

**INDIANA STATE BOARD OF EDUCATION
ELECTRONIC MEANS PARTICIPATION POLICY**

Posted on the public SBOE webpage and copies available from main office

Pursuant to Ind. Code § 5-14-1.5-3.6, the Indiana State Board of Education (“Board”) adopts the following Policy regarding electronic participation by Board members during a Board meeting. The Policy was adopted unanimously by the Board October 2, 2013 and is effective immediately.

I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

- A. Balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance;
- B. Follow Ind. Code § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of the Open Door Law; and
- C. Encourage Board members to physically attend meetings whenever possible, particularly when adjudication is scheduled.

II. Policy Provisions

1. At least seven (7)¹ Board members must be physically present at the designated meeting site for the Board meeting. In case of difficulty of scheduling or the possibility that the Board may not have the required number of Board members physically present at the Board meeting site, the Director for the Board shall determine who may attend via electronic means pursuant to this Policy.
2. The Director for the Board is responsible for supervising and coordinating all electronic participation by Board members.
3. A Board member is required to obtain prior authorization to participate via electronic means pursuant to this Policy. Absent, exceptional circumstances², no later than seven (7) days in advance of the Board meeting, a Board member must submit an email request to participate via electronic means to the Board Director with a copy to the Board Secretary. All requests must be approved by the Board Director before a requesting Board member may participate via electronic means pursuant to this Policy.

¹ Although Ind. Code 5-14-1.5-3.6(c)(1) provides that the minimum number of members that must be present shall be greater of two (2) or one-third (1/3) of the members, this policy has been drafted to encourage physical participation by requiring that a minimum of seven (7) members be physically present, which consistent with section II(6) of this policy.

² Exceptional circumstances may include, but are not limited to, severe weather, illness, or a death in the family.

4. A Board member participating via electronic means pursuant to this Policy shall do so through a designated conference call system³ that is capable of being recorded by members of the public present at the designated meeting site.

5. A Board member participating via electronic means pursuant to this Policy is not required to do so in a setting that is open to the public.

6. Board members are encouraged to physically attend all Board meetings as possible. Each Board member is limited to electronically attending no more than two (2) meetings per year. Physical attendance must occur within the first two (2) months of appointment or reappointment. A Board member is precluded from attending via electronic means pursuant to this Policy until such Board member physically attends a Board meeting in a calendar year. This Policy endeavors to balance convenience and greater membership participation with operational quality.

7. For meetings of Board Committees, at least two (2) Committee members must physically attend in a public meeting space to enable members of the public who are physically present to view the Committee proceedings and simultaneously communicate with the members during any public comment period. There is no limitation on the number of Committee meetings that Board members may attend electronically.

8. A Board member participating via electronic means pursuant to this Policy is considered present at the Board meeting, is counted for quorum purposes, and may vote at the Board meeting on any matter. A Board member participating via electronic means may cast the deciding vote on any matter properly before the Board and, when possible, shall fully participate in the Board meeting.

9. Where at least one (1) Board member is participating via electronic means pursuant to this Policy, all votes of the Board shall be taken by roll call.

10. This Policy does not create a right for the public to observe and record an executive session of the Board conducted pursuant to Ind. Code § 5-14-1.5-6.1, or any other applicable law.

11. This Policy shall terminate on December 31, 2014 unless amended or renewed earlier by the Board.

³ The Board and Department shall work with the State of Indiana Office of Information Technology and designate a dependable system that is capable of being recorded by members of the public present at the designated meeting site.