



WASB Sample Policies to Support Local Decisions for Changes to School Board Meetings during the COVID-19 Pandemic

Following the state-wide closure of schools and the various mandates and guidelines that have been issued by state and federal authorities in the past week, we have received many inquiries about how to safely and legally conduct school board meetings in light of the COVID-19 pandemic. Many of these inquiries understandably involve questions about limiting the number of people who attend a meeting in person—including board members, staff, and the public and media. Most districts are considering the need to pursue some type of “virtual meeting,” where access to meetings will be facilitated by one or more types of communications technology.

Ultimately, each school board will have to make some decisions about how they intend to proceed, and it is very likely that many boards will need, or at least prefer, to document those decisions in the form of a board policy. Some boards will also determine that they may need or wish to temporarily suspend or modify some of their existing policies (such as a policy that provides for public comment periods at all board meetings, a policy that currently prohibits remote participation by board members, or a policy that calls for committees to hold monthly meetings).

Against this backdrop, WASB has drafted two sample policies for the subscribers to our premium policy service, the ***Policy Resource Guide***. However, given the nature of the crisis and the pressing issues that are being presented to all school boards, we are making the samples available to all of our member school boards. A district’s leadership team may be able to use one of the samples, in consultation with District legal counsel as needed, as a starting point for crafting a final policy that reflects local needs and circumstances. In addition, by Tuesday March 24, we intend to supplement the sample policies with a special issue of ***The FOCUS*** (a WASB policy publication) that will cover the topic of holding board meetings during the pandemic. We hope the special publication will further assist boards as they assess and adjust their local policies and practices.

We have titled the sample policies “Virtual Board Meetings in Emergency Situations.” Before downloading and starting to work with one of the sample policies, please review the important information about the samples that is presented on the next page. (The links to the sample policies can also be found on the next page. A WASB website login will be required to download the samples.)

As always, please feel free to contact the WASB staff via phone or email with your additional questions about holding school board meetings during the pandemic.

Sincerely,

The WASB Legal and Policy Services Teams



Policy Resource Guide

Here is some important information for WASB members about the sample policies from the **Policy Resource Guide** on the topic of “Virtual Board Meetings in Emergency Situations” (PRG policy code 189):

1. **Why are there two samples?** The two sample policies are very similar, with one important exception. The exception concerns the manner in which each sample approaches the question of determining a quorum for purposes of convening a board meeting at which the board may take any official action (i.e., vote and make decisions on any matter that is within the scope of the board’s powers and duties).
 - **189 Sample Policy 1:** Under this sample, the quorum count will include both board members who are physically present at the noticed location of the meeting, and all board members who are fully participating in the meeting remotely (including voting on motions that come before the board). *(Note: If a board member who is attending a meeting from a remote location is not permitted to vote on any motions under a local policy, then such a board member should not be counted in the quorum.)*
 - **189 Sample Policy 2:** Under this sample, a quorum count includes only those board members who are physically present at the noticed location of the meeting. Without a quorum of board members who are physically present, the board is not permitted to take any official action and should adjourn the meeting.

WASB has provided a sample under each of these approaches to determining a quorum because we are aware that some school attorneys are advising districts that it may be necessary for boards to maintain a physical quorum in order to convene a meeting and take any official action, and their recommendation has been that districts should take that approach in their local policies (at least in the absence of a obtaining a waiver from DPI). We wanted to provide sample policies that reflect the different legal advice that schools are receiving on the important issue of quorum determinations.

2. **What are some of the key things that the samples cover?** Like most sample policies, each sample demonstrates one possible way to approach the overall topic. There are many other ways the issues could have been addressed. Some of the common elements of the two samples are that (1) they both provide for heightened notice to the public regarding how the board intends to structure its meetings in light of the pandemic (and some districts might decide that they do not want to commit to all of the notice obligations established by the policies); (2) both samples authorize and provide procedural structure for board members’ remote participation in meetings (including voting and including placing limitations on closed session participation); and (3) both samples anticipate that the district may substantially adjust the manner in which the district provides the public and media with access to board meetings.
3. **Will one of these samples work well for my district?** Maybe! No single approach to this topic is going to work well for all districts. However, even if a district’s leadership team finds that the specific samples are not a good fit for the district’s local needs, the team will likely benefit from a review of the issues that the samples cover. One reason that the samples are a bit lengthy is they are intended to identify some issues that a district might not otherwise prepare for on the front end of making substantial changes to how school board meetings are conducted.
4. **Can we modify portions of a sample that we want to change?** Yes! The samples are provided as a possible starting point for local decision-making and modification. They are not provided as legal advice or as district-specific recommendations. School leaders should work with their legal counsel as needed to finalize a draft local policy. Districts should not think of the WASB samples as “models” that present a preferred approach the topic. Each sample is an example of just one way to approach the various issues.
5. **If WASB modifies these samples based on district feedback or as circumstances evolve or as legal developments occur, will the changes also be posted online?**

Any changes, clarifications, or corrections that WASB makes to these samples prior to July 1, 2020, will be posted on the WASB website and made available to all WASB members, with revision dates noted.