



SCHOOL BOARD ACTION REPORT

DATE: February 28, 2018
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Nate Van Duzer, Director of Policy and Board Relations,
ntvanduzer@seattleschools.org; Noel Treat, General Counsel,
nrtreat@seattleschools.org

For Introduction: March 21, 2018
For Action: April 4, 2018

1. TITLE

Amending Board Policy No. 1410, Executive or Closed Sessions and Board Procedure No. 1430BP, Audience Participation

2. PURPOSE

This action report amends one Board policy and one Board procedure. These amendments intend to provide more clarity on the current practice, not to change any current practices in either area.

3. RECOMMENDED MOTION

I move that the Board amend Board Policy No. 1410, Executive or Closed Sessions, and Board Procedure No. 1430BP, Audience Participation, as attached to this Board Action Report.

4. BACKGROUND INFORMATION

a. Background

Board office staff recently reviewed Series 1000 policies to determine if any needed updating. Staff determined this policy and procedure could each use clarification to provide more clarity on the current practice.

The changes to Policy No. 1410 clarify the distinction between Executive and Closed sessions, as elucidated in state statute. The changes to Board Procedure No. 1430BP clarify how the prioritization of public testimony speakers occurs. These changes would not change current practice.

b. Alternatives

Do not approve these changes. This would not affect current practice, but could result in confusion about how to apply this policy and procedure in future years.

c. Research

Staff looked at the Washington State School Directors' Association (WSSDA) model policies. WSSDA Policy 1410 provides a greater level of detail and makes the clear

distinction between executive and closed sessions along the same lines of this recommended change. WSSDA does not have a detailed audience participation procedure.

5. FISCAL IMPACT/REVENUE SOURCE

There is no fiscal impact to this motion.

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

If approved, the policy and procedure will be updated on the Board’s website.

7. EQUITY ANALYSIS

As this is a clerical change to align policy and procedure language with current practice, this motion was not put through a racial equity analysis.

8. STUDENT BENEFIT

The system benefits when the Board is able to conduct and communicate its processes efficiently and these benefits affect students positively.

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 implicates the policy and procedure being amended.

11. BOARD COMMITTEE RECOMMENDATION


This motion was discussed at the Executive Committee meeting on March 15. The Committee reviewed the motion and moved it forward for consideration by the Full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the policy and procedure will be immediately adopted and posted to the website.

13. ATTACHMENTS

- Board Policy No. 1410, Executive and Closed Sessions – clean (for approval)
- Board Policy No. 1410, Executive and Closed Sessions – tracked changes (for reference)
- Board Procedure No. 1430BP, Audience Participation – clean (for approval)
- Board Policy No. 1430BP, Audience Participation – tracked changes (for reference)

	<p>EXECUTIVE OR CLOSED SESSIONS</p>	<p>Policy No. 1410</p> <p>DATE</p> <p>Page 1 of 1</p>
---	---	---

The Board may hold executive or closed sessions as provided for in the Open Public Meetings Act or as otherwise authorized by law.

Before convening in executive session, the President shall publicly announce the general purpose for excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the President. Common executive session topics include:

- Performance of a public employee;
- Complaints against a public employee;
- Potential litigation; and
- Real estate transactions.

Closed sessions are not subject to the provisions of the Open Public Meetings Act and do not require public notice, but may be noticed to promote transparency. Closed session topics include:

- Quasi-judicial proceedings (hearings); and
- Discussions regarding labor negotiations.

Adopted: June 2011

Revised: DATE


Cross Reference: Policy No. 1400

Related Superintendent Procedure: N/A

Previous Policies: B41.00

Legal References: RCW 42.30.110 Executive Sessions; RCW 42.30.140 Chapter controlling—Application

Management Resources: Policy News, June 2001

	<p>EXECUTIVE OR CLOSED SESSIONS</p>	<p>Policy No. 1410 June 1, 2011 <u>DATE</u> Page 1 of 1</p>
---	---	--

The Board may hold executive or closed sessions as provided for in the Open Public Meetings Act or as otherwise authorized by law.

