



CAMERON A. RUNYAN
CEO & Superintendent

1201 Main Street, Suite 300, Columbia, SC 29201

MEMORANDUM

TO: School Leaders
FROM: Cameron A. Runyan
DATE: March 18, 2020
RE: Board Meetings, FOIA, and COVID-19 Precautions

During this time of unprecedented uncertainty, the Charter Institute encourages charter school boards to maintain or increase staff and board availability to your families and other stakeholders while following the safety precautions recommended by South Carolina and Federal agencies. The contagious nature of COVID-19 will require an increased, and perhaps exclusive, use of virtual technology. Boards may even wish to properly notice and hold public listening sessions over electronic medium in order to hear from concerned parents. Again, the Charter Institute encourages you to resist the temptation to curtail your board's availability for the remainder of this emergency.

The following is statutory guidance from the South Carolina Freedom of Information Act (FOIA) regarding board meetings during a school closure. You may find the full statute here:
<https://www.scstatehouse.gov/code/t30c004.php>

- Boards may conduct meetings electronically;
- The public must be allowed to listen to virtual meetings in real-time. This is often accomplished through a live call-in number or web broadcast;
- If the school's bylaws or policies prevent the utilization of electronic technology for board meetings, the board must vote to suspend those provisions at the start of the meeting;
- Public notice rules must still be followed even though the board is hosting the meeting virtually;
- All other South Carolina FOIA rules for board meetings still apply.

The United States Centers for Disease Control and Prevention has provided the following additional strategies for boards to consider when holding non-virtual meetings:

- Live-streaming board meetings or utilizing teleconferencing to encourage members of the public to access meetings from home;
- Cancelling non-essential board meetings;
- Allowing non-essential staff members to provide written reports instead of appearing before the board;
- Rescheduling student participation in board meetings;
- Rescheduling awards, presentations, and other similar activities that typically occur during board meetings.

Unless otherwise subject to the order of a government with jurisdiction over your school, the decision to hold in-person or virtual meetings remains the responsibility of the local board.

If you have additional questions, you may contact me (ceo@erskinecharters.org) or Paula Gray (hrcbenefits@erskinecharters.org).