



Book	Policy Manual
Section	900 Community
Title	Public Participation/Comment in Board Meetings
Code	903
Status	Active
Legal	<p><u>1. 65 Pa. C.S.A. 710</u></p> <p><u>2. 24 P.S. 407</u></p> <p><u>3. 65 Pa. C.S.A. 709</u></p> <p><u>4. 65 Pa. C.S.A. 710.1</u></p> <p>5. Pol. 006</p> <p><u>6. 65 Pa. C.S.A. 712.1</u></p> <p>7. Pol. 103</p> <p>8. Pol. 103.1</p> <p>9. Pol. 104</p> <p><u>10. 18 Pa. C.S.A. 5101</u></p> <p><u>11. 18 Pa. C.S.A. 5508</u></p> <p><u>12. 18 Pa. C.S.A. 3503</u></p> <p>13. Pol. 805.2</p> <p>14. Pol. 906</p> <p>15. Pol. 113.4</p> <p>16. Pol. 216</p> <p>17. Pol. 800</p> <p>18. Pol. 801</p> <p><u>19. 65 Pa. C.S.A. 706</u></p> <p>20. Alekseev v. City Council of Philadelphia, 8 A.3d 311 (Pa. 2010)</p> <p><u>21. 65 Pa. C.S.A. 711</u></p> <p><u>18 Pa. C.S.A. 1 et seq</u></p> <p><u>18 Pa. C.S.A. 5903</u></p> <p><u>65 Pa. C.S.A. 701 et seq</u></p> <p><u>PA Const. Art. I</u></p> <p><u>U.S. Const. Amend. I</u></p> <p>Counterman v. Colorado, 600 U.S. 66, 143 S. Ct. 2106, 216 L. Ed. 2d 775 (2023)</p> <p>Hatchard v. Westinghouse Broadcasting, 516 Pa. 184, 532 A.2d 346 (1987)</p>
Adopted	October 18, 2017
Last Revised	May 15, 2024
Prior Revised Dates	11/17/2021

## **Purpose**

The Board recognizes the value of public input and the importance of designating time for public comment during open Board meetings. The Board also recognizes the importance of diverse viewpoints and commentary.

This policy addresses the right for the public to comment at open Board meetings and the responsibility of the Board to conduct its business in an orderly and efficient manner. An authorized individual's public comment will be free from interruption, except when the individual's conduct is in violation of law or Board policy.[1]

## **Authority**

An opportunity for district residents, taxpayers, employees, and students to provide comment on matters of concern, official action or deliberation which are or may be before the Board, shall be provided as designated on the Board meeting agenda and in compliance with law, Board policy and district procedures.[1][2][3][4][5]

The presiding officer may expand the opportunity to provide public comment to others when deemed necessary to inform the Board.

Copies of the agenda, which includes a listing of each matter of business that will be or may be the subject of deliberation or official action at the meeting, shall be made available to individuals in attendance at the meeting.[3]

The Board requires that public comment on agenda items be made at the beginning of each meeting.[4]

If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[4]

When items are added to the agenda after the public comment period has ended, the Board shall offer a further public comment opportunity limited to the added items.[4][6]

An individual's public comment may be interrupted or terminated only under limited circumstances, such as when the individual's commentary is in clear violation of law or Board policy, including but not limited to the following:

1. Sexual harassment, racial, ethnic, religious or nationality intimidation towards an individual or individuals in the school community.[7][8][9]
2. Disclosure of confidential personal information regarding students or staff.
3. Speech that traditionally has not been protected under the First Amendment, such as obscenity, defamation and speech integral to criminal conduct.
4. Speech that is profane.
5. Speech that constitutes true threats such as inciting imminent lawless action or subjecting individuals to fear of violence.
6. Speech that does not concern matters that may come before the Board for deliberation or official action, for example, sales of commercial products or services.

## **Guidelines**

### **Request to Comment**

All individuals wishing to comment during the Board meeting shall complete a document designated for requests to comment and submit the document to the Board Secretary two (2) days in advance of the meeting and shall include the name and address of the participant, topic to be addressed and group

affiliation, if applicable, including acknowledgement that the individual has been requested to and is authorized to speak on behalf of the organization and identification of the organization's connection to the district.[1]

#### Statement of Presiding Officer

Prior to public comment during the meeting, the presiding officer shall make a statement providing direction and establishing expectations for the period of public comment.

#### Public Comment

Individuals shall wait to be recognized by the presiding officer before commenting, must direct all comments to the Board, and must preface their comments by an announcement of their name, and group affiliation, if applicable.

The public comment session at the beginning of the meeting shall be limited to not more than thirty (30) minutes.

Each statement made by a participant shall be limited to three (3) minutes.

Commenters may not cede their time to other individuals.

No individual may speak more than once on the same topic unless all others who wish to speak on that topic have been heard and there is time remaining in the public comment period.

All statements shall be directed to the presiding officer; no participant may address or question school directors individually.

The presiding officer and the district solicitor have the authority to:

1. Interrupt an individual to warn the commenter that the statement is too lengthy or conduct is otherwise in violation of this policy.
2. After warning, terminate the individual's opportunity to comment when the conduct continues and is in violation of this policy.
3. Call a recess or adjourn to another time when an individual's conduct is otherwise in violation of this policy.
4. Request an individual to leave the meeting when that person's conduct is disrupting the operation of the meeting.[10][11]
5. If the individual refuses to leave the meeting, request the assistance of school security personnel or law enforcement to remove the disorderly person to enable the Board to proceed with the orderly operation of the meeting.[12][13]
6. Waive the Board's rules regarding public comment with the approval of a majority of those present and voting.

Where the presiding officer's ruling regarding public comment is disputed, it may be overruled by a majority of those school directors present and voting.

#### Response to Public Comment

The purpose of public comment at Board meetings is to allow the Board to learn the thoughts of the public prior to Board deliberation and official action.

Although the public comment period of the meeting is not a question and answer session between the public and the Board, the Board may direct staff to follow up and address public inquiries in a reasonably prompt manner.

Whenever public comments are subject to the Board policy regarding public complaints, the individual shall be directed to follow the process outlined in the policy for resolution of the issue.[14]

#### Recording and Release of Public Comment

District recordings shall not be the official record of an open Board meeting, but may be available for public access, upon request, in accordance with the law, relevant court decisions and Board policy. Recordings of Board meetings, including the public comment portions of the meeting, shall be retained and disposed of in accordance with the district's records retention schedule.[5][15][16][17][18]

#### Public Comment Recorded in Board Minutes

The following information regarding public comment is required to appear in the official minutes of each open Board meeting:[5][19]

1. The names of all citizens who appeared before the Board.
2. The subject of their testimony.

#### Board Committees

Public comment at committee meetings shall be at the discretion of each committee, unless held as a Committee of the Whole.[4][5][20]

In general, meetings of committees of the Board shall not include a public comment period, unless held as a Committee of the Whole.[4][5][20]

#### Recording Devices and Cameras

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at open meetings. The Board is authorized to establish reasonable rules for the use of recording devices and cameras during Board meetings.[1][21]