



BOARD POLICY

903 Public Comment in Board Meetings

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Purpose

The Board recognizes the value to school governance of public comment input on educational issues of public and the importance of involving members of the designating time for public comment during open Board meetings. The Board also recognizes its responsibility for proper governance of the District and the need to conduct its business in an orderly and efficient manner the importance of diverse viewpoints and commentary.

As such, it shall be the policy of the District to encourage public comment pursuant to the following conditions:

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

The Board shall establish guidelines to govern public participation in Board meetings necessary to conduct its meeting and to maintain order.[\[1\]](#)

In order to permit fair and orderly expression of public comment, the Board shall provide an opportunity at each open meeting of the Board for residents and taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board, prior to official action by the Board.[\[2\]](#)[\[3\]](#)

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.[\[2\]](#)

When an item is added to the agenda after the public comment period has ended, the Board shall offer a further public comment opportunity limited to the added item(s).[\[2\]](#)[\[3\]](#)

Delegation of Responsibility

The presiding officer at each open Board meeting shall follow Board policy for the conduct of open meetings. Where the presiding officer's ruling is disputed, it may be overruled by a majority of those school directors present and voting.[\[4\]](#) [\[5\]](#)

Guidelines

~~Whenever issues identified by the participant are subject to remediation under policies and procedures of the Board, they shall be dealt with in accordance with those policies and procedures and the organizational structure of the District.~~

An opportunity for district residents and taxpayers, employees and students of the district 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 Board requires that public participants be a resident or taxpayer of the District or fall into one of the following categories:

1. Anyone who has registered a legitimate interest in a contemplated action of the Board, such as a non-resident with a child enrolled in the District.
2. Anyone representing a group in the community or District.
3. Any District employee.
4. Any District student.
5. Anyone who fulfills the requirements of a non-resident/non-taxpayer as outlined in this policy.

The President ~~presiding officer~~ shall be responsible for setting the parameters for public comment and public participation as outlined in this policy may expand the opportunity to provide public comment to others when deemed necessary to inform the Board.

~~The President, or presiding officer, shall be responsible for setting the parameters for public comment and public participation as outlined in this policy.~~^[4] ^[5]

~~The President or presiding officer may:~~

1. ~~Interrupt or terminate a participant's statement at any time when the statement is:~~
2. ~~More than three (3) minutes long;~~
3. ~~Personally directed and unrelated to School Board matters;~~
4. ~~Obscene, or~~
5. ~~Irrelevant.~~
6. ~~Request any individual to leave the meeting when the person does not observe reasonable decorum and interferes with the orderly conduct of the meeting.~~
7. ~~Request the assistance of law enforcement officers to remove a disorderly person when the person's conduct interferes with the orderly progress of the meeting.~~
8. ~~Call a recess or adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.~~

Public Comment on Non-Agenda Items

~~A period of public comment open to any topic will be provided at the end of each meeting.~~

1. ~~Individual public comment must begin with the participant identifying the participant by name.~~
2. ~~Each participant must identify their municipality of residence on the form provided at each meeting.~~

3. Each participant is restricted to a maximum of three (3) minutes for comment. However, that time limit can be extended at the discretion of the President, or whoever is presiding over the meeting, up to a maximum of five (5) minutes.
4. All statements shall be directed to the President or the presiding officer; no participant may address or question Board members individually.
5. The Board reserves the right to limit the time allocated for public comment on any non-agenda item and to limit the time for the total period of time for public comment on non-agenda items.

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.

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]

The Board shall provide a second public comment period, after the items for action or deliberation have been completed, to comment on items of concern or other matters involving non agenda items.

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]}

The President or presiding officer may:

1. Interrupt or terminate a participant's statement at any time when the statement is:
 2. More than three (3) minutes long;
 3. Personally directed and unrelated to School Board matters;
 4. Obscene, or
 5. Irrelevant.
6. Request any individual to leave the meeting when the person does not observe reasonable decorum and interferes with the orderly conduct of the meeting.
7. Request the assistance of law enforcement officers to remove a disorderly person when the person's conduct interferes with the orderly progress of the meeting.
8. Call a recess or adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.

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, including expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals**
6. **Speech to incite inciting imminent lawless action**
7. **Speech that is considered, as a whole, to prominently appeal to prurient interests or is otherwise obscene.**
8. **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.**
9. **An individual speaks for longer than 3 minutes.**

Guidelines

Sign-in and Request to Comment

All individuals ~~other than a resident or taxpayer~~, wishing to participate in a public **comment during** the Board meeting **shall** register their intent with the Board Secretary ten (10) calendar days in advance of the meeting and shall include **sign in on the sheet provided at the meeting and provide the following information on the sign-in sheet:**

1. Name **of commenter.**
2. Municipality of the **commenter.**
3. ~~Topic to be addressed.~~
4. ~~Name of any Group on whose behalf comments will be made, of applicable, and or~~ **organization** 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.**
5. ~~Copies of any handouts or other literature that will be disseminated~~

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

Public Comment on Agenda Items

~~A period of public comment restricted to items being voted on the agenda will be provided in each meeting before the Board's action on those items.~~

1. Individual public comment must begin with the participant identifying the participant by name.
2. Each participant must identify their municipality of residence on the form provided at each meeting.
3. ~~Each participant is restricted to a maximum of three (3) minutes per agenda item for comment. However, that time limit may be extended at the discretion of the President, or whoever is presiding over the meeting.~~
4. In the event the public comment period is limited to one (1) period for all agenda items, each participant is restricted to a maximum of three (3) minutes.
5. ~~All statements shall be directed to the President or presiding officer; no participant may address or question Board members directly.~~

6. The Board reserves the right to limit the time allocated for public comment on any agenda item and to limit the time for the total period of time for public comment on agenda items.

