

K.E.E.P. C.A.L.M.

Managing Challenging Public Comment Periods

- **Know the rules.** Know your board's rules for public comment and which board member is responsible for enforcing the rules (generally the board president). Most boards' rules are contained within sample PRESS Policy 2:230, *Public Participation at School Board Meetings and Petitions to the Board*.
- **Empower fellow board members.** Provide training and resources for board members.
- **Enforce the rules.** Support consistent enforcement of your board's public comment rules, regardless of the speaker's message. Remember that a speaker cannot be cut off based on your own discomfort or disagreement with a speaker's or group's message.
- **Plan ahead.** Anticipate the length of public comment and plan for adequate time and space.
- **Consider behavior, not viewpoints.** The board should not tolerate uncivil behavior, including disruption, vulgar language, threats, harassment, or intimidation.
- **Add security.** Consider adding a security presence at meetings when circumstances in your community warrant it.
- **Listen only.** Resist the urge to exchange comments with any speaker — that is likely to lead to longer and more contentious public comment periods.
- **Meet to succeed.** Align types of meetings with your community's needs. If intense public comment is anticipated, consider calling a special meeting to address the issue and lessen disruption to the business of regular board meetings.

Legal remedies for disruption during public comments are limited, but depending upon the facts, may include:

- Criminal charges – e.g., trespass if a disruptive member of the public refuses to follow an instruction to leave, or for serious threats of harm.
- Defamation – but false statements about public officials are generally not actionable unless they are made with malice (bad intent). A plaintiff must also be able to prove injury to reputation. Note: The Illinois Citizen Participation Act also generally protects citizens from liability when they petition the government, such as during public comment. This is known as “anti-SLAPP” legislation.
- Sample PRESS Policy 8:30, *Visitors to and Conduct on School Property*, contains a procedure to deny visitors admission to school events or meetings following a board hearing.
- **Consult the board attorney about the appropriateness of any of these remedies for your district.**