



# VIRGINIA BOARD OF EDUCATION

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# AGENDA ITEM

**Agenda Item:** D

**Date:** September 26, 2024

**Title:** Final Review of Proposed Technical Revisions to the *Bylaws of the Virginia Board of Education* and Policies Regarding Remote Participation and All-Virtual Public Meetings

**Presenter:** Jim Chapman, Director of Board Relations

## **Purpose of Presentation**

Review/action required by Board of Education bylaws.

## **Executive Summary**

Section 22.1-16 of the Code of Virginia states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.” The Bylaws of the Virginia Board of Education (“Bylaws”) are the rules governing the Virginia Board of Education (“Board”). The Bylaws were first adopted on June 22, 2000, and were subsequently amended in October 2000, October 2001, September 2004, February 2016, and October 2022.

VDOE staff has made proposed revisions to the Bylaws in order to offer clarifications and reduce language that is redundant with state law. The suggested revisions to the Bylaws attempt to intrude as little as possible into the existing text.

Clarifications include new procedures for handling a “personal interest” as defined by the State and Local Government Conflict of Interests Act; increased flexibility regarding directions for setting meetings; and other minor revisions to language.

Reductions in language that is redundant with state law includes striking Article Two as duplicative of state law; reducing Article Four, Section 11 to default to the electronic participation procedures in the Virginia Freedom of Information Act (“FOIA”); reducing Article Five to default to the closed meeting procedures in FOIA; removing Article Eleven, Section 1 as duplicative of the authority granted the Board in statute, as well as the responsibilities to which

the Board is subject; removing Article Eleven, Section 3 and Article Fifteen, Section 7 as duplicative of the requirements set by state law; and removing Article Fourteen as duplicative of constitutional and statutory obligations.

In particular, VDOE staff recommends removing Article Four, Section 11 regarding electronic communication. Amendments to FOIA that went into effect in July 2024 now require public bodies to adopt an all-virtual public meeting and remote participation policy “at least once annually . . . by recorded vote at a meeting . . .” The Board should remove the policy from its Bylaws in order to take a more flexible approach of adopting policies at Board meetings (between July and October) for remote participation and all-virtual public meetings (on behalf of its required advisory committees). Attachment 4 includes a remote participation and all-virtual public meeting policy for the Board to consider alongside the proposed changes to the Bylaws.

The suggested revisions are being presented by the Board for consideration and general discussion. According to Article Twelve of the Bylaws, any amendment requires a vote of at least seven members of the Board after a first and final review has been completed at two separate meetings. The requirement for a first and final review at two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.

Since first review, the item has been changed at the suggestion of the Board President to include a provision that, at special and emergency meetings, public comment shall be limited to items on the agenda. A list of references to legal responsibilities that have been removed from the Bylaws has been included as Attachment 3.

### **Action Requested**

Final Review: Action requested at this meeting.

### **Superintendent’s Recommendation**

The Superintendent of Public Instruction recommends that the Board of Education approve the Proposed Technical Revisions to the *Bylaws* and policies in Attachment 3.

### **Previous Review or Action**

First Review: August 28, 2024

### **Background Information and Statutory Authority**

Section 22.1-16 of the Code of Virginia states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.” The Bylaws were first adopted on June 22,

2000, and were subsequently amended in October 2000, October 2001, September 2004, February 2016, and October 2022.

### **Stakeholder Engagement**

VDOE staff has consulted with OAG regarding the proposed technical revisions to the *Bylaws* as well as the policies in Attachment 4.

### **Implementation and Communication**

Following Board approval, copies of the *Bylaws* and remote participation and all-virtual public meeting policies will be provided to all members and posted on the Board's webpage.

### **Impact on Fiscal and Human Resources**

There will be no impact to the agency's fiscal or human resources.