

Procedures for Member Videoconferencing
Pursuant to Public Officers Law § 103-a

In compliance with Public Officers Law § 103-a(2)(a), the Board of Education of the South Huntington School District], following a public hearing, authorized by resolution on February 15, 2023, the use of videoconferencing as described in POL § 103-a. The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by video conferencing from private locations under extraordinary circumstances must establish written procedures governing member and public attendance.

1. Board of Education members shall be physically present at any meeting of the Board of Education unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.

2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such Meeting.

3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the President of the Board of Education (or if the President, the District Clerk) in writing of its request to attend the meeting via video conference from a location that is not open to the public. The written request must be submitted in a reasonable time in advance of the meeting (and in no event later than the time required to allow the public notice for the meeting to be revised to indicate that the meeting will be conducted by use of videoconferencing) and must identify the general nature of the extraordinary circumstance that causes such member to be unable to be physically present at a meeting location that is open to the public and identified in the public notice. If it is not practicable for the Board of Education to timely update its notice, it may reschedule the meeting or conduct the meeting without the participation of the absent member.

4. If there is a quorum of members participating at a physical location(s) open to the public, the Board of Education may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by Prepared by Ingerman Smith, LLP November 30, 2022 Re: Follow-Up on Open Meetings Law and Virtual Meetings Page 5 the public shall not count toward a quorum of the Board of Education, but may participate and vote if there is a quorum of members at a physical location(s) open to the Public.

5. Except in the case of executive sessions conducted pursuant to POL § 105, the Board of Education shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Members participating from a remote location shall ensure that their visual and audio connections are operational and shall (1) identify their full

name on the videoconferencing software so that it appears on the screen or (2) have a name plate with their full name that appears on the screen.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.

7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.

8. The Board of Education shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the District's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.

9. If members of the Board of Education are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board of Education shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Board of Education shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in-person participation or testimony. Prepared by Ingerman Smith, LLP November 30, 2022 Re: Follow-Up on Open Meetings Law and Virtual Meetings Page 6.

10. Open meetings of the Board of Education conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.

11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law if the Board of Education determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board of Education to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the District's website.