



SCHOOL BOARD ACTION REPORT

DATE: March 2, 2020
FROM: Denise Juneau, Superintendent
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206.252.0651

For Introduction: June 24, 2020
For Action: July 8, 2020

1. TITLE

Amending Board Policy No. 1430, Audience Participation, and Board Procedure 1430BP, Audience Participation

2. PURPOSE

This Board Action Report makes edits to Board Policy No. 1430, Audience Participation, and Board Procedure 1430BP, Audience Participation. These revisions are intended to enhance the clarity of the rules, requirements, and guidelines for members of the public wishing to speak at a regular Board meeting or public hearing.

3. RECOMMENDED MOTION

I move that the School Board amend Board Policy No. 1430, Audience Participation, and Board Procedure 1430BP, Audience Participation, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

- a. **Background** During the 2019-20 school year, the Executive Committee has engaged in discussions about the processes for accepting and prioritizing public testimony sign-ups and the guidelines that apply when members of the public provide testimony during regular Board meetings. The attached revisions would provide greater clarification on these topics and speak to situations not currently addressed in policy or procedure, such as the timeline applicable when regular Board meetings are held on days other than Wednesday or the need for more than one district high school to be assigned student speaking spots during the same meeting. The attached revisions would also provide greater clarity by consolidating the guidelines on testimony (at present, some are set forth in Board Policy No. 1430, while others are in Board Procedure 1430BP), and by conforming the guidelines more closely to the Washington State School Directors' Association model policy addressing public testimony processes (Model Policy 1400, Meeting Conduct, Order of Business and Quorum).
- b. **Alternatives** The School Board could select not to amend Board Policy No. 1430 and Board Procedure 1430BP. This alternative is not recommended as the included revisions are intended to provide increased public understanding of the public testimony sign-up process by clarifying current practices. The School Board could also choose to delay action, potentially while considering further revisions.

- c. **Research** The Washington State School Directors’ Association model policy addressing public testimony processes (Model Policy 1400, Meeting Conduct, Order of Business and Quorum) was reviewed and edits have been incorporated to more closely conform the analogous Seattle School Board Policy and Board Procedure, 1430 and 1430BP, to the WSSDA model. Case law regarding First Amendment protections rights that apply in a “designated public forum” was also reviewed.

5. **FISCAL IMPACT/REVENUE SOURCE**

This action is not anticipated to have a fiscal impact as the proposed adjustments to the public testimony sign-up process and public testimony guidelines are generally consistent with current practices.

Expenditure: ☐ One-time ☐ Annual ☐ Multi-Year ☒ N/A

Revenue: ☐ One-time ☐ Annual ☐ Multi-Year ☒ N/A

6. **COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

☐ Not applicable

☒ Tier 1: Inform

☐ Tier 2: Consult/Involve

☐ Tier 3: Collaborate

The proposed revisions to Board Policy No. 1430 and Board Procedure 1430BP consist of updates made to conform more closely to the WSSDA model and to provide clarity on the public testimony sign-up process and guidelines for testimony, particularly in areas where the Board Office has received questions from community members. Given the proposed revisions consist largely of technical updates rather than larger shifts in practice, Tier 1 community engagement would be utilized with the public being provided information on the updated processes through the Board website.

Additionally, potential updates to Board Policy No. 1430 and Board Procedure 1430BP have been discussed frequently with the Executive Committee, including during the August 21, 2019, September 11, 2019, October 10, 2019, November 13, 2019, December 11, 2019, and January 30, 2020 meetings. Feedback received from Executive Committee members informed the development of the proposed policy and procedure revisions.

7. **EQUITY ANALYSIS**

As noted above, the proposed revisions to Board Policy No. 1430 and Board Procedure 1430BP are intended to provide clarity on the sign-up process and guidelines for public testimony. The changes proposed are, however, largely reflective of current practices and are technical in nature. The Executive Committee has engaged in more comprehensive discussions regarding the prioritization of public testimony under Board Procedure 1430BP and additional opportunities for community members to inform Board decision-making. The Executive Committee continues to consider broader community engagement practices and opportunities for increasing access for dual and multilingual families and centering voices of students of color who are furthest from educational justice and their families and has focused 2020 Board Goals in these areas. While that work is ongoing, the attached revisions are proposed to provide greater clarity about the testimony process. Broader changes that may be necessary to ensure a racially equitable process for public testimony and to address other forms of engagement with the Board have not been included in this Board Action Report while the Board's work in this area proceeds.

