Title: Electronic Participation in School Board Meetings from Remote Locations
Code: BDD
Book: WJCC Policy Manual
Section B: School Board Governance and Operations

Except as provided hereafter, or as otherwise permitted by law, the school board shall 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 must be adopted at least once annually and will be applied strictly and uniformly to all members of the school board, without exception, 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.

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.

"Caregiver" means an adult who provides care for a person with a disability as defined in Va. Code § 51.5-40.1. A caregiver must be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom the caregiver is caring.

"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 school board by electronic communication means in a public meeting where a quorum of the school board is otherwise physically assembled.

Quorum Physically Assembled (Individual Remote Participation)

Individual members of the school board may use remote participation from a remote location that is not open to the public, 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; for purposes of determining whether a quorum is physically assembled, a member of the school board who is a person with a disability as defined in Va. Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the member was physically present;
- a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the meeting is being held thereby preventing the member's physical attendance; for purposes of determining whether a quorum is physically assembled, a member of the school board who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the member was physically present;
- 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 the maximum allowed by law.

Individual participation from a remote location will be approved unless such participation would violate this policy or the Virginia Freedom of Information Act, Va. Code § 2.2-3700 et seq. If a member's participation from a remote location is challenged, the school board will vote whether to allow such participation. If the school board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

If participation by a member through electronic communication means is approved, the 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 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 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 school board includes in its minutes the specific nature of the personal matter cited by the member.

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

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.

Quorum Not Physically Assembled (All-Virtual Public Meetings)

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 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.

If it holds a meeting pursuant to this section, the school board

- will give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the school board;
- make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the school board;
- will provide the public with the opportunity to comment at those meetings when public comment is customarily received; and
- will otherwise comply 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.

Adopted:
8/19/14

Revised:
1/16/18, 8/16/22, 9/17/24

Reviewed:
9/16/25

Legal References:
Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 51.5-40.1

Cross References:
BCF - School Board Committees
BD - School Board Meetings
BDDG - Minutes

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- make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the school board;
- will provide the public with the opportunity to comment at those meetings when public comment is customarily received; and
- will otherwise comply with the provisions of the Virginia Freedom of Information Act.
- ~~make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the school board and that have been made available to the school board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;~~
- ~~record minutes of the meeting in accordance with Policy BDDG Minutes; and~~
- ~~record in the minutes votes taken by name in roll-call fashion.~~

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.

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Cross References:
BCF, School Board Committees
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Additional Resources

BCF - School Board Committees
BD - School Board Meetings
BDDG - Minutes
§ 2.2-3701. Definitions.
§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

§ 2.2-3708.2. Meetings held through electronic communication means during declared states of emergency.
§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.
§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited.
§ 51.5-40.1. Definitions.
