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## TESTIMONY IN OPPOSITION TO

L.D. 721

### AN ACT TO ENCOURAGE PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS

Senator Millett, Representative Kornfield, and members of the Education and Cultural Affairs Committee. I am Victoria Wallack, communications and government affairs director for Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in opposition to L.D. 721.

School Boards and superintendents oppose this bill because we think it is unnecessary.

The vast majority of School Boards in the state have public comment at board meetings. At the request of the sponsor of this bill, our association surveyed districts on whether public comment was regularly included on their agenda.

Of the 91 districts that responded, 87 said yes, or about 95 percent of the respondents, and 4 said no. MSMA also provides sample policies around public comment, and I've attached a locally adopted one to this testimony, along with the survey results.

The rules of engagement are to keep the discussions civil and orderly, while giving all sides a chance to speak. Personal matters or complaints concerning staff or students are off limits and need to be handled in a confidential way. That's where a strong chair is so essential.

Our association does board workshops across the state and training for school boards at our annual conference in October, which some of you have attended. That training includes how to handle public comment on agenda items and open-topic public comment, which are options boards can choose from when setting up their agenda.

As noted on number 7 of the local policy I handed out, the board has to keep in mind that the length of public comment needs to be managed, so the School Board can get its official business completed.

If a topic is so controversial or detailed, the board may want to consider a special meeting just to talk about a specific item. Some examples are the school budget; a school closure; or, a change in start times.

We believe School Boards are well aware that public comment is essential to the board's role. Members need to understand what the public is concerned about in order to keep the community engaged in its public schools, and we will continue to do training to support them in that work.

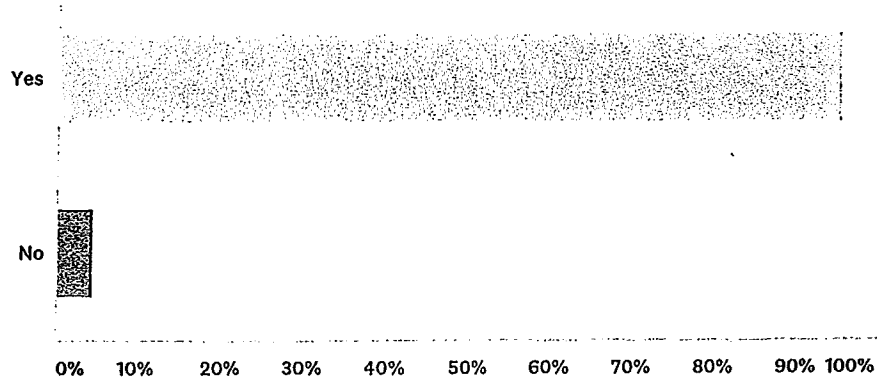
Steven W. Bailey  
MSBA Executive Director

Eileen E. King  
MSSA Executive Director

Public Comment on School Board Meeting Agendas

Q2 For regular School Board meetings, is Public Comment regularly included on your agenda?

Answered: 91 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	95.60%	87
No	4.40%	4
TOTAL		91

Public Comment on School Board Meeting Agendas

Q1 District Name (this information will not be reported out, but will provide geographic representation for survey results)

Answered: 91 Skipped: 0

#	RESPONSES	DATE
1	Greenbush	2/12/2019 2:58 PM
2	MSAD #60	2/11/2019 2:18 PM
3	MSAD 11	2/11/2019 9:07 AM
4	Carrabassett Valley	2/8/2019 11:08 PM
5	RSU 20	2/8/2019 8:04 PM
6	Auburn School Department	2/8/2019 4:58 PM
7	SAD #61	2/8/2019 2:38 PM
8	AOS 98	2/8/2019 1:54 PM
9	Regional School Unit 40	2/8/2019 10:17 AM
10	Andover School Department	2/8/2019 9:35 AM
11	RSU No. 67	2/8/2019 9:00 AM
12	Monhegan Plantation School District	2/8/2019 8:11 AM
13	MSAD #70	2/8/2019 7:53 AM
14	Fayette	2/8/2019 5:58 AM
15	Winslow Public Schools	2/8/2019 4:44 AM
16	MSAD 17	2/7/2019 6:19 PM
17	AOS 96 School Districts	2/7/2019 5:43 PM
18	RSU 39	2/7/2019 3:50 PM
19	SAD1 Presque Isle;SAD32 Ashland; SAD45 Washurn	2/7/2019 3:38 PM
20	RSU 9	2/7/2019 3:36 PM
21	MSAD 54	2/7/2019 3:18 PM
22	Medway School Dept	2/7/2019 3:04 PM
23	AOS 43	2/7/2019 2:51 PM
24	Glenburn School Department	2/7/2019 2:44 PM
25	MSAD #33	2/7/2019 2:03 PM
26	RSU5	2/7/2019 1:53 PM
27	Waterville Public Schools	2/7/2019 1:18 PM
28	MSAD 24, MSAD 42	2/7/2019 1:06 PM
29	RSU 82/MSAD 12	2/7/2019 1:03 PM
30	RSU #24	2/7/2019 12:58 PM
31	MSAD 49	2/7/2019 12:53 PM
32	RSU #61/MSAD #61	2/7/2019 12:53 PM
33	RSU #10	2/7/2019 12:41 PM
34	MSAD#4/RSU80	2/7/2019 12:38 PM

