FAQs: Holding School Board Meetings During COVID-19 Pandemic
Updated April 24, 2020

On March 18, 2020, Gov. Gretchen Whitmer issued Executive Order 2020-15 to temporarily authorize remote participation in public meetings and hearings “to the extent that the Open Meetings Act...requires a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body.” The Executive Order also suspended the regular monthly meeting requirement for local school boards.

On April 14, 2020, the Governor issued Executive Order 2020-48, which supersedes and rescinds EO 2020-15 extending the suspension of OMA requirements and the regular monthly meeting requirement for local school boards until May 12, 2020.

The following FAQs have been updated to reflect the new timeframe established by EO 2020-48 for temporary authorization of remote participation in public meetings and temporary relief for local school boards from the Revised School Code’s monthly regular meeting requirement.

1. Must a school board hold a regular meeting each month?

   The monthly regular meeting requirement found in the Revised School Code is temporarily suspended by EO 2020-48 through May 12, 2020. As a result of the Executive Order, school boards are not required to hold a regular meeting during the month of April.

2. May a school board hold a virtual meeting under the Open Meetings Act?

   Under EO 2020-48 and through May 12, 2020, a school board may hold a meeting electronically using telephonic conferencing or video conferencing in a manner that permits both the general public and school board members to participate by electronic means. School boards members participating electronically in a meeting will be considered present and may participate in the meeting as if they were physically present at the meeting, which means a quorum can be established using remote meeting technology and all board members participating remotely may vote on motions.
3. Must a school board have a bylaw that allows for remote participation and voting in order to have a virtual meeting?

No. If a school board has a bylaw that requires a school board member to be physically present at a meeting in order to vote on a motion, the board should suspend the bylaw to allow for a virtual meeting. If a bylaw requires the board president to approve a board member’s remote participation, the board president should preapprove all board members for electronic participation prior to the virtual meeting.

4. How should the electronic meeting be conducted?

The remote meeting technology must allow school board members to hear each other and allow community members to hear the board members, who also must be able to hear the community members during the public comment portion of the meeting.

5. Must all votes be taken by roll call?

As a best practice, EO 2020-48 urges school boards to take all votes by roll call while conducting a virtual meeting to avoid any questions about how each member of the school board votes.

6. Does EO 2020-48 allow school board members to deliberate as a quorum by texting, email or other electronic communications?

No. EO 2020-48 emphasizes that school board members must avoid using email, texting, instant messaging and other such electronic forms of communication to make a decision or deliberate toward a decision, which includes “round-the-horn” decisionmaking in a manner not accessible to the public at an open meeting.

7. May a school board require a member of the public to register or sign-up in advance in order to access a virtual meeting?

No. A school board may not require a person to register or otherwise provide his or her name or other information as a condition of attending or accessing a virtual meeting. A school board, however, may still request that individuals identify themselves and make it known ahead of time at the beginning of the meeting that they wish to address the school board during public comment.
8. Does EO 2020-48 provide guidance on administering the public comment period of a virtual meeting?

EO 2020-48 states that a school board may use technology to facilitate typed public comments that may be read to or shared with members of the school board and other participants of the virtual meeting. However, the Executive Order mandates that a virtual meeting held under EO 2020-48 must be conducted in a manner that allows public comment participants to be heard by members of the school board and other meeting participants.

School boards may continue to apply and enforce their existing public participation rules while conducting a virtual meeting.

9. What are the public notice requirements for holding a virtual board meeting?

A school board must post advance notice of a meeting held electronically on the school district’s website. The notice must be fully accessible to the public and located on the district’s homepage or a separate webpage that is dedicated to public notices for nonregularly scheduled public meetings or electronic meetings and is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notice of nonregularly scheduled or electronic public meetings.

The notice must include all of the following:

- An explanation of the reason why the school board is meeting electronically.
- Detailed procedures by which the public may participate in the meeting electronically, including a telephone number, internet address or both.
- Procedures by which persons may contact school board members to provide input or ask questions on any business that will come before the school board at the meeting.
- Procedures by which persons with disabilities may participate in the meeting.

10. Must a school board post the meeting agenda and board packet on its website prior to holding a virtual meeting?

No, but EO 2020-48 encourages a school board to post an agenda and other materials relating to the meeting on the school district’s website homepage if the school board will be holding a virtual meeting.
11. **May a school board hold a closed session while having a virtual board meeting?**

Yes, as long as the board is meeting in closed session for a reason specified in Section 8 of the Open Meetings Act. Thus, members of the general public who are attending the virtual meeting may be excluded from participation in the closed meeting.

12. **May a school board hold a virtual public hearing?**

Yes. If a school board is required to hold a public hearing, EO 2020-48 provides that a school board may provide a means for remote public comment or participation through the use of any technology that facilitates a citizen’s ability to participate remotely to the same extent as if the citizen appeared in person.

13. **May a school board still hold a meeting under OMA where members of the board and public gather together in a school building?**

No. Executive Order No. 2020-59 prohibits “all public...gatherings of any number of people” until May 16, 2020.

If you have additional questions, please contact MASB Legal Counsel/Director of Labor Relations & Policy Brad Banasik, J.D., at bbanasik@masb.org or 517.327.5929.