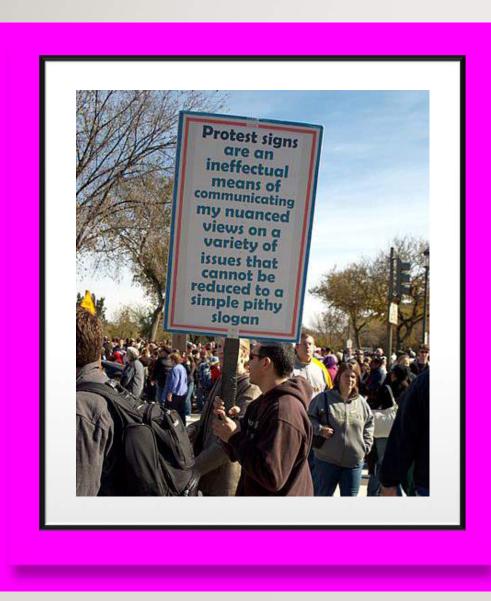


SEDOR WENDLANDT EVANS FILIPPI



Navigating Awkward Moments At School Board Meetings.



PART I:AWKWARD SCENARIOS

TI DO NOT ONSENT.

SCENARIO I:

You open up your Facebook page and here is what pops up. The post was made at 1:30 a.m. It says:

"Phony & Two faced!!! The pathetic school principal, and the idiotic Superintendent for the School District!! Need to pack their bags and kindly get the f*** out of _____!! Their time is up!! We don't need those f***ing idiots in our district!! Closet drunks!! Phony as they come !!!! I've never saw so much locals pull their kids out of school !!!! Oh but the two a** clowns are collecting like all our kids are still there !! Every dog has their day !! And I say their day is up !! F***ing KKK b***ards !! White supremacy little b***hes don't belong around our kids !! Or in our district !!!"

How would you go about handling this?

SCENARIO 2:

You are part of a 7 person board. You are doing your superintendent evaluation. Each member fills out a superintendent evaluation form which has room for comments. Four members are very happy with the Superintendent's performance and give her high marks but without comment. One member doesn't fill out the evaluation form but says that he is pleased with the Superintendent and wants to extend the contract. Two members are not fans of the superintendent. Those two members take full advantage of the comments section to write scathing comments about the superintendent. The process that your district has used for years is to collect the individual evaluation forms, compile them on one form, and then review the document with the superintendent. The Board secretary does this for you and you review the document in executive session. And while the superintendent is not happy about the scathing comments, the comfortable 5-2 majority support is comforting. The evaluation is concluded and life goes on. Two months later, a SAC President, local media and the Union president request a copy of the evaluation. What do you do? What if anything do you wish you had done differently?

SCENARIO 3:

Your District has a 4-step grievance process. A grievance is at Step 3 – a Board hearing. You realize that you have discussed the grievance with the Superintendent back at Step 2. In addition, a few days before the grievance hearing you and the Superintendent reviewed the documents and the Collective Bargaining Agreement and talked about the proper interpretation of the Agreement. You don't sleep at all the night before the Step 3 hearing. Can you still participate in the hearing?

SCENARIO 4:

You email to and from the Superintendent on a regular basis. You have a good and solid relationship. The Superintendent uses you as a sounding board and oftentimes raises issues and concerns that are coming up and gets your input, advice and suggestions on this topics. You are happy to assist where you can. You also, oftentimes, debrief via email after a meeting – especially any contentious or stressful meeting. You are both comfortable with this email interaction because you know that you are not in violation of the Open Meetings Act. In today's mail, is a public records request for all your emails between you and the superintendent. What do you think will happen? [Also, I forgot to mention, you text back and forth with the Superintendent during Board meetings also. Is this or should this be a concern?]

SCENARIO 5:

As a Board Member you have a practice of visiting one school several times in a year. You sort of adopt the school. You develop a working relationship with the Principal of the school who regularly contacts you with updates, school information, concerns, questions, and complaints. You do your best to help out and you soon find yourself as a go between and part-time mediator between the Principal and Superintendent. What should you do? What should the Superintendent do? What about the rest of the Board?

SCENARIO 6:

- What is your practice regarding public comments and responses?
- During public comment on non-agenda items, a person criticizes the Superintendent and the Board and the Finance Director of mismanagement, wrongdoing, and wasting resources.
- What would you do?

PART II: PUBLIC COMMENT

I DO NOT ONSