

BOARD OF EDUCATION OF HARFORD COUNTY
INFORMATIONAL REPORT
DECISION ON
PUBLIC PARTICIPATION AT BOARD OPEN MEETINGS OR PUBLIC HEARINGS
POLICY NO. 22-0008-000

OCTOBER 10, 2022

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools (“HCPS”). The manual contains policies which are either required by federal and state law and regulation or which are, in the Board’s judgment, necessary and appropriate in order for the school system to operate in a lawful, appropriate, and effective manner. Included among such policies is that entitled:

22-0008-000 Public Participation at Board Open Meetings or Public Hearings

Discussion:

The policy entitled 22-0008-000 Public Participation at Board Open Meetings or Public Hearings, was adopted by the Board to establish guidelines for the conduct of official business in an open and public manner, keeping as a priority the focus of the business meeting and its agenda.

At the request of the Board, Kimberly Neal, General Counsel, established workgroups to review and revise the current policy and to establish comprehensive revisions to this policy that provide guidelines to include those that the pandemic has required all Boards and councils to adopt. These revisions were recommended to the Board at its July 18, 2022, business meeting. The proposed, revised policy was posted for public comment, and approximately 50 comments were received and reviewed by the Board. This count includes duplicate, similar comments from the same submitter in some instances.

This policy was brought to the Board for a decision on August 22, 2022. The Board made revisions to the draft policy submitted by the Superintendent, based on the workgroup findings. This revision by the Board to the draft recommendation resulted in the requirement of an additional 30-day public comment posting of this policy. Upon posting the policy for comment on August 23, 2022, an additional revision was made to the policy and the policy was reposted with that revision, within the 30-day time period. The Board received 17 public comments. Eight (8) of these comments were specific to the additional revision made.

Superintendent’s Recommendation:

For the foregoing reasons, the Superintendent recommends that the Board approve the proposed revisions to policy 22-0008-000 entitled Public Participation at Board Open Meetings or Public Hearings.

Attachments:

1. Current Board Policy 22-0008-000 Public Participation at Board Open Meetings or Public Hearings.
2. Proposed, revised policy 22-0008-000 Public Participation at Board Open Meetings or Public Hearings.

POLICY TITLE: Public Participation at Board Open Meetings or Public Hearings		
ADOPTION/EFFECTIVE DATE: 9/14/1992	MOST RECENTLY AMENDED: 1/25/2005	MOST RECENTLY REAFFIRMED: 9/9/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: School System Governance		

Purpose

The Board of Education of Harford County recognizes the need for members of the public to provide comments and opinions to the members of the Board regarding agenda items for designated meetings and on education in general. To receive such information, the Board shall allow for Public Comment at each regularly scheduled Board of Education meeting. In addition, the Board may grant additional time for Public Comment by groups recognized by Harford County Public Schools (i.e.- PTAs, unions, and other school system stakeholders). From time to time, the Board may also establish special purpose Public Hearings for members of the public comment separate and apart from regularly scheduled meetings of the Board.

1. Public Attendance and Participation

- a) At any open session of the Board of Education of Harford County (whether a meeting or hearing) the general public is invited to attend, observe and to participate.
- b) Public participation at open meetings of the Board of Education is encouraged and welcomed during the Public Comment section of the agenda. Public participation may be in person or virtual.

2. Disruptive Conduct

- a) Members of the general public have the right to attend open sessions of public bodies. A public body may remove or cause removal of any person or persons from an open session upon a determination by the presiding officer of the public body that the person's behavior is disruptive to the session.
- b) A person attending an open session of the Board of Education of Harford County may not bring into the meeting demonstrative items such as placards, signs, or banners. In addition, a person attending an open session of the Board may not bring any item into the meeting that may disrupt the session or interfere with the right of members of the public to attend and to observe the session.
- c) Presiding Officer Authorities
 - (1) The presiding officer may order any person who persists in conduct prohibited by subsection A or B of this section or who violates any other

regulation concerning the conduct of the open session to be removed from the session and may request police assistance to restore order.

- (2) The presiding officer may recess the session while order is restored.

3. Public Comment at Board Business Meeting

- a) The order of business of any regular meeting shall include an opportunity for members of the public to address the Board through utilization of the procedures outlined in subsections 1, 2, 3.

