

Memo to: Arlington School Board
From: Advisory Council on School Facilities and Capital Programs (FAC)
Re: Revisions to Policy B-3.6.37 Electronic Participation in School Board Advisory Committee Meetings
Date: 1 JUN 2024

The FAC is one of several School Board advisory committees that would be affected by the above referenced policy.

The FAC has a tradition of holding its meetings in person at various Arlington Public School facilities (APS). We adopted this practice to enhance our individual understanding about and to inform our collective advice to the Board on the condition and sufficiency of APS' capital infrastructure. Accordingly, the FAC is unlikely to avail itself of the option to host virtual meetings although we support the School Board's policy, consistent with the Code of Virginia, that advisory committees have flexibility, under certain conditions, to hold meetings virtually.

With this perspective, we are concerned that the policy is missing pertinent information and would lead to unintended consequences. In support of our concerns, we offer the following comments and recommendations:

Missing from the Policy

There are no proposed revisions to Criterion 1, Personal matter, under the section concerning electronic participation by individual members. The draft omits a statement about how a member's participation under this criterion would be counted for purposes of determining a quorum. Its omission begs for clarification given the revisions on this point to Criteria 2 and 3.

Unintended Consequences

The draft policy is silent on the obligation of the FAC to provide accommodation, or not, for members who meet criteria 1, 2, or 3 in the "individual members" section of the policy. We are concerned that the policy could be interpreted to allow such individuals to demand electronic accommodation. Such accommodation may not be possible given, as noted above, the various APS facility locations at which we hold meetings and the fact that the policy allows members to request virtual accommodation as late as "on ... the day of the meeting." Please clarify the policy to affirm that advisory committees are not obligated to provide electronic accommodation.

Additionally, the Chair is assigned the responsibility to adjudicate whether a member's "personal matter," severity of their disability and/or family medical condition is valid. The FAC sees no reason why any advisory committee member's request for accommodation or absence from meetings needs to be scrutinized by anyone for any reason. Absent a legal requirement to the contrary, we chose to assume that requests by Board-appointed members for virtual meeting accommodation or absence are made with the best intentions and that these members are trusted to be acting ethically. This is not to be interpreted as support to void advisory committee rules or practices about unexcused absences (meaning absences with no notice irrespective of the circumstances). The work of advisory committees can only be done when quorums are present. Advisory committees need recourse to address habitual absences to determine whether a member is still interested in participating.

Finally, we are likewise concerned that the requirement to include in the minutes of the advisory group's meeting "the specific nature of the member's personal matter, the fact of the member's disability or medical condition, or the fact of the member's family member's medical condition." Making a public record of personal matters and/or an individual's disability or medical condition is not warranted. Whether or not such disclosure would constitute a violation of privacy laws, we believe the Board should err on the side of privacy and protect rather than require this public documentation. Remember that advisory group members are volunteers from the community.

Thank you for your consideration of our comments. Please contact Cynthia Hilton, Acting Chair, FAC, if you have any questions.