

GOVERNANCE
BEST PRACTICES

Guide

GOVERNANCE IN CHAOS

Managing
board
meetings
in turbulent
times

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Managing board meetings in turbulent times

School boards face unprecedented challenges, not just in schools and in the community, but in the boardroom as well. Many governance teams are struggling to manage meetings as tensions boil over on issues like learning recovery, ethnic studies, critical race theory, book banning and parental notifications. There has been a marked increase in political division at school board meetings, open hostility toward board members, mass protests, disruptions that forced boards to

pause or abandon meetings, and physical abuse and death threats against trustees and their families.

This document offers information and guidance about handling chaotic board meetings, including disruptive protests. We begin with some general information on how to hold productive board meetings and set policy for these difficult times so boards can better perform their essential duties for students, families and communities.

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Basic principles

1. THE MEETING MUST PROCEED

- » The board must be able to conduct its business. A board meeting is not a meeting of the public, but rather a meeting to conduct the board's business.
- » Board members have a responsibility to conduct board business in an open and transparent manner but should take appropriate action when disruptions are keeping the board from being able to proceed with business.
- » Any action to stop disruption must be based on the disruptive actions of individuals, not on the viewpoint they are expressing.

2. FOCUS ON STUDENTS, MISSION AND VISION

- » For board members and administrators who face ongoing disrupted meetings, a disproportionate amount of attention can be paid to the disruption. Board members and administrators should keep in mind that their work should always center on students' needs and the mission and vision of the school district or county office of education.
- » People will disagree about the methods by which goals are met, but the mission and vision — what the LEA seeks to do for the students it serves — is usually not a point of contention.
- » At the end of the day, trustees must remember that what makes LEA governance so important is that board members are working to meet the needs of students. The success of students is something on which everyone can agree.

3. SAFETY IS A PRIORITY

- » While the board want constituents to be free to voice their opinions in accordance with board rules, board members must recognize they have an obligation to keep those in attendance — including fellow trustees, staff and others — safe. The best way to do this is to ensure meeting rules are followed, order is maintained and clarity is provided regarding how the meeting will proceed.

4. THE PUBLIC HAS THE RIGHT TO FREE SPEECH

- » Free speech and the ability of community members to address their elected board members are critical to the success of any democratic government.
- » It must be recognized that people communicate differently. While board members should never feel they are being threatened, it is helpful to recognize that some people will raise their voice to make a point. It's important not to match emotion with emotion.
- » Reasonable people can disagree. If constituents are following board policy and the meeting is safe, it can proceed. Having a large number of attendees exercising their right to speak to the board is a good thing.

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Key topics

MEETINGS WITH POTENTIALLY CONTROVERSIAL AGENDA ITEMS

There has been a rise in organized groups attending board meetings when controversial items are on the agenda. These groups will sometimes mobilize a larger-than-normal number of speakers, some of whom may be from somewhere other than the LEA. Boards should consider these scenarios ahead of time and may want to have plans that address the following:

- » If the agenda contains a known controversial topic, a staff member may want to monitor social media to see if there are calls for large numbers of people to attend a particular board meeting.
- » Boards should be consistent in their meeting policies and procedures and avoid allowing the number of attendees to influence the board's work. The board president should read these policies to those in attendance before the meeting, which will help to set clear expectations. A sample script for board presidents is included in Appendix A.
- » Ideally, boards will have a plan that already considers meetings with more attendees than usual. That plan will have considered the amount of time attendees get to speak, including how to address duplicative or repetitive comments.
- » LEA staff may want to consider whether additional security will be appropriate for these types of meetings.
- » If a meeting gets to the point where the board feels like it is out of control, the board president may recess the meeting to regain control. In the

most extreme circumstances, the room can be cleared of attendees, the meeting can be moved or it can be adjourned. Recent Brown Act legislation also allows individuals to be removed if they are actively disrupting the meeting, if the disruption continues after receiving a warning. LEAs should consult with legal counsel on the intricacies of these legal options.

EQUITY

Over time, there have been an increasing number of parents and other community members engaged with their local board members about issues of equity.

Below are some ideas related to communicating an LEA's equity work

- » Acknowledge that students come to school with different needs and that the LEA works to meet the needs of all students where they are. Consider leaning into the LEA's mission and vision statements and efforts to ensure all students receive a high-quality education.
- » Remind community members of important policies, procedures and processes the board uses to make decisions — and that it does so with full transparency. Encourage community members to continue engaging with the board as it conducts its work.

