

SECTION: LOCAL BOARD PROCEDURES

TITLE: BOARD MEMBER PARTICIPATION AT PUBLIC MEETINGS VIA SPEAKERPHONE

ADOPTED: December 3, 2007

REVISED:

# MIDDLETOWN AREA SCHOOL DISTRICT

## 006.1. BOARD MEMBER PARTICIPATION AT PUBLIC MEETINGS VIA SPEAKERPHONE

### Section 1. Purpose

Each Board member is strongly encouraged to attend the Board's public meetings in order to fulfill the duties of their office. While history demonstrates that Board members are committed to regularly attending public meetings, there are occasions when work, family or personal commitments compel Board members to be absent from Board meetings.

As a result of technological advances, Board members are fully capable of participating in the deliberations at public meetings even when they are unable to be physically present at those meetings. The Board wants to allow its members who are unable to be physically present at public meetings to nonetheless participate in them under certain limited circumstances.

65 Pa. C.S.A.  
Sec. 701 et seq

The Board recognizes that in *Babac v. Pennsylvania Milk Marketing Board*, 531 Pa. 391, 613 A.2d 551 (1992), the Pennsylvania Supreme Court ruled that a public official may participate in a public meeting via speakerphone without violating the Sunshine Act, provided the following conditions are satisfied: (1) the official can hear the comments of those speaking at the meeting; (2) the official can speak to all those present at the meeting; and (3) the official is able to interact contemporaneously as if s/he was present at the meeting.

Therefore, the Board adopts this policy to authorize its members to participate in public meetings via speakerphone from time to time, in a manner that complies with the applicable law and the requirements of this policy. This policy is not intended to undermine the strong preference for Board members to be physically present for public meetings, but to simply allow Board members to utilize technology on occasion to participate in public meetings when other legitimate obligations prevent them from doing so.

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<p>Pol. 006</p>	<p>Section 2. <u>Definitions</u></p> <p>For purposes of this policy, the terms listed below are defined as follows.</p> <p><b>Public meeting</b> - shall mean any duly-advertised meeting of the Board, which is attended or participated in by a quorum of the Board members, held for the purpose of deliberating on school district business or taking official action. Public meetings shall include duly-advertised meetings of any Board committee.</p> <p><b>Board member</b> - shall be an individual duly-elected or appointed to serve on the Board.</p> <p><b>Calendar year</b> - shall mean the time period elapsing between January 1st and December 31st.</p> <p><b>Board</b> - shall mean the Board of School Directors for the Middletown Area School District.</p> <p><b>Speakerphone</b> - shall mean a telecommunication device which allows an individual to contemporaneously speak with and listen to others who are in a different location from that individual.</p> <p>Section 3. <u>Request To Participate In A Public Meeting Via Speakerphone</u></p> <p>In order to participate in a public meeting via speakerphone, a Board member must submit a written request to do so that satisfies all of the following conditions:</p> <ol style="list-style-type: none"><li>a. The Board member must submit a request to participate in a public meeting via speakerphone at least seven (7) calendar days before the scheduled date of the public meeting.</li><li>b. The request must explain the reason why the Board member is unable to attend the public meeting in person.</li><li>c. The request must be submitted to the Superintendent of Schools and the Board President.</li><li>d. The request must confirm that the Board member will be available to participate at the scheduled starting time for the public meeting.</li></ol>
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Section 4. Board Review Of Request

Any properly submitted request for a Board member to participate in a public meeting via speakerphone will be reviewed by a committee consisting of the Board President, Vice-President and one (1) other designated Board member. The request shall be reviewed by the committee within three (3) calendar days of its receipt, and a decision rendered no later than two (2) calendar days before the scheduled date of the public meeting.

Where, in the discretion of the review committee, good cause exists for a Board member to participate in the public meeting via speakerphone, the request will be granted. **Good cause** shall be construed to include: (1) an unexpected family or personal commitment that would prevent a reasonable Board member from attending a public meeting; or (2) a work/business-related commitment of a Board member that could not be scheduled to avoid conflicting with the scheduled date or time for the public meeting.

Section 5. Requirement For Participation Via Speakerphone

No Board member will be permitted to participate in a public meeting via speakerphone, unless the following conditions are satisfied throughout the entire public meeting:

- a. The Board member can hear the comments of those speaking at the meeting.
- b. The Board member can speak to all of those present at the meeting.
- c. The Board member is able to interact contemporaneously with others as if that person was physically present at the meeting.
- d. The Board member's participation via speakerphone does not disrupt or interfere with the proceedings of the meeting.
- e. The Board member participates in the entire public meeting, unless otherwise excused from doing so by the presiding officer at the meeting.

Section 6. Restrictions Against Speakerphone Participation

The following restrictions or limitations apply with regard to speakerphone participation by a Board member:

- a. Each Board member shall be limited to two (2) occasions each calendar year when s/he may participate in a public meeting via speakerphone.

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- b. No more than two (2) Board members may participate in a public meeting via speakerphone at one (1) time.
- c. No Board member may participate via speakerphone in any executive session, student expulsion hearing, employee dismissal hearing or lawfully-held private meeting of the Board.
- d. No Board member may participate in the Board's Reorganization Meeting via speakerphone.
- e. The Board President may not preside at any public meeting via speakerphone.
- f. The Board Secretary may not keep the minutes of any public meeting via speakerphone.

Section 7. Other Provisions

When a Board member participates in a public meeting via speakerphone, the presiding officer of the meeting shall publicly announce that fact at the start of the public meeting.

When a Board member participates in a public meeting via speakerphone, the minutes for the meeting shall record the Board member as being in attendance via speakerphone.

The provisions set forth in Sections 3 and 6 of this policy may be temporarily suspended by a majority vote of the entire Board, when it believes good cause exists to allow a Board member to participate in a public meeting via speakerphone.

References:

Sunshine Act – 65 Pa. C.S.A. Sec. 701 et seq.

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