



## Western Area Career & Technology Center

**Section:** Community

**Title:** Public Comment in Joint Operating Committee Meetings

**Adopted:** January 24, 2007

**Revised:**

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### 903. PUBLIC COMMENT IN JOINT OPERATING COMMITTEE MEETINGS

#### PURPOSE

The Joint Operating Committee recognizes the value of public input and the importance of designating time for public comment during open Joint Operating Committee meetings. The Joint Operating Committee also recognizes the importance of diverse viewpoints and commentary.

This policy addresses the right for the public to comment at open Joint Operating Committee meetings and the responsibility of the Joint Operating Committee to conduct its business in an orderly and efficient manner. An authorized individual's public comment will be free from interruption, except when the individual's conduct is in violation of law or Joint Operating Committee policy. [1] [2]

#### AUTHORITY

An opportunity for residents and taxpayers of participating districts and Western Area CTC employees and students to provide comment on matters of concern, official action or deliberation which are or may be before the Joint Operating Committee, shall be provided as designated on the Joint Operating Committee meeting agenda and in compliance with law, Joint Operating Committee policy, and Western Area Career & Technology Center procedures. [1] [2] [3] [4] [5]

Copies of the agenda, which includes a listing of each matter of business that will be or may be the subject of deliberation or official action at the meeting, shall be made available to individuals in attendance at the meeting. [3]

The Joint Operating Committee requires that public comment on agenda items be made at the beginning of each meeting. [4]

When items are added to the agenda after the public comment period has ended, the Joint Operating Committee shall offer a further public comment opportunity limited to the added items. [4] [6]

An individual's public comment may be interrupted or terminated only under limited circumstances, such as when the individual's commentary is in clear violation of law or Joint Operating Committee policy, including but not limited to the following:

1. Sexual harassment, racial, ethnic, religious or nationality intimidation towards an individual or individuals in the school community. [7] [8] [9]
2. Disclosure of confidential personal information regarding students or staff.
3. Speech that traditionally has not been protected under the First Amendment, such as obscenity, defamation and speech integral to criminal conduct.
4. Speech that is profane.

5. Speech that constitutes true threats such as inciting imminent lawless action or subjecting individuals to fear of violence.
6. Speech that does not concern matters that may come before the Joint Operating Committee for deliberation or official action, for example, sales of commercial products or services.

## GUIDELINES

### Sign-in and Request to Comment [2]

All individuals wishing to comment during the Joint Operating Committee meeting shall sign in on the sheet provided at the meeting and provide the following information on the sign-in sheet:

1. Name of commenter.
2. School district of the commenter.
3. Topic to be addressed.
4. Group or organization affiliation, if applicable.

### Public Comment

Individuals shall wait to be recognized by the presiding officer before commenting, must direct all comments to the Joint Operating Committee, and must preface their comments by an announcement of their name, and group affiliation, if applicable.

The public comment session at the beginning of the meeting shall be limited to not more than thirty (30) minutes. Each statement made by a participant shall be limited to three (3) minutes.

Commenters may not cede their time to other individuals.

All statements shall be directed to the presiding officer; no participant may address or question Joint Operating Committee members individually.

The presiding officer and the solicitor have the authority to:

1. Interrupt an individual to warn the commenter that the statement is too lengthy or conduct is otherwise in violation of this policy.
2. After warning, terminate the individual's opportunity to comment when the conduct continues and is in violation of this policy.
3. Call a recess or adjourn to another time when an individual's conduct is otherwise in violation of this policy.
4. Request an individual to leave the meeting when that person's conduct is disrupting the operation of the meeting. [10] [11]

5. If the individual refuses to leave the meeting, request the assistance of school security personnel or law enforcement to remove the disorderly person to enable the Joint Operating Committee to proceed with the orderly operation of the meeting. [12] [13]
6. Waive the Joint Operating Committee's rules regarding public comment with the approval of a majority of those present and voting.

Where the presiding officer's ruling regarding public comment is disputed, it may be overruled by a majority of those Joint Operating Committee members present and voting.

#### Response to Public Comment

The purpose of public comment at Joint Operating Committee meetings is to allow the Joint Operating Committee to learn the thoughts of the public prior to Joint Operating Committee deliberation and official action.

Although the public comment period of the meeting is not a question and answer session between the public and the Joint Operating Committee, the Joint Operating Committee may direct staff to follow up and address public inquiries in a reasonably prompt manner.

Whenever public comments are subject to the Joint Operating Committee policy regarding public complaints, the individual shall be directed to follow the process outlined in the policy for resolution of the issue. [14]

#### Public Comment Recorded in Joint Operating Committee Meeting Minutes

The following information regarding public comment is required to appear in the official minutes of each open Joint Operating Committee meeting: [5] [19]

1. The names of all citizens who appeared before the Joint Operating Committee.
2. The subject of their testimony.

#### Recording Devices and Cameras

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at open meetings. The Joint Operating Committee is authorized to establish reasonable rules for the use of recording devices and cameras during Joint Operating Committee meetings. [2] [21]

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#### Legal References

1. 24 P.S. 1850.1

2. 65 Pa. C.S.A. 710

3. 65 Pa. C.S.A. 709

4. 65 Pa. C.S.A. 710.1

5. Pol. 006

6. 65 Pa. C.S.A. 712.1

7. Pol. 103

8. Pol. 103.1

9. Pol. 104

10. 18 Pa. C.S.A. 5101

11. 18 Pa. C.S.A. 5508

12. 18 Pa. C.S.A. 3503

13. Pol. 805.2

14. Pol. 806

15. Pol. 113.3

16. Pol. 216

17. Pol. 800

18. Pol. 801

19. 65 Pa. C.S.A. 706

20. Alekseev v. City Council of Philadelphia, 8 A.3d 311 (Pa. 2010)

21. 65 Pa. C.S.A. 711

U.S. Const. Amend. I

PA Const. Art. I

65 Pa. C.S.A. 701 et seq

18 Pa. C.S.A. 1 et seq

18 Pa. C.S.A. 5903

Counterman v. Colorado, 600 U.S. 66, 143 S. Ct. 2106, 216 L. Ed. 2d 775 (2023)

Hatchard v. Westinghouse Broadcasting, 516 Pa. 184, 532 A.2d 346 (1987)

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