



Social Distancing: Can School Boards Meet Virtually?

Given concerns regarding COVID-19, school districts are encouraging staff to use virtual meetings and cancelling school district events. Some school districts are considering holding virtual or electronic school board meetings as well. This is possible, but the law is tricky! Here is what you need to know.

Videoconference is Best

If your Board has the option, Board participation by videoconference is best. Section 610.115 of the Missouri Open Meetings and Records Act (Sunshine Law) allows for electronic participation and voting in both open and closed sessions, regardless of how votes are taken, if videoconferencing is used. Tools like Zoom, FaceTime and Skype have made videoconferencing easier and more accessible. Even if a school board member does not have a computer or internet, many districts are able to provide a computer and hot spot to assist.

What About Using a Conference Call or Text?

Telephones are reliable and accessible. But not all meetings can be held by teleconference or text. That is because the Sunshine Law limits how votes are taken electronically. Under the statute, **votes taken by roll call** can only be cast using one of the following three methods:

1. Cast by persons who are physically present; or
2. Cast by videoconference; or
3. Cast by other electronic means in situations where a) there is a school district emergency, b) a quorum of the Board is physically present in the meeting, and c) the nature of the emergency is stated in the minutes.

Obviously, if the intent is to avoid a face-to-face meeting then options 1 and 3 are not feasible. That leaves only the videoconference option if a motion needs to be taken by roll call.

So when are roll call votes taken? By law, all votes taken in closed session and the motion to go into closed session must be taken by roll call. So, while school boards may still post notice of a closed session meeting by teleconference and discuss an item of business over the phone, the Board cannot make a motion in closed session unless the requirements of option number 3 (including a quorum physically present) were met. Some school boards choose to take all votes – even those in open session – by roll call. For those districts, no votes in any meeting could be taken by teleconference unless the requirements of number 3 were met.

What About A Meeting by E-Mail or Internet Application?

The law allows for meetings held via the internet (that are not a videoconference) but the same rules apply to these meetings as meetings by telephone. The situations where roll call votes can be taken is limited. As long as it is an open session meeting and roll call votes are not taken, this option would work. Otherwise, it is a problem.

How Are Electronic Meetings Posted?

The public still is entitled to attend a Board meeting, even if it is held electronically. The district must post notice of the meeting in the same manner that it posts other meetings. However, the district needs to make clear in the posting that the meeting will be held electronically and how the public may access the meeting.

In addition, whenever a district meets by “internet chat, message board or other computer link” it must post notice of the meeting on its website in addition to the central office. 610.020, RSMo.

Type of Connection	Participate (Speak)	Vote NOT by Roll Call	Roll Call Vote	District Emergency with Quorum Physically Present
Videoconference	Yes	Yes	Yes	Yes
Teleconference	Yes	Yes	No	Yes
E-mail/Text	Yes	Yes	No	Yes