

FOX CHAPEL AREA SCHOOL DISTRICT

Book	Policy Manual
Section	900 Community
Title	Public Comment in Board Meetings
Code	903
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Purpose

The Board recognizes the value of public input and the importance of designating time for public comment during open Board meetings. The Board also recognizes the importance of diverse viewpoints and commentary.

This policy addresses the right for the public to comment at open Board meetings and the responsibility of the Board to conduct its business in an orderly and efficient manner. An authorized individual's public comment will be free from interruption, except when the individual's conduct is in violation of law or Board policy.[\[1\]](#)

Authority

An opportunity for district residents and taxpayers to provide comment on matters of concern, official action or deliberation which are or may be before the Board, shall be provided as designated on the Board meeting agenda and in compliance with law, Board policy and district procedures.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Copies of the agenda, which includes a listing of each matter of business that will be or may be the subject of deliberation or official action at the meeting, shall be made available to individuals in attendance at the meeting.[\[3\]](#)

The Board requires that public comment on agenda items be made at the beginning of each meeting.[\[4\]](#)

If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[\[4\]](#)

The Board shall provide a second public comment period, after the items for action or deliberation have been completed, to comment on items of concern or other matters involving the school district.

When items are added to the agenda after the public comment period has ended, the Board shall offer a further public comment opportunity limited to the added items.[\[4\]](#)[\[6\]](#)

An individual's public comment may be interrupted or terminated only under limited circumstances, such as when the individual's commentary is in clear violation of law or Board policy, including but not limited to the following:

1. Sexual harassment, racial, ethnic, religious or nationality intimidation towards an individual or individuals in the school community.[7][8][9]
2. Disclosure of confidential personal information regarding students or staff.
3. Speech that traditionally has not been protected under the First Amendment, such as obscenity, defamation and speech integral to criminal conduct.
4. Speech that is profane.
5. Speech that constitutes true threats such as inciting imminent lawless action or subjecting individuals to fear of violence.
6. Speech that does not concern matters that may come before the Board for deliberation or official action, for example, sales of commercial products or services.

Guidelines

Public comment is limited to residents or taxpayers of this district. Residents or taxpayers may offer public comment in person or by telephone. Speakers may register to comment by contacting the Board Secretary by email (boardsecretary@fcasd.edu), telephone (412-967-2413), or at the district office (611 Field Club Road, Pittsburgh, 15238) during business hours but no later than 12:00pm on the day of the scheduled meeting or appearing in person at the scheduled meeting. Residents or taxpayers who register with the Board Secretary must provide their name, address, subject of comment or topic to be addressed, group affiliation, and whether they will be commenting by person or by telephone. The Board Secretary will list the speaker to comment during the appropriate comment period. Speakers who wish to comment by telephone must provide a phone number where they may be reached during the scheduled meeting. The sign-in sheets will also be provided at each open meeting for those attending the meeting who wish to offer public comment and did not register in advance. Those registering in person must provide their name, address, subject of comment or topic to be addressed, and any group affiliation. Should, at the discretion of the presiding officer, time permit, additional in-person speakers may be permitted.[1]

Participants must be recognized and granted the floor by the presiding officer. During the designated public comment period, the Board Secretary will make two (2) attempts to call a resident or taxpayer who registered to offer comment by telephone in advance. Before commenting, each speaker must state their name and group affiliation, if applicable.

All individuals or groups shall be limited to one (1) presentation on a given topic. Each speaker shall be limited to one (1) three (3) minute comment. When there are multiple speakers on the same issue, the presiding officer may indicate the Board's desire that the speakers designate two (2) people to speak for the group.

When the material to be presented is lengthy, speakers are encouraged to provide written comments in support of their spoken commentary for distribution to Board members for study and review. The presiding officer may announce a specific time limit for speakers' comments.

All statements shall be directed to the presiding officer; no participant may address or question Board members individually.

Statement of Presiding Officer

Prior to public comment during the meeting, the presiding officer shall make a statement providing direction and establishing expectations for the period of public comment.

