

Public Participation at School Board Meetings

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There is often misunderstanding on the part of the members of the public and some school board members and administrators of the right of members of the public to address the school board at its meetings. The Indiana Open Door law states “all meetings of [school boards] ... must be open at all times for the purpose of permitting members of the public to observe and record them.” IC 5-14-1.5-3(a) This provision makes clear members of the public may attend meetings of the school board and record the meetings either by audio or video recording, except executive sessions of the school board. However, the Open Door law does not contain a provision addressing members of the public providing comments to the board during its meetings. Clearly, the Open Door law does not give members of the public the right to address the board during a board meeting; and it does not prohibit members of the public speaking to the board. Nor does it prohibit the school board from allowing members of the public to address the school board during its meeting.

Given the provisions of the law and under Home Rule, the school board has the authority and flexibility to allow members of the public to speak to the board at its meetings. Through policy and/or board meeting procedures, a school board may set out the parameters for public comments at its meeting. The board can restrict public comments to certain agenda items or topics, it may have a separate agenda item for public comments either at the beginning or the end of the agenda, and it may have an agenda item for public comments in general and also allow for public comments for all individual agenda items or for specific agenda items. If a board chose to do the later, the general public comment agenda item would be for subjects other than the designated agenda items. If a school board decides to allow for public comment, it is best practice for the board to have a process for members of the public to sign up to speak. This process would include an opportunity to sign up before the meeting and to state the topic or agenda item on which the person wants to speak. The board may limit the amount of time members of the public may speak – as a rule of thumb, this time limit may be anywhere from two to five minutes. An important parameter to include is the person will address the board and not an individual board member and individual board members will not respond to comments or answer questions posed to them or the board. The procedures should also include a provision that the board president will monitor the public comments and will enforce the policy and/or parameters adopted by the board.

If the board decides to have public comments at its meetings, it should adopt a policy or the parameters for such comments and publicize them so members of the public may easily find them. The procedures and policy could be published whenever the board posts its agenda or board meeting. It is important for the board to keep in mind when it is developing the policy and/or procedures for public comments at board meetings the board is essentially opening its forum and must be viewpoint-neutral in its policy and procedures. This means the board may allow only specific topics or prohibit specific topics (i.e., school personnel), but it cannot restrict the viewpoint of the topic; in other words, it cannot restrict the comments to those only the board agrees with or wants to hear.

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