



How Do We Hold a Board Meeting if Everyone Must Stay at Home?

The Governor has issued a “stay at home” order for the entire state, but school district business continues. How does a school board legally hold a Board meeting if everyone must stay at home?

1. Virtual Meetings

As stated in previous articles, virtual meetings are legal under the Sunshine Law. Videoconference meetings are ideal because there are no legal limitations on voting using that method. Board members cannot vote by roll call in a teleconference, internet chat, or email meeting unless there is an emergency of the district and a quorum is physically present. §610.015, RSMo. The exception does not help given that the Governor’s order will not allow a quorum of the Board to be physically present. Because the vote to go into closed session and all votes taken in closed session must be by roll call, any method of meeting other than videoconference can be limiting. That said, teleconference or e-mail meetings are still available, depending on the agenda item. Here is a chart that helps explain the options.

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
Email/Text	Yes	Yes	No	Yes

2. Notifying the Public

When districts meet virtually, they must post notice of the meetings in the same manner that they post face-to-face meetings. But if the district is meeting via “internet chat, internet message board or other computer link” (presumably videoconference and email) the district is also required to post notice of the meeting on the district’s webpage. §610.020.1, RSMo. Given the fact that the public must stay at home and really has no opportunity to view a notice posted in central office, MSBA recommends that districts post notice of all meetings on the district’s webpage, even if the meeting is by teleconference, and consider other creative methods of advertising the meeting such as emailing notice to stakeholders and utilizing the district’s social media platforms.

3. Accommodating the Public

The Sunshine Law requires districts to make meetings “reasonable accessible to the public” unless for good cause it is “impossible or impractical” to do so. §610.020.2, RSMo. This includes virtual meetings. So, the district will need to live-stream meetings over the internet or provide members of the public a link to attend a videoconference meeting or a meeting by teleconference.

MSBA also recommends that districts consider access by members of the public that might not have internet access or a computer at home. Previously, when the statewide order allowed groups of 10 or less to gather, MSBA recommended that districts provide a meeting space in the district where members of the public could watch the streamed meeting. Given the current order, that option is not available. However, districts could record open session meetings and provide the option for the public to view the meeting once the stay-at-home order is lifted. While it is certainly “impossible or impractical” to allow members of the public without internet access to attend virtual meetings during this state of emergency, the district should do what it can to continue to communicate with the community and to ensure transparency.

4. Public Comment

The law does not require the district to offer the public an opportunity to comment during Board meetings, but many districts have policies and practices of allowing public comment. Obviously, this is challenging in a virtual setting, but not impossible. Here are some options:

- Do not have public comment in virtual meetings. Instead, encourage members of the public to submit comments to the Board Secretary in writing and have them distributed to Board members. Note: Remind the public that their written statements could be considered public records under the Sunshine Law.
- Have members of the public submit written statements that can be read at the virtual Board meeting. Note: Remind the public that those statements must comply with the same time and content limitations imposed on live public comment.
- Have members of the public that wish to speak at the meeting notify the Board Secretary the day before the meeting and provide the person the information to log in (videoconference) or dial in (teleconference) to the meeting. Unmute the person when the public comment begins.
- Hold an extended public comment at the next face-to-face meeting.

While public comment is not required by law, MSBA encourages school boards to be sensitive to the fact that the public is on edge and critics may be suspicious of change. If the Board decides not to include public comment in its Board meetings, MSBA encourages districts to actively advertise to the public other effective methods of contacting the Board – in writing or otherwise.