Before convening in executive session, the President shall publicly announce the general purpose for excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the President. Common executive session topics include:

- Performance of a public employee;
- Complaints against a public employee;
- Potential litigation; and
- Real estate transactions.

Closed sessions are not subject to the provisions of the Open Public Meetings Act and do not require public notice, but may be noticed to promote transparency. Closed session topics include:

- Quasi-judicial proceedings (hearings); and
- Discussions regarding labor negotiations.

Adopted: June 2011

Revised: DATE


Cross Reference: Policy No. 1400

Related Superintendent Procedure: N/A

Previous Policies: B41.00

Legal References: RCW 42.30.110 Executive Sessions; RCW 42.30.1~~24~~40 Chapter controlling—Application

Management Resources: Policy News, June 2001

	<p>AUDIENCE PARTICIPATION</p>	<p>Board Procedure 1430BP</p> <p>DATE</p> <p>Page 1 of 3</p>
---	-----------------------------------	--

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 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. 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.

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 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. Current district students who sign up through the above process, identify themselves as students, and are among the 20 (or 25) speakers on the speakers list, will be placed immediately following the first speaking slot. 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.

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. 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 during the meeting.
3. Speakers will be allowed a maximum of two (2) minutes. Speakers can, when called upon by the President, appear in person and cede their time to any subsequent speaker. 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. In order to maximize opportunities for others to address the Board, each speaker is allowed only one two-minute time per meeting.
5. The majority of the speaker's time must be spent on the topic he or she has indicated they wish to speak about.
6. Speakers may not use racial slurs, personal insults, ridicule, or threats during their testimony.
7. The Board President may:
 - a. Call the speaker to order if the statement is too lengthy, or is abusive, obscene, or otherwise inappropriate;
 - b. Request that the speaker leave the meeting if he or she refuses to come to order;
 - c. Request any individual to leave the meeting if he or she does not observe reasonable decorum;
 - d. 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. Call for a recess or adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

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 must give their full name, address,

and relationship to Seattle Public Schools, must 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 legal 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: Date; June 2016; October 2014; December 2012; March 2012

Cross Reference: Policy Nos. 1400; 1430

	<p>AUDIENCE PARTICIPATION</p>	<p>Board Procedure 1430BP</p> <p>June 01, 2016 <u>DATE</u></p> <p>Page 1 of 3</p>
---	-----------------------------------	--

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 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. 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.

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 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. Current district students who sign up through the above process, identify themselves as students, and are among the 20 (or 25) speakers on the speakers list, will be placed immediately following the first speaking slot. 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.

~~Remaining public testimony requests will be taken in the following order:~~

- ~~1. Action items on the agenda~~
- ~~2. Introduction items on the agenda~~
- ~~3. Comments of a general nature, on a first-come, first-served basis~~

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.

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. 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 during the meeting.
3. Speakers will be allowed a maximum of two (2) minutes. Speakers can, when called upon by the President, appear in person and cede their time to any subsequent speaker. 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. In order to maximize opportunities for others to address the Board, each speaker is allowed only one two-minute time per meeting.
5. The majority of the speaker's time must be spent on the topic he or she has indicated they wish to speak about.
6. Speakers may not use racial slurs, personal insults, ridicule, or threats during their testimony.
7. The Board President may:
 - a. Call the speaker to order if the statement is too lengthy, or is abusive, obscene, or otherwise inappropriate;
 - b. Request that the speaker leave the meeting if he or she refuses to come to order;
 - c. Request any individual to leave the meeting if he or she does not observe reasonable decorum;
 - d. 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. Call for a recess or adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

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 must give their full name, address, and relationship to Seattle Public Schools, must 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 legal 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: Date: June 2016; October 2014; December 2012; March 2012

Cross Reference: Policy Nos. 1400; 1430