

## 0164.2 – ELECTRONIC PARTICIPATION BY BOARD MEMBER

### Policy Intent

While the Board strongly encourages members to participate in Board of Education meetings in person, there may be occasions when a member cannot physically be present at the meeting, but he/she nevertheless wishes to fully participate in the discussion. Therefore, due to advances in technology, the Board hereby wishes to allow its members, within reason, to participate in Board meetings by teleconferencing or videoconferencing equipment (or by other comparable technological means), subject to conditions set forth in this policy (hereinafter “remote participation”). Indeed, the definition of a “meeting” under the OPMA is defined as “a gathering whether corporeal *or by means of communication equipment* which is attended by, or open to, all members of the public body to discuss or act as a unit upon specific public business”

The Board recognizes that having a policy with clearly defined criteria for such Board member participation will permit such participation in a reasonable, proper and consistent manner. Moreover, it will ensure that all appropriate measures are taken to ensure that members of the public attending the meeting have the opportunity to hear the member who is not physically present participate in the public meeting.

### Conditions for Participation

The following conditions must be satisfied before a member is allowed to participate in a meeting remotely through the use of technology. However, satisfying these conditions does not guarantee that permission will be granted:

1. If a member cannot participate in a Board meeting due to family, business, medical, or proximity reasons, *i.e.*, being out of State, (hereinafter referred to as “good cause”), he or she shall notify the Board President at least forty-eight (48) hours in advance of the meeting, if practicable. If the Board President cannot participate in a Board meeting, he or she shall notify the Board Vice President at least forty-eight (48) hours in advance of the meeting if practicable. This notice requirement may be waived if the member could not have reasonably anticipated that he or she would not be able to attend the meeting in person.
2. The member must explain to the President (or Vice President if they are the Board President) the reason(s) why the request in being made.



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3. The member making the request must participate in the entire meeting, not just a portion of the meeting or for a particular vote.
4. Remote participation to attend Executive Closed Sessions, unless approved by the Board President (or Board Vice President if they are the Board President) is not permitted.
5. The Board President (or Board Vice President if evaluating the request of the Board President) will then determine whether good cause exists so as to permit the member to participate.
6. The Board President (or Vice President if the Board member is the President) must notify the Board member of his or her determination as soon as is reasonably possible in advance of the meeting. If the President participates remotely, he or she shall not run the meeting. That responsibility shall be assumed by the Vice President.
7. If permission is granted for remote participation, the Board member must give his/her undivided attention to the meeting and must participate in the entire meeting.
8. The Board member must be able to hear all of the members of the public and vice versa through the communications equipment which will be used. If this is not possible, the request for participation shall be denied.

### Other Miscellaneous Provisions

The Board President (or Vice President if the Board President is attending remotely) shall announce at the beginning of the meeting the identity of the Board member who is participating in the meeting remotely.

The meeting minutes should reflect the name of the member who participated in the meeting remotely.

### Legal References:

Open Public Meetings Act: N.J.S.A. 10:4-6 *et seq.*  
*Attorney General Opinion, April 12, 2000*

Adopted: 13 September 2016

Revised: \_\_\_\_\_