8. STUDENT BENEFIT

These amendments to Board Policy No. 1430 and Board Procedure 1430BP, Audience Participation, are intended to clarify and increase student participation in Regular Board meetings by confirming that additional speaking slots may be provided to district high schools. While there will generally be only one student testimony slot assigned to a district high school per meeting, there is on occasion a need to schedule more than one high school per meeting when there are fewer Regular Board meetings during the school year than there are high schools in the district. In the event that multiple speaking slots are assigned to district high schools in a given meeting, the number of remaining speaking slots available for other community members would be reduced, as a corresponding increase in the total number of speaking slots for a given meeting is not included in these revisions.

Additionally, the proposed revisions to Board Procedure 1430BP are intended to more clearly articulate the process by which district students that sign up through the general public testimony sign-up process and make it on to the speakers list will be placed after the assigned student slot(s). This clarification is consistent with current practice, and is intended to provide clearer information to community members about how the testimony list is created.

9. WHY BOARD ACTION IS NECESSARY

- ☐ Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- ☐ Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- ☒ Adopting, amending, or repealing a Board policy
- ☐ Formally accepting the completion of a public works project and closing out the contract
- ☐ Legal requirement for the School Board to take action on this matter
- ☐ Board Policy No. _____, [TITLE], provides the Board shall approve this item
- ☐ Other: _____

10. POLICY IMPLICATION

This Board Action Report would amend Board Policy No. 1430, Audience Participation, and Board Procedure 1430BP, Audience Participation, to clarify the process for public testimony sign-ups and guidelines for public testimony.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Executive Committee meeting on June 10, 2020. The Committee reviewed the motion and moved the item forward for consideration by the full Board.

12. TIMELINE FOR IMPLEMENTATION


Upon approval of this motion, the amended versions of Board Policy No. 1430 and Board Procedure 1430BP will be published to the School Board website and the instructions for signing up and providing public testimony will be updated on the School Board website. The guidelines displayed during Regular Board meetings will also be updated.

The clarified sign-up process and guidelines will be effective for the first 2020-21 Regular Board meeting, which will be held August 26, 2020.

During the June 10, 2020 Executive Committee meeting, Directors also discussed additional ideas for potential further revisions to Board Procedure 1430BP. These included strengthening the alignment with district's Strategic Plan and Board Policy No. 0030, Ensuring Educational and Racial Equity, and reconsidering the amount of time allowed to speakers. While this Board action moves forward largely technical adjustments to Board Policy No. 1430 and Board Procedure 1430BP, the Executive Committee is planning to continue discussion of potential additional changes in the fall.

13. ATTACHMENTS

- Board Policy No. 1430, Audience Participation – clean (for approval)
- Board Policy No. 1430, Audience Participation – tracked changes (for reference)
- Board Procedure No. 1430BP, Audience Participation – clean with tracked changes showing updates since Introduction 6/24/20 (for approval)
- Board Procedure No. 1430BP, Audience Participation – tracked changes (for reference)

	<p>AUDIENCE PARTICIPATION</p>	<p>Policy No. 1430</p> <p>DATE</p> <p>Page 1 of 1</p>
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The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. In order to permit fair and orderly expression of public comment, the Board will provide a period at each regular meeting during which members of the public may address items before the Board. Further, the Board may schedule special hearings to receive additional public testimony, for topics of special public interest or as required by law.

Written and oral comment will be accepted on items before the Board. Individuals wishing to be heard by the Board shall comply with the rules as described by Board Procedure 1430BP.

Individuals who may need an accommodation to participate in a regular or special Board meeting, including those with disabilities or those requiring language interpretation services, should contact the School Board's office as soon as possible, and no later than two days before a regular meeting, so that arrangements for the accommodation can be made. Reasonable efforts will be made to accommodate requests made less than 48 hours in advance of a meeting.

