*Policy*

**BOARD MEMBERS AND ELECTRONIC**

**COMMUNICATIONS**

*Code***BEDL** *Issued***DRAFT/18**

Board member electronic communications about official board business are forms of communication that may be subject to both the South Carolina Freedom of Information Act (FOIA) and the state public records law. Public disclosure of such communications may be required even if board members use their personal email addresses, cellphones, and other electronic devices to send these electronic communications. Electronic communication means, but is not limited to, email, tweets, texts, phone calls, social media posts, and other similar communications.

Under no circumstances will board members use electronic communications to discuss among themselves board business that must only be discussed in an open meeting of the board or in executive session.

*(Option: Board members will be provided with a district email account and are strongly encouraged to use this email account for all board business.)* Board members who use a personal email account, cellphone, or other device to send or receive electronic communications related to board business will be expected to comply with applicable provisions of the state public records law.

**Electronic Communications During Board Meetings**

Board members are encouraged to use computers or similar portable devices during a meeting, provided such use is limited to the purposes of the meeting. These uses may include viewing board materials and policies during any part of a meeting or online research during work sessions.

Board members will refrain from electronic communication during board meetings on personal or district-owned devices. Board members will not communicate electronically during meetings with members of the public, other board members, or school district staff regarding official board business, agenda items, or other board matters that are properly discussed publicly during board meetings, as such communications are subject to public disclosure under the FOIA.

Board members receiving electronic communications from the public during the meeting present special concerns. Such communications promote the appearance of partiality. There is an established opportunity for public participation, so allowing the public to comment during the meeting outside of that designated public comment time excludes other members of the public from the discussion. Therefore, board members will refrain from reading and responding to electronic communications during board meetings.

Adopted ^

Legal References:

A. S.C. Code of Laws, 1976, as amended:

1. Section 30-1-10, *et seq*. - Maintaining public records.
2. Section 30-4-10, *et seq.* - South Carolina Freedom of Information Act.