



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	0169.1
Title of Policy:	Public Participation at Board Meetings
Cabinet Member:	Paul Gibbs
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – N/A • Work Session – 2/7/23 • Rule Development Workshop – 2/21/23 (public hearing) • School Board Meeting Information – 2/21/23 • School Board Meeting Approval – 3/7/23 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • This policy is being revised to clarify the procedures regarding public participation at board meetings. • Particular areas of revision include the following: removing tiered speaker structure to the agenda and non-agenda items; clarifying speakers are not allowed to sign up other speakers; allowing speakers to speak directly to Board members and; providing notice that the Board is required to adhere to FCC regulations.
Specific Authority:	§§ 286.011; 286.0114 Fla. Stat.
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

0169.1 - PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Board.

For purposes of the policy, a proposition is an item before the Board for a vote, and includes, but is not necessarily limited to, all items on the agenda noted as unfinished business, consent, and nonconsent. A proposition may also include a vote on a motion to rescind or to amend action previously taken, but does not generally include items on the special order agenda. A proposition does not include items wherever found on the agenda upon which the Board votes in its quasi-judicial capacity or under Board discussion and information (policy changes appearing under information may be commented on as an agenda item).

The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Board takes the official action. This policy does not prohibit the Board from maintaining orderly conduct or proper decorum in a public meeting.

The opportunity to be heard is subject to policies adopted by the Board as follows:

A. Guidelines regarding the amount of time an individual has to address the Board.

i. Agenda Items

- a. If there are 10 public speakers or less, each speaker shall have 3 minutes to address the Board.
- b. If there are 11 to 20 public speakers, each speaker shall have 2 minutes to address the Board.
- c. If there are 21 or more speakers, each speaker shall have 1 minute to address the Board.
- d. Persons will be recognized in the order in which the requests were received.

e. The time period may be extended by a vote of the Board. No speaker may transfer their time to any other person.

ii. Non-Agenda Items

- a. If there are 10 public speakers or less, each speaker shall have 3 minutes to address the Board.
- b. If there are 11 to 20 public speakers, each speaker shall have 2 minutes to address the Board.
- c. If there are 21 or more speakers, each speaker shall have 1 minute to address the Board.
- d. Persons will be recognized in the order in which the requests were received.
- e. All non-agenda comments will occur after the Board concludes its business agenda.

f. Public speakers on non-agenda items will not receive more time than those speakers on agenda items. So, if there are fewer public speakers for non-agenda items than agenda items, the non-agenda speakers

will have the same amount of time as those individuals who addressed the Board regarding items on the agenda. For example, if 12 public speakers show up to address agenda items, each public speaker receives 2 minutes to address the Board. If there are 5 public speakers for non-agenda items, they will also receive 2 minutes to address the Board.

B. Procedures for allowing representatives of groups or factions on a proposition to address the Board

Rather than all members of groups or factions for or against a proposition addressing the Board at meetings in which a large number of individuals wish to be heard, the Board may require representatives of such groups or factions to address the proposition in their representative capacity.

C. Procedures or forms for an individual to use in order to inform the Board of a desire to be heard

All attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting by completing a speaker's form at the entry of the meeting hall indicating his/her support, opposition, or neutrality on a proposition; and indicating his/her designation of a representative to speak for him/her or his/her group on a proposition if required by the Board. The signup period for all public comments, agenda and non-agenda, will close at the start of the Board meeting.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business and before the Board takes official position on any action item under consideration.
- B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited as provided above, unless extended by a vote of the Board. Persons will be recognized in the order in which the requests were received, and based upon whether they are agenda or non-agenda speakers.
- E. This is the Business meeting of the Board, as such, all statements shall be directed to the presiding officer; no person may address or question Board members individually. Staff members shall not be expected to answer questions from the audience unless called upon by the presiding officer or the Superintendent.
- F. Tape or video recordings are permitted under the following conditions:
 1. No obstructions are created between the Board and the audience.
 2. No interviews are conducted in the meeting room while the Board is in session.
 3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- G. Signs are permitted under the following conditions:

1. They do not contain obscene or otherwise inappropriate content (if it would be inappropriate for a school it is inappropriate for the meeting).
2. The top edge of the sign must remain below shoulder height so as not to block any other persons view of the Board from the seating area, or block the cameras recording the meeting.
3. No signs, flags, banners, or other similar items will be permitted attached to poles.

H. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
2. if a speaker is called during the agenda public comment time, but their comment is not in regard to an agenda item, the presiding officer may terminate their comment and move them to the non-agenda portion of the meeting;
3. request any individual to leave the meeting when that person does not observe reasonable decorum;
4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
5. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

The portion of the meeting during which the participation of the public is invited shall be limited to a reasonable time to allow the Board to conduct its business in an efficient manner. The above scale of time for public comment is deemed by the Board to be reasonable, however, should a situation arise that the Board believes additional modifications to the public comment times need to be made, the Board may make additional adjustments with a majority vote of the Board.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action on shall be placed on an agenda for a subsequent meeting.

The requirement for public comment on action items does not apply to:
an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;

- A. an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- B. a meeting that is exempt from F.S. 286.011 (the Public Meetings Law);
- C. a meeting at which the Board is sitting in its quasi-judicial capacity.
- D. These exceptions do not affect the right of a person to be heard as otherwise required by law or Board policy.