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Preparing for difficult board meetings and communicating after meetings

BEFORE THE MEETING

- » Review your district's/COE's policies for board meetings and consider whether there is a need for the superintendent to seek legal counsel.
- » Consider the following policies before the meeting:
 - › Public comment or participation at board meetings
 - › Rules of order or engagement at board meetings including how much time each speaker will receive in the event of a large number of speakers. Boards should periodically revisit their speaker time policies with the community and be consistent in their application.
- » Anticipate the worst and prepare board members and the superintendent for possible scenarios at the meeting. The superintendent and the board president should develop plans for action in response to each scenario.
- » The superintendent or legal counsel, as appropriate, should remind board members of the district's/COE's chain of command for communications regarding public concerns or complaints.
- » The board president should prepare to maintain order during the meeting or recess or clear the room when necessary to address disruptive behavior of the public, including using the process for removing disruptive individuals as provided for by Senate Bill 1100/Government Code section 54957.95.
- » The superintendent should notify local law enforcement or collaborate with school security officials of a potential concern at the meeting and have a plan if there is disruption.

- » Establish safe entry and exit points for board members and staff to not have to engage or confront hostile individuals.
- » If possible, the superintendent should share a news release and/or communication to staff and families prior to the meeting to dispel circulating rumors or misinformation.
- » Invite media members present at the meeting to interview the superintendent or board president after the meeting. Prepare with key messages in advance.
- » Coach the superintendent and board members to be intentional in not confronting or becoming emotional with the public. Stick to the facts with responses and lean on the tenets of your district/COE strategic plan.

AFTER THE MEETING

- » The superintendent and board president should follow up the meeting with a prompt news release with key messages for both internal and external educational partners, so the LEA is the first to communicate out.
- » Consider whether there is any negative impact to students, staff or families from the meeting. If so, take action to address the impact.
- » Encourage the superintendent to follow up with individuals with personal emails or calls to build and maintain trust.

APPENDIX A

Suggested language for board presidents during contentious meetings

Introduction

The following is sample language to be used by the board president to set expectations at the start of a board meeting and to provide guidance for public comment for items that are on and not on the agenda, and for difficult situations that might come up during the meeting.

- » *Blue italic text:* Not intended to be read but, rather, is for the benefit of the board president or another board member who is acting as chair of the meeting
- » *Orange italic text:* Suggested actions that may be taken by the chair in response to a disturbance.
- » **Highlighted bold italic text:** Provides the time for use of the sample language. Boards should adjust as necessary to meet the local requirements in their Bylaws and Governance Handbook but should consult with legal counsel if the proposed changes may limit the free speech rights of meeting participants.

Opening of the meeting

Greetings, everyone and thank you for being here. Before we get started, I would like to say that the board appreciates and supports input from our community and educational partners at our meetings. Engagement by members of the public in civic matters is a cornerstone of our democracy. Everyone should have a chance to express their opinions within the guidelines the board has established for its meetings so that we are able to conduct the meeting effectively and efficiently.

During the meeting, there will be time for the public to comment on matters not on the agenda. In addition, members of the public may comment on specific agenda items after I, as board chair, ask for public comment on an item. Until it is your turn to speak, or if you are here just to observe the meeting, please refrain from any behavior that prevents others from participating in the meeting or that disrupts the board's ability to conduct the business of the board. This includes any conduct that prevents members of the board, district staff or the person making public comment from speaking.

We also ask that when you are called upon, you address only the board. While we assume that members of the public intend to participate in the meeting in a civil manner and while legitimate criticism of the board is protected speech, we will not tolerate any threats of violence made to board members, staff or to other members of the public. In the event of a threat of violence, the individual will be removed from the room whenever possible, and will be referred to law enforcement. In the event that the meeting is disrupted in a manner that prevents the board from proceeding with the agenda items for the meeting, we may choose to recess the meeting until order is restored. If order cannot be restored after a recess, we may choose to clear the room, move the meeting to a location where it will no longer be disrupted or adjourn the meeting.

