

## 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 <sup>PRESSPlus1</sup> during ~~At~~ each regular and special open meeting, ~~any person~~ <sup>members of the public and District employees</sup> 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. <sup>PRESSPlus2</sup> During public participation, there will be a 20-minute <sup>PRESSPlus3</sup> 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 ~~The individuals~~ appearing before the Board ~~is~~ <sup>are</sup> expected to follow these guidelines: <sup>PRESSPlus4</sup>

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President.
2. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to ~~five~~ <sup>5</sup> minutes. In unusual circumstances, and when an individual has made a request ~~in advance~~ to speak for a longer period of time, the ~~person~~ <sup>individual</sup> may be allowed to speak for more than ~~5~~ <sup>five</sup> minutes.
3. Observe ~~the Board President's decision~~, when necessary and appropriate, ~~to~~ the:
  - a. ~~Shortening of the time for each person to address the Board during public participation~~ <sup>comment</sup> to conserve time and give the maximum number of ~~people~~ <sup>individuals</sup> an opportunity to speak;
  - b. 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~~
  - c. ~~4. Observe the Board President's decision to determine~~ <sup>Determination</sup> of procedural matters regarding public participation not otherwise covered in Board policy.
4. ~~5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy;~~ <sup>8:30, Visitors to and Conduct on School Property.</sup>

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

LEGAL REF.:

5 ILCS 120/2.06, <sup>Open Meetings Act.</sup>

[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)

~~ADOPTED: January 28, 2019~~

Question 1. See Comment PRESSPlus 1. What is the length of minimum overall public participation time adopted by the Board?

Answer:

Question 2. See Comment PRESSPlus 3. What is the minimum total length of time for any one subject that has been adopted by the board?

Answer:

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#### PRESSPlus Comments

PRESSPlus 1. The length of the minimum overall public participation time is at the local board's discretion, and it should be customized to ensure it is responsive to the community's public participation needs. See **Questions** to indicate the length of minimum overall public participation time adopted by the Board. **Issue 101, June 2019**

PRESSPlus 2. While some courts have upheld public bodies limiting public comment to certain subjects, such as only subjects on the agenda or only related to the business of the public body, this policy does not provide default text for limiting public comment to certain subjects. This is because 105 ILCS 5/10-16 requires school boards to allow members of the public "to  
2:230

comment to or ask questions of the board.” The cases in which courts upheld limiting public comment to certain subjects involved public bodies with no governing statutes that required the public body to allow the public “to comment to or ask questions of the board.” **Issue 101, June 2019**

PRESSPlus 3. See 5 ILCS 120/2.06, 105 ILCS 5/10-16, and PAO 19-2. Like the length of time for overall public participation, the minimum total length of time **for any one subject** is also at the local board’s discretion. See **Questions** to indicate the minimum total length of time for any one subject that has been adopted by the board. **Issue 101, June 2019**

PRESSPlus 4. OMA does not but PAO 19-2 does provide specific rules. These guidelines may be amended. The guidelines for public comment and the time minimums and limits should be reviewed with the board attorney. In PAO 19-2, the Ill. Public Access Counselor (PAC) ordered a board to refrain from applying unestablished and unrecorded rules to restrict public comment at future meetings stating, “Though a public body has inherent authority to conduct its meetings in an efficient manner and need not allow public comment to continue indefinitely, there was no evidence that capping public comment to 15 minutes was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business.”

**Issue 101, June 2019**