Public Comment

Comment on Agenda Items -

The first period for comment shall occur before any agenda items are deliberated or any official action is taken. This comment period shall be limited to those items listed on the meeting agenda for official action or deliberation. If, pursuant to law, a matter is raised on which official action is to be taken, the presiding officer shall call for and allow public comment on such item.

Comment on Other Matters of Concern -

A second period for comment on other matters of concern shall be allowed before adjournment. This comment period shall be limited to matters of concern within the authority of the School Board.

The presiding officer and the district solicitor have the authority to:

1. Interrupt an individual to warn the commenter that the statement is too lengthy or conduct is otherwise in violation of this policy.
2. After warning, terminate the individual's opportunity to comment when the conduct continues and is in violation of this policy.
3. Call a recess or adjourn to another time when an individual's conduct is otherwise in violation of this policy.
4. Request an individual to leave the meeting when that person's conduct is disrupting the operation of the meeting.[\[10\]](#)[\[11\]](#)
5. If the individual refuses to leave the meeting, request the assistance of school security personnel or law enforcement to remove the disorderly person to enable the Board to proceed with the orderly operation of the meeting.[\[12\]](#)[\[13\]](#)
6. Waive the Board's rules regarding public comment with the approval of a majority of those present and voting.

Where the presiding officer's ruling regarding public comment is disputed, it may be overruled by a majority of those school directors present and voting.

Response to Public Comment

The purpose of public comment at Board meetings is to allow the Board to learn the thoughts of the public prior to Board deliberation and official action.

Although the public comment period of the meeting is not a question and answer session between the public and the Board, the Board may direct staff to follow up and address public inquiries in a reasonably prompt manner.

Whenever public comments are subject to the Board policy regarding public complaints, the individual shall be directed to follow the process outlined in the policy for resolution of the issue.
[\[14\]](#)

Public Comment Recorded in Board Minutes

The following information regarding public comment is required to appear in the official minutes of each open Board meeting:[5][15]

1. The names of all residents and taxpayers who appeared before the Board.
2. The subject of their testimony.

Recording Devices and Cameras

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at open meetings.[1][16]

1. Electronic recording devices, other than those used as official recording devices, mobile phones, cameras, and video cameras, will be permitted at meetings subject to prior knowledge of the Board. Anyone intending to use a recording device should contact either the Coordinator of Communications or the Board Secretary prior to the meeting so that accommodations, as necessary, may be made.
2. Electronic devices may not be used in a manner that will interrupt or intimidate any speaker during a School Board meeting. When recording a segment of the School Board meeting, users may not step beyond the third row from the front of the audience section of the Boardroom at any time.
3. Reporters/Technicians may not disrupt any School Board meeting. The use of an electronic recording device should not disrupt the orderly transaction of business or the decorum of the meeting.

At committee meetings, a period of public comment shall occur for comment on items relevant to the actions and purpose of the committee.[4][5][17]

Legal

[1. 65 Pa. C.S.A. 710](#)

[2. 24 P.S. 407](#)

[3. 65 Pa. C.S.A. 709](#)

[4. 65 Pa. C.S.A. 710.1](#)

5. Pol. 006

[6. 65 Pa. C.S.A. 712.1](#)

7. Pol. 103

8. Pol. 103.1

9. Pol. 104

[10. 18 Pa. C.S.A. 5101](#)

[11. 18 Pa. C.S.A. 5508](#)

[12. 18 Pa. C.S.A. 3503](#)

13. Pol. 805.2

14. Pol. 906

[15. 65 Pa. C.S.A. 706](#)

[16. 65 Pa. C.S.A. 711](#)

17. Alekseev v. City Council of Philadelphia, 8 A.3d 311 (Pa. 2010)

[U.S. Const. Amend. I](#)

[PA Const. Art. I](#)

[65 Pa. C.S.A. 701 et seq](#)

[18 Pa. C.S.A. 1 et seq](#)

[18 Pa. C.S.A. 5903](#)

Counterman v. Colorado, 600 U.S. 66, 143 S. Ct. 2106, 216 L. Ed. 2d 775 (2023)

Hatchard v. Westinghouse Broadcasting, 516 Pa. 184, 532 A.2d 346 (1987)

Pol. 113.4

Pol. 216

Pol. 800

Pol. 801