

Board Member Electronic Participation in School Board Meetings



By **Julie Slavens**, Senior Counsel and Dir. of Policy Services, jslavens@isba-ind.org

ISBA sent out earlier in May a [memorandum](#) on the specific requirements for individual school board members to participate in a school board meeting by electronic means when a disaster emergency is not in place. HEA 1437 was the Act amending the Open Door Law and was effective on April 20, 2021. The new law allows school board members to participate in a school board meeting by electronic means but does not require a school board member be allowed to do so. [Note: The law does not require all school board meetings to be conducted with electronic communications available regardless of whether board members are participating by electronic means.]

HEA 1437 also provided for school boards to meet via electronic means while under a declared disaster emergency, which the state is currently under until May 31, 2021, and may be continued by the Governor after that date. School boards may continue to meet as they have been during the public health emergency. However, school boards should also begin to think about what school board meetings will look like after the public health emergency is over under the provisions of HEA 1437, especially in terms of procedures for individual board members to participate electronically in school board meetings. HEA 1437 requires a school board to adopt a policy on such matters.

The requirement to adopt a policy states the policy must address the procedures that apply to an individual school board member's participation in a school board meeting by electronic means. This would include such items as to how the individual school board member would notify the board of the need to participate by electronic means, the person to notify, and the timing required of such notice. The timing of the notice is key for those school boards that do not regularly provide electronic means of communications for its meetings. Time will be needed to set up the electronic communications as the school board member must be able to be seen and heard and to hear the other school board members attending the meeting and the public must be able to attend and observe the meeting.

HEA 1437 allows the school board policy to include other related matters. The additional matters include limiting the number of individual members who can participate by electronic means in one meeting and limiting the total number of meetings during a calendar year that will include electronic communications. This list is not exhaustive; other provisions concerning the use of electronic communications for a school board meeting may be included in the policy as long as the provisions do not violate mandated provisions of the law. The policy may also provide for more restrictive means than the ones set out in the statute.

Since we are still under a disaster emergency, a school board has some time to consider its options and adopt a policy. ISBA will be sending out a sample board policy on this topic in June.