

The Transylvania County Board of Education (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 as described in policy 2500, Hearings Before the Board, 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; ~~or~~
  - 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 by 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.

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

Legal References: G.S. ch. 143, art. 33C; 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 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500)

Adopted: November 19, 2015

Revised: [DATE]