

Board & Administrator

FOR SCHOOL BOARD MEMBERS

November 2021 Vol. 35, No.7

Revamp public participation policy to reflect new concerns

Your board should revisit policies and procedures governing stakeholders' participation in public meetings in light of anticipated push-back this school year regarding vaccinations, mask-wearing, and the return to in-person learning. While complying with open meetings laws to allow for input from stakeholders, ensure that your policies don't prevent stakeholders from speaking based on their opposing or subjectively offensive views.

Policies that allow the board to stifle or silence public comment based on opposing points-of-view may violate the First Amendment.

The 6th Circuit recently addressed an Ohio school board's public participation policy which the board relied upon to prevent individuals from criticizing its handling of gun-related issues. *Ison v. Madison Local Sch. Dist., Bd. of Educ.*, 121 LRP 23807 (6th Cir. 07/07/21). The court found that the board's policy violated the speakers' First Amendment rights because its restrictions on

"abusive," "antagonistic," and "personally directed" speech were viewpoint-based. The 6th Circuit concluded the board prohibited speech purely because it disparaged, opposed, or offended, which is impermissible viewpoint discrimination. And, it noted the board president admitted that giving offense sufficed to prevent someone from speaking under the policy.

This case underscores the importance of having a policy in effect, before an incident occurs, to govern hostile or disruptive input from stakeholders in a public meeting. Your board must ensure that stakeholders have an equal opportunity to speak and that policies don't attempt to censor offensive speech or disfavor certain points of view.

Work with district council to update your policy. Consider requiring speakers to pre-register in advance so that the board can set aside an appropriate amount of time in the agenda for each speaker and provide an equal opportunity for others to speak. ■

Work though hostile board meetings as a team

School boards are stressed and challenged with the unprecedented number of adversarial and hostile issues they are currently facing, including mask mandates, vaccination requirements, learning loss, quarantine policies, school openings and closures, and staffing shortages. Pause to acknowledge that fellow board members may suffer from stress, fatigue, exhaustion, and "burnout" during the ongoing pandemic. Sharing feelings and

discussing ways to tackle big issues as a group may alleviate the burdens that members take with them into their daily lives and prevent them from tendering their resignation.

Perseverance and steadfast teamwork to whittle-down political, controversial, and complex issues to "the basics" might make board members feel supported and part of the larger group taking on challenging topics. Encouraging collaboration

and facilitating productive meetings can help the board come to a consensus on the most pressing topics and avoid having a board that is riven by disagreements.

Hostile board meetings can take a toll on board members. By establishing and enforcing strong policies and procedures to govern board meetings, the board can maintain professionalism and

decorum and work together to reduce hostilities. Don't allow adversarial exchanges between board members or with stakeholders lead to individual resignations. The board should agree that it will work through difficulties as a team. And board members should remind each other that their work is valued and contributes to the success of the school. ■

Board meetings and the superintendent's report

The board is accustomed to hearing the superintendent's report during board meetings. The superintendent informs board members about issues she wants the board to act upon. These issues should be included as "new business" on the board's agenda.

The superintendent's report shouldn't be her only involvement in the meeting, however. Administrators should be active participants

throughout the meeting. They should recommend specific actions, provide background information on current issues within the district, convey priorities, and act as a resource for the board. If that is not happening, board members should encourage the superintendent's participation by asking questions to stimulate a discussion. Superintendent input is vital to a productive board meeting. ■

Utilize a post-board meeting checklist

Immediately after a board meeting, spend a few minutes to evaluate the board's effectiveness. This is an excellent way for trustees to come up with

suggestions to make meetings more efficient. Use the following checklist to make the board's work easier and more focused.

Board Meeting Checklist

Circle one:	Board action
Yes/No/Usually	The board meeting followed parliamentary procedure.
Yes/No/Usually	The meeting stuck to agenda and was conducted in a businesslike manner.
Yes/No/Usually	Board members arrived on time.
Yes/No/Usually	The meeting started on time.
Yes/No/Usually	The meeting ended on time.
Yes/No/Usually	The board meeting lasted two hours or less.
Yes/No/Usually	Board member absences from meeting were minimal.
Yes/No/Usually	Board members arrived prepared to discuss business.
Yes/No/Usually	The meeting room was comfortable and conducive to discussion.
Yes/No/Usually	Discussions were polite and not dominated by one or two trustees.
Yes/No/Usually	Board members dealt with controversy properly and without acrimony. ■