

BOARD OF EDUCATION OF HARFORD COUNTY
INFORMATIONAL BOARD REPORT
BOARD CONSENT AGENDA
REQUEST TO WAIVE, IN PART, PROVISIONS OF
THE FOLLOWING BOARD POLICY:
22-0008-000 PUBLIC PARTICIPATION AT
BOARD OPEN MEETINGS OR PUBLIC HEARINGS

SEPTEMBER 21, 2020

Background Information:

There are in effect states of emergency for the United States and for the State of Maryland, relating to the COVID-19 virus.

Discussion:

As a result of the states of emergency referred to above and resulting health risks, the Superintendent recommends that the Board waive, in part, the policy relating to public participation at Board open meetings or public hearings which is set forth below.

1. 22-0008-000 Public Participation at Board Open Meetings or Public Hearings

- a. This policy requires, in part, that public comment be permitted at board meetings. In-person public comment may not be logistically practical or possible for the Board meeting scheduled for September 21, 2020, due to the need to conduct a virtual meeting as a result of the states of emergency described above.
- b. This policy, at section 3.d., limits time for speakers to three minutes and for individuals representing groups to a total of five minutes per speaker.

Superintendent's Recommendation:

The Superintendent recommends that the Board waive, for the September 21, 2020, Board meeting, the requirement that the Board receive in-person public comment. The Superintendent recommends that, in substitution for in-person public comment, the Board receive public comment via e-mail as more fully described in the attached notice.

The Superintendent further recommends that the Board waive, for the September 21, 2020, Board meeting, the requirement that the Board allow five minutes for the reading of public comment received by an individual on behalf of a group. Rather, the Superintendent recommends that the

reading of all public comment submitted via e-mail be limited to three minutes for individual public comment as well as comment received by an individual on behalf of a group.

Attachments:

1. Current Board Policy 22-0008-000 [Public Participation at Board Open Meetings or Public Hearings](#)
2. Public Notice to Participate in Board of Education Meeting

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| 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 | | |

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, welcomed, and requested under the sections of the agenda entitled "Public Participation" and "Public Comments," as well as prior to the Board of Education's discussion of any agenda item(s) for the open meeting.

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 engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes 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 citizens to address the Board through utilization of the procedures outlined in subsections 1, 2, 3.

- (1) Any member of the community may request the placement of a matter on the formal agenda, provided the person files a written request with the Superintendent no later than ten days prior to the meetings of the Board of Education. The written request should include the name, address, and telephone number of the person or persons making the request; the name of the organization or group represented; and pertinent background information. If the request is appropriate for consideration by the Board, the Superintendent will assign the item to the agenda and will notify the person making the request of the time, date, and the place of the meeting.
 - (2) Citizens wishing to speak on any agenda item or to comment on any item not on the agenda 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. Those wishing to speak on an agenda item will be called upon by the presiding officer after the formal presentation of the topic, but prior to Board deliberation on the item. Those wishing to speak on a non-agenda item will be called upon during the public commentary section of the Board meeting.
 - (3) Individuals or groups who wish to submit policy proposals for consideration by the Board should put these in writing to the Superintendent and the president of the Board of Education. The Superintendent will consult with the authors and make recommendations to the Board.
- b) Matters of administrative procedure or comments about the actions or statements of individual staff members are not appropriate for these 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, called to the table, asked to state his or her name and address, and to identify any organization 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. When there are many speakers, the presiding officer may shorten this time.
 - e) Members of the Board, the Superintendent, and staff members may question the speaker at the conclusion of the remarks made by the speaker with the permission of the presiding officer.

- f) It is the prerogative of the Board to determine whether actions will be taken by the Board on items brought up during the meeting. The presiding officer will inform the speaker of the future intention of the Board concerning the matter being discussed.
- g) Any written or printed material to be circulated to the Board of Education should, whenever possible, be submitted to the Superintendent one week prior to the meeting of the Board. It will be transmitted to the Board for review prior to the meeting. When this is not possible, fifteen (15) copies of the material should be brought to 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) Every person who wishes to speak shall complete a “Request to Appear Before the Board” card.
 - (2) Every person who wishes to speak shall be recognized by the presiding officer, called to the table, asked to state his or her name and address, and to identify any organization 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. When there are many speakers, the presiding officer may shorten this time.
 - (3) Members of the Board, the Superintendent, and staff members may question the speaker at the conclusion of the remarks made by the speaker with the permission of the presiding officer.
- b) Matters of administrative procedure or comments about the actions or statements of individual staff members are not appropriate for these hearings 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) 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 tape recorder or any other 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:

Patricia L. Skebeck, 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 | | |
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| LAST EDITOR/DRAFTER NAME: Unknown | | JOB POSITION OF LAST EDITOR/DRAFTER: Unknown |
| PERSON RESPONSIBLE: Patrick Spicer | | 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 | | |

PUBLIC NOTICE TO PARTICIPATE IN BOARD OF EDUCATION BUSINESS MEETING – SEPTEMBER 21, 2020

On September 21, 2020 at 6:30 PM, the Business Meeting of the Board of Education of Harford County will be hosted virtually. The Audio Live Stream will be available on [HCPS.ORG/BOE/LIVESTREAM](https://www.hcps.org/boe/livestream).

Community members who wish to submit a public comment may do so by submitting comments in writing at [Contact Board of Education](#) no later than 12:00 Noon on Monday, September 21, 2020.

The following information must be provided in the contact form when submitting comments:

1. Emails must be marked, "Comment for September 21, 2020 Board Meeting"
2. First and last name
3. Email and phone number
4. Address

Important:

- Comments received by 12 Noon on September 21, 2020, will be read into the record during the public comment segment of the Business meeting.
- Comments received after the 12 Noon deadline will not be read into the record during the Business meeting.
- The Board expects that all comments will be submitted with the decorum and respect appropriate to the conduct of public business.
- Topics such as personnel matters, pending appeals and specific student disciplinary matters will not be read into the record.
- Disparaging comments, personal attacks, and inflammatory remarks about specific schools or personnel will not be read into the record.
- The Presiding Officer will not read a comment that does not conform to the rules of the Board regarding public comment.
- Comments must be of such length that they can be read in 3 minutes or less.
- Comments received by the Board that constitute commercial solicitations will not be read as public comment.
- All public comments submitted will be part of the records maintained by the Board office.
- Please be reminded that written comments submitted are considered public information and, as such, is subject to the Maryland Public Information Act.

Please contact Teresa.Schmid@hcps.org if you have any questions about the Board of Education of Harford County Business Meeting on September 21, 2020 at 6:30 P.M. Thank you.