

### SCHEDULING PERIODS OF PUBLIC COMMENT

During their meetings, the School Board and any District committees that are subject to the Open Meetings Law may receive information and comments from members of the public on issues or topics that are not expressly included in the public notice of the meeting only if the public notice of the meeting includes notice of a period of public comment that is not limited exclusively to agenda items. In this policy, any reference to a "committee" means those Board committees and other bodies created by rule or order within the District whose meetings are subject to the Open Meetings Law.

- Regular Meetings. A public comment period that is not limited exclusively to comments on agenda items shall be scheduled and publicly noticed in connection with at least one regular meeting of the Board that is held each month. If the Board schedules two or more regular meetings in any month, the Board may, upon scheduling such additional regular meeting(s), decide to either include, or exclude, a period of public comment. In the absence of more specific direction provided by this policy or by the Board, the Board President may exercise his/her discretion to determine the inclusion and scope of any noticed period of public comment that may be held during any such additional regular meeting(s).
- Regular School Board Meetings for which All Substantive Items of Business are Noticed for Closed Session. If all of the substantive items of business for any regular Board meeting are to be noticed as topics of a proposed closed session, the meeting shall not include a noticed period of public comment unless the Board expressly directs the noticing of such a public comment period as part of the agenda for the meeting.
- Special Meetings. For any special Board meeting that is initiated by the written request of any individual Board member, the Board member who files the request may, in connection with identifying the other subject matter of the meeting, choose to include a publicly-noticed period of public comment as part of the agenda for the special meeting. The scope of any public comments made during a comment period at any such special meeting shall be limited to comments that are germane to one or more of the other substantive items of business that were expressly included in the public notice of the special meeting, and the period of public comment that occurs during a special meeting shall be conducted in accordance with this policy and with related procedures.
- Committee Meetings. In the absence of more specific direction provided by a motion and vote of the Board (or of the committee), the chairperson of each committee has discretion to determine the inclusion and scope of any noticed period of public comment that may be held during a meeting of the committee. The Board encourages committees to restrict the scope of public comments to the substantive items of business that are included on the meeting agenda; but, at a minimum, all public comments presented to a committee must be germane to the scope of the committee's purpose and charge.

### **REGISTRANT (SPEAKER) RESPONSIBILITIES**

Any person who wishes to address the Board (or a committee) during a noticed period of public comment at a Board meeting shall register to speak prior to the start of the meeting in accordance with specified pre-registration procedures.

The Board does not intend any period of public comment at its meetings (or at the meetings of any committee) to be either an appropriate or effective means of investigating or attempting to resolve any complaint or grievance that involves allegations of inappropriate conduct by any individual District employee or individual student(s)—particularly as to any allegations that, if proven, may lead to the imposition of a disciplinary sanction. Similarly, the Board does not intend any period of public comment at its meetings to be an appropriate or effective means of investigating or attempting to resolve an appeal of any individualized adverse action that may have been taken by the District against a particular student or employee. If the presiding officer of any meeting determines (on his/her own initiative or upon an appeal to the chair) that any registrant's comments are an attempt to present allegations, evidence, or other information that the registrant wishes the Board (or committee) to accept as facts or as conclusions related to any such complaint, grievance or appeal, the presiding officer will:

1. Interrupt the registrant's remarks and refer to this portion of this policy;
2. Attempt to redirect the registrant to an alternative process that can more appropriately be used to investigate and attempt to resolve his/her complaint, grievance or appeal (e.g., by expressly requesting that he/she choose to use such an alternative process in lieu of persisting with his/her public comments); and
3. Provide such other direction to the registrant, Board (or committee) members, or other meeting attendees as may be appropriate.

Each registrant shall adhere to established procedures for the public comment period and he/she shall:

1. Retain all liability for his/her comments and conduct (i.e., the public comment period does not offer any speaker any exemption from legal liability or from other lawful consequences that may result from the speaker's comments or conduct).
2. Wait to speak until he/she has been recognized by the presiding officer.
3. Limit the substance of his/her comments to topic(s) that are within the scope of the public comment period (e.g., when the period is offered only for comments that relate to agenda items, the registrant shall not address the Board (or committee) on other items/issues).
4. Limit the duration of his/her comments to the allotted period of time.
5. Avoid engaging in conduct or making comments that are obscene, threatening, harassing, defamatory or disorderly.
6. Avoid making repetitive appearances before the Board (or a committee) in which the same registrant, or persons acting in concert, present substantially the same information.
7. Avoid engaging in political advocacy with respect to candidates for any elective office.

