



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: I

Date: December 12, 2023

Title: First and Final Review of Board of Education Advisory Committee All-Virtual Public Meeting Policy

Presenter: Jim Chapman, Director of Board Relations

Purpose of Presentation

Action required by state or federal law or regulation.

Executive Summary

In 2022, a new section [2.2-3708.3](#) of the Virginia Freedom of Information Act was added to allow for all-virtual public meetings. In order to convene an all-virtual public meeting, a public body must adopt an all-virtual public meeting policy as described in § [2.2-3708.3\(D\)](#).

Although the Board of Education (“Board”) is not allowed to convene an all-virtual public meeting because it is a “board[] with the authority to deny, revoke, or suspend a professional or occupational license,” the Board “may also adopt a[n all-virtual public meeting] policy on behalf of its committee, subcommittee, or other entity” § [2.2-3708.3\(D\)](#).

The policy included as Attachment 1 to this item is an all-virtual public meeting policy that will apply to the Board’s committees, subcommittees, and other entities, as described in the policy. The policy was drafted by the Office of the Attorney General. Adoption of this policy will aid the Board’s committees, subcommittees, and other entities to do the work delegated to them by the Board.

Action Requested

Final review: Action requested at this meeting.

Superintendent's Recommendation

The Superintendent of Public Instruction recommends that the Board of Education waive first review and adopt the all-virtual public meeting policy on behalf of its committees and subcommittees.

Rationale for Action

Adoption of this item will greatly facilitate the work of the Board's committees and subcommittees.

Previous Review or Action

No previous review or action.

Background Information and Statutory Authority

Section [2.2-3708.3](#)(D) of the Code of Virginia states the following:

Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

Stakeholder Engagement

The all-virtual public meeting policy was not the subject of stakeholder engagement. However, the policy was drafted by the Office of the Attorney General.

Implementation and Communication

Upon approval by the Board, the Office of Board Relations will distribute the all-virtual public meeting policy to the Board's committees and subcommittees. The Office of the Attorney General will be available to aid the Board's committees and subcommittees in implementing the policy.

Impact on Fiscal and Human Resources

Any impact on fiscal or human resources can be absorbed within existing agency structures.