

Committees and All-Virtual Meetings

During the Governor's declaration of emergency because of the pandemic, many school boards and board committees enjoyed the convenience of all-virtual meetings. In addition, many community members were able to watch board and committee meetings that were broadcast that they would not have been able to attend in-person. Va. Code § 2.2-3708.3, which was enacted by HB 444 and became effective on September 1, 2022, permits committees, but not school boards, to hold all-virtual meetings when there has not been a declaration of emergency by the Governor. That permission is subject to several requirements and restrictions which are discussed below.

First, a policy permitting all-virtual meetings by committees must be adopted. The policy must describe the circumstances under which all-virtual meetings will be allowed. Once such a policy is in place, the following requirements must also be met.

- Committees may not hold all-virtual meetings more than twice per calendar year, or 25% of the meetings of that committee held per calendar year, rounded up to the next whole number, whichever is greater.
- No all-virtual meeting may be held consecutively with another all-virtual meeting.
- The notice of the meeting must indicate whether the meeting will be in-person or all-virtual. The notice must also include a statement notifying the public that the method by which the committee will meet (i.e. all-virtual or in-person) will not be changed unless new notice of the meeting is given.
- Public access must be provided via electronic communication means.
- The electronic communication means used must allow the public to hear all members of the committee participating in the all-virtual meeting and, when audio-visual technology is available, to also see the committee members.
- A phone number or other live contact information must be provided to alert the committee if the audio or video transmission of the meeting fails. The designated means of communication must be monitored during the meeting and the committee must take a recess until public access is restored if the transmission fails.
- A copy of the proposed agenda and all agenda packets and, unless exempt, all materials given to members of the committee for the meeting is made available to the public in electronic format at the same time the materials are provided to members of the committee.

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- The public must be given the opportunity to comment through electronic means, including by way of written comments, at those meetings at which public comment is customarily received.
- If more than two members of the committee are together in any one location, that location must be open to the public for physical access.
- If a closed session is held during the all-virtual meeting, transmission of the meeting to the public must resume before the committee votes to certify the closed meeting.
- Minutes of all-virtual meetings must include the fact that the meeting was held by electronic means and identify the type of electronic communication means by which the meeting was held.

School boards should be sure that their committees are aware of, and comply with, these rules when committees hold all-virtual meetings.

If you have any questions about this Policy Page, please contact Elizabeth Ewing at 434-295-8722 or ewing@vsba.org.