## Public Comment on School Board Meeting Agendas

35	WOCSD	2/7/2019 12:34 PM
36	MSAD 53	2/7/2019 12:28 PM
37	School Union 76 (all 4 districts have this)	2/7/2019 11:59 AM
38	Kittery School District	2/7/2019 11:46 AM
39	Union 69	2/7/2019 11:45 AM
40	RSU 18	2/7/2019 11:32 AM
41	RSU 38 - Maranacook Area Schools	2/7/2019 11:32 AM
42	Brunswick	2/7/2019 11:30 AM
43	Calais School Department	2/7/2019 11:28 AM
44	MSAD 35	2/7/2019 11:24 AM
45	RSU 5	2/7/2019 11:18 AM
46	Gorham school department	2/7/2019 11:13 AM
47	Woodland union 122	2/7/2019 11:11 AM
48	RSU 84/MSAD 14	2/7/2019 11:10 AM
49	RSU 21	2/7/2019 11:08 AM
50	Lisbon School Department	2/7/2019 11:08 AM
51	RSU#22	2/7/2019 11:08 AM
52	RSU #34	2/7/2019 11:05 AM
53	MSAD #37	2/7/2019 11:04 AM
54	SAD #46	2/7/2019 11:04 AM
55	Union 93	2/7/2019 11:03 AM
56	AOS 77	2/7/2019 11:00 AM
57	Brewer	2/7/2019 10:59 AM
58	Aos43	2/7/2019 10:57 AM
59	AOS 93	2/7/2019 10:57 AM
60	RSU 64	2/7/2019 10:57 AM
61	MSAD #58	2/7/2019 10:56 AM
62	West Bath SAU	2/7/2019 10:54 AM
63	York	2/7/2019 10:51 AM
64	Hermon	2/7/2019 10:51 AM
65	RSU #74 - Anson, Embden, New Portland, Solon	2/7/2019 10:50 AM
66	AOS 90	2/7/2019 10:48 AM
67	Cherryfield School Department	2/7/2019 10:46 AM
68	Augusta	2/7/2019 10:43 AM
69	rsu 1	2/7/2019 10:42 AM
70	Lewiston Public Schools	2/7/2019 10:39 AM
71	MSAD 72	2/7/2019 10:38 AM
72	Hancock/Lamoine	2/7/2019 10:37 AM
73	RSU 57	2/7/2019 10:37 AM
74	RSU 25	2/7/2019 10:35 AM
75	RSU 56	2/7/2019 10:33 AM

## Public Comment on School Board Meeting Agendas

76	Yarmouth	2/7/2019 10:32 AM
77	Easton	2/7/2019 10:28 AM
78	RSU 7 North Haven and also another district Isleboro School Department	2/7/2019 10:28 AM
79	Wiscasset School Department	2/7/2019 10:28 AM
80	AOS 47	2/7/2019 10:28 AM
81	Winthrop	2/7/2019 10:28 AM
82	RSU 26	2/7/2019 10:27 AM
83	MSAD59	2/7/2019 10:27 AM
84	RSU 13	2/7/2019 10:26 AM
85	Bangor	2/7/2019 10:24 AM
86	FiveTown CSD/MSAD 28	2/7/2019 10:22 AM
87	RSU 63	2/7/2019 10:22 AM
88	RSU 68	2/7/2019 10:21 AM
89	Windham-Raymond RSU 14	2/7/2019 10:21 AM
90	South Portland	2/7/2019 10:20 AM
91	MSAD 44	2/7/2019 10:19 AM

### Public Participation in Board Meetings

All meetings of the Board shall be open to the public. All actions of the Board shall be taken openly and the deliberations leading to Board action shall likewise be conducted openly. The public is invited to attend Board meetings and will be given limited time to voice opinions or problems.

The Board recognizes its responsibility to conduct the business of the district in an orderly and efficient manner and will therefore require reasonable controls to regulate public presentations to the Board. The primary purpose of the meeting is for the Board to conduct its business as charged by the law. Spontaneous discussion, as well as disorder and disruption, prevent the Board from doing its work and will not be permitted. A person wishing to be heard by the Board shall first be recognized by the Chair. He/she shall then identify him/herself and proceed with his/her comments as briefly as the subject permits.

The Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented and the suitability of the time for such a presentation. A speaker in violation of these rules may be required to leave in order to permit the orderly consideration of the matters for which the meeting was called.

Speakers are asked to observe the following:

1. In the case of a large audience, speakers may be asked to sign up before the meeting so they may be called on most expediently. Speakers may be asked to keep their comments to three minutes.
2. Confidential personnel information will not be shared in a public session
3. All speakers are asked to identify themselves. Gossip, defamatory comments, or abusive or vulgar language will not be permitted.
4. Speakers must address all comments and questions to the Chair.
5. Comments will be heard and considered. Generally, the Board does not discuss or act on an item not on the agenda.
6. Speakers are asked not to be repetitious of comments already made to the Board, in the interest of most efficient use of time.
7. The Chair has the final and exclusive authority to regulate the length or topic of public comment in the interest of allowing the Board of Directors to complete its agenda.
8. Persons wishing to address the Board may be permitted to do so only during the designated time for public comment.

At the discretion of the Chair, a speaker may be recognized for a second time on a particular item. All speakers must observe rules of common etiquette. The Chair may interrupt or terminate an individual's statement when it is too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole will have the final decision in determining the appropriateness of all such rulings.

Source: Maine Regional School Unit No. 22, Hampden, Maine 04444  
Date: October 2, 1974; Updated October 4, 1989; December 21, 2016  
(Recorded August 10, 1994)