A Brief Description of the Public's Right to Participate in Board Meetings

PUBLIC COMMENT -THE RIGHTS AND RESPONSIBILITIES

What is the Problem?



OML and Public Comment

All meetings of public body are open to the public.

All meetings are subject to the Public Accommodations Act

"Public shall be given the reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained." (Section 312(h))

Public comment shall be subject to reasonable rules established by the Chair (1 VSA sec. 312(h))

Who gets to say what at a meeting?

- 16 VSA sec. 554 restricts the right to speak on any issue to persons "within the district."
- People within the district may appear and express views in regard to any matter considered by the board and, if requested to do so, shall give reasons for its action in writing. (sec. 554(b))
- Public comment shall be subject to reasonable rules established by the Chair (1 VSA sec. 312(h))

Public Meetings Are Not Conversations with the Board

There are provisions for public comment

There are no provisions for public questions (other than in writing)

Robert's Rules of Order do not contemplate that a legislative body will discuss items with the public

Robert's Rules of Order contemplate that there is debate amongst the Board

So what does this mean?

Board may be able to restrict public comment to residents of the district.

Board can restrict public comment with reasonable rules.

Board must allow public comment on any item on which it may act, before its acts

It is lawful to require that public comment on non-action items be at the end of the meeting

What are reasonable rules for public participation?

Cannot be based on subject matter of the comments.

May be limited to a reasonable amount of time.

May require civility and restrict the use of profanity

May limit repetition

Cannot apply the neutral rules in a biased fashion

Sample Public Comment Rules

Every member of the public will have an opportunity to address the Board on a topic of concern. The rules for public comment are:

- Each speaker will have three minutes to speak.
- 2. Nobody may speak until recognized.
- 3. All comments must be directed to the Chair.
- 4. Speakers must remain civil. We will not tolerate profanity or shouting.
- 5. The Board may choose not to respond to any statements or questions raised. Public comment is your opportunity to speak to the Board.
- We may ask you to complete your comments if your remarks are redundant.
- 7. Every speaker is expected to identify themselves by announcing their name and place of residence.

VSBA model policy: Who gets to talk

Persons Who May Address the Board

Any district resident

School staff members, students and parents

Individuals who have been requested by the superintendent or the board to present a given subject

Persons who are directly affected by matters on the board agenda

Others at the discretion of the board

VSBA RECOMMENDED PROCEDURE

Public Comment on Agenda Items

The chair will ask for comments on agenda items before action is taken by the board.

When the number of people wishing to speak is large, the board may authorize the chair to use a speakers' list.

Members of the public will be given an opportunity to sign the speakers' list, indicating which agenda item will be addressed.

Public input on items not on the agenda

There will be time set aside for public input on items not on the agenda at every regular, special or emergency meeting of the board.

The time allotted to this item will be assigned by the chair or the person responsible for organizing the agenda.

The chair shall rule out of order any presentation to the board which breaches the privacy or other rights of students, parents or school employees, or which does not comply with Board policy on complaints

So, what is the problem?

Boards are not law enforcement

Boards find it difficult not to engage with members of the public

Board believe that they can educate members of the public on all issues

Boards may have divergent views on how to handle disruption

OML makes it difficult to control access



Community members, we are about to enter the citizen comment period of our meeting. My fellow board members and I recognize the importance of hearing from you on topics the board is considering. As a reminder, the citizen comment period is not designed to be a discussion, but rather an opportunity for board members to listen to constituents.

Citizens have two options for sharing comments during this meeting--either virtually via our meeting platform or in-person at _____ (insert physical meeting location) in accordance with state requirements. Each individual speaker is allotted ___ minutes, and individual time limits will be strictly observed so that as many citizens who wish to speak may be allowed to do so. Please speak only when I recognize you, identify yourself by stating your name and place of residence and direct all comments to the board. Ceding time to another speaker will not be allowed. Groups are encouraged to identify a single spokesperson. Please sign in on the speaker's list and identify the topic of your comments.

Alternatively, you may choose to submit written comments to the board in lieu of speaking during the public comment period. Your written comments will be read by all board members.
One additional reminder: I know we can all agree that the children and youth in our community must always be at the center of everything we do as a school system. They are watching and they look to all of us for models of how we should engage with one another. To that end, it is our responsibilityas members of the (insert school district or supervisory union) communityto discuss deeply meaningful topics in a manner that demonstrates civil discourse and mutual respect for one another, especially on topics where we may disagree. We will not tolerate profanity or shouting. Remember to keep our students in mind when you share your comments with the board today, since what you say and how you say it matters.
The board will now entertain public comments for minutes.

Chair's Suggested Language for Extreme Emergency (fire, riot or other safety-related emergency):

- "Due to safety concerns, I declare the meeting adjourned until the next meeting of the board."
- [Source of Authority: Robert's Rules of Order Section 8:10]
- ▶ Effect: Ends the meeting

Chair's Suggested Language for Less Extreme Emergency:

- "Due to the level of incivility in the room, is there a board member who wishes to move that the board recess this meeting until called to order by the chair?"
- Form in which motion may be made: "I move to recess this meeting until called to order by the chair."