

OSBA Model Sample Policy

Code: BDDH-AR

Revised/Reviewed:

Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please [sign in on the public comment sheet provided] [complete and submit the Intent to Speak card to the Board secretary] [do so as directed] prior to the meeting. Those attending virtually and want to provide public comment should notify the [Board secretary] [by submitting an email to [boardsecretary@district.k12.or.us]] [as directed]]prior to the start of the meeting.

[A person speaking during the public comment portion of the meeting may [comment on a topic not on the published agenda] [comment only on agenda items].] A person providing public comment will be allowed [three] minutes. Signing up to provide public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name[, whether they are a resident of the district] and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the [procedures in Board policy KL - Public Complaints] [published complaint procedures] for consideration of a legitimate complaint involving a staff member. [Any association contract governing the employee’s rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, a supervisor and the Board]].”

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the [Board secretary] prior the start of the meeting.

Name: _____ Phone: _____

Name of organization (if applicable): _____

Address: _____

Email (optional): _____

Topic or comment to be presented (brief description): _____

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with [Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure] [published complaint procedures]. A hearing conducted by the Board regarding personnel may take place in an executive session.

The Board requests that a topic or comment is limited to [three] minutes or less.

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Code: BDDH
Adopted:

Public Comment at Board Meetings

{HB 2560 (2021) goes into effect on January 1, 2022, and requires that districts provide the same opportunity for public comment to those attending virtually as is provided to those attending in person. We recommend that districts review current public comment practices and adopt policy language that meets the law and the desired district practice.}

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. [A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will [sign in on the public comment sheet provided] [complete and submit the Intent to Speak card to the Board secretary] [submit their name electronically] [do so as directed] prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may [comment on a topic not on the published agenda] [may comment only on agenda items].
4. A person speaking during the public comment portion of the meeting should state their name[, whether they are a resident of the district,] and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of [three] minutes. Statements should be brief and concise. [The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner.] [Time limits will be determined based on the number of commenters and the amount of time available for public comment.] If a person has more comments than time allows or is

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.]

[The Board will not hear public comment at Board work sessions.]

[Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.]

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to [insert email address]. Materials or comments submitted at least [72 hours] in advance of a Board meeting will be provided to the Board before the Board meeting[, but will not be read at the Board meeting]. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the [procedures in Board policy KL - Public Complaints] [published complaint procedures] for consideration of a legitimate complaint involving a staff member. [Any association contract governing the employee's rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, a supervisor and the Board]].

END OF POLICY

Legal Reference(s):

ORS 165.535
ORS 165.540

ORS 192.610 - 192.690
ORS 332.057

ORS 332.107

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).