

P2-04-006 Electronic Participation in Meetings from Remote Locations

Except as provided hereafter, or as otherwise permitted by law, the Henrico 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 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.

For purposes of this policy, "electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

I. Quorum Physically Assembled

A. The School Board may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if (1) on or before the day of a meeting, a member of the School Board notifies the Chair that such member is unable to attend the meeting 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 that such 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.

Participation by a School Board member by electronic communication means due to a personal matter is limited each calendar year to two meetings, **or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.**

B. If participation by a School Board 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 **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**, then the School Board **shall** also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition **or a family member's medical condition that required the member to provide care for such family member**, 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 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 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.

II. Quorum Not Physically Assembled

The School Board **or any joint meeting of the School Board with another public body**, 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 Code of Virginia § 44-146.17, **or the locality in which the 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 ~~address the emergency,~~ **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, **which notice shall be given** contemporaneously with the notice provided members of the School Board; and
- Makes arrangements for public access to the meeting- **through electronic communications means, including video conferencing 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 are stated in the minutes of the meeting. **The provisions of subsection II shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.**

Last Revised: **September 2020**, April 2020, September 2018

Legal Refs.: Code of Virginia, §§ 22.1-295, 2.2-3701, 2.2-3707, 2.2-3708.1, 2.2-3710.
Acts 2020, c. 1283.

VSBA Ref.: BDD