

PUBLIC PARTICIPATION AT BOARD MEETINGS

po0169.1

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The Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Board.

For purposes of the policy, a proposition is an item before the Board for a vote, and includes, but is not necessarily limited to, all items on the agenda noted as unfinished business, consent, and nonconsent. A proposition may also include a vote on a motion to rescind or to amend action previously taken, but does not generally include items on the special order agenda. A proposition does not include items wherever found on the agenda upon which the Board votes in its quasi-judicial capacity or under Board discussion and information (policy changes appearing under information may be commented on as an agenda item).

The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Board takes the official action. This policy does not prohibit the Board from maintaining orderly conduct or proper decorum in a public meeting.

The opportunity to be heard is subject to policies adopted by the Board as follows:

A. Guidelines regarding the amount of time an individual has to address the Board.

- i. All public speakers shall have three (3) minutes to address the Board on agenda items, which will occur near the beginning of the meeting, and three (3) minutes to address the Board on topics that are not on the agenda at the end of the meeting. Non-agenda comments will be held after the business of the Board is concluded and will be held off camera. The Board will not return on camera to adjourn the meeting, but the time of the adjournment will be noted in the minutes as required by Florida law.
- ii. Persons will be recognized in the order in which the requests were received.
- iii. The time period may be extended by a vote of the Board. No speaker may transfer their time to any other person.

B. Procedures for allowing representatives of groups or factions on a proposition to address the Board.

Rather than all members of groups or factions for or against a proposition addressing the Board at meetings in which a large number of individuals wish to be heard, the Board may require representatives of such groups or factions to address the proposition in their representative capacity.

C. Procedures or forms for an individual to use in order to inform the Board of a desire to be heard.

All attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting by completing a speaker's form at the entry of the meeting hall indicating they wish to address an agenda or non-agenda item by selecting the appropriate box on the form. If no box is checked, a speaker will be called on during the non-agenda portion of the meeting. If a speaker wishes to speak to both an agenda item and a non-agenda item, the speaker must select both boxes. Failure to select the appropriate box may preclude a speaker from speaking at the designated portion of the meeting. Speakers should indicate his/her designation of a representative to speak for him/her or his/her group on a proposition if required by the Board. The signup period for all public comments, agenda and non-agenda, will close at the start of the Public Comment period for agenda items near the beginning of the meeting. Each speaker can only sign themselves up for public comments. As such, attendees may not sign anyone else up to speak regardless of the circumstances which are preventing the individual(s) arrival at the meeting by the sign-up cut-off time.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business and before the Board takes official position on any action item under consideration.
- B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting. Failure to do so may result in forfeiture of the ability to speak at the meeting. Speakers who do not check the appropriate box(es) will not receive an additional opportunity to speak.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited as provided above, unless extended by a vote of the Board. Persons will be recognized in the order in which the requests were received.
- E. The purpose of public school board meetings is for the Board to conduct the necessary business for the efficient operation of the school district. The Board must hold at least one public meeting per month for this purpose per Florida law. Pursuant to Florida law the public has a right to address propositions (agenda items) before the Board prior to the Board taking action. The Board may allow additional time for comments that are not related to propositions (agenda items) pending before the Board. Public speakers may address their comments to the Board as a whole, the presiding officer, or to an individual Board member. However, public speakers may reference other individuals by name. Staff members shall not be expected to answer questions from the audience unless called upon by the presiding officer or the Superintendent. Speakers should not expect any discussion with the Board during public comment time.
- F. Tape or video recordings are permitted under the following conditions:
 - 1. No obstructions are created between the Board and the audience.
 - 2. No interviews are conducted in the meeting room while the Board is in session.

3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

G. Signs are permitted under the following conditions:

1. They meet with all decorum requirements below.
2. The top edge of the sign must remain below shoulder height so as not to block any other person's view of the Board from the seating area, or block the cameras recording the meeting.
3. No signs, flags, banners, or other similar items will be permitted attached to poles.

