

Frequently Asked Questions on Managing Public Comment at School Board Meetings

April 2022



Q1. Must public comment be allowed at all school board meetings?

A1. Yes, with the exception of executive sessions. Whether the meeting is a regular meeting, special meeting, or emergency meeting, public comment must be allowed.

In meetings advertised as work sessions, the board may want to advertise that public comment will be heard for a specific topic being discussed in a work session even if the board is not taking final action at that meeting.

Q2. May a board limit public comment to agenda items?

A2. Yes. Because the law allows the school board to adopt reasonable rules to govern the taking of public comment at a meeting, the board may limit public comment to just agenda items.

Alternatively, a board could allow public comment on any topic, but first allow comments on agenda items and then allow comments on any other topic. The board may also establish reasonable time limits for comments on agenda items and comments on other topics. Lastly, a board could allow time at the beginning of the meeting for public comment on agenda topics and set aside time at the end of the meeting for public comment on other topics.

Q3. Must all patrons who want to speak at a board meeting be allowed to speak?

A3. No. While the law states that persons who are physically present must be allowed to provide oral comment, because the law also states the board may set a limit on the total amount of time for receiving public comment on a topic, the board does not necessarily have to allow all patrons who are present to speak on the topic.

Unless a large number of patrons are present or some extraordinary circumstances justify otherwise, the general practice of boards should be to make every reasonable effort to accommodate all present at the meeting who would like to speak.

Q4. May school boards limit who may speak at board meetings? For instance, may the board limit public comments to residents and parents of enrolled students?

A4. No. Since the law refers to a member of the public, a school board must allow anyone physically present the opportunity to speak. However, since the law states that the board may set a limit on the total amount of time for receiving public comment on a topic, the board could allow residents to speak first and allow others to speak if time remains.

Q5. May a school board limit all public comment to a specific time allotment? For instance, may a board limit all public comment to 30 minutes?

A5. Yes. If a school board limits the amount of time dedicated to public comment, the board may have to allow patrons who want to speak on an agenda item on which the board intends to vote to speak first. The board may also have to restrict the amount of time an individual may speak. While a board may limit the amount of time dedicated to all public comment, the board must be reasonable in establishing the amount of time it will receive public comment.

Q6. May a board establish different rules on public comment depending on the nature of the board meeting? For instance, may the rules on public comment differ for a regular meeting, a special meeting, or an emergency meeting?

A6. Yes. The law allows the school board to adopt reasonable rules to govern the taking of public comment and, therefore, the rules may be different depending on the purpose of the meeting. For instance, the board might limit the time allocated to public comment on a topic and the board might limit the content of the public comment depending on the purpose of the meeting.

Q7. If a board allows public comment on a topic at one board meeting (for instance, on a topic that is identified on the agenda as “new business” or as “discussion only”), must the board allow public comment on the same topic at the following board meeting when the board is taking final action?

A7. No. The law requires that the public be allowed to comment before the board takes final action on a topic. As long as the public is given the opportunity to comment at a meeting before the board votes, the board has complied with the law.

There may be several factors that influence whether public comment on a topic is permitted more than one time. Those factors include the length of time between meetings, the specific information shared with the public before public comment is taken, and the timing of the information shared.

Q8. May a school board require persons who want to speak at a meeting to sign up before the start of the meeting?

A8. Yes. While the law does not speak to this, it is a reasonable rule that would help the board president effectively manage the comment period. The board may ask people to sign up by a specified time prior to the meeting and to identify the specific topic they would like to speak about and, if appropriate, whether they are in support of or against a proposed action item. It is important for the board to be consistent with the stated requirements and not deviate from them.

Q9. Are we required to allow public comment by electronic means if a board member is participating by electronic means?

A9. No. A member of the public who wishes to provide public comment must be physically present at the meeting location, including a meeting that is conducted by electronic means.

Q10. Is public comment required at meetings that are conducted virtually?

A10. No. The law states that a board may allow a member of the public to provide public comment during a virtual meeting that is conducted during a public health emergency.

Q11. Must the minutes of the board meeting reflect the names of all patrons who spoke and the nature of their comments?

A11. No. The Open Door Law requires the minutes of the board meeting to reflect the general substance of all matters proposed, discussed, or decided. Therefore, the minutes do not need to reflect the names of the patrons and/or the subject matter of their comments.

Q12. Are the rules for conducting public hearings during a school board meeting impacted by these new laws?

A12. No. The rules that school boards follow when conducting a public hearing have not changed. A public hearing is separate and distinct from the public comment now required during school board meetings. For instance, a school board must allow everyone who wants to testify during a public hearing the opportunity to do so. The board could, however, limit the amount of time allotted to each person speaking during the public hearing.