HAMPTON TOWNSHIP SCHOOL DISTRICT

SECTION: COMMUNITY

TITLE: PUBLIC COMMENT IN BOARD MEETINGS

ADOPTED: June 23, 2004

REVISED: November 9, 2026

903. PUBLIC COMMENT IN BOARD MEETINGS

Purpose

The Board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in Board meetings. The Board also recognizes its responsibility for proper governance of the district and the need to conduct its business in an orderly and efficient manner.

Authority

The Board shall establish guidelines to govern public participation in Board meetings necessary to conduct its meeting and to maintain order.

In order to permit fair and orderly expression of public comment, the Board shall provide an opportunity at each open meeting of the Board for district residents and taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board prior to official action by the Board.[1][2][3][4][5]

District residents and taxpayers will be given time to express viewpoints, subject to reasonable controls over the length of presentations and the particular time when district residents and taxpayers will be heard.

Copies of the agenda, which include 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 shall require that all public comments 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 may 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. If 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]

Delegation of Responsibility	The presiding officer at each public Board meeting is responsible for the orderly conduct of the meeting and shall follow Board policy for the conduct of public meetings. The presiding officer will rule on such matters as time permits and according to the pertinence of the topic under discussion. Where his/her ruling is disputed, it may be overruled by a majority of those Board members present and voting.[1]
Guidelines	Whenever issues identified by the participant are subject to remediation under policies and procedures of the Board, they shall be dealt with in accordance with those policies and procedures and the organizational structure of the district. The Board requires that public participants be residents or taxpayers of this district or anyone representing a group in the community or school district, any representative of a firm eligible to bid on materials or services solicited by the Board, any district employee, or any district student. In all instances, participants will identify themselves before speaking by announcing their name, address, and group affiliation, if applicable. No participant may speak more than once on the same topic, unless all others who wish to speak on that topic have been heard. At the beginning of the open Board meeting, the presiding officer shall read a statement to designate how many minutes each speaker is allotted, and if there are multiple speakers on the same topic, how many minutes are allotted for that topic. 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. All statements shall be directed to the Board at large; no participant may address or question Board members individually. Participants shall be reminded that although requests may be directed to the Board, action shall be deferred pending Board consideration. The Board will take questions and comments under advisement and issue responses after careful deliberations, as appropriate. If an immediate response to a question or comment raised by a member of the public is possible, the presiding officer may reply or ask the appropriate administrator to do so. 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.

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

1. Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant, or is otherwise in violation of this policy;
2. Request any individual to leave the meeting when that person's conduct is disrupting the operation of the meeting; [10][11]
3. If the individual refuses to leave the meeting, request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting; [12][13]
4. Call a recess or adjourn to another time when the lack of public decorum or when an individual's conduct interferes with the orderly conduct of the meeting or is disrupting the operation of the meeting; or
5. Waive these rules regarding public comment with the approval of a majority of those Board members present and voting.

<u>Response to Public Comment</u>

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]

<u>Public Comment Recorded in Board Minutes</u>

The following information regarding public comment is required to appear in 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 public meetings under guidelines established by the Board.[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 Communications Consultant or the Superintendent 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 into the area reserved for the Board.
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.

The meeting agenda and all pertinent documents shall be available to the press and public at the meetings.

Footnotes:

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.
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 1.2d 346 (1987)
Pol. 113.4
Pol. 216
Pol. 800
Pol. 801