

VIDEOCONFERENCING AT BOARD MEETINGS

Because it is good public policy for citizens to have the opportunity to meet with their elected Board of Education face-to-face, members of the school board should endeavor to be physically present at all meetings unless absence is unavoidable. After exercising due diligence to attend physically, board members are permitted to participate in board meetings via videoconferencing, in accordance with state law, if necessary.

The primary purpose of attendance by audio transmission or video conference connection should be to accommodate the Board of Education as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the Board members. A secondary purpose of attendance by video conference should be to ensure that all members may participate in business of the Board of Education that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all efforts should be expended to ensure that a quorum of the members of the Board of Education be physically present at the normal meeting place.

1. **Definition:** For purposes of this policy videoconferencing or audio transmission shall refer to a means of communication where at least one member of the Board participates in the public meeting via an electronic connection made up of a live audio and video transmission of the Board member not in physical attendance or a live audio transmission, allowing the Board member not in physical attendance to be seen and heard by those in physical attendance. If at any time during a meeting one or more of the elements of a video conference or audio transmission becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the participant is deemed immediately absent and this absence should be reflected in the minutes. A participant's absence may compromise a quorum, in which case the applicable Open Meetings laws shall take effect regarding a broken quorum.
2. **Regular & Special Meetings – Action Items**

Any member of the Board of Education may meet via videoconferencing for Board meetings. Where the Board uses videoconferencing to conduct a meeting, it must also provide for public access at any location(s) from which any member of the Board participates to accommodate any members of the public who wish to attend and observe the meeting in that location. Public notice of the meeting must indicate that videoconferencing will be used and must specify the date, time, and location(s) for the meeting. The notice must also state that the public has the right to attend the meeting at any of the locations.

When the Board of Education meets via videoconferencing, an Executive Session is a portion of the open meeting during which the public may be excluded. The Board's authority to conduct an Executive Session is limited to those purposes enumerated in the Open Meetings Law. Board members who attend an Executive Session via videoconference must sign an affidavit that nobody else was present in the room with them who was not permitted to attend the executive session.

Board of Education members who are unable to attend a Regular or Special Meeting of the Board shall notify the District Clerk and the Board President as soon as possible that they request to attend the meeting via videoconferencing.

3. Working Committee Meetings – No Action Items

Any member of the Board of Education, Cabinet member, or guests invited to provide appropriate policy input may participate in working Committee meetings via audio transmission or videoconferencing.

Board of Education members who are unable to attend a Working Committee Meeting shall notify the Committee Chairperson and the Board President should they request to attend the meeting via audio transmission or videoconferencing.

4. Minutes

The meeting minutes of Regular and Special Board of Education Meetings and Working Committee Meetings should reflect the Board member(s) who are participating via audio transmission or videoconferencing, the members in physical attendance, and members absent.

Reference: Public Officers Law §§102; 103; 104
NYS Department of State, Committee on Open Government, Advisory Opinion
OML-AO-#5575 (3/6/2018)

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