

FAIRVIEW SCHOOL DISTRICT

SECTION: LOCAL BOARD PROCEDURES

TITLE: REMOTE PARTICIPATION IN BOARD MEETINGS

ADOPTED: May 24, 2010

REVISED:

<p>1. Purpose</p> <p>2. Authority</p> <p>3. Guidelines</p>	<p style="text-align: center;">006.1. REMOTE PARTICIPATION IN BOARD MEETINGS</p> <p>The Board of School Directors acknowledges the responsibility of each of its members to attend meetings of the Board. There, are occasions, however, when circumstances may prevent the physical presence of a Board member at a scheduled meeting of the Board. The purpose of this policy is to establish procedures by which a Board member who is unable to physically attend a meeting may nevertheless attend and remotely participate in the meeting of the Board.</p> <p>While the Public School Code requires that a majority of the members of the Board be present at any meeting in order for business to be conducted. However, the Board recognizes that the Pennsylvania Supreme Court has held that provisions of the Pennsylvania Open Meeting Law permit participation of members of public agencies who are not physically present at a meeting by way of electronic devices such that all those physically present at the meeting are able to hear the comments of and to speak to such absent members contemporaneously. The Board does not find these provisions to be conflicting, but authorize absent members to remotely participate within the parameters identified. Therefore, consistent with applicable statute and case law authority, and provided that a majority of the Board members are physically present, it is the intent of the Board of School Directors to provide a means by which absent members may participate in meetings of the Board.</p> <p>Any Board member who is unable to physically attend a meeting of the Board may make arrangements to remotely participate in the meeting under the following conditions:</p> <ol style="list-style-type: none"> 1. The Board member shall inform the Superintendent of the anticipated physical absence from the meeting as soon as possible but no later than Noon on the date of the scheduled meeting so that appropriate equipment can be arranged to effectively accommodate the required two-way communication between the absent Board member and those physically present at the Board meeting. This may require the use of a speakerphone hook-up or other electronic device as will permit the necessary level of communication.
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2. Since a majority of Board members must be physically present at the meeting, no more than four (4) Board members may be authorized to participate remotely at any one meeting of the Board.
3. Any Board member requesting to remotely participate in a meeting of the Board shall provide a reason for which the Board member is not able to physically attend the meeting. Examples of reasons which may prevent a Board member from physically attending a meeting of the Board include: (1) the Board member has conflicting meeting schedules which prevent time travel between two (2) meetings in order to attend in person; (2) the Board member is out-of-town; or (3) the Board member is unable to attend, due to illness or health reasons, or to care for an illness or health concerns of a family member.
4. The Board member remotely participating in a meeting shall use his/her best efforts to participate in all or as much of the Board meeting as circumstances will permit and not merely for one or limited agenda items.
5. It is necessary to confirm that the individual participating remotely is, in fact, a member of the Board of School Directors. Accordingly, once authority to participate remotely has been given, the Board member shall provide the Superintendent, Board Secretary, or their designee with contact information. The communication with the absent Board member shall be initiated by the Superintendent, Board Secretary, or their designee present at the Board meeting. The Superintendent, Board Secretary, or their designee shall arrange a confidential password with the Board member to be participating remotely. Once a connection is made, the said Board member shall be asked for the confidential password to confirm that the individual is the Board member authorized to participate remotely. The password shall be maintained confidentially. If the password cannot be confirmed, the connection shall be discontinued until or unless the identity of the said Board member can be confirmed.
6. It is necessary that a Board member participating remotely must be able to hear the comments of and speak to all individuals who are physically present at the Board meeting, including other Board members, members of the administration and staff, and members of the public in attendance. It is further necessary that all those physically present at the Board meeting must be able to hear the comments of and communicate with the Board member participating remotely.
7. If a connection is lost in the course of the Board meeting, reasonable attempts shall be made to re-establish the connection with the Board member participating remotely. If the connection cannot be re-established, said Board member shall be deemed to have left the meeting at the time of the lost connection.

<p>4. Delegation of Responsibility</p>	<p>8. The Board recognizes that remote connections may be of varying quality, both for transmissions to the absent Board member as well as the transmission received from the absent Board member. Issues regarding the quality of the transmissions shall be determined on a case-by-case basis. In the event that Board members physically present at the meeting, or members of the public in attendance at the meeting, are unable to hear or understand the absent Board member participating remotely, or in the event that the absent Board member cannot hear or understand Board members physically present at the Board meeting or members of the public, reasonable efforts shall be made to improve the quality of the connection. In the event that the connection cannot be improved, the connection shall be discontinued and the absent Board member shall be deemed to have left the meeting at the time of the discontinued connection.</p> <p>9. Board members attending remotely shall be counted as in attendance at the Board meeting or all purposes, except that remote participation in Board meetings shall not be used to establish or maintain a quorum of the Board for the purpose of allowing the Board to take official action on agenda items.</p> <p>10. The Board recognizes that the physical presence of Board members at its meetings is desirable and preferable for interaction among Board members and with the administration and staff as well as members of the public in attendance. The Board, therefore, intends to encourage Board members to attend meetings in person except when unavoidable circumstances and conflicts prevent the Board member from physically attending meetings.</p> <p>11. Since the privacy, confidentiality and security of remote communication and participation by a Board member utilizing telephonic or other electronic means cannot be assured with currently available technology, remote participation by Board members in executive sessions of the Board shall not be permitted.</p> <p>The Board authorizes the Superintendent to develop administrative procedures, as necessary, to implement this policy.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 4-422</p> <p>Sunshine Act – 65 Pa. C.S.A. Sec. 701 et seq.</p> <p><u>Babac v. Pennsylvania Milk Marketing Board</u>, 613 A.2d. 551 (Pa, 1992)</p>
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