



JACOB S. FELDMAN  
FLORENCE T. FRAZER  
JAMES H. PYUN\*  
LAURA A. FERRUGIARI  
CHRISTIE R. JACOBSON  
JOSEPH P. LILLY

TIMOTHY M. MAHONEY  
WADE C. WILKINSON+  
DENNIS P. O'BRIEN  
BRYAN GEORGIADY

JONATHAN HEIDELBERGER  
OF COUNSEL

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION**

\* ALSO ADMITTED IN NJ  
+ ALSO ADMITTED IN PA

INFO@FFEDLAW.COM

**MEMORANDUM**

To: Boards of Education  
Superintendents of Schools  
Assistant Superintendents/Directors of HR/PPS/Business  
District Clerks and Board Clerks

From: Frazer & Feldman, LLP

Date: September 9, 2021

Re: Return to Virtual Board Meetings – Client Memo #115

---

On September 2, Governor Hochul signed a bill into law that allows school districts to return to fully-virtual board meetings. The law took effect immediately and will remain in effect through January 15, 2022.

The amendment to the Open Meetings Law was embedded within a much larger package of unrelated legislation dealing with tenant rental relief and mortgage foreclosure relief related to COVID-19 hardships.<sup>1</sup> The Open Meetings Law amendment allows all public corporations—including school districts—to return to virtual meetings under conditions similar to what was permitted last year under Executive Order 202.01. Specifically, the amendment states:

- Board meetings, board hearings, or any other board actions requiring a quorum may be conducted by video teleconference or telephone conference call, as long as the public is able to view or listen live.
- Virtual meetings must be recorded.
- Virtual meetings must be “later transcribed.”

---

<sup>1</sup> NYS Legislature, S.50001/A.40001, <https://www.nysenate.gov/legislation/bills/2021/s50001>



- Virtual meetings will be permitted through January 15, 2022.

Under the new amendment, virtual meetings are not mandatory. School districts may continue to conduct in-person meetings, with in-person attendance by the public. In-person meetings open to the public do not need to be livestreamed.

If school districts decide to return to virtual meetings, there is no requirement for the Board members to be co-located together. They may participate from their respective homes, like last year.

There is no requirement for public participation in virtual meetings. The public only needs to be able to view or listen live. School districts do not need to provide opportunities for the public to interact with the Board, ask oral questions, or submit written questions during virtual meetings, although districts may do so if they wish.

Finally, the new amendment technically requires school districts to transcribe virtual board meetings. However, *there is no explicit deadline for completing the transcripts*. Under the previous Executive Order, this requirement also existed, but was not actively enforced by the State. Although the requirement still exists, there is no indication from the Open Meetings Law amendment that enforcement will be any different going forward.

We will continue to update you on any future developments related to virtual meetings.