H. Speakers who wish to read from a school library book or other school material during their comments shall first identify the book or material from which the speaker is reading by its title or other similar descriptive characteristics and state, to the best of the speaker's knowledge, whether the book or material is available in a Brevard Public Schools library and whether it is subject to a challenge following the Board's identified challenge procedures.

I. This is a business meeting of the School Board of Brevard County. As such, comments, whether to a specific Board member or not, should be about relevant Board business. The School Board does not have the authority to discipline or remove another sitting Board member, as such, requests to remove a Board member are irrelevant by definition. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, obscene, inciting, profane, or irrelevant;

- a. "Irrelevant" means any statement that does not pertain to the agenda items or matters within the Board's jurisdiction and authority.
- b. "Profanity" means vulgar language, including language commonly considered to be expletives or curse words, if such language actually incites disruption at a meeting. Profanity undermines the decorum at meetings that is essential for both effective governance and the educational mission of the school district. The prohibition of profanity extends to both spoken words and written materials presented during public comments. The restriction on profane speech does not encompass language by commenters to the extent that they are actually reading from books that are available in a Brevard Public Schools library.
- c. "Inciting" means speech or actions that are likely to provoke immediate unlawful behavior or create a clear and present danger of imminent lawless action. This includes statements or gestures that incite violence, encourage illegal activities, disrupt the peace, or instigate others to engage in legally prohibited conduct. Inciting conduct undermines the orderly and respectful environment necessary for the effective governance of the school board and compromises the safety and well-being of all attendees. The Board Chair is empowered to identify and halt such conduct to maintain order, safeguard public safety, and ensure that the meeting proceeds in accordance with democratic principles and applicable laws.
- d. "Obscene" means statements that appeal to the average person's prurient interests, depict sexual conduct in a patently offensive way, and, taken as a whole, lack serious literary, artistic, political, or scientific value. . Obscene comments create a hostile and inappropriate environment, distracting from the board's focus on educational issues and policies. The prohibition of obscene

comments applies to both verbal statements and any written materials submitted during public comments. The restriction on obscene speech does not encompass language by commenters to the extent that they are actually reading from books that are available in a Brevard Public Schools library.

2. The Board Chair may interrupt any individual or ask an individual to leave who is not observing the Board's expectation of reasonable decorum. "Reasonable decorum" means conduct and speech that is orderly and does not cause disruption at the Board's public meetings. Attendees shall refrain from yelling, screaming, shouting, interrupting others, or engaging in disruptive behavior. Attendees should remain seated unless recognized by the chair to speak, and avoid side conversations that may distract others. Reasonable decorum also entails adherence to the set time limits for public comments, following the agenda, and respecting the directions and decisions of the chair or presiding officer. Maintaining reasonable decorum is essential to ensure that the meeting proceeds efficiently and that all viewpoints have the opportunity to be heard in a constructive manner.
3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
4. 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.

The portion of the meeting during which the participation of the public is invited shall be limited to a reasonable time to allow the Board to conduct its business in an efficient manner. The above scale of time for public comment is deemed by the Board to be reasonable, however, should a situation arise that the Board believes additional modifications to the public comment times need to be made, the Board may make additional adjustments with a majority vote of the Board.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action on shall be placed on an agenda for a subsequent meeting.

The requirement for public comment on action items does not apply to:

- A. an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
- B. an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- C. a meeting that is exempt from F.S. 286.011 (the Public Meetings Law);
- D. a meeting at which the Board is sitting in its quasi-judicial capacity.
- E. These exceptions do not affect the right of a person to be heard as otherwise required by law or Board policy.
- F. Trespassed Visitors. If a person has been trespassed from any Board property, including schools and the main office building, they may attend publicly noticed meetings of the Board as long as they comply with all decorum requirements. They may address the Board during the public comment portion of the meeting, again if they adhere to the decorum requirements. When the meeting ends, they should immediately leave the meeting and Board property.

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Legal

F.S. 286.011

F.S. 286.0114

F.S. 877.13

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