

BEDH – PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

Category Recommended – While these policies are not required by law, they are highly recommended for effective school board operations.

See Also BEDB, KE, KEB

A. General Meeting Policy.

Meetings of the Board shall be open to the press and public.

The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. Additionally, the Board will provide opportunity for members of the public to provide input and comment at Board meetings consistent with the meeting and participation rules as described below.

This policy sets forth the standards and meeting rules that apply to the public in attendance at Board meetings, and to the opportunity for the public to provide comment at Board meetings.

B. Opportunity for Public Comment.

Consistent with RSA 189:74, the Board will provide the opportunity for members of the public to comment on school district matters at all Board meetings with the exception of emergency meetings called under RSA 91-A: 2, II, or at meetings for which the sole purpose is to address one or more issues in non-public session under RSA 91-A: 3.

In order to ensure that persons who wish to appear before the Board may be heard and, at the same time, ensure that the Board may conduct its business and meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings.

1. Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting (“Chair” shall apply to either in this policy).
2. The Board will schedule the public comment period in the first half of its meetings
3. The Board will provide a minimum of thirty minutes to hear public comment. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment periods for specific agenda items with a time limit for public comment specified on the pertinent agenda. If speakers do not fill the minimum 30 minute public comment period, the Board will move to table the remainder of the time until the end of the meeting. If insufficient speakers remain to fill the 30 minutes, the Board will close public comment.
4. Individual speakers will be allotted two minutes per person and each speaker will be permitted equal time. Speakers may not relinquish allotted time to another speaker. The Board may at the outset of the public comment period increase or decrease the individual time limit for all speakers (but may not decrease the aggregate time below 30 minutes).
5. In order to comply with the official minutes requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.
6. During the public comment period, an individual may offer comments on agenda items or any other District matters (e.g., operations, budget, and other issues directly relating to the District's school policies, programs and operations.) However, consistent with RSA 189:74, I, and in the interest of protecting personally identifiable information (“PII”) as well as other confidential information, comments (including complaints) regarding individual students, volunteers, or employees (other than the Superintendent) should be directed to the Superintendent or otherwise as provided under the complaint/grievance resolution processes set forth in School Board policies} KE and/or KEB.
7. Defamatory statements, comments threatening bodily harm, or other unprotected speech will not be tolerated.
8. Comments which do not adhere to the above provisions, may be ruled out of order by the Chair. Repeated violations may result in the Chair terminating the speaker's privilege of address, and possibly deeming the violations a disruption to be treated as discussed in section C below.
9. Persons appearing before the Board are reminded that the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without

authority to answer spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, will be deferred pending consideration by the full Board.

10. In addition to the opportunity to offer input during the public comment period of a Board meeting, members of the public may also request initiatives or other such items to be placed on the Board's agenda. The determination whether or not to include the matter on a Board meeting agenda will be made consistent with Board Policy BEDB. Requests to have a matter placed on an agenda should be presented in writing to the Superintendent no less than fourteen days prior to the next Board meeting and must set forth the specifics of the subject to be addressed.

C. Meeting Disruptions.

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. While members of the public have the right to attend and offer input during the public comment period of meetings, they do not have the right to disrupt the meetings. Impermissible disruptions include, but are not limited to:

- Shouting at any time, or speaking while someone else has been recognized by the Chair;
- Obstructing the view of others with posters or otherwise;
- Refusing to terminate public comment after that speaker's time has expired;
- Any other sustained or intentionally loud noises after the Chair has called for order; or
- Any other conduct intended to disrupt the meeting or person speaking.

If, after at least two warnings from the Chair, an individual continues to disrupt the meeting by words or actions, the Chair may direct the person to leave the meeting. Upon refusal, the Chair may request assistance from law enforcement officials to have the individual removed, with the potential for criminal charges. Interruptions may result in a recess, or, provided the thirty minutes for public comment has expired, and adjournment of the meeting.

Legal Reference:

U.S. Const., 1st Amendment

RSA 91-A:2, Meetings Open to Public

RSA 91-A:3, Non-Public Sessions

RSA 189:65, VII & VII-a - Definitions (Student and Teacher personally identifiable information)

RSA 189:74, School Board Public Comment Period

RSA 644:2, Disturbing the Peace

State v. Comely, 130 N.H. 688 (1988)

State v. Dominic, 117 N.H. 573 (1977)

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