

Policy Code: 2310 Public Participation at Board Meetings

Board meetings are conducted for the purpose of carrying on the official business of the school system. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school system, also wishes to provide a forum for citizens to express interests and concerns related to the school system.¹ In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.3 of policy 2300, Board Meetings, which addresses public hearings.²

A. Requests to Place Item On the Agenda³

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.⁴

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request.

The superintendent shall confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent shall notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) At the meeting, the board may, by majority vote and notwithstanding prior denial by the superintendent, add an item to the agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add a new item to the agenda.⁵

The chairperson shall establish the amount of time for individual or group presentations.

B. Public Comment

⁶ Each month, the first part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment.⁷ Each speaker will receive three minutes to present comments;⁸ however, the public comment session will not exceed 30 minutes total except by majority vote of the board. A sign-up sheet will be available 30 minutes before the meeting begins⁹ for any individual or group to indicate their desire to address the board. During the public comment period, the board chair will recognize speakers in the order in which they signed in. Substitute speakers will not be permitted and speakers may not donate any portion of their time to another speaker. If a speaker is unable to present all of his or her information within the specified time limit, the speaker may provide the board with the additional information in written form. If an unusually large number of people request to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a

spokesperson for each group of persons supporting or opposing the same positions.¹⁰ At any time, the board may establish additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.¹¹

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with [G.S. 143-318.17](#).

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting¹² or unless the purpose of the meeting is a public hearing.¹³

C. Reports of Complaints

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: [G.S. 115C-36](#), [-51](#); [143-318.10](#), [-318.17](#)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

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North Carolina School Boards Association

Footnotes

1. City boards should modify policy from “elected” to “appointed,” as appropriate.
2. This policy may be modified. The procedures for public participation are entirely at the discretion of the board, except for the public comment requirement.
3. This section is optional. There is no legal requirement to provide a formal process for citizens to request the addition of items to the board’s agenda.
4. The time frame may be modified but should be consistent with policy 2330, Board Meeting

Agenda.

5. A two-thirds vote is required under *Robert's Rules of Order, Newly Revised*. Boards using different parliamentary rules should modify this statement as necessary.
6. The process for public comment outlined in this section is optional and can be modified.
7. [G.S. 115C-51](#) requires the board to provide at least one period for public comment per month at a regular meeting of the board.
8. Rules fixing the maximum time allotted to each speaker are authorized by [G.S. 115C-51](#).
9. Notice of the availability of the sign-up sheet is recommended because the policy provides that the opportunity to address the board is on a "first come, first served" basis and the time for public comment is limited.
10. [G.S. 115C-51](#) authorizes the board to adopt rules that provide for the designation of spokesmen for groups of persons supporting or opposing the same positions.
11. Additional procedures could include a requirement that groups or organizations select delegates when there is insufficient space to accommodate everyone who wants to attend the public comment session. The board may add other rules restricting the time, place, or manner of public comment to maintain order and decorum during the hearing, such as a statement that audience members who have not signed up and been recognized by the board chair will not be allowed to speak or otherwise interfere with the orderly proceedings of the meeting. We strongly recommend consulting the board attorney before imposing rules on the permissible content of a speaker's comments, as such rules may constitute unconstitutional viewpoint discrimination. See, e.g., *Steinburg v. Chesterfield County Planning Comm'n*, 527 F.3d 377 (4th Cir. 2008) (rejecting claim that citizen was ejected from a public meeting because of the viewpoint he expressed and upholding public body's right to impose reasonable restrictions to preserve the civility and decorum necessary to conduct public business, including a prohibition on personal attacks).
12. Under [G.S. 115C-51](#), the board is not required to provide public comment if the board does not hold a regular meeting during the month. Alternatively, the board may allow public comment at all meetings of the board.
13. The statement regarding public hearings is not addressed in the statute.