Revised 7/22/14
Revised 10/26/2021
Revised 12/14/2021
Revised 05/11/2022

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0169.1 - PUBLIC PARTICIPATION AT BOARD MEETINGS

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Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Board.

For purposes of the policy, a proposition is an item before the Board for a vote, and includes, but is not necessarily limited to, all items on the agenda noted as unfinished business, consent, and nonconsent. A proposition may also include a vote on a motion to rescind or to amend action previously taken, but does not generally include items on the special order agenda. A proposition does not include items wherever found on the agenda upon which the Board votes in its quasi-judicial capacity.

The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Board takes the official action. This policy does not prohibit the Board from maintaining orderly conduct or proper decorum in a public meeting.

The opportunity to be heard is subject to policies adopted by the Board as follows:

- A. Guidelines regarding the amount of time an individual has to address the Board:
 - 1. Each statement made by a member of the public shall be limited to three (3) minutes duration. Persons will be recognized in the order in which the requests were received.
 - 2. The time period may be extended by the presiding officer.
- B. Procedures for allowing representatives of groups or factions on a proposition to address the Board:

Rather than all members of groups or factions for or against a proposition addressing the Board at meetings in which a large number of individuals wish to be heard, the Board encourages representatives of such groups or factions to address the proposition in their representative capacity.
- C. Procedures or forms for an individual to use in order to inform the Board of a desire to be heard:

Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting by completing a speaker's form at the entry of the meeting hall indicating his/her support, opposition, or neutrality on a proposition; and indicating his/her designation of a representative to speak for him/her or his/her group on a proposition if s/he so chooses.
- D. Designated period of time for public comment:

The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, unless extended by a vote of the Board, except that all speakers who signed up to speak and who were outside of the thirty (30) minute time limit may address the Board at the end of the meeting.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- () Public participation shall be permitted as indicated on the order of business and before the Board takes official position on any action item under consideration.

() Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.

() All statements shall be directed to the presiding officer; no person may address or question Board members individually. Staff members shall not be expected to answer questions from the audience unless called upon by the Board Chairman or the Superintendent.

() Tape or video recordings are permitted under the following conditions:

() No obstructions are created between the Board and the audience.

() No interviews are conducted in the meeting room while the Board is in session.

() No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

() The presiding officer may:

() interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

() request any individual to leave the meeting when that person does not observe reasonable decorum;

() request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

() call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action on shall be placed on an agenda for a subsequent meeting.

The requirement for public comment on action items does not apply to:

- A. an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
- B. an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- C. a meeting that is exempt from F.S. 286.011 (the Public Meetings Law); or
- D. a meeting at which the Board is sitting in its quasi-judicial capacity.

These exceptions do not affect the right of a person to be heard as otherwise required by law or Board policy.

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A. Guidelines regarding the amount of time an individual has to address the Board.

~~i. Agenda Items~~

~~a. If there are 10 public speakers or less, each speaker shall have 3 minutes to address the Board.~~

~~b. If there are 11 to 20 public speakers, each speaker shall have 2 minutes to address the Board.~~

~~c. If there are 21 or more speakers, each speaker shall have 1 minute to address the Board. All public speakers shall have 3 minutes to address the Board.~~

~~ii. d. Persons will be recognized in the order in which the requests were received.~~

~~iii. e. The time period may be extended by a vote of the Board. No speaker may transfer their time to any other person.~~

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B. Procedures for allowing representatives of groups or factions on a proposition to address the Board

Rather than all members of groups or factions for or against a proposition addressing the Board at meetings in which a large number of individuals wish to be heard, the Board may require representatives of such groups or factions to address the proposition in their representative capacity.

C. Procedures or forms for an individual to use in order to inform the Board of a desire to be heard

All attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting by completing a speaker's form at the entry of the meeting hall indicating his/her support, opposition, or neutrality on a proposition; and indicating his/her designation of a representative to speak for him/her or his/her group on a proposition if required by the Board. The signup period for all public comments, agenda and non-agenda, will close at the start of the ~~Board meeting~~ **Public Comment period**. ~~Each speaker can only sign themselves up for public comments. As such, attendees may not sign anyone else up to speak regardless of the circumstances which are preventing the individual(s) arrival at the meeting by the sign-up cut-off time.~~

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

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G. Signs are permitted under the following conditions:

1. They do not contain obscene or otherwise inappropriate content (if it would be inappropriate for a school it is inappropriate for the meeting).
2. The top edge of the sign must remain below shoulder height so as not to block any other persons view of the Board from the seating area, or block the cameras recording the meeting.
3. No signs, flags, banners, or other similar items will be permitted attached to poles.

H. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed (except as allowed above), abusive, obscene, or irrelevant;
2. the Board will also adhere to the requirements of the FCC in gauging when to interrupt, warn, or terminate a participant's statement. As School Board meetings are broadcast publicly, the Board is required to adhere to the FCC's regulations on content which restricts certain content between the hours of 6 a.m. and 10 p.m.
 1. —
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Board to act;

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Revised 7/22/14

Revised 10/26/2021

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Clean Version

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