Adopted: June 2011

Revised: MONTH 2020; April 2015; October 2014; March 2012

Cross Reference: Policy No. 1400; 1430BP


Related Superintendent Procedure:

Previous Policies: E06.00; E06.01

Legal References: RCW 42.30.030 Meetings declared open and public; RCW 42.30.050

Interruptions—Procedures; 42 U.S.C. §§12101-12213 Americans with Disabilities Act

Management Resources: *WSSDA Policy & Legal News*, August 2018

	<p>AUDIENCE PARTICIPATION</p>	<p>Policy No. 1430</p> <p>April 1, 2015 <u>DATE</u></p> <p>Page 1 of 1</p>
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Written and oral comment will be accepted on items before the Board. Individuals wishing to be heard by the Board shall comply with the rules as described by Board Procedure 1430BP.

~~The President may interrupt or terminate an individual's statement when it violates the rules for public testimony, is too lengthy, personally directed, abusive, obscene or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.~~

Individuals who may need an accommodation to participate in a regular or special Board meeting, including those with disabilities or those requiring language interpretation services, should contact the School Board's office as soon as possible, and no later than two days before a regular meeting, so that arrangements for the accommodation can be made. -Reasonable efforts will be made to accommodate requests made less than 48 hours in advance of a meeting.

Adopted: June 2011

Revised: MONTH 2020; April 2015; October 2014; March 2012

Cross Reference: Policy No. 1400; 1430BP


Related Superintendent Procedure:

Previous Policies: Eo6.00; Eo6.01

Legal References: -RCW 42.30.030 Meetings declared open and public; RCW 42.30.050

Interruptions—Procedures; 42 U.S.C. §§12101-12213 Americans with Disabilities Act

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	<p style="text-align: center;">AUDIENCE PARTICIPATION</p>	<p style="text-align: center;">Board Procedure 1430BP</p> <p style="text-align: center;">DATE</p> <p style="text-align: center;">Page 1 of 4</p>
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This procedure outlines the rules and requirements for members of the public wishing to speak at a regular Board meeting or at a public hearing.

The School Board shall encourage and accommodate public participation in regular Board meetings. The Board will hear from the public in the Public Testimony section of each regular Board meeting. A maximum of twenty (20) speakers will be heard; each speaker can speak for not more than two (2) minutes. However, in the event that thirty five (35) or more public testimony requests are received prior to the scheduled start time of the Board meeting, an additional five (5) speaking slots will be made available for that meeting only, for a total of twenty five (25) speakers.

The Board meeting agenda is posted to the District's website three days in advance of regular Board meetings, giving members of the public an opportunity to review what items are on the agenda.

Regular Board meetings are generally held on Wednesdays but are occasionally scheduled on other days (e.g. due to holidays or school breaks). For regular Board meetings held on Wednesdays, public testimony sign-ups will be accepted and testimony slots will be filled as follows:

- Sign-ups for public testimony will begin at 8:00am the Monday before the regular meeting and will continue until the 20 (or 25) slots on the speakers list are filled. To sign up, speakers must give their full name and contact information and state the agenda item or other topic on which they wish to speak.
- Speakers must sign up for themselves, with the exception of students signed up by a parent or guardian and individuals who may need an accommodation for the public testimony sign-up process, including those with disabilities or those requiring language interpretation services.
- At noon on the day before the Board meeting, public testimony slots will be filled according the following priority levels on a first-come, first-served basis within each level:
 1. Individuals speaking to action items on the agenda (including items on the consent agenda)
 2. Individuals speaking to introduction items on the agenda

3. Individuals giving comments of a general nature

- Sign-ups received after noon on the day before the meeting will be added to the end of the list on a first-come, first-served basis.
- Notwithstanding the above, the first speaking slot at each regular Board meeting will generally be held for a student from a district high school. All district high schools are provided a slot each year, assigned by the Board Office. On occasion, multiple speaking slots may be held for students from different district high schools in order to accommodate all district high schools over the course of each school year.
- Current district students who sign up through the above process before noon on the day before the meeting, identify themselves as students, and are among the 20 (or 25) speakers on the speakers list, will be placed immediately following the assigned student speaking slot(s).
- Elected officials who would like to speak at a regular Board meeting may contact the Board Office to request to speak during the Superintendent Comments portion of the agenda.
- A waiting list will be created if there are more speakers than speaking slots. The wait list will be ordered chronologically. The final public testimony list will be posted to the District's web site by close of business the Tuesday before the meeting.

When regular Board meetings are held on days other than Wednesdays, the above timeline for public testimony sign-ups and the filling of testimony slots may be adjusted by the School Board Office accordingly. If adjusted, the revised timeline will be included on the relevant regular Board meeting agenda.

