**Fairfax County School Board**
**Resolution Authorizing Remote Participation in Board Meetings[1]**

The Fairfax County School Board may conduct public meetings or closed meetings in which one or more Board members participates by means of electronic communication under the following circumstances, each of which may be referred to herein as a "Qualifying Unavailability:"

(a) The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

(b) A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance;

(c) The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

(d) The member is unable to attend the meeting due to a personal matter.

The procedural requirements for remote participation in meetings due to a Qualifying Unavailability, and the limitations on such participation are set forth below.

1. **Definitions.** As used in this Resolution, the following terms have the meanings set forth below:

"**Caregiver**" means an adult who provides care for a person with a disability as defined in § 51.5-40.1. A caregiver must be related by blood, marriage, or adoption to, or the legally appointed guardian of, the person with a disability for whom he or she is caring.

"**Disability**" means that the individual meets the definition of "person with a disability" set forth in Va. Code § 51.5-40.1.

"**Remote participation**" (and variations thereof) means participation by electronic communication means in a public meeting from a location other than the location at which a quorum of the public body is physically assembled.

"**Remote Participation Request**" means a written notice in substantially the form attached to this Resolution notifying the Chair and Clerk of the Board that a Board member wishes

[1] This Resolution does not govern meetings of the School Board, or committees or subcommittees thereof, conducted by means of electronic communication due to a state of emergency declared by the Governor of the Commonwealth of Virginia pursuant to Virginia Code § 44-146.17, or a declaration of a local state of emergency in Fairfax County, Virginia pursuant to Virginia Code § 44-146.21. The requirements for electronic meetings held under such circumstances are set forth in Virginia Code § 2.2-3708.2.

to participate in a meeting by means of electronic communication due to a Qualifying Unavailability.

2. **Mandatory Requirements for Remote Participation**.

a. **Quorum Requirement**. A quorum of the Board must be physically assembled at the meeting location in order for one or more members to participate from a remote location. For purposes of determining whether this quorum requirement has been met, a member will be deemed to be physically present if such member is participating by remote means because he or she is a person with a disability or a caregiver of a person with a disability.

b. **Limitation on Personal Matters**. Remote participation due to a personal matter is limited each calendar year to to 25% of the meetings held, or to be held, by the Board during the then-current calendar year rounded up to the next whole number. The Board will assess this percentage based on the aggregate number of all public meetings during the applicable period (including, but not limited to, Regular Meetings, Work Sessions, Closed Meetings, Public Hearings, Joint Meetings, and Standing Committee Meetings) rather than assessing it for each individual meeting type. A Remote Participation Request will not be approved on the basis of a personal matter if approval will cause the requesting Board member to exceed the limitation set forth in this paragraph.

c. **Security of Remote Location**. The remote location should be one that allows the participating member to be heard by all members physically assembled at the meeting, without disruption or interference, such as feedback, echoes, or excessive background noise. In addition, the remote location identified in the Remote Participation Notice may not be located in a country that is listed as a "country of concern" in 28 C.F.R. § 202.601(a) (2025).

d. **Privacy of Closed Meetings**. If the Board meeting is a closed session, the requesting member must ensure that no third party is able to hear or otherwise observe the meeting.

e. **Technical Accommodations**. Arrangements must be in place for the voice of the remotely participating member to be heard by all persons at the physical meeting location..

3. **Procedure.** The procedural requirements for remote participation due to a Qualifying Unavailability are as follows:

a. **Submission and Initial Review of Remote Participation Request**.

i) **Submission of Request**. On or before the date of the meeting, or at amy time prior to the start of a meeting, a Board member who wishes to participate in a Board meeting by means of electronic communication due to a Qualifying Unavailability shall submit a completed Remote Participation Request to the Clerk and to the Chair (or the Vice-Chair if the requesting member is the Chair). The Clerk shall make copies of the request available to the remainder of the Board.

ii) **Nature of Qualifying Unavailabilty**. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. If the requesting member seeks to participate remotely under paragraphs (a) or (b) of the definition of Qualifying Unavailability, the member will not be required to provide independent verification that he or she is a person with a disability, or that such member is a caregiver for a person with a disability. Similarly, the requesting Board member will not be required to disclose the nature of the disability in question.

iii) **Initial Review**. The Chair will perform an initial review of each Remote Participation Request and will approve a Request unless participation on the basis described therein would violate this Resolution. The Chair will promptly inform the Clerk and the requesting Board member of his or her decision and, in the case of disapproval, identify the requirement of this Resolution that would be violated by remote participation under the circumstances outlined in the Remote Participation Request.

iv) **Prior Arrangements**. Following approval of a Remote Participation Request and before the meeting begins, the Clerk will make all necessary arrangements for the voice of the remote participant to be heard by all persons at the meeting.

b. **Consideration by Board.** Following approval or disapproval of a Remote Participation Request by the Chair, members of the Board who are physically assembled at the meeting location and who satisfy the Board's quorum requirement will vote at the outset of the meeting to determine whether:

i) The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this Resolution; and

ii) The voice of the remotely participating member can be heard by all persons assembled at the location of the meeting.

If the Board votes to approve remote participation based upon i) and ii) above, the requesting member may proceed to participate remotely in the meeting. If, on the other hand, the Board votes to disapprove remote participation based upon i) or ii) above, the grounds for the disapproval must be stated by the Board with specificity and recorded in the meeting minutes. In that circumstance, the requesting member may monitor the meeting from the remote location, but may not participate and may not be counted as present at the meeting.

c. **References to Remote Participation in Meeting Minutes**. Whenever a Remote Participation Request is submitted, the meeting minutes for the meeting in question will include the following, as applicable:

(i) **Remote Location**. If remote participation is approved, the minutes will contain a general description of the remote location from which the member participated, as in "[Member] participated from her home in Fairfax County, Virginia."

(ii) **Medical Condition, Disability or Caregiving Responsibilities** . If a member participates remotely on the grounds described in paragraphs (a) or (b) of the definition of Qualifying Unavailability, the minutes will state that fact in general terms but will not identify the specific disability or medical condition affecting the member or the individual cared for by the member.

(iii) **Distance**. If a member participates remotely on the grounds described in paragraph (c) of the definition of Qualifying Unavailability, the minutes will indicate that the requesting member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

(iv) **Personal Matter**. If a member participates remotely on the grounds described in paragraph (d) of the definition of Qualifying Unavailability, the minutes will set forth the specific nature of the personal matter cited by the requesting member in the Remote Participation Request.

(v) **Disapproval**. Ast set forth above, if a Remote Participation Request is disapproved because it would violate this Resolution, the minutes will reflect the disapproval and will state the grounds for disapproval with specificity.

4. **Uniform Application**. This Resolution will be applied strictly and uniformly, without exception, to the entire Board and without regard to the identity of the member requesting remote participation or the matters to be considered or voted on at the meeting. This Resolution will not prohibit or restrict any member who is participating remotely from voting on matters before the Board.

5. **Application to Board Committees and Subcommittees**. This Resolution will apply with equal force to meetings of Committees and Subcommittees of Fairfax County School Board. In that context, the term "Board," as employed in this Policy and in the Remote Participation Request, will be deemed to refer to the Committee or Subcommittee in question, the term "Chair" will be deemed to refer to the Committee or Subcommittee Chairperson, and the term "member" will refer to a member of such Committee or Subcommittee.