

Resolution of the Board of Education of Danville Independent Schools  
Regarding Meeting Protocols for Novel Coronavirus (COVID-19)

WHEREAS, on March 6, 2020, the Governor issued Executive Order 2020-215, declaring a state of emergency throughout Kentucky pursuant to his power under the Kentucky Constitution and KRS Chapter 39A regarding the threats to public health presented by the Novel Coronavirus (COVID-19) pandemic;

WHEREAS, the Secretary of the Kentucky Finance and Administration Cabinet has more fully described the public health threats of COVID-19 in the “Memorandum Re: Meeting Protocol for Novel Coronavirus (COVID-19)” dated March 16, 2020 (hereinafter, “Meeting Protocol”);

WHEREAS, the Meeting Protocol requires “all Kentucky Boards and Commissions” to take proper health precautions to mitigate the spread of COVID-19 and accordingly, with respect to the public attendance at meetings of said bodies, states “[m]embers of the public will only be able to view video-teleconferenced meetings remotely”;

WHEREAS, the same emergency public health considerations described in the Meeting Protocol apply to Kentucky public school districts and their Boards of Education;

WHEREAS, the Kentucky Cabinet for Health and Family Services and the Kentucky Department of Education have advised that all Kentuckians practice “social distancing” during the state of emergency, including but not limited to keeping a distance of at least six (6) feet between individuals and the cancellation of large “community gatherings”;

WHEREAS, the Kentucky Open Meetings Act at KRS 61.826 provides that a public agency “may conduct any meeting through video teleconference” after providing notice to the public to “precisely identify a primary location of the video teleconference where all members can be seen and heard and the public may attend” “insofar as is feasible” (KRS 61.840);

WHEREAS, the Kentucky Attorney General has issued his opinion OAG 20-05, interpreting the “insofar as is feasible” requirement in the previous paragraph, and providing guidance that “in this state of a proclaimed national emergency and under a similar declaration by the Governor . . . it is not currently ‘feasible’ for public agencies to be required to ‘provide meeting room conditions’ – in the sense of a *physical* location where observers would be in close proximity to each other . . . “;

WHEREAS, the Attorney General opinion specifically “excuses agencies from providing a primary *physical* location for public viewing because it is not ‘feasible’ to do so in the face of a highly contagious virus that spreads ‘between people who are in close contact with one another’”;

WHEREAS, due to the emergency conditions currently existing under the present state of emergency and the need to mitigate the spread of COVID-19 via person-to-person contact in large community gatherings of persons where social distancing is difficult; and the conditions necessary at this time for the maintenance of order, which include the mitigation of the spread of disease during a public health pandemic; and,

WHEREAS, in the absence of a physical location for viewing of meetings by the public, the Attorney General Opinion has provided the flexibility, in the alternative, to “precisely identify the website, television station, or other technological means by which members of the public may access the video teleconference where all members can be seen and heard” in compliance with KRS 61.826;

NOW, THEREFORE: Be it resolved by the Board of Education of the Danville Independent Schools as follows for the duration of the above declared state of emergency:

1. With regard to Board of Education meetings held on and after the adoption of this resolution, and subject to limited exceptions described below, the Board shall conduct its meetings in conformity with the procedures set forth in KRS 61.826 for video teleconferencing of meetings.

2. Board members shall attend any board meeting via video teleconference and not in person and shall observe any binding governmental directive regarding same.
3. The Superintendent shall arrange for resources and instructions necessary to allow board meetings to be conducted via video conferencing pursuant to KRS 61.826 and board policy.
4. Due to the circumstances previously described in this resolution, in the Governor's declaration of a state of emergency, the Meeting Protocol, and Attorney General Opinion, and based upon the authority to impose conditions to maintain order under KRS 61.840 in these extraordinary and emergency circumstances, the requirement in KRS 61.826(2)(b) that the Board provide a "primary location ... where the public may attend" is suspended to the extent that provision requires an in-person meeting location and shall instead be met by the school district indicating on the meeting notice a link to the website at which meetings can be viewed.
5. All regularly scheduled meetings shall be cancelled with all meetings going forward being special meetings of the Board held as video teleconferences shall provide directions on public viewing of meetings via the internet. The school district will provide members of the general public with notice and a video link to observe meetings. Provision of such link shall not otherwise interfere with the conduct of the meeting. Absent emergency circumstances qualifying under KRS 61.823(5), these notices shall be provided at least 24 hours before the video teleconference meeting.
6. Should there be an interruption in the public video or audio broadcast of the meeting, the meeting shall be suspended until the full functionality is restored. If there is such an interruption for an individual board member attending the meeting via video teleconference, the meeting may continue after reasonable efforts to restore connections so long as a quorum is still participating.
7. In the case of any board meetings involving individual hearing matters, including but not limited to student expulsion hearings, consideration shall be made on a case-by-case basis for the holding of in-person meetings as deemed necessary and advisable and alternative arrangements to mitigate the spread of COVID-19 via person-to-person contact may be implemented.

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Adopted by the Board this 23<sup>rd</sup> day of March, 2020.

Motion to approve given by:\_\_\_\_\_;

Motion seconded by:\_\_\_\_\_; and

Approved by a vote of \_\_\_\_\_ in favor of same.

Attested by: \_\_\_\_\_

Steve Becker, Chair of the Board