

# Policy Introduction

## ~~OSBA Model Sample Policy~~ Parkrose School District 3

*(Because school board's did such a great job pivoting during the pandemic, someone decided to change the law)*

*OSBA Summary (same for BD/BDA, BDDH, BDDH-AR)*

*House Bill 2560 (2021) updated law governing public attendance and comment at public meetings of the board. When public meetings are held and access is made available in-person, the board must provide, to the extent reasonably possible, an opportunity to access and attend meetings by telephone, video or other electronic or virtual means; if in-person oral testimony is allowed during a meeting, allow the public to submit oral testimony by telephone, video or other electronic or virtual means; and if in-person written testimony is allowed, written testimony must be allowed by email or other electronic means.*

Code: BDDH  
Adopted: 11/08/76  
Revised:

### Public Comment at Board Meetings

~~*{HB 2560 (2021) goes into effect on January 1, 2022, and requires that districts provide the same opportunity for public comment to those attending virtually as is provided to those attending in person. We recommend that districts review current public comment practices and adopt policy language that meets the law and the desired district practice.}*~~

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

#### Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. ~~[A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will [sign in on the public comment sheet provided] [complete and submit the Intent to Speak card to the Board secretary] [submit their name electronically] [do so as~~

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~~directed~~ prior to the Board meeting.<sup>1</sup> A request to give public comment in-person or electronically does not guarantee time will be available.

3. A person speaking during the public comment portion of the meeting may ~~comment on a topic not on the published agenda~~ ~~may comment only on agenda items~~.
4. A person speaking during the public comment portion of the meeting should state their name~~,~~ whether they are a resident of the district,~~]~~ and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of ~~three~~ minutes. Statements should be brief and concise. ~~The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner.~~ ~~Time limits will be determined based on the number of commenters and the amount of time available for public comment.~~ If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.
6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the **Board** or Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.~~]~~

~~[The Board will not hear public comment at Board work sessions.]~~

~~[Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.]~~

## Procedures for Electronic Public Comment

Electronic public comments along with your name will be read aloud during the next Board meeting, if an opportunity is provided by the Board during a meeting open to the public. Comments that do not comply with this policy or BDDH-AR, or by the discretion of the Board Chair, will instead be referred to the Superintendent for review. Please visit the Parkrose webpage or the public notice on FlashNews: <http://www.flashalert.net/news.html?id=68>, for the electronic public comment link.

## Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to [question@parkrose.k12.or.us](mailto:question@parkrose.k12.or.us)~~[insert email address]~~. Materials or comments submitted at least ~~72 hours~~ in advance of a Board meeting will be provided to the Board before the Board meeting~~,~~ but ~~will may~~ not be read at the Board meeting~~]~~. Written materials or comments submitted may not warrant action by the Board.

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<sup>1</sup> When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

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## Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the [procedures in Board policy KL - Public Complaints] ~~[[published complaint procedures]]~~ for consideration of a legitimate complaint involving a staff member. [Any association contract governing the employee's rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, a supervisor and the Board]].

END OF POLICY

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### Legal Reference(s):

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)  
[ORS 332.057](#)

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).