

Book	Policy Manual
Section	000 Local Board Procedures
Title	Attendance at Meetings Via Electronic Communications
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Status	

### **Authority**

Each Board member is strongly encouraged to attend the Board's public meetings in order to fulfill the duties of their office. While history demonstrates that Board members are committed to regularly attending public meetings, there are occasions when work, family, or personal commitments compel Board members to be absent from Board meetings.

As a result of technological advances, Board members are fully capable of participating in public meeting deliberations even when they are unable to be physically present at those meetings. The Board wants to allow its members who are unable to be physically present at public meetings to nonetheless participate in them under certain limited circumstances.

The board recognizes that in *Babac v. Pennsylvania Milk Marketing Board*, the Pennsylvania Supreme Court ruled that a public official may participate in a public meeting via speaker phone without violating the Sunshine Act, provided the following conditions are satisfied: (1) the official can hear the comments of those speaking at the meeting; (2) the official can speak to all those present at the meeting; and (3) the official is able to interact contemporaneously as if s/he was present at the meeting. Since *Babac* was decided other technologies have been developed that would allow public officials to remotely participate in public meetings in a similar manner contemplated in this decision.

Therefore, the Board adopts this policy to authorize its members to participate in public meetings via electronic communications from time to time, in a manner that complies with the applicable law and the requirements of this policy. This policy is not intended to undermine the strong preference for Board members to be physically present for public meetings, but to simply allow Board members to utilize technology on occasion to participate in public meetings when other legitimate obligations prevent them from doing so.

### **Definitions**

For purposes of this policy, the terms listed below are defined as follows:

**Public Meeting** shall mean any duly-advertised meeting of the Board, which is attended or participated in by a quorum of the Board members, held for the purpose of deliberating on school district business or taking official action. Public meetings shall include duly-advertised meetings of any Board committee.

**Board member** shall be an individual duly-elected or appointed to serve on the Board.

**Calendar year** shall mean the time period elapsing between January 1st and December 31st.

**School Board** shall mean the Board of School Directors for the Wellsboro Area School District.

**Electronic Communications** shall mean a telecommunication device, software program, or application (i.e., Skype) or other electronic means which allows an individual to contemporaneously speak with and listen to others who are in a different location from that individual.

## **Guidelines**

### Request to Participate in a Public Meeting Via Electronic Communications

In order to participate in a public meeting via electronic communications, a Board member must submit a written request to do so that satisfies all of the following conditions:

1. The Board member must submit a request to participate in a public meeting via electronic communications two (2) business days before the scheduled date of the public meeting.
2. The request must explain the reason why the Board member is unable to attend the public meeting in person.
3. The request must be submitted to the Superintendent of Schools and the Board President.
4. The request must confirm that the Board member will be available to participate at the scheduled starting time for the public meeting.
5. The request must meet the definition of "good cause". Good cause shall be:
  - a. An unexpected family or personal commitment that would reasonably prevent a Board member from attending a public meeting; or
  - b. A work/business-related commitment of a Board member that could not be scheduled to avoid conflicting with the scheduled date or time for the public meeting; or
  - c. An illness or injury preventing a Board member from attending a public meeting.

### Requirement for Participating Via Electronic Communications

No Board member will be permitted to participate in a public meeting via electronic communications unless the following conditions are satisfied throughout the entire public meeting:[1]

1. The Board member can hear the comments of those speaking at the meeting;
2. The Board member can speak to all of those present at the meeting;
3. The Board member is able to interact contemporaneously with others as if that person was physically present at the meeting;
4. The board member's participation via electronic communications does not disrupt or interfere with the proceedings of the meetings; and
5. The Board member participates in the entire public meeting, unless otherwise excused from doing so by the presiding officer at the meeting.

### Restrictions Against Electronic Communications Participation

The following restrictions or limitations apply with regard to participation by a Board member via electronic communications:

1. Each Board member shall be limited to five (5) occasions each calendar year when s/he may participate in a public meeting via electronic communications.
2. No more than two (2) Board members may participate in a public meeting via electronic communications at one time.
3. No Board member may participate via electronic communications in any executive session,

student expulsion hearing, employee dismissal hearing, or lawfully-held private meeting of the Board.

4. No Board member may participate in the Board's Reorganization Meeting via electronic communications.
5. The Board President may not preside at any public meeting via electronic communications.
6. The Board Secretary may not keep the minutes of any public meeting via electronic communications.

#### Other Provisions

1. When a Board member participates in a public meeting via electronic communications, the presiding officer of the meeting shall publicly announce that fact at the start of the public meeting.
2. When a Board member participates in a public meeting via electronic communications, the minutes for the meeting shall record the Board member as being in attendance via electronic communications.
3. The provisions set forth in Sections 3 and 5 of this policy may be temporarily suspended by the Board President and Vice President, when they believe good cause exists to allow a Board member to participate in a public meeting via electronic communications.

#### Legal

1. 24 P.S. 407

65 Pa. C.S.A. 701 et seq

Babac v. Pa. Milk Marketing Board, 531 Pa. 391, 613 A.2d 551 (1992)

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Last Modified by Lauren Clift on April 18, 2019