 <p>Nebraska Department of Education Policy and Reference Manual</p>	<p>Bylaw Number B9</p>	<p>Page Number 1 of 3</p>
<p>State Board Bylaw B9 Public Participation at Board Meetings</p>	<p>Created: 1981 Last Revised: 2017 Reviewed: 1984, 1995, 2006, 2013, 2014, 2016, 2017, 2020 Approved: 12/11/2020</p>	

The State Board of Education recognizes its obligation to help the public understand the operation of the Department of Education. The Board is also aware of the need for communication with citizens to permit the public to make its wishes known and to permit the Board to explain general policies governing the operation of the schools in the state. Therefore, in an effort to provide a procedure by which matters of statewide interest concerning the schools may be brought before the Board and to permit the Board to conduct its meetings in an orderly and efficient manner, the State Board of Education establishes the following procedures with regard to public participation in the meetings of the Board.

The published agenda of the majority of regular meetings of the State Board shall contain an item identified as Public Comment Period. This period may be available to any person who wishes to address the State Board on any subject within its authority including items appearing on the agenda except for contested cases as described below. Up to two hours will be allowed for the public comment period when on the agenda of a regular meeting. A majority of members present and voting may take action to extend the total amount of time allowed for the public comment period. A majority of members present and voting may also take action to allow or terminate public comment at any time during a meeting.

Each individual speaking to the Board will be required to complete a "Sign-in" card for identification of oneself to identify him or herself. Individuals are required to include on the Sign-in card their name, address, and name of any organization represented, pursuant to Nebraska Revised Statute section 84-1412 (3). Individuals may be prohibited to speak in public comment if the Sign-in card does not include the required information. Persons speaking to the Board during Public Comment must identify themselves should state their name at the beginning of their allotted time and may submit hand-out printed materials to for the Board but may not use any other form of media. Anyone refusing to be identified will be prohibited from speaking. Each person may address the Board for up to five minutes. A majority of members present and voting may take action to reduce or extend the amount of individual time allotted to all speakers.

The Board may also choose to permit individuals to speak to the Board using live remote video/audio technologies at selected meetings. When this is utilized, persons that wish to speak to the Board during Public Comment will likewise be required to complete and submit information in advance of the meeting for identification of oneself that identifies him or herself. This process will be described in the advance public notice of the meeting. Individuals wishing to speak to the Board using this technology must be "online" when their name is called to speak during the public comment period or they forfeit their turn and opportunity to address the Board in that public comment period. Public comment using this technology is also limited to 5 (five) minutes, except as provided below and may be reduced or extended as provided above. If an individual testifying by live remote video/audio technology wishes to provide the Board with written or printed material in connection with their testimony, such material shall be submitted 24 hours prior to the start of the public meeting where public comment is scheduled, or by

close of business of the Thursday prior to any meeting scheduled for a Monday, Written or printed material is not allowed to be displayed on or using the remote video technology.

Persons may address the Board for public comment purposes by written submission in lieu of live testimony. Such written submissions must be provided 24 hours prior to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday, and is limited to 750 words. Written public comments submitted in accordance with these requirements will be provided to the Board members and become part of the record of the meeting, but will not be read aloud during the meeting.

When an item appears on the regular business meeting agenda for the Board to consider a ~~H~~hearing ~~O~~fficer's recommendations in a contested case, neither oral nor written public comment from a party or a party's representative will be allowed. Parties to contested cases address the Board through the hearing process which includes the full record of the hearing which is before the Board. In the case of agenda items for the Board to consider recommendations from the Professional Practices Commission, (PPC), the Board will provide an opportunity for the parties to address it at the meeting prior to its decision in accordance with the review hearing procedures in 92 NAC 29, whether at a regular business meeting or a separate proceeding.


~~Any person or spokesperson for a group may request a 10 minute special appearance before the State Board of Education to take place on the first or second day of any regular meeting of the Board except when the Board declares itself to be in executive session. Requests for special appearances must be made in writing to the Commissioner of Education or a Board member and received no later than 5:00 p.m. Central Time at least three business days prior to the first day of the meeting in order to permit such appearance to be placed on the published agenda. The schedule of State Board meetings is addressed in Board Bylaw B5. Requests for special appearances may be granted or denied at the sole discretion of the Commissioner. Individuals whose requests for special appearances are denied may instead speak during Public Comment Period as provided in this Bylaw.~~

If at any time persons appearing before the Board exceed the time limitations set forth in this ~~P~~olicy or on the agenda or become abusive or threatening in language or behavior, it shall be the responsibility of the ~~P~~resident to declare that person out of order and to refuse permission to continue to address the Board. ~~Anyone refusing to be identified will be prohibited from speaking.~~

Generally, board members will not engage in dialogue during the public comment period. A board member may request from the president to ask a clarifying question of a public comment speaker for the purpose of understanding a point or statement made by the speaker. Asking a clarifying question should not result in extended dialogue.

~~A Board member may request of the Chair a point of clarification in regard to a speaker's comments.~~

~~The Board President may also choose to allow public comment at any time during a meeting and, in the case of public comment to be provided using video/audio technologies, may choose to limit the number of persons who can address the Board at a meeting using this method. A majority of members present and voting may also choose to allow, terminate or reduce the time for public comment at any time.~~

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Board Action History

- 11/15/81 – Prior BCBI
(No copies of prior version.)
- 12/7/84 – Prior 9322 BOP
(Same text as BCBI, except for deletion of statute references.)
- 12/8/95 – Prior B12
(Similar text in first 3 paragraphs, but appearance extensions may also be granted by majority, public comment period reduced from 30 to 15 minutes for items not on agenda [and from 6 to 3 persons], added agenda item public comment designations, and option for allowing additional public comment during meetings.)
- 9/7/06 – B12
(Added majority vote option for extending public comment period.)
- 3/5/2013 – B12
(Changed wording regarding the Public Comment Period.)
- 1/7/2014 – B12
(Changed wording regarding the Public Comment Period.)
- 5/6/2016 – B12
(Added language for special appearances.)
- 03/03/2017 – B12
(Align language with B5 (formerly B11) regarding dates of Board Meetings.)
- 3/03/2017 – B12(B9)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B12 is now B9)
- 12/11/2020 – B9
(Four-year review. Added language to reflect current approaches providing public participation in remote audio video/audio technologies at Board meetings.)

Cross-References

- 84-1412 R.R.S.– Public participation.
- 79-317(2) R.R.S. – Public participation.
- State Board Policy B5, “ Board Meeting Notification for Regular Meetings”

