

## **Policy Code: 1470 REMOTE PARTICIPATION DURING BOARD MEETINGS**

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, [G.S. 143-318.9](#) et seq., the board authorizes remote participation in board meetings subject to the following procedures and requirements.

### **A. Authorized Circumstances for Remote Participation**

1. The board authorizes remote participation consistent with the requirements of this policy in any meeting of the board that is not a hearing or other quasi-judicial proceeding.
2. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:
  - a. personal illness or disability, order of quarantine or isolation, or government-issued "stay-at-home" mandate;
  - b. out-of-town travel;
  - c. unexpected lack of child-care;
  - d. family member illness or emergency;
  - e. weather conditions;
  - f. military service;
  - g. employment obligations;
  - h. a scheduling conflict; or
  - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person.

3. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.

4. No board member may participate remotely more than three times during a calendar year; however, in justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

### **B. Conditions and Requirements for Remote Participation**

1. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances

permit and not merely for the closed session portion of the meeting or a limited number of agenda items.

2. A board member participating remotely will be considered present at the meeting for purposes of establishing a meeting quorum and will be entitled to participate in open session deliberations at the meeting if:

- a. the member is able to hear other members of the board and any members of the public present at the meeting who are recognized by the board during public comment;
- b. all persons present at the meeting location are able to hear the board member who is participating remotely; and
- c. when video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.

3. A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.

4. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:

- a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
- b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

### **C. Procedure for Remote Participation**

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made.

2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.

3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.

4. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.

5. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

6. All votes taken will be by voice vote (rather than a show of hands).
7. Participation by electronic communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.
8. Any costs associated with remote participation other than normal telephone or Internet connection shall be borne by the remote participant.

#### **D. Electronic Board Meetings**

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, in times of emergency, including natural disasters and health emergencies requiring quarantine or isolation, or resulting in government-issued “stay-at-home” orders, the board may find it necessary to meet completely electronically, without the physical presence of a quorum. In such cases, appropriate notice will be given as required by [G.S. 143-318.12](#). Such notice will include publication of a reasonable means by which the public and media may hear or witness the board’s discussion, deliberation, and decision making. Minutes of the meeting may be kept in the form of sound or video and sound recording and shall record the names of the members participating electronically.

#### **E. SPECIAL RULES FOR REMOTE MEETINGS DURING A DECLARED EMERGENCY**

The following modifications and additions to the requirements of this policy apply to meetings held during a declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f)25 and this section.
2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous livestream of the meeting and (2) any other means by which the public can access the meeting as it occurs.
3. The board need not provide a location for members of the public to listen to the meeting; however, in accordance with G.S. 143-318.13(d), this provision applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-declared emergency exists.
4. All documents to be considered during the meeting shall be provided to each member.
5. The means for simultaneous communication specified in subsection A.3 of the policy must allow for any member to do all of the following:

- a. hear what is said by the other members;
- b. hear what is said by any individual addressing the board; and
- c. to be heard by the other members when speaking to the public body.

6. A member participating by simultaneous communication will be counted as present for quorum purposes only during the period that simultaneous communication is maintained for that member in accordance with subsection B.1, above.

7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.

8. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.

9. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing; however, in accordance with G.S. 143-318.13(d), this flexibility applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-declared emergency exists.

10. Subsection A.4 of this policy will not apply to remote meetings held during a state or local emergency.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

LEGAL REFERENCE: [G.S. ch. 143, art. 33C](#); N.C. Attorney General Advisory Letter to McCloud, (March 26, 2020), copy available at

<https://www.ncsba.org/wp-content/uploads/2020/03/Open-Meetings-advisory-letter.pdf>

CROSS REFERENCES: Board Meetings (Policy 1400); Closed Sessions (Policy 1460), Board Meeting News Coverage (Policy 1440), Voting (Policy 1430)

ADOPTED: December 1, 2015

AMENDED: May 12, 2020; **December 7, 2021**

**Edenton-Chowan Schools**