Guidelines of testimony in this part of the meeting are:

1. Speakers should only state their full name for the record when starting their testimony—speakers need not state their contact information during the meeting.
2. Speakers will be allowed a maximum of two (2) minutes. Speakers may appear in person and cede their time when they are called to the podium to testify. In this instance the total amount of time allowed shall not exceed two (2) minutes for the combined number of speakers—time shall not be restarted after the new speaker begins.
3. In order to maximize opportunities for others to address the Board, each speaker is allowed only one speaking slot per meeting.
4. The majority of the speaker's time should be spent on the topic ~~he or she~~ **the speaker** has indicated they wish to speak about.
5. Board Directors are not obligated to respond to questions or challenges made during the public comment period, and Directors' silence will not be deemed to signal agreement or endorsement of the speaker's remarks.
6. The Board President may:
 - a. Call the speaker to order or terminate the speaker's statement once the allotted time has passed;

- b. Interrupt a speaker to require the same standard of civility that the Board expects of itself. Examples of uncivil comments that will justify interruption of a speaker's remarks include those that:
 - Are defamatory;
 - Are an unwarranted invasion of privacy;
 - Are obscene or indecent;
 - Are "fighting words," i.e., words that are directed at an individual to incite an immediate and hostile reaction, such as through racial slurs;
 - Violate District policy or procedure related to harassment, intimidation, bullying or discrimination;
 - Incite an unlawful act on District or school premises; or
 - Create a material and substantial disruption of the orderly operation of the Board meeting;
 - c. Request that the speaker leave the meeting if ~~he or she refuses~~they refuse to come to order;
 - d. Request any individual to leave the meeting if ~~he or she does~~they do not observe reasonable decorum;
 - e. Request the assistance of District security or law enforcement in the removal of a disorderly person who has previously been asked to leave and refused the request;
 - f. Call for a recess or adjournment to another time or location when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.
7. The Board as a whole has the final decision in determining the appropriateness of all such rulings and can maintain order by removing those who are disruptive. However, the Board recognizes the distinction between uncivil discourse, which is not permitted, and comments that are negative but still civil in nature, and will exercise its authority to maintain order in a content-neutral manner.

Public Hearings

For topics of special public interest or as required by law, the Board may schedule special hearings to receive additional public testimony. The Board President shall designate a time limit for public presentations. Speakers may sign up at the public hearing to present oral testimony and may be required to give their full name, address, and relationship to Seattle Public Schools and to designate whether they are testifying for or against the agenda item, and will be given the opportunity to submit written testimony. Speakers should only state their full name for the record when starting their testimony—speakers need not state their address, email or telephone number during the meeting.

Testimony will be taken on a first-come, first-serve basis according to the sign-up sheet at the public hearing. Speakers will be given a maximum of three (3) minutes to speak. Persons who do not testify are encouraged to submit their

written testimony to the Board Office, which will make it available to the full Board.


Board Procedure 1430BP

Approved: June 2011

Revised: MONTH 2020; April 2018; June 2016; October 2014; December 2012; March 2012

Cross Reference: Policy Nos. 1400; 1430

DRAFT

	<p>AUDIENCE PARTICIPATION</p>	<p>Board Procedure 1430BP</p> <p>April 4, 2018</p> <p><u>DATE</u></p> <p>Page 1 of 4</p>
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- Sign-ups for public testimony will begin at 8:00am the Monday before the regular meeting and will continue until the 20 (or 25) slots ~~are filled on the~~ speakers list are filled. To sign up, speakers must give their full name and contact information and state the agenda item or other topic on which they wish to speak.
- Speakers must sign up for themselves, with the exception of students signed up by a parent or guardian and individuals who may need an accommodation for the public testimony sign-up process, including those with disabilities or those requiring language interpretation services.
- At noon on the day before the Board meeting, public testimony slots will be filled according the following priority levels on a first-come, first-served basis within each level:

