting
52 minutes. In addition, the following criteria must be satisfied to hold an all-virtual meeting.

- 53 1. An indication of whether the meeting will be an in-person or all-virtual public meeting is
54 included in the required meeting notice along with a statement notifying the public that the
55 method by which a committee chooses to meet shall not be changed unless the committee
56 provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- 57 2. Public access to the all-virtual meeting is provided via electronic communication means;
- 58 3. The electronic communication means used allows the public to hear all members of
59 committee participating in the all-virtual public meeting and, when audio-visual
60 technology is available, to see the members of the committee as well;
- 61 4. A phone number or other live contact information is provided to alert the committee if the
62 audio or video transmission of the meeting provided by the committee fails, the committee
63 monitors such designated means of communication during the meeting, and the committee
64 takes a recess until public access is restored if the transmission fails for the public;
- 65 5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials
66 furnished to members of a committee for a meeting is made available to the public in
67 electronic format at the same time that such materials are provided to members of the
68 committee;
- 69 6. The public is afforded the opportunity to comment through electronic means, including by
70 way of written comments, at those public meetings when public comment is customarily
71 received;
- 72 7. No more than two members of the committee are together in any one remote location unless
73 that remote location is open to the public to physically access it;
- 74 8. If a closed session is held during an all-virtual public meeting, transmission of the meeting
75 to the public resumes before the committee votes to certify the closed meeting as required
76 by subsection D of § 2.2-3712;
- 77 9. The committee does not convene an all-virtual public meeting (i) more than two times per
78 year or 25 percent of the meetings held per calendar year rounded up to the next whole
79 number, whichever is greater, or (ii) consecutively with another all-virtual public meeting;
80 and
- 81 10. Minutes of all-virtual public meetings held by electronic communication means are taken
82 as required by § 2.2-3707 and include the fact that the meeting was held by electronic
83 communication means and the type of electronic communication means by which the
84 meeting was held. If a member's participation from a remote location pursuant to this
85 subsection is disapproved because such participation would violate the policy adopted
86 pursuant to this policy, such disapproval shall be recorded in the minutes with specificity.

87
88 Established: [tbd]

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90 Legal Refs.: 20 U.S.C. §§ 5964, 6318.

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92		Code of Virginia, 1950, as amended, §§2.2-3701, 2.2-3707, 2.2-3708.2, and 2.2-
93		3708.3
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95	Cross Refs.:	BCE School Board Committees
96		BCF Advisory Committees to the School Board
97		BCFB Bylaws for School Board Advisory Committees
98		BCFC Roles of the Staff and Board Liaisons to Advisory
99		Committees
100		KC Community Involvement in Decision Making
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