



Book	Policy Manual
Section	Volume 35, No. 2 for Board Approval
Title	Revised Bylaw - Volume 35, No. 2 - July 2023 - PUBLIC PARTICIPATION AT BOARD MEETINGS
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Revised Bylaw - Volume 35, No. 2 - July 2023

0167.3 - PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Managers recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on Cooperative matters.

[DRAFTING NOTE: This policy has been revised to reflect the changes made by the 2022 legislative action (SEA 83 and HEA 1130) that requires school corporations to provide for public participation at school board meetings. Although the new Indiana Code sections specifically apply only to school boards of public school corporations, the Board of Managers may consider including the same provision for public comment in its public board meetings. If the Board chooses not to include a public comment period for its meetings, it still should incorporate the other changes listed below to this policy. Because this is not mandated for Cooperatives, Neola has provided options for the Cooperative Policy below.]

[CHOOSE ONE OF THE FOLLOWING OPTIONS]

[x] OPTION 1:

To permit fair and orderly public expression, the Board shall provide for oral public comment at every regular in-person meeting of the Board, including those where one or more but less than fifty percent (50%) of the Board members are participating remotely or virtually, and publish procedures to govern such participation in Board meetings. A member of the public who is physically present at a regular in-person meeting of the Board, including a meeting in which some Board members may be participating electronically under I.C. 5-14-1.5-3.5 and Bylaw 0164.5 - Member Participation in Meetings Through Electronic Means of Communication, shall be allowed to provide oral comment in accordance with the procedural rules established by the Board below. ~~[OPTION] () Public comment is limited to items on the Board's agenda. [END OF OPTION]~~ **[OPTION] ()** The Board shall provide for oral public comment at Board meetings held remotely or virtually during a "Disaster Emergency" pursuant to Indiana law. **[END OF OPTION]** When oral public comment is permitted on a topic, it shall occur before the Board takes final action on the topic.

~~**[] OPTION 2:**~~

~~To permit fair and orderly public expression, the Board may provide for oral public comment at every regular in person meeting of the Board, including those where one or more but less than fifty percent (50%) of the Board members are participating remotely or virtually, and publish procedures to govern such participation in Board meetings. A member of the public who is physically present at a regular in person meeting of the Board, including a meeting in which some Board members may be participating electronically under I.C. 5-14-1.5-3.5 and Bylaw 0164.5 - Member Participation in Meetings Through Electronic Means of Communication, may be allowed to provide oral comment in accordance with the procedural rules established by the Board below. [OPTION] () Public comment is limited to items on the Board's agenda. [END OF OPTION] [OPTION] () The Board shall provide for oral comment at Board meetings held remotely or virtually during a "Disaster Emergency" pursuant to Indiana law. [END OF OPTION] When oral public comment is permitted on a topic, it shall occur before the Board takes final action on the topic.~~

[END OF OPTIONS]

The presiding officer of each Board meeting shall administer the established procedures of the Board for conducting oral public comment. These procedural rules for oral public comment at Board meetings are reasonable rules to maintain order at the meeting, allow the Board to operate without disruptive behavior and permit the Board to operate in an efficient manner so the business of the Board can be conducted and completed timely.

The presiding officer shall be guided by the following rules:

- A. Public participation shall ~~() may~~ **[NOTE: select the same option as selected above]** be permitted as indicated on the order of business. Provided, however, that public participation may be prohibited at any meeting that must be conducted remotely or virtually due to a disaster emergency declared by Federal, State or local officials unless the Board has elected to allow oral public comment at such Board meetings above.
- B. Attendees ~~must~~ shall register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants ~~must~~ shall be recognized by the presiding officer and ~~must~~ shall preface their comments by an announcement of their name, address, ~~() group affiliation~~, if and when appropriate. **[END OF OPTIONS]**
- D. Each statement made by a participant shall be limited to three (3) minutes duration.
- E. No participant may speak more than once. No participant may pass their time to another participant. ~~on the same topic unless all others who wish to speak on that topic have been heard.~~
- F. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- G. The presiding officer may:
1. prohibit public comments which are harassing;
 2. interrupt, warn, or terminate a person's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 3. request any individual to leave the meeting when that person behaves in a manner that is disruptive to the orderly conduct of the meeting;
 4. request the assistance of law enforcement officers in the removal of a person who is willfully disruptive or when that person's behavior interferes with the orderly conduct 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;
 6. waive these rules with the approval of the Board **[END OF OPTION]** when necessary for the protection of privacy or the administration of the Bxoard's business.
- H. The portion of the meeting during which oral public comment is held shall be limited to thirty (30) minutes **[insert number of minutes]** unless extended by a vote of the Board;
- I. Every person who is physically present and has followed the reasonable rules set forth above shall be permitted an opportunity to provide oral public comment by dividing the total time for oral public comment by the number of persons providing oral public comment. **[DRAFTING NOTE: If you chose Option 1 above requiring a period for public comment, it is recommended you select this option. You may but are not required to select this option if you chose Option 2 above.]**

{OPTIONAL}

[] MEMBER OF THE PUBLIC PLACING AN ITEM ON THE BOARD AGENDA

Any person or group wishing to place an item on the agenda shall register their intent with the Director no later than _____ () days prior to the meeting and include:

1. ~~() name and address of the participant;~~
1. ~~() group affiliation, if and when appropriate;~~
1. ~~() topic to be addressed.~~

Such requests shall be reviewed by the ~~() the Board President () Director and the Board President () the Director or the Board President~~ **[END OF OPTIONS]** and shall be placed on the agenda only if approved by ~~() the Board President () the Director and the Board President () the Director or the Board President~~ **[END OF OPTIONS]**. The amount of time for agenda items for any person or group who have been approved for a presentation on the Board agenda shall be limited to _____ () minutes.

{END OF OPTION}

~~[START OF OPTION]~~

~~[] ELECTRONIC RECORDING OF BOARD MEETINGS BY THE PUBLIC~~

~~Digital, audio or video recordings are permitted. The person operating the recording device should shall contact the Director prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:~~

- ~~/ No obstructions are created between the Board and the audience.~~
- ~~f No interviews are conducted during the Board meeting.~~
- ~~(No commentary is made that would distract either the Board or members of the audience.~~

I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
 I.C. 20-26-4-3 Notice of Meetings to Board Members
 Grow v. Bartholomew Cons. Sch. Corp., 22-FC-124 (PAC Opinion Oct. 18, 2022)

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