

***ORANGE TEXT REFLECTS FEEDBACK FROM THE 6/3/21 WORK SESSION.**

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

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.

I. Definitions

“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.

II. Quorum Physically Assembled

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

1. On or before the day of a meeting, ~~a the School Board Member member of the School Board~~ a the School Board Member notifies the Chair that the member is unable to attend the meeting:
 - a. due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 - b. ~~that the member is unable to attend the meeting~~ due to a personal matter and identifies with specificity the nature of the personal matter; and
2. The School Board approves the member's participation by a majority vote of the members present at the primary or central meeting location.

Electronic participation by a School Board ~~m~~Member due to a personal matter is limited to two meetings, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, each calendar year. Electronic participation ~~due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance~~ due to a

medical condition (as described in subsection A.1(a) above) is not subject to the same limitation.

- B. If participation by a School Board ~~m~~Member through electronic communication means is approved pursuant to subsection A above, the School Board records in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to a temporary or permanent disability or other medical condition, the School Board also includes in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved due to a personal matter, the School Board also includes in its minutes the specific nature of the personal matter cited by the member.

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

- C. A School Board ~~m~~Member may participate in a meeting by electronic means pursuant to subsections A and B above only when:
- A quorum of the School Board is physically assembled at one primary or central meeting location; and
 - The School Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

III. Quorum Not Physically Assembled

The 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 School Board is located~~ City of Alexandria 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 School Board or the discharge of its lawful purposes, duties, and responsibilities. ~~address the emergency.~~

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; ~~and~~

- Makes arrangements for public access to the ~~meeting~~ 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.

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.

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
Amended: September 18, 2008
Amended: April 24, 2014
Amended: December 15, 2016
Amended: October 12, 2017
Amended: May 9, 2019
Amended: February 4, 2021

Amended:

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

Acts 2020, c. 1283.

Cross Ref.: BDDG Minutes