8. Present their remarks verbally without the use of supporting material that requires any set-up/take-down time or any advance coordination with District multi-media systems (the registrant may provide copies of supplemental written materials to the Board/District).
9. Except where a person registers under established procedures as the spokesperson for a group or where it is permitted as a reasonable accommodation for an individual with special needs, no individual may present his/her public comments by proxy.

### **AUTHORITY AND RESPONSIBILITIES OF THE PRESIDING OFFICER**

To promote the lawful, orderly and efficient progress of each meeting, the presiding officer of the meeting shall have the authority to enforce the requirements of this policy and he/she shall conduct any period of public comment according to established procedures. The presiding officer may call any registrant (or other attendee) to order and direct the individual to cease conduct which violates any applicable law, policy or procedure. If necessary, the presiding officer may terminate a registrant's comments and/or contact law enforcement for assistance in maintaining order or safety.

If the presiding officer directs a registrant to cease his/her remarks before his/her allotted time has expired, the registrant may immediately appeal the decision to the body (Board or committee) for a final decision. In particularly egregious situations, the presiding officer or any Board (or committee) member may propose a sanction that extends beyond the current meeting, and the sanction (if any) shall be determined by a vote of the Board (or committee).

### **BOARD (COMMITTEE) RESPONSIBILITIES**

When the Board (or a committee) receives public comments on topics/issues that are not otherwise part of the publicly-noticed meeting agenda, the Board (or committee) will normally receive but not respond to the comments. However, in exceptional cases, an individual Board (or committee) member or the District Administrator may briefly respond to the registrant (e.g., to ask a clarifying question or to provide a brief clarification or correction of information that was presented by the registrant). The Board (or committee) may, by motion or unanimous consent, refer an off-agenda topic/issue that is raised by a registrant to a future agenda or for follow-up by the administration. However, the Board (or committee) members shall not engage in any extensive discussion or debate on any such topic/issue, and the Board (or committee) shall not take any action addressing the merits of any such topic/issue.

To the extent (1) any registrant persists in his/her attempt to present allegations, evidence, or other information that the registrant wishes the Board (or committee) to accept as facts or conclusions related to any complaint, grievance or appeal pertaining to any individual student(s) or individual employee(s), and (2) the Board or any of the Board's employees or agents is later called upon to make individualized decision(s) that involve those student(s) or employee(s) and that are related to the information that was presented within the registrant's public comments; neither the Board, any individual Board member, nor any of the District's employees or agents shall, when finding any facts or reaching any conclusions, unlawfully consider or unlawfully give any weight to information that was presented by the registrant only during a public comment period. For example, when deciding a student expulsion matter following a hearing, the Board or any hearing officer will consider only the evidentiary record

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that is created and presented for that purpose; and, if any information that was presented during a public comment period was not separately and appropriately made a part of the record of the hearing, that information shall be disregarded and not given any weight whatsoever.

## **OTHER PROVISIONS**

If a member of the public requests to be recognized to speak to an agenda item during any Board (or committee) meeting at which there is no publicly-noticed period of public comment, the Board (or committee) shall determine by motion (or a showing of unanimous consent) whether to grant or deny the request. The decision to grant or deny any such request shall not be based on the viewpoint of the proposed speaker, and the decision should consider the extent to which the Board (or committee) will likewise respond to other similar requests that may be made at that meeting. Such a request shall be denied at any meeting at which there was a scheduled period of public comment and any registrant was denied the opportunity to address the Board (or committee) due to time constraints.

This policy and its related procedures do not apply to any public hearing that is conducted by the Board/District pursuant to any legal requirement or pursuant to any local policy requirement, unless the Board/District expressly chooses to apply some or all of this policy and/or the related procedures to the public hearing.

## **Legal References:**

### **Wisconsin Statutes**

- [Section 19.81](#) [state policy on open meetings]
- [Section 19.83\(2\)](#) [discussion during period of public comment]
- [Section 19.84\(2\)](#) [public notice of board meetings, including public comment period]
- [Section 19.85](#) [exemptions to open meetings]

**Adoption Date: 11/13/17**