



PSBA Guidance on Board Meeting Attendance Via Remote Means

PSBA recognizes the concern of school boards and school communities in holding large gatherings based on the impact of COVID-19. School boards prioritize the health and safety of students, staff, school board directors and community members, but also recognize the need to continue the business and operation of the school district, which requires official decision-making and action by the board in a public meeting. In light of questions and concerns expressed by school boards, PSBA has developed the following guidance for consideration by school boards, working closely with their school solicitor and school community.

Rescheduling Board Meetings

School Code [24 P.S. §4-421](#) requires that each school board hold a “regular meeting” at least once every two (2) months. **Board Policy 006** establishes the board’s rules and processes for advertising and conducting board meetings, in accordance with School Code and the Sunshine Act ([65 Pa. C.S. 701 et seq.](#)). School boards may choose to reschedule board meetings to a later date if there are concerns for the health and safety of individuals in the school community in conducting a public meeting at a specified time and place. Notice of rescheduled meetings must be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting. School districts should consider what additional communication channels can be used to inform the community about cancelled or rescheduled school board or committee meetings, such as website, social media, email, texts and other methods used to announce weather-related closings.

Virtual Board Meetings

The PSBA policy guide for **Board Policy 006.1 Attendance at Meetings Via Electronic Communications** has been adopted by many school boards to allow for remote participation by school board members due to illness, travel, weather conditions or other situations that require a school board director to be physically absent from a board meeting. This policy was designed to establish the board’s rules in its own operation for meeting participation, in compliance with School Code [24 P.S. §4-407](#) and based on the Pennsylvania Supreme Court ruling in *Babac v. Pennsylvania Milk Marketing Board*, 613 A.2d 551 (Pa. 1992) about what this requires in order to comply with the Sunshine Act. A copy of PSBA’s policy guide 006.1 is attached to this guidance document. School boards should work with their school solicitor to review and revise provisions of the policy as needed or adopt the policy if they do not have one in place.

The policy of many school boards contains a provision limiting the number of members permitted to participate remotely so that at least a quorum would be physically present at all meetings. This was intended and recommended as a safeguard to prevent the overuse of the policy in fulfilling school board director duties and to minimize legal uncertainty. It is a recommendation only, and there is no statute or case law suggesting that more than a quorum cannot participate remotely in meetings.

In extenuating circumstances, such as a health and safety emergency in the school community, the board may choose to suspend particular provisions of a board policy. Although we believe that a board always has the ability to temporarily suspend a policy, many boards have chosen to include language specifically providing for this in Policy 003 with a provision such as the following:

“The Board may, upon a majority vote, cause to suspend at any time the operation of a Board procedure or policy, provided the suspension does not conflict with legal requirements. Such suspension shall be effective until the next meeting of the Board, unless an earlier time is specified in the motion to suspend.”

School boards, in consultation with the school solicitor, thus may consider suspending the following provision included in the version of Policy 006.1 adopted by many boards in order to allow remote participation by additional school board directors, or to conduct a virtual board meeting:

“A majority of Board members shall be physically present at a Board meeting when a Board member attends through electronic communications.

If the school board is contemplating holding completely virtual school board or committee meetings, there are some considerations that we recommend discussing with your school solicitor:

- Ensure that the board meeting will be conducted in compliance with the Sunshine Act:
 - How will the public be able to attend and participate via a remote connection?
 - Consider using a virtual meeting platform such as Zoom, GoTo Meeting, Skype or other platforms that will allow for connection by any member of the public and provide a mechanism for attendees to indicate that they would like to speak and offer comment during the public comment portion of the meeting. Provide helpful directions on the website for easy connection and participation.
 - If your school board already provides livestreaming of your board meetings, ensure a mechanism is established for the public to provide public comment appropriately.
 - Ensure that accommodations are made available for individuals with disabilities in your school community.
 - Encourage virtual connection by the public, but consider setting up a physical location where the virtual meeting will be available for public participation, for those individuals in your school community who may not have ability to connect online.
 - Ensure that an individual, such as the Board Secretary, Board President, or Superintendent, is physically present at the advertised location to set up and start the virtual meeting, call it to order and take the roll call.
 - Consider whether the Board President and Superintendent also should be physically present to preside and exercise control over the meeting and maintain order among anyone physically present.
- Include the news media in planning and advertising for the virtual meeting. This will assist in communicating to your school community and also demonstrate that the board is meeting virtually for the health and safety of individuals, not to avoid transparency to the public.

- **Ensure all school board directors have appropriate technology, devices and Internet connections, to participate in a virtual meeting. Also consider the availability of these resources in your school community and provide a list of public venues where community members may be able to connect.**
- **Discuss with the school solicitor how Executive Sessions may be handled.**

PSBA encourages school boards to work with their school solicitor in establishing practices that meet the needs of the individual school board directors, the district and the school community in conducting the business of the board and prioritizing the health and safety of the school community. Please contact policyprograms@psba.org if you would like a copy of PSBA's policy guide 006.1 placed into your web-based policy manual for review and revision.



Book Policy Manual
Section 000 Local Board Procedures
Title Attendance at Meetings Via Electronic Communications
Code 006.1
Status

Authority

The Board recognizes that factors such as illness, travel, schedule conflicts and weather conditions can make impossible the physical presence of a Board member at a Board meeting, and that electronic communications can enable a Board member to participate in a meeting from a remote location.

A Board member shall be able to attend a Board meeting, and participate in Board deliberations and voting, through electronic communications, but only under extraordinary circumstances. [\[1\]](#)

The Board authorizes the administration to provide the equipment and facilities required to implement this Board procedure.

Guidelines

A Board member who attends a meeting through electronic communications shall be considered present only if the member can hear everything said at the meeting and all those attending the meeting can hear everything said by that member. If the Board President determines either condition is not occurring, s/he shall terminate the Board member's attendance through electronic communications.

A majority of Board members shall be physically present at a Board meeting when a Board member attends through electronic communications.

To attend a Board meeting through electronic communications, a Board member shall comply with the following:

1. Submit such request to the Board President at least three (3) days prior to the meeting.
2. Ensure that the remote location is quiet and free from background noise and interruptions.
3. Participate in the entire Board meeting.

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