

2) Public Hearing – Conducting a Public Hearing

Background:

Agenda item 2, Public Hearing on a School Calendar, states the following:

“The School Board will conduct a public hearing at the above-noted location and time on a proposed calendar for the 2018 – 2019 school year. At the hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposal.”

Legal Considerations:

Iowa Code §§ 279.10, School year — beginning date — exemption, places the school calendar in the sole authority of the board of directors of a school district. It further states that the board must hold a public hearing on any proposed school calendar prior to adopting it. Also stated in the law, the “school calendar shall begin no sooner than August 23” and include “not less than one hundred eighty days or one thousand eighty hours of instruction during the calendar year.”

Board Policy:

Board policy 214, Public Hearings, last reviewed by the Belmond-Klemme School Board on November 14, 2013, states the following:

“At public hearings, citizens of the district who register at the door will be allowed to speak on the issue for which the public hearing is being held. Others may be allowed to speak at the board’s discretion.

“Speakers are asked to keep their remarks as brief as possible. Prior to the beginning of the hearing, speakers and spectators will be apprised of the rules of order to be followed regarding time limitations, questions, remarks and rebuttals. In no event will a speaker be allowed to take the time of another speaker.

“The board will conduct public hearings in an orderly fashion. At the beginning of the hearing, statements, background materials and public hearing rules and procedures will be presented by the board president.

“The board president will recognize the speakers. A board member may ask questions of the speakers after receiving permission from the board president. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the board, or the proceedings will be asked to leave.”

Recommendations for Conducting a Public Hearing:

A school board meeting is a meeting before the public where a school board conducts its public business. The public has the right to participate in the meeting only to the extent the board chooses to allow such participation. A public hearing should be conducted by the board president.

At a public hearing, the board members are hearing officers. As such, they should listen to the testimony of the individuals speaking to the board. They should carefully consider the arguments. At the discretion of the board president, board members may wish to ask thoughtful questions of the speakers.

Board members should avoid taking sides during the hearing, advocating for one side or another, or engaging in arguments or discussion with the speakers or other school board members.

Appropriate Conduct for a Person Addressing the Board:

A person addressing the Board shall refrain from the following:

- (1) attempting to engage individual board members in conversation;
- (2) insults;
- (3) obscenity or profanity;
- (4) attacks against any person in his or her personal capacity;
- (5) physical violence or threat thereof;
- (6) comments that are not relevant to matters on the agenda or to matters of administrative concern;
- (7) comments that are unduly repetitious;
- (8) comments that exceed the five-minute time limit, or other such comments or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any board meeting:

Any person who breaches these rules shall, at the discretion of the presiding officer or a majority of the board, be given an oral warning by the presiding officer to refrain from disturbing or disrupting the meeting. If, after receiving such a warning, the person continues to breach these rules, he or she will be barred from further audience before the board at that meeting.

If, after receiving an oral warning from the presiding officer and being barred from further audience before the board at a meeting, a person persists in disturbing or disrupting that meeting, the presiding officer may order him to leave the meeting. If such person does not remove him or herself, the presiding officer may request a law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the meeting.

Additional Tips for Dealing with Large Crowds:

1. Large crowds should be advised of the procedure to be followed before the meeting or hearing begins, including, but not limited to, as any time limits or signature requirements.
2. Advise the crowd that individuals may submit written comments.
3. Inform the crowd that the Board will receive and consider written materials, and that individuals are discouraged from reading letters at the podium.
4. Do not permit members of the public to cross-examine others; inform participants that all comments should be addressed to the board.
5. Encourage individuals to not only express their opinion, but the reasons for their opinion.