

**BARNEVELD SCHOOL DISTRICT
VIRTUAL SCHOOL BOARD MEETINGS**

This policy defines procedures for calling, noticing, and conducting technology-facilitated School Board meetings that involve remote participation by Board members (“virtual meetings”) in situations where conditions exist that make it potentially dangerous for the School Board to convene in person or in the typical setting established for public meetings (where a number of people would be in direct proximity to one another). Examples of such dangerous conditions might include, but are not limited to, a natural disaster, a regional or national emergency, or a serious public health emergency as defined or declared by authorized public health officials, the state, and/or the federal government.

These procedures may be invoked for one or more meetings by a decision of the Board or upon the Board President’s determination (in consultation with the Superintendent) that such dangerous conditions exist and that it is reasonably necessary and appropriate to hold one or more virtual meetings of the School Board.

Modified Content for the Public Notice of a Virtual Meeting When posting or otherwise giving public notice of a virtual Board meeting that is to occur under this policy, the District shall, in addition to all other content required by law, include the following information as part of the notice:

1. A statement that the meeting will be conducted as a virtual meeting due to an active emergency situation, such that multiple Board members may be participating in the meeting from remote locations through the use of technology.
2. Information that identifies how a member of the media or general public may access the meeting from a remote location. For example, the District may provide access to the meeting via a live broadcast, via a video and/or audio streaming service, and/or via a telephone number for joining an audio conference. Such meeting access information shall also appear on the meeting’s agenda.
3. District contact information that a person may use to identify and communicate any special needs or any requests for accommodations related to accessing the meeting. This would include a person for whom it would be burdensome or infeasible to use the primary method(s) of remote access established by the District. To the extent that doing so would not violate an order, decree, or declaration of a governmental authority, such an accommodation may include granting an exception to otherwise-applicable restrictions on in-person attendance at the meeting.
4. Although the notice shall identify a physical location for the meeting, which shall normally be the location where at least the presiding officer and Superintendent are present (see below), the notice shall normally further include a statement, as applicable to the specific meeting and emergency circumstances, that either:
 - a. The District discourages the public and/or media from attending the meeting in person at its noticed location due to concerns with health and safety (such statements may also identify any further limitations or restrictions on in-person attendance that may apply); or
 - b. The public and/or media are prohibited from attending the meeting in person at its noticed location due to a specific and applicable recommendation or an order, decree, or declaration that has been issued by a governmental authority.
5. Unless required by law in connection with a particular item of business, a virtual meeting held under this policy need not include an opportunity for any in-person or other form of public comment during the meeting.
 - a. The meeting notice may include information regarding how a member of the public may submit a communication (e.g., a comment regarding an agenda item) that, if received by the Superintendent by 3:00 p.m. on the day of the meeting, will be provided to all Board members at the meeting. A submitted comment will be read at the meeting only if the author is sufficiently identified and the comment complies with the

limitations that are normally applicable to verbal public comments at Board meetings (e.g., in regard to length, no prohibited content (e.g., obscenities, threats), etc.).

Conducting a Virtual Meeting of the School Board

- (1) The Board President or other presiding officer of the meeting and the Superintendent (or a designee) shall normally be physically present at the meeting location identified in the public notice of the meeting, unless such presence would violate an order, decree, or declaration that has been issued by a governmental authority or would otherwise be infeasible due to extraordinary circumstances.
- (2) Any Board members who are physically present at the posted meeting location will join the virtual meeting using the available technology platform(s). Any Board members who are not physically present at the meeting location will likewise join the meeting from their remote locations via such platform(s).
- (3) The presiding officer will formally convene the meeting.
 - a. The presiding officer shall confirm that all Board members who are known to have attempted to join the meeting have an adequate connection to enable their full participation.
 - b. The presiding officer shall confirm that the planned methods for allowing public access to the meeting appears to be functioning in a manner that allows for adequate and reasonable public access under the specific circumstances.

6. Quorums for any virtual meeting that is convened under these emergency procedures will be determined by counting the total number of Board members who are participating in the meeting, including both those physically present and those attending remotely via technology. A majority of the total members of the School Board shall constitute a quorum. If, at any point, fewer than a majority of the Board members are able to participate, the meeting shall end for a lack of a quorum.

7. Unless the in-person attendance of the full Board is disallowed by an order, decree, or declaration that has been issued by a governmental authority having such jurisdiction, no Board member will be prohibited from attending a meeting under this policy in person at the duly-noticed location of the meeting.

8. As a result:

- a. In the absence of such an order, decree, or declaration, a Board member's decision to participate in a meeting remotely via technology under this policy is considered voluntary. If, for any reason, a Board member who voluntarily attempts to participate in such a meeting from a remote location is unable to establish or maintain his/her full participation (e.g., due to unforeseen technical difficulties), the meeting may continue without such Board member's participation after a reasonable attempt to allow the Board member to resolve his/her access issues as long as the Board continues to maintain a quorum of fully-participating Board members.

