

## **0170 – VIRTUAL BOARD MEETINGS**

The Board of Education shall make every effort to ensure the Board continues to meet regularly during declared periods of emergency to oversee operation of the school district and the educational program and to provide necessary updates to the community.

Pursuant to Chapter 11 of the Public Laws of 2020, the Board is authorized to conduct virtual meetings to comply with directives pursuant to a declared state of emergency, state of local disaster, or public health emergency to prevent the spread of contagious disease and/or as otherwise directed by the State when weather events and other extenuating circumstances render in-person meetings less than optimal.

In accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), public meetings, including conducting board business, voting and receiving public comment, may be held in person or by means of communication equipment (N.J.S.A. 10:4-8(b)), to include streaming video services and other online meeting platforms.

The Board may hold virtual meetings according to the following provisions:

### **Notification of Virtual Board Meetings and Exception**

All meetings, including those held using communications equipment, must be noticed in a manner consistent with the requirements of the Open Public Meetings Act and Board Bylaw 0162 Notice of Meetings;

- A. Wherever practicable, public notice of a virtual board meeting shall include a hyperlink to the webpage with instructions for public viewing and participation in the virtual board meeting;
- B. Virtual meetings for emergent circumstances may be held without providing adequate notice in a manner consistent with the requirements set forth at N.J.S.A. 10:4-9(b):
  1. Three-quarters of the members present vote to do so; and
  2. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
  3. The meeting will be limited to discussion of and action on these matters; and
  4. Adequate notice of such meeting is provided as soon as possible following the calling of such meeting; and
  5. One of the following:
    - a. Either the Board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or
    - b. The need could have been foreseen in time but the Board failed to give adequate notice;

Virtual Public Attendance and Participation

The provisions of Board Bylaw 0167 – Public Participation in Board Meetings shall also apply to virtual board meetings, with the following addenda:

- A. Instructions shall be provided, on the Board webpage of the district’s website, to assist the public in remotely accessing the virtual board meeting;
- B. The Board shall provide a means of permitting public comment during virtual board meetings, and guidance shall be provided to the public for remotely providing comments;
- C. The presence of a persistent commenting feature shall not create an obligation upon the Board to acknowledge or respond to public comments outside of the designated public commenting periods on the meeting agenda;
- D. All virtual comments shall be directed to the Board President, and all responses shall be by the President or at the direction of the President;
- E. For the purposes of meeting format continuity, Board members are discouraged from reading and responding to posted public comments outside the designated comment periods;
- F. In the event that a previously advertised public board meeting must be conducted remotely, the district business administrator/board secretary shall ensure that the advertised meeting place is connected to the meeting through communications equipment, unless otherwise directed by state or local emergency management or health officials; and
- G. Remote meeting shall be audio and video recorded in the same manner as in-person public meetings;

Virtual Executive Sessions

The Board shall avoid conducting an executive or closed session through virtual means unless the topic of concern is urgent or directly affects the health, safety, or welfare of residents, students or district staff.

- A. All provisions and requirements of in-person executive or closed sessions, as detailed in Board Bylaw – 0166 Executive Sessions, shall also apply to virtual executive or closed sessions;
- B. If a virtual executive or closed session is necessary, the Board shall use an appropriate mechanism that ensures the confidentiality of closed session, and Board members shall ensure members of the public, including family members, are not privy to the confidential discussions;

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- C. All practicable efforts must be made to conduct the virtual executive or closed session at the end of the public portion of the meeting. After announcing the executive or closed session at the public portion of the meeting consistent with the Open Public Meetings Act, the Board shall cease use of the virtual public meeting mechanism and initiate the use of a separate, non-public access controlled mechanism for the executive portion of the meeting; and
- D. If the board meeting must reopen to the public to take action following an executive session, the use of the non-public virtual meeting mechanism must cease and the board must again initiate use of a public virtual meeting mechanism.

Board Bylaw 0162 – Notice of Meetings  
Board Bylaw 0167 – Public Participation in Board

N.J.S.A. 10:4-6 et seq.  
N.J.S.A. 10:4-8(b)  
N.J.S.A. 10:4-9(b)  
N.J.S.A 10:4-12  
P.L. 2020, Ch.11

Executive Order 103 (Gov. Murphy 09MAR2020)  
Executive Order 107 (Gov. Murphy 21MAR2020)

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