1. Individuals speaking to action items on the agenda (including items on the consent agenda)
 2. Individuals speaking to introduction items on the agenda
 3. Individuals giving comments of a general nature
- Sign-ups received after noon on the day before the meeting will be added to the end of the list on a first-come, first-served basis.
 - Notwithstanding the above, the first speaking slot at each regular Board meeting will generally be held for a student from a district high school. All district high schools are provided a slot each year, assigned by the Board Office. On occasion, multiple speaking slots may be held for students from different district high schools in order to accommodate all district high schools over the course of each school year.
 - Current district students who sign up through the above process before noon on the day before the meeting, identify themselves as students, and are among the 20 (or 25) speakers on the speakers list, will be placed immediately following the first assigned student speaking slot. ~~—(s).~~
 - Elected officials who would like to speak at a regular Board meeting may contact the Board Office to request to speak during the Superintendent Comments portion of the agenda.
 - A waiting list will be created if there are more speakers than speaking slots. The wait list will be ordered chronologically. The final public testimony list will be posted to the District's web site by close of business the Tuesday before the meeting.

When regular Board meetings are held on days other than Wednesdays, the above timeline for public testimony sign-ups and the filling of testimony slots may be adjusted by the School Board Office accordingly. If adjusted, the revised timeline will be included on the relevant regular Board meeting agenda.

Guidelines of testimony in this part of the meeting are:

- ~~1. Speakers may speak on any subject except confidential items. Confidential items include those pertaining to personnel matters.~~
- ~~2.1. Speakers must sign up and give their full legal name, address or e-mail address, telephone number, relationship to the Seattle Public Schools and state the topic on which they wish to speak and whether they are for or against an agenda item.~~ Speakers should only state their full legal name for the record when starting their testimony—speakers need not state their address, email or telephone number/contact information during the meeting.
- ~~3.2.~~ Speakers will be allowed a maximum of two (2) minutes. Speakers can, when called upon by the President, may appear in person and cede their time to any subsequent speaker when they are called to the podium to testify. In this instance the total amount of time allowed shall not exceed two (2) minutes for the combined number of speakers—time shall not be restarted after the new speaker begins.

- 4.3. In order to maximize opportunities for others to address the Board, each speaker is allowed only one ~~two-minute timespeaking slot~~ per meeting.
- 5.4. The majority of the speaker's time ~~must~~should be spent on the topic ~~he or she~~the speaker has indicated they wish to speak about.
6. ~~Speakers may not use racial slurs, personal insults, ridicule, or threats during their testimony.~~
5. Board Directors are not obligated to respond to questions or challenges made during the public comment period, and Directors' silence will not be deemed to signal agreement or endorsement of the speaker's remarks.
- 7.6. The Board President may:
- Call the speaker to order if for terminate the speaker's statement is too lengthy, or is abusive, once the allotted time has passed;
 - Interrupt a speaker to require the same standard of civility that the Board expects of itself. Examples of uncivil comments that will justify interruption of a speaker's remarks include those that:
 - Are defamatory;
 - Are an unwarranted invasion of privacy;
 - ~~a.~~• Are obscene, or otherwise inappropriate; indecent;
 - Are "fighting words," i.e., words that are directed at an individual to incite an immediate and hostile reaction, such as through racial slurs;
 - Violate District policy or procedure related to harassment, intimidation, bullying or discrimination;
 - Incite an unlawful act on District or school premises; or
 - Create a material and substantial disruption of the orderly operation of the Board meeting;
- b.c. Request that the speaker leave the meeting if ~~he or she~~they refuses to come to order;
- e.d. Request any individual to leave the meeting if ~~he or she~~they does not observe reasonable decorum;
- d.e. Request the assistance of District security or law enforcement in the removal of a disorderly person who has previously been asked to leave and refused the request;
- e.f. Call for a recess or adjournment to another time or location when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.
7. The Board as a whole has the final decision in determining the appropriateness of all such rulings and can maintain order by removing those who are disruptive. However, the Board recognizes the distinction between uncivil discourse, which is not permitted, and comments that are negative but still civil in nature, and will exercise its authority to maintain order in a content-neutral manner.

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Testimony will be taken on a first-come, first-serve basis according to the sign-up sheet at the public hearing. Speakers will be given a maximum of three (3) minutes to speak. Persons who do not testify are encouraged to submit their written testimony to the Board Office, which will make it available to the full Board.

Board Procedure 1430BP

Approved: June 2011

Revised: [MONTH 2020](#); April 2018; June 2016; October 2014; December 2012; March 2012

Cross Reference: Policy Nos. 1400; 1430