



**Public Act 228 of 2020: Open Meetings Act Amendments  
Virtual Meetings  
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Relations/Policy**

- (1) Public Act 228 permits telephonic or video conferencing meetings, in whole or in part, under the following circumstances:
  - Before Jan. 1, 2021 and retroactive to March 18, 2020, **under any circumstances.**
  - On and after Jan. 1, 2021 through Dec. 31, 2021, only to accommodate absent board members due to military duty, a “medical condition” or “statewide or local state of emergency.”
  - After Dec. 31, 2021, only to accommodate board members due to military duty.
  
- (2) If an electronic meeting is permitted under a local state of emergency or state of disaster, the following limitations apply:
  - Electronic attendance is permitted only for a member of a school board who resides in the affected area.
  - An electronic meeting is permitted only for a school board that usually holds its meetings in the affected area.
  
- (3) If an electronic meeting is held to accommodate board members due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely.
  - Any member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.
  
- (4) School boards must establish procedures to accommodate the absence of members due to military duty, a “medical condition” or a “statewide or local state of emergency.”
  - Procedures must allow an absent board member to participate in and vote on business before the school board and provide for:
    - a. Two-way communication

- b. Publicly announcing at the beginning of a meeting and then documenting in the minutes that a board member is attending the meeting remotely.
    - Announcement must identify specifically the member’s physical location by stating the county, city, township or village and state. (Does not apply to military duty.)
  - c. Procedures must also describe how “the public will receive notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting...to provide input on any business that will come before the [school board].”
- (5) When holding a virtual meeting in whole or in part, it must be conducted in a manner that permits two-way communication so that:
- School board members can hear and be heard by other school board members.
  - Public participants can hear members of the school board and can be heard by the school board and other participants during a public comment period.
- (6) When conducting a virtual meeting, school boards **may** use technology to facilitate typed public comments **during the meeting** submitted by members of the public participating in the meeting that may be read to or shared with board members and other participants to satisfy the two-way communication and **public comment** requirements.
- (7) A physical place is not required for an electronic meeting.
- (8) Board members participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting.
- (9) If a school board is conducting a virtual meeting, it must post **18 hours** advance notice of the meeting on the school district’s website that is fully accessible to the public.
- If the notice is not posted on the district’s homepage, the homepage must include a “prominent and conspicuous” link (e.g., “*Public Notice for Electronic School Board Meeting*”) to a separate webpage dedicated to public notices for special meetings or electronic meetings.
- (10) Notice of a virtual meeting must include:
- Why the school board is meeting electronically.
  - How members of the public may participate in the meeting electronically.
  - How members of the public may contact members of the school board to provide input or ask questions on any business that will come before the board.

- How persons with disabilities may participate in the meeting.
- (11) If an agenda exists for an electronic meeting, a school board must make the agenda available to the public at least two (2) hours before the meeting begins on the school district's website if the website includes monthly or more frequent updates of meeting agendas or minutes.
- Webpage must be fully accessible to the public.
  - Posting the agenda does not restrict amending it at the virtual meeting.
- (12) A school board may not require a person to register or provide his or her name or other information as a condition of *attending* a virtual meeting.
- (13) A school board may establish and **require** mechanisms relating to signing up for participating in the public comment period of a virtual school board meeting.
- (14) Members of the general public participating in a virtual school board meeting may be excluded from participation in a closed session convened and held in compliance with the requirements of the Open Meetings Act.
- (15) **Definitions**
- **"Medical condition"** means an illness, injury, disability or other health-related condition.
  - **"Statewide or local state of emergency"** declared pursuant to law or charter by the Governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.