



## Board Discussion after Patron Comments

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### Question:

Our board has recently created a "Board Discussion" item on our agenda. We did this as a way to create a platform to discuss the comments/questions we get at the "Patron Input" portion of our meeting. Do you have any recommendations on how to conduct this portion of our meeting? Do we need to motion each topic before discussion begins? Or is just free discussion allowed?

### Answer:

Boards must be extremely cautious not only about keeping within specific policy language but also the spirit and intent of the agenda and open meeting requirements. This is a more difficult question than it simply appears on its face. While we need to hear from our patrons and encourage their participation this question highlights practical concerns.

The agenda item of "Board Discussion" is extremely broad. Patrons may interpret "Board Discussion" to cover only patron remarks or that it is intended to cover issues that arose in public forum. To that end the item of "Board Discussion" without further specificity could potentially end in a challenge at some point in time.

Given the setup – that this is a discussion after public forum, there really is no manner to state, in advance on a properly posted agenda, what the Board is going to discuss in this section of the Board Meeting. At absolute minimum, I think the topic heading on the Agenda needs to state – Board Discussion only with regard to subject matters which were brought to issue in Public Forum. I would consider this an absolute minimum recommendation. Added to that, I would also recommend that absolute no Board Action is taken on any of these subjects as we don't want to have a challenge to the Agenda and Open Meeting Laws.

A better place and time to have these discussions would be in later scheduled working sessions - not immediately after the patron comments. Scheduling working sessions will give board members the opportunity to process and think about public inquiries and issues submitted in the public forum. This will lead to a better, more thoughtful discussion rather than a potential knee-jerk reaction to a concern or complaint.

If a board would like to continue the agenda item of "Board Discussion", it would be preferable to specify items as public input from the previous board meeting as well as the no board action reference. Amending the item of "Board Discussion" to specify discussion topics submitted by patrons to the board at the last meeting would be an additional way to address concerns with agenda amendments and open meeting laws. It is likely then safest to amend the agenda to address each of these topics for discussion.

The last preference for addressing this issue, if the agenda is simply left at “Board Discussion” would be the suggestion for the board to amend the agenda over and over at every meeting to address these issues for inclusion. Realistically, at some point in time, this could get challenged as the Board has effectively created a situation where they don’t know what they are going to be discussing at every meeting due to the nature of the agenda and are creating a situation where the agenda has to be amended at every meeting.

A board using “Board Discussion” as an agenda item could institute some other method of the public notification for the public presentations in advance so that the matter can end up on the agenda. Many districts require a sign-up sheet identifying the subject matter to make public comment. There could be consideration for these items to be added to the agenda if submitted prior to the required public notice posting.

If the board keeps “Board Discussion” as an agenda item, using one of the above suggested methods, I caution the board not to deviate from the specific subject matters into broad and general discussions. Someone will have to police the practice which can become uncomfortable and problematic. If things move into broad and general discussions, such an attempt would entirely defeat the intention and purpose of having an agenda at all and could easily work its way into improper discussion for an open session.

One last item, concerning immediate board answers/responses to issues raised during public forum is more often than not; answers are incomplete and require additional facts or investigation without the necessary personnel there to answer the questions. If a patron presents a question, the recommendation is always for the board to direct that individual to the Superintendent or Business Manager (whomever the appropriate individual is to answer that question), then have the chairman follow up with the school personnel to make sure the question answered, without getting into the details of the question or answer. It has happened that patrons have brought questions to board meetings in order to avoid the chain of command or a patron did not like the answer they got the first time and they may want to get a different answer. If board start answering questions at meetings or getting into discussions of this nature without the necessary information and personnel, policies are going to be broken, micro-management of day to day issues are going to occur and the chain of command created by the board is not supported.

Immediate reaction and response often leads to having to make later corrections or changes - in either what is shared with the public or in school policy and practice to meet what the Board said as opposed to what policy says.

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