- b. If the in-person attendance of the full Board at the duly-noticed location of the meeting is disallowed such that a Board member's participation from a remote location cannot be considered voluntary, and if any such Board member is unable to establish or maintain his/her full participation in the meeting from

a remote location, the presiding officer shall call for a temporary recess in the meeting to allow the Board member a reasonable opportunity to establish or restore his/her access and participation. If the Board member's access issues cannot be adequately resolved, but the Board member also has not voluntarily withdrawn from the meeting, then the remaining members of the Board (provided that there is a quorum) shall make a determination whether to continue or postpone the meeting, taking into account factors such as

(1) the apparent reason(s) for the access issues;

(2) the time sensitivity and importance of any of the remaining items of business, including the feasibility of rescheduling some or all of the remaining agenda items of the meeting.

9. Board members who join and participate in a meeting under this policy remotely via technology may participate in open sessions of such virtual meetings to the same extent as if they were physically present, including discussing items of business and making and voting upon motions

10. The Board's preferred setting and forum for conducting any closed session portion of a Board meeting is an in-person meeting, with a physical quorum of the Board being present and without the remote participation of any Board members. Further, the Board will not conduct an evidentiary, due-process hearing (such as an expulsion hearing) that involves the remote participation of any Board members unless the Board

(1) obtains the voluntary consent of the parties to the hearing; or

(2) determines that it is required to do so by operation of law, including an order or decree issued to protect public health. Accordingly:

a. If a physical quorum of the Board is present at the duly-noticed location of a Board meeting and there is no order, decree, or declaration related to the emergency that prohibits the entire Board from attending the meeting in person, then nothing in this policy grants any Board member who is not physically-present at such location the right to attend or otherwise participate in a closed session.

b. If, in extraordinary circumstances, the Board votes to approve a motion to convene in closed session during a virtual meeting held under this policy when either

(1) a physical quorum of the Board is not present at the duly-noticed meeting location, or

(2) there is an order, decree, or declaration related to the emergency that prohibits the entire Board from attending the meeting in person, then the presiding officer of the meeting shall immediately poll each member of the Board who wishes to participate in the closed session from a remote location, and each such Board member will be asked to expressly affirm that the Board member has taken appropriate precautions to safeguard the privacy and integrity of the closed session, including but not limited to precautions that would reasonably ensure that the closed session is not being recorded without the Board's permission and that no non-authorized person can hear or access the discussions or other confidential information. If any such Board member is unable or unwilling to affirm, the Board may evaluate whether to postpone the closed session or the presiding officer may require said Board member from continued participation.

Additional Statements Regarding the Scope and Application of this Policy

1. In the event of the temporary absence or disability of the Board President, the Vice President shall, to the extent necessary, perform the duties and exercise the powers of the Board President under this policy. If the Vice President is also unavailable, the School Board Clerk shall do so.
2. This policy applies to both regular and special meetings of the School Board. Minimum requirements for calling a regular or special meeting of the Board, as specified in state law, must still be satisfied in connection with meetings that are noticed and convened under this policy.
3. All special voting requirements established by state law for taking particular action must still be satisfied. Such voting requirements are not affected by this policy. In order to ensure the accurate accounting of votes, roll call votes shall be needed on action items.
4. If, at any time, the Board is made aware that the methods arranged for providing public access to a virtual meeting under this policy are not allowing adequate and reasonable public access under the specific circumstances, and if such issues cannot be remedied during a brief recess in the meeting, then the Board shall adjourn the meeting.
5. If a Board member has concerns about the Board President's decision that a virtual meeting is reasonably necessary and appropriate under this policy, or as to whether the Board should take up any particular item(s) of business at a virtual meeting, such concerns may be evaluated by the Board at the meeting via, for example, a motion to postpone some or all of the noticed agenda items for the meeting.
6. Except as otherwise expressly provided in this policy, the Board's normal policies and practices regarding (1) quorum determinations; (2) a Board member's attendance at and possible remote participation in meetings; and (3) in-person public comment opportunities during Board meetings are temporarily suspended for purposes of a virtual Board meeting that is noticed and convened under this policy.

However, once the reason for the emergency no longer exists, this policy no longer applies, and the Board's normal policies and practices regarding its meetings shall again govern subsequent meetings.

7. The Board authorizes its subunit committees and any other governmental bodies within the District to hold virtual meetings in compliance with the law and in substantial compliance with the procedures set forth in this policy, with the presiding officer of the applicable body serving in the roles this policy assigns to the Board President. 8. The requirements, procedures, and other provisions of this policy may be suspended or modified by the Board to the extent doing so would be consistent with applicable law, including any emergency relief or emergency exemption from an otherwise-applicable legal requirement that may be authorized by an appropriate governmental authority.

Legal References: Wisconsin State Statutes:

[Subch. V of Ch. 19](#)

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[Section 118.38 Section](#)

[120.11 Section 252.02](#)

Adopted: November 11, 2020