

VIRTUAL SCHOOL BOARD MEETINGS IN EMERGENCY SITUATIONS

This policy defines procedures for calling, noticing, and conducting technology-facilitated School Board meetings that involve remote participation by Board members in situations where conditions exist that make it potentially dangerous for the Board to convene in person. Examples of such dangerous conditions might include 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, in the absence of any Board decision, upon the Board President's determination (in consultation, as needed, with the District Administrator and District legal counsel) that such dangerous conditions exist and that it is reasonably necessary and appropriate to hold one or more virtual meetings of the Board.

Public Notice of a Virtual Meeting

The District shall, in addition to all other content required by law, include the following information as part of the notice:

1. Board meetings may be conducted as virtual meetings due to an active emergency situation, meaning that multiple Board members may be participating in the meeting from remote locations through the use of communications technology.
2. The current evolving health crisis related to the COVID-19 pandemic of 2020 has been deemed to necessitate the use of virtual meetings.
3. 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. The District may limit attendance by establishing the following: four Board members, District Administrator, Business Manager, and District Administrative Assistant. As the nature of business conducted by the Board changes, so does the level of public participation. The Board President and District Administrator are authorized to arrange for the reasonable public accessibility of the meeting on a case-by-case basis and to adjust the meeting notice accordingly.
4. Due to concerns about in-person attendance at meetings, the Board recognizes the need for an alternate process to submit public input.
 - a. At the Board's first regular meeting of the month, the public may comment on items on the agenda or bring forward items not on the agenda. At the second meeting of the month, only comments related to items on the agenda may be offered.
 - b. Comments may be submitted via email to the District Administrative Assistant (krulll@evansville.k12.wi.us).
 - c. In addition to the comments, email submissions must state the submitter's name and full address of their place of residence. A submitted comment will be read at the meeting only if the commenter is sufficiently identified.
 - d. Email must be received no later than noon on the day of the Board meeting.

- e. Emails will be forwarded to the Board President, who will read all timely submissions during the Public Presentations portion of the meeting.
5. The Board further recognizes that there may be circumstances under which it is necessary that the public have the option of in-person attendance. To facilitate such attendance and allow for appropriate public input, the Board establishes the following:
 - a. While the Board meets in the District Board & Training Center, the public will gather in the Media Room at the High School.
 - b. A moderator will be present in the Media Room to assist the public in accessing the board meeting via an approved virtual meeting platform.
 - c. Public comments can be submitted by those in attendance in the Media Room and presented to the Board verbally using the approved virtual meeting platform.

Conducting a Virtual Meeting

1. A physical quorum must be present as required by statute for a valid meeting to occur.
2. The presiding officer of the meeting shall be a Board member (normally the Board President) who is physically present and counted in the quorum.
3. The presiding officer shall confirm that all Board members who are known to have attempted to join the meeting appear to have an adequate connection to enable their participation as authorized under this policy.
4. If, at any point, a quorum of the Board ceases to be present at the physical location of the meeting, the meeting shall end for a lack of a quorum.
5. 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. 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 their full participation (e.g., due to unforeseen technical difficulties), the meeting may continue without such Board member's participation.
 - b. If the in-person attendance of the full Board at the duly-noticed location of the meeting is disallowed by an order, decree, or declaration 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 their 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 their 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 shall make a determination whether or not to continue the meeting without the Board member, taking into account factors such as (1) the apparent

reason(s) for the access issues; and (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.

6. Board members who, under this policy, join and participate in a meeting 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, except that Board members may not participate remotely in any evidentiary, due-process hearing, whether in open session or closed session.
7. The Board's preferred setting and forum for conducting any closed session portion of a Board meeting is an in-person meeting, without the remote participation of any Board members. Accordingly:
 - a. If there is no order, decree, or declaration related to the emergency that expressly prohibits the entire Board from attending the meeting in person at its duly-noticed location, then nothing in this policy grants any Board member who is not physically present at such location a right to attend or otherwise participate in a closed session.
 - b. In the event that the Board considers a motion to convene in closed session during a virtual meeting held under this policy when there is an order, decree, or declaration related to the emergency that expressly prohibits the entire Board from attending the meeting in person, the presiding officer of the meeting shall poll any member of the Board who is involuntarily participating in the meeting from a remote location who also wishes to participate in the closed session, 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. The members of the Board may take the response(s) to the request for such affirmations into account in determining whether to authorize or potentially postpone the closed session.

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 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. During meetings that involve the remote participation of any Board members, the Board will take appropriate measures to ensure accurate tallying and documentation of votes, which may include the regular use of roll call votes or other methods that clearly identify the votes of the individual Board members. No Board member who is absent from a meeting may ever vote by proxy.
4. 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.

5. If a Board member has a concern related to the Board President's decision that a virtual meeting is reasonably necessary 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. The Board authorizes the Board President to cancel any Board meeting that has been scheduled or noticed during the pendency of conditions that constitute an emergency situation under this policy (a) if necessary to comply with any mandatory decree, order, or declaration of a governmental authority, or (b) if the Board President determines that health and safety considerations related to the pending emergency situation outweigh any need for the Board to meet, such that the Board would still be able to meet any of its legal obligations (e.g., at a rescheduled meeting) and such that the interests of the District otherwise reasonably permit the cancellation of the meeting. A cancellation under this paragraph shall be effectuated by notifying all Board members and any relevant staff members of the cancellation and by withdrawing any public notice of the meeting and replacing such public notice with a notice of the cancellation (including notifying relevant media).
7. The Board's normal policies and practices regarding Policy #186: Remote Participation in Meetings by Board Members and Policy #187: Public Participation at Board Meetings are temporarily suspended for purposes of a virtual Board meeting that is noticed and convened. Once the emergency situation no longer exists, this policy no longer applies, and the Board's normal policies and practices regarding its meetings shall again govern subsequent meetings.
8. Subject to any Board decision to temporarily suspend the meetings of such bodies and to the judgment of the relevant presiding officer as to whether it is necessary and appropriate to attempt to hold a meeting, 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. However, in contrast to Board meetings, quorum determinations for such other bodies shall include the members who are participating from a remote location. For such other bodies, absent extenuating circumstances, at least the presiding officer of the meeting and the District Administrator (or another administrator who serves as a staff liaison to the body) shall normally be physically present at the meeting location identified in the public notice of the meeting.
9. The requirements, procedures, and other provisions of this policy may be suspended or modified by a standard majority vote of the Board to the extent doing so would be consistent with applicable law, including any emergency relief, waiver, or exemption from an otherwise-applicable legal requirement that may be authorized by an appropriate governmental authority.

Legal References:

Wisconsin Statutes Subch. V of Ch. 19 (Open Meetings of Governmental Bodies)

Section 118.38 (Waivers of Laws and Rules by the Department of Public Instruction)

Section 120.43 (School Board Meetings in Common and Union School Districts)

Section 252.02 (Powers of the Department of Health Services in
Connection with Communicable Diseases)
Section 120.13 Wisconsin Statutes (School Board Powers)

Cross References:

Policy #186 Remote Participation at Board Meetings

Policy #187 Public Participation at Board Meetings

Other References:

WASB Webinar, March 13, 2020

WASB Webinar, March 20, 2020

WASB Sample Policy 2: Virtual Board Meetings in Emergency Situations