Opening script to hear public comments on items not on the agenda

We have reached the portion of our meeting set aside for comments from the public about matters not on the agenda but within the subject matter jurisdiction of the board. Under Board Bylaw 9323, comments are limited to <?> minutes, unless changed by the board. *[Bylaw 9323 is the number of CSBA's sample bylaw, "Meeting Conduct". Please check your Policy Manual to make sure it is the same.]* Under Bylaw 9323, a maximum of <?> minutes, unless changed by the board, is allocated for a particular item or topic. While the Brown Act, the open meetings law under which the board must operate, allows the board to hear issues within its jurisdiction from the public that are not on the agenda, it only allows the board to respond in a very limited manner such as providing direction to staff. If the board were to have more than this type of brief discussion on an item not on the agenda, it could be a violation of the Brown Act's rules for posting the agenda. *[Optional]* Speakers providing public comment must follow the guidelines I set forth at the beginning of the meeting.

Script for opening of public comments for items on the agenda

Prior to the board taking action on this agenda item *[If public comment is taken before board deliberation, this can also say "Prior to the board's deliberation on this agenda item"]*, we will now hear any comments from the public on the item. Comments will be limited to <?> minutes each *[the following is optional]* and we will take comments from the public on this item for a total of <?> minutes. Public comment on agenda items must follow the guidelines I set forth at the beginning of the meeting.

Guidelines for public comment for items on and not on the agenda

We ask that all speakers during this public comment period adhere to the following guidelines:

- » We request that you please fill out a Speaker's Card and pass it to our executive assistant.
- » Please stand behind the podium and address the board when speaking.
- » Speak clearly so that we can hear you accurately.
- » Please use language that is inoffensive and appropriate for use in front of our students, staff and other community members in attendance. Profanity and slurs are examples of offensive language we request speakers refrain from using.
- » *[If applicable]* When your time expires, a buzzer will sound (or the timer will turn red). At that point, please wrap up your comments and return to your seat so that others may have the opportunity to comment as well.
- » Please provide any written documentation in support of your comments to our executive assistant.

Intervention during public comments for items on and not on the agenda

[The board president should never hesitate to use their gavel to maintain order.]

Example One: The speaker is using inappropriate/offensive language that is disrupting the meeting

<Sir/Madam/Speaker's name (if known)>, I would like to remind you that there are students (or "others") present. Please refrain from using language that is offensive and inappropriate for a public meeting. Our meeting guidelines are posted online in the agenda and on the wall (door, window, outside, etc.). We ask that all speakers abide by them and use respectful language.

[Unless the speaker is determined by the chair to be disrupting the meeting, we cannot stop someone from speaking because their language is offensive and inappropriate; we can only continue to request that they stop and clean-up their language. However, if we have to warn the speaker several times about engaging in offensive and inappropriate language, and the speaker has still not complied, that can constitute "disruption" and the board can consider whether to recess the meeting. If a speaker(s) is considered disruptive and order cannot be restored, the speaker(s) can be removed, the room can be cleared, or the meeting can be reconvened in another location. Remember, for issues that are within the governing board's jurisdiction, we will not stop the speaker because of the viewpoint that is being expressed or because the speaker is being critical of the board.]

Example Two: Disruptive speaker(s) is removed from the room

<Sir/Madam/Speaker's name (if known)>, your time is up. You must now conclude your comments or *[if applicable]* we will have to turn your microphone off. This is your last warning. Please conclude your statement now or we will turn off your mic. Thank you.

If the speaker refuses to stop talking and/or take their seat:

<Sir/Madam/Speaker's name (if known)>, I am notifying you again that your time to speak has ended. Please take your seat. *[pause]* Since you are refusing to take your seat, I have no choice but to turn off your mic and have you peacefully escorted from the building.

Notify your security/school police [if applicable] to professionally remove the individual(s) from the meeting to a place where they can no longer disrupt the meeting [remember that there will be individuals filming what is taking place, so professionalism is a must].

Example Three: Calling for a recess before clearing the room or moving the meeting to another room

If the speaker refuses to stop talking and take their seat or if other disruptions are taking place:

<Sir/Madam/Speaker's name (if known)>, I am notifying you again that your time to speak has ended. Please take your seat. Since you are refusing to take your seat (or end your disruptive behavior), the board will recess until order has been restored and we are able to resume the meeting. If order is not restored, we will be forced to clear the room (or move to another location) so that we can continue to conduct district business. Thank you!

The board should then recess. If order is not restored after the break, the board may clear the room, move the meeting to another location, or adjourn the meeting. The media must be allowed to stay in the meeting unless they are part of the disruption.

