

BEA - REMOTE PARTICIPATION

The Framingham School Committee (the "Committee") strongly recommends that members physically attend all posted meetings whenever possible. The Committee acknowledges their responsibility to ensure that remote participation is not used in any way that defeats the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which District policy is based.

The Committee recognizes that extenuating circumstances such as personal illness, personal disability, emergency, military service or geographical distance may prevent a member from physical attendance at an open meeting. Members of the Committee or its subcommittees may utilize remote participation in open meetings, special session and executive session subject to the following procedures and restrictions:

1. A quorum of the Committee, including the Chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location. Members who participate remotely shall not be deemed to be absent.
2. A Committee member who wishes to participate remotely must, as soon as reasonably possible prior to a meeting, notify the Chair or, in the absence of the Chair, the person chairing the meeting, his/her intention to do so and the reason and facts supporting the request. **Consistent with the Mayor's remote participation policy, "Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request. The person chairing the meeting, or their designee, shall make any necessary arrangements with Technology Services for use of City facilities with available equipment and services for remote participation as needed. If such facilities are needed and not available, the person chairing the meeting shall either deny the request for remote participation or postpone the meeting until a later date. A denied request for remote participation is final and not subject to appeal."** Technology Services requires 48 hours notice for requests, therefore it is recommended that all members provide at least 72 hours notice to allow time to make accommodations possible.
3. The Chair must announce at the beginning of the meeting the name of the member(s) participating remotely, the reason for the remote participation and the means of remote participation.
4. The acceptable means of remote participation is conference telephone or any other technology that is available that enables the remote participant and all Committee members and visitors present to be clearly audible to one another.
 - a. If video technology is used, the remote participant **is encouraged to** ~~must~~ be clearly visible to all persons present at the meeting location, **yet may turn off the video and participate by audio only if they so choose.**

- b. The Chair or, in the Chair's absence, the person authorized to chair the meeting shall make the determination on the means of participation.
 - c. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation.
5. When there is a remote participant, all votes taken must be a roll call vote and recorded in the minutes. **The Chair shall call the roll in district order.**
6. Where a public body member is participating in an executive session remotely, the member must state at the start of the executive session that no other person is present or able to hear the discussion at the remote location, **that they are not recording the meeting, and will let the public body know if those circumstances change during the meeting.** The public body may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location.
 - 6a. **Certain executive session topics are not eligible for remote participation, except during states of emergency. Any agenda items utilizing Purpose 1 (The reputation, character, physical condition or mental health, rather than the professional competence, of a single individual, or the discipline or dismissal, including the hearing of charges against, a member of the committee, a school department employee or student, or other individual), or Employee Grievance Hearings under Purpose 3 are not eligible for remote participants.**
7. **No School Committee member may participate remotely in more than four consecutive meetings.** The maximum number of ~~School C~~committee meetings a member may remotely participate in a ~~fiscal calendar~~ year is ~~53~~. In the event that a School Committee member **requires additional accommodations**~~has a disability~~, which inhibits physical attendance, the District **and Committee** will take measures to reasonably accommodate ~~their request~~~~disability~~, which may include waiving the maximum number of days the individual may remotely participate.
8. If the Committee chooses to allow individuals who are not members of the School Committee to participate remotely in a meeting, it may do so without following the Open Meeting Law's remote participation procedures.

The Committee minutes where a member participated remotely shall reflect the following:

1. Means by which remote participation was delivered,
2. Beginning time for remote participation,
3. Technical difficulties noted,
4. Interruption in the remote participation, if applicable, and
5. Time of interruption or disconnection of remote participation, if applicable.
6. **Records of roll call votes.**

7. At the Chair's discretion ~~they discussion may be suspended in the event of any technical difficulties or disconnection by the remote participation of member(s). The Chair~~ may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the remote participant shall be noted as absent in the meeting minutes. 940 CMR 29.10(6)(d).



Remote Participation During States of Emergencies:

In situations where the Governor has declared a state of emergency suspending the Open Meeting Law, the School Committee shall hold meetings remotely. In those occasions, the terms of the specific emergency order and subsequent guidance from the Attorney General's Division of Open Government relating to the Open Meeting Law shall be followed. Relevant suspensions of certain provisions of this policy guidance for non emergency situations will need to be made, yet the ideals within this overall policy shall be followed as closely as possible.

The School Committee is committed to ensuring when meetings are held remotely that members of the public shall still have an opportunity to participate during public comment period(s), and that all proceedings shall be able to be followed in real time for interested members of the public through adequate, alternative means. Adequate, alternative means that at least one or more of live local access television, a live social media platform, a live video conferencing platform, or a live conference call line shall be made available and be listed on meeting agendas. All remote meetings shall be recorded with the recordings posted online as soon as practical following each meeting.

Through the use of video technology, all remote participants are encouraged to be clearly visible to all persons present at the meeting location, yet may turn off the video and participate by audio only if they so choose.

A member or guest presenter may at the discretion of the Chair for a reasonable period of time to be determined by the Chair, share their screen to display materials relevant to topics on the agenda.

The Executive Assistant to the School Committee with technology staff support if necessary, shall offer training sessions to Committee members to ensure all are comfortable with the technology in advance of public meetings.

CROSS REFS.: City of Framingham Mayor's Remote Participation Policy

Framingham Home Rule Charter, Article III, Section 2 (Mayor's Executive Power Authority)

Attorney General's Division of Open Government OML Guide

Governor's March 12, 2020 Order Suspending Certain Provisions of the OML

BEDH: Public Participation at School Committee Meetings

BEDJ: Recording/Broadcasting of School Committee Meetings

LEGAL REFS.: 940 CMR 29.10

M.G.L. 30A:18-25L.