- (1) Individuals or recognized groups wishing to speak on an agenda item or to comment on an education-related matter not on the agenda may request to do so by sending an email to publiccomment@hcps.org or calling 410-588-5347 by noon on the day of a Board of Education meeting. They also may do so by obtaining, from the Director of Information, and completing a "Request to Appear Before the Board" card. This must be submitted prior to the opening of the meeting. The request to participate in Public Comment must contain

- (i) Name of speaker and, if said speaker is a group representative, the name of the group
- (ii) Local address of the speaker
- (iii) Email address of the speaker
- (iv) Telephone number of the speaker
- (v) Agenda item or subject on which speaker wishes to offer Public Comment
- (vi) Whether the speaker seeks to provide in-person or virtual Public Comment

Failure to provide complete information as required above will void the request to provide Public Comment.

- b) Matters of administrative procedure or comments about the actions or statements of individual staff members are not appropriate for Board meetings and should be referred to the Superintendent. Efforts toward solution of any matter of concern should first be made at the individual school or at the appropriate staff level. Defamatory or abusive remarks are out of order and the presiding officer may terminate the speaker's privilege of address if, after being called to order, he or she persists.
- c) The Board, the Superintendent, and staff will not, as a rule, answer questions from the public during this period other than to explain a policy already in existence.
- d) Every person who wishes to speak shall be recognized by the presiding officer or staff delegate, called to the microphone (if in person) or admitted into the meeting from the virtual lobby (if virtual), asked to state his or her name, and, if representing a group, to identify the group that he or she represents. Each speaker shall be limited to no more than three minutes and five minutes for individuals representing groups unless such time is extended by the presiding officer.

- e) It is the prerogative of the Board to determine whether actions will be taken by the Board on items brought up during the meeting.

4. Public Comment at Board Public Hearings

- a) The order of business at a public hearing shall include an opportunity for citizens to address the Board through utilization of the procedures outlined in subsections 1, 2 and 3 below.

(1) Individuals or recognized groups wishing to speak on an item that is the subject of the public hearing may request to do so by sending an email to publiccomment@hcps.org or calling 410-588-5347 by noon on the day of a Board of Education meeting. They also may do so by obtaining, from the Director of Information, and completing a "Request to Appear Before the Board" card. This must be submitted prior to the opening of the meeting. The request to participate in Public Comment must contain

- (i) Name of speaker and, if said speaker is a group representative, the name of the group
- (ii) Local address of the speaker
- (iii) Email address of the speaker
- (iv) Telephone number of the speaker
- (v) Whether the speaker seeks to provide in-person or virtual Public Comment

Failure to provide complete information as required above will void the request to provide Public Comment.

- b) All public comment at a Board public hearing should address only the topic which is the subject of the hearing.

5. Recording, Photographing, and Broadcasting of Open Sessions

- a) A member of the public, including any representative of the news media, may record discussions of the Board of Education of Harford County at an open session by means of a recording device if the device does not create an excessive noise that disturbs members of the Board of Education of Harford County or other persons attending the session.

- b) A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Board of Education of Harford County at an open session by means of any type of camera if the camera:

(1) Is operated without excessively bright artificial light that disturbs members of the Board of Education of Harford County or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Board of Education of Harford County or other persons attending the session.

- c) A representative of the news media may broadcast or televise the proceedings of the Board of Education of Harford County at an open session if the equipment used:
 - (1) Is operated without excessively bright artificial light that disturbs members of the Board of Education of Harford County or other persons attending the session; and
 - (2) Does not create an excessive noise that disturbs members of the Board of Education of Harford County or other persons attending the session.
- d) The presiding officer may restrict the movement of a person who is using a recording device, camera, or broadcasting or televising equipment if such restriction is necessary to maintain the orderly conduct of the session.

6. Recordings Not Part of Record

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the Board of Education of Harford County.

Board Approval Acknowledged By:

_____, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	9/14/1992	Amended	11/22/2004		
Amended	6/14/1993	Amended	1/25/2005		
Reaffirmed	2/12/1996				
Reaffirmed	9/9/2002				

Responsibility for Policy Maintenance & References			
LAST EDITOR/DRAFTER NAME: Kimberly Neal, Esq.		JOB POSITION OF LAST EDITOR/DRAFTER: Unknown	
PERSON RESPONSIBLE: Kimberly Neal, Esq.		JOB POSITION OF PERSON RESPONSIBLE: General Counsel	
DESIGNEE NAME: N/A		JOB POSITION OF DESIGNEE: N/A	
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:	
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:	
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:	
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:	
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:	
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: School System Governance .01.09			