~~Procedures required of non-residents and taxpayers wishing to participate:~~

1. ~~Non-Resident/Non-Taxpayer participants must be recognized by the President or presiding officer and must preface their comments with the participant identifying the participant by name and the name of the group the participant is speaking for, if applicable.~~
2. ~~Each non-resident/non-taxpayer participant must identify their municipality as well as the municipality of any group the participant is speaking for on the sign-in sheet.~~
3. ~~Each non-resident/non-taxpayer participant is restricted to a maximum of three (3) minutes for comment. However, that time limit can be extended at the will of the President, or whoever is presiding over the meeting, up to a maximum of five (5) minutes.~~
4. ~~All statements shall be directed to the President or presiding officer; no participant may address or question Board members individually.~~
5. ~~The Board reserves the right to limit the time allocated for public comment on any non-agenda items and to limit time for the total period of time for non-resident/non-taxpayer comment.~~

~~Whenever issues identified by any participant during public comment are subject to remediation under any policy or procedure of the Board, those issues shall be taken under advisement by the Policy Committee and addressed in accordance with those policies and procedures, as seen fit by the Policy Committee.~~

- **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.
- Each statement made by a participant shall be limited to **three (3)** minutes.
- **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 president or presiding officer and **the district solicitor have the authority to:**

1. ~~Interrupt or terminate a participant's statement at any time when the statement is:~~
2. ~~More than three (3) minutes long;~~
3. ~~Personally directed and unrelated to School Board matters;~~
4. ~~Obscene, or~~
5. ~~Irrelevant.~~
6. ~~Request any individual to leave the meeting when the person does not observe reasonable decorum and interferes with the orderly conduct of the meeting.~~
7. ~~Request the assistance of law enforcement officers to remove a disorderly person when the person's conduct interferes with the orderly progress of the meeting.~~
8. ~~Call a recess or adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.~~
9. Interrupt **an individual to warn the commenter that the statement is** more than three (3) minutes long **or conduct is otherwise in violation of this policy.**

10. After warning, terminate the individual's opportunity to comment when the conduct continues and is in violation of this policy.
11. Call a recess or adjourn to another time when an individual's conduct is otherwise in violation of this policy.
12. Request an individual to leave the meeting when that person's conduct is disrupting the operation of the meeting.[\[10\]](#)[\[11\]](#)
13. 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.[\[12\]](#) [\[13\]](#)
14. Waive the Board's rules regarding public comment with the approval of a majority of those present and voting.

Where the President or 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 the Superintendent. [\[14\]](#)

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 will be conducted in accordance with this policy. Each participant is restricted to a maximum of three (3) minutes for comment on agenda items. . However, that time limit may be extended at the discretion of the President, or whoever is presiding over the meeting. **At committee meetings designated as special meetings because a quorum of the Board may be in**

attendance, public comment shall be restricted to a maximum of three (3) minutes for comment on agenda items. However, that time limit may be extended at the discretion of the President, or whoever is presiding over the meeting.

Recording Devices and Cameras

Electronic recording devices and cameras, in addition to those used as official recording devices shall be permitted at open meetings, ~~unless they interfere with the meeting.~~ [6] The Board is authorized to establish reasonable rules for the use of recording devices and cameras during

Board meetings. ~~[1][21]~~

~~Placards or banners shall not block or otherwise interfere with another community member's view of or participation in the meeting. Any placard or banner can be removed from the meeting, at the discretion of the President or presiding officer, if said placard or banner interferes with the orderly conduct of the meeting.~~

The meeting agenda and all pertinent documents shall be distributed to the press and public at, or before, the meetings and will be posted on the District website. ~~[7]~~

Legal Footnotes

[2] 65 Pa. C.S.A. 710
LEGAL REFERENCE

[3] 24 P.S. 407
LEGAL REFERENCE

[4] 65 Pa. C.S.A. 709
LEGAL REFERENCE

[5] 65 Pa. C.S.A. 710.1
LEGAL REFERENCE

[7] 65 Pa. C.S.A. 712.1
LEGAL REFERENCE

[8] 18 Pa. C.S.A. 5101
LEGAL REFERENCE

[9] 18 Pa. C.S.A. 5508
LEGAL REFERENCE

[10] 18 Pa. C.S.A. 3503
LEGAL REFERENCE

[11] Pol. 805.2
POLICY REFERENCE
Referenced policy is not available in this policy book.

[12] Pol. 906
POLICY REFERENCE
Referenced policy is not available in this policy book.

[13] Pol. 113.4
POLICY REFERENCE
Referenced policy is not available in this policy book.

[14] Pol. 216
POLICY REFERENCE
Referenced policy is not available in this policy book.

[15] Pol. 800
POLICY REFERENCE
Referenced policy is not available in this policy book.

[16] Pol. 801
POLICY REFERENCE
Referenced policy is not available in this policy book.

[17] 65 Pa. C.S.A. 706
LEGAL REFERENCE

[18] Alekseev v. City Council of Philadelphia, 8 A.3d 311 (Pa. 2010)
LEGAL REFERENCE

