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Critical

EXPLANATION: BOARD MEETINGS

This policy was amended for clarity and to incorporate changes made to the Sunshine Law by Senate Bill 170 (2013).

School Board members may legally participate in meetings electronically. However, § 610.015, RSMo., of the Sunshine Law previously prohibited Board members from casting roll call votes electronically, which meant that Board members could not cast any vote in closed session (where all votes are held by roll call) or in any open-session vote held by roll call. There was no limitation, however, on casting other votes. There is an emergency exception to the prohibition on roll call votes, but it rarely applies.

Senate Bill 170 has amended the law to allow Board members who participate in the meeting using videoconferencing to fully participate in all discussion and votes, regardless of how the vote is taken. The law still limits other electronic participation, such as conference calls. MSBA has revised this policy to incorporate the new law regarding videoconferencing.

In addition, MSBA has revised this policy to state that Board members "will," as opposed to "may," be allowed to participate in Board meetings electronically. MSBA recommends that all Board members who are unable to attend have this option. However, this is not legally required, and the district may revise this language.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications	X	Technology

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BOARD MEETINGS

General

A quorum must be present, whether physically or electronically, in order to conduct an official meeting. A quorum shall consist of four members of the Board of Education.

Meetings may be held in person or by means of communication equipment including, but not limited to, conference calls, video conferences, Internet chats or Internet message boards.

Meetings of the Board of Education shall be open to the public and the press unless closed as authorized by law.

All Board meetings shall be held at a place of sufficient size to accommodate the anticipated members of the public and at a time that is reasonably convenient. In addition, reasonable efforts shall be made to make the meeting accessible to individuals with disabilities. If any of these statutory requirements are not met, the nature of the cause for noncompliance for the meeting ~~should~~ **also will** be stated in the Board minutes.

Audio, video and other electronic recordings of open meetings ~~by audiotape, videotape or other electronic means is~~ **are** allowed by law. ~~However,~~ **but** the Board may establish guidelines regarding the manner in which such recordings are conducted to minimize disruption to the meeting. Recording a closed meeting is prohibited unless permission has been granted by the Board by resolution. By passing this policy the Board grants permission to the Board secretary to record closed meetings as necessary to fulfill his or her duties.

Meeting Notice

Public notice of all meetings shall be given in accordance with Board policy and law.

Regular Board Meetings

The Board of Education shall hold regular meetings throughout the year to transact such business as deemed necessary for the smooth operation of the school district.

The Board will hold its regular meeting on the _____ of each month at _____ (time) at _____ (location) unless otherwise specified in the publicized notice of the meeting.

Special Board Meetings

Special Board meetings may be held from time to time as circumstances may demand. Special meetings of the Board may be held at a time fixed by the Board or on the call of the president. A special meeting may also be called by at least four members of the Board. Each member shall be notified of the time, place and purpose of the meeting a reasonable amount of time in advance of the meeting.

Electronic Participation

The Board ~~may~~ will allow members to participate electronically in meetings where other Board members are physically present, and the Board may hold meetings where all Board members participate electronically. This participation may occur by telephone, video conference or other electronic means. Board members may not simply vote electronically, but must: 1) be connected with the meeting throughout the discussion of business; 2) be able to hear or receive the same information as Board members physically present; and 3) participate in the discussion. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

~~If the Board allows a member to participate electronically, the member~~ Any Board members participating electronically will be considered present and will have his or her actual physical presence excused. The members shall be counted present for the purposes of convening establishing a quorum. If a Board member participates in a meeting electronically, the Board secretary will document this fact in the minutes when members participate in the meeting electronically. In accordance with law, Board members participating electronically may only vote in roll call votes if they are participating by videoconference or another legal exception applies.

~~Board members participating electronically cannot cast roll call votes unless a district emergency exists and a quorum of the Board is physically present. If such an emergency exists, the nature of the district emergency shall be stated in the minutes. Board members participating electronically may cast votes other than roll call votes.~~

Any Board members who wishing to participate in a meeting electronically will must notify the Board president and superintendent as early as possible. The superintendent will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact and the public may observe or hear the comments made in open session. The superintendent will take measures to verify the identity of any remotely located participants if necessary. Board members participating electronically in a closed-session meeting must take measures to protect the confidentiality of the meeting and ensure that other persons will not overhear the discussion and votes. If the Board is not confident that appropriate measures have

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been or will be taken, the Board may refuse to allow a Board member to participate electronically in closed session.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: FIELD(AdoptDate)

Revised:

Cross Refs: KKB, Audio and Visual Recording

Legal Refs: §§ 162.301, .303, .511, 610.010 - .028, RSMo.

FIELD(DistrictLocationLine)