

Document Status: Draft Update

BOARD OF EDUCATION

2:230 Public Participation at Board of Education Meetings and Petitions to the Board

~~For an overall minimum of 30 minutes d~~During each regular and special open meeting of the Board, ^{PRESSPlus1}any person may comment to or ask questions of the Board (*public participation*), subject to the reasonable constraints established and recorded in this policy's guidelines below. ^{Q1}The Board listens to comments or questions during public participation; responses to comments to or questions of the Board are most often managed through policy 3:30, Chain of Command. ^{PRESSPlus2}~~During public participation, there will be a 20-minute minimum total length of time for any one subject. When public participation takes less time than these minimums, it shall end.~~

To preserve sufficient time for the Board to conduct its business, any person appearing before the Board is expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President. This includes following the directives of the Board President ^{PRESSPlus3}to maintain order and decorum for all.
2. Use a sign-in sheet, if requested. ^{PRESSPlus4}
3. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to five minutes. In unusual circumstances, and when an individual has made a request to speak for a longer period of time, the Board President may allow a person ~~may be allowed~~ to speak for more than five minutes. If multiple individuals wish to address the Board on the same subject, the group is encouraged to appoint a spokesperson.
4. Observe, when necessary and appropriate, the Board President's authority to:
 1. ~~Shortening of~~ the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak; and/or
 2. ~~Expansion of the overall minimum of 30 minutes for public participation and/or the 20-minute minimum total length of time for any one subject; and/or~~
 3. ~~Determination of~~ procedural matters regarding public participation not otherwise covered in Board policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet.

LEGAL REF.:

105 ILCS 5/10-6 and 5/10-16.

5 ILCS 120/2.06, Open Meetings Act.

~~105 ILCS 5/10-6 and 5/10-16.~~

CROSS REF.: 2:220 (Board of Education Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

Questions and Answers:

*****Required Question 1. Consult with the board attorney for guidance before adopting a maximum time limit for public participation; public comment rules are frequently challenged.** The Ill. Public Access Counselor (PAC) has issued only unpublished, non-binding opinions approving of 30- and 60-minute overall time limits for public comment under OMA. The PAC has issued a binding opinion finding that a public body violated OMA when, pursuant to an unrecorded rule, it limited public comment on a controversial topic to 15 minutes. Public Access Opinion (PAO) 19-2. The PAC noted that while the lack of an adopted policy on the time period for public comment did not “necessarily mean that public comment must be allowed to continue indefinitely,” the public body presented “no evidence that limiting comments was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business.”

If the Board would like to establish a maximum time limit for public participation, IASB will revise the first sentence of the paragraph as follows:

For a maximum of 60 minutes Dduring each regular and special open meeting of the Board, any person may comment to or ask questions of the School Board (*public participation*), subject to the reasonable constraints established and recorded in this policy’s guidelines below. The time limit for public participation at a meeting may be extended upon the majority vote of the Board members at the regular or special meeting.

If a board wants to establish a time limit other than 60 minutes, substitute with the time limit desired. Note that any extension of a public comment period cannot be based on the viewpoint of a speaker(s).

Would the Board like to establish a maximum time limit for public participation?

- No (default)
- Yes, the Board would like to establish a maximum time limit of 60 minutes.
- Yes, the Board would like to establish a time limit other than 60 minutes. What time limit has the board established? (Enter the number of minutes.)

PRESSPlus Comments

[PRESSPlus 1.](#) Updated in response to subscriber feedback regarding time minimums and maximums for public participation during school board meetings and for continuous improvement. Customize this policy to ensure it is responsive to the community's public participation needs.

While it does not apply directly to school boards, the Empowering Public Participation Act, 5 ILCS 850/, added by P.A. 102-348, prohibits law enforcement agencies or officers employed by them from intentionally conducting background checks of individuals based solely on the fact that they are speaking at an open meeting of a public body. Consult the board attorney for a discussion related to the appropriateness of board members and school officials using search engines and/or other social media platforms to search for information about individuals speaking during public participation. **Issue 109, May 2022**

[PRESSPlus 2.](#) The law does not require board members to respond during public participation, and best practices for meetings instruct board members to refrain from engaging in commentary with members of the public during public participation. **Issue 109, May 2022**

[PRESSPlus 3.](#) Policy 2:110, *Qualifications, Term, and Duties of Board Officers*, governs the board president's duties, one of which is to preside at all meetings, including presiding over public participation and enforcing this policy. Enforcing this policy is key to the board conducting a successful meeting. The board president should speak with the board attorney to: (1) craft opening statements for the public participation portion of the meeting related to enforcement of this policy and consequences for violating it or any other related board policies, and (2) discuss whether the presence of security and/or law enforcement is advisable, especially when public participation is expected to be long or contentious. For a resource on best practices for managing challenging public comment periods, including a sample opening statement, see: www.iasb.com/policy-services-and-school-law/guidance-and-resources/managing-challenging-public-comment-periods/ and other learning opportunities through IASB's Online Learning Center, at: www.iasb.com/conference-training-and-events/training/online-learning/online-courses/. **Issue 109, May 2022**

[PRESSPlus 4.](#) Optional. A public commenter cannot be excluded for refusing to provide his or her home address. PAO 14-9. Generally, a board should consult with its attorney regarding the practice of excluding public commenters for reasons relating to the sign-in sheet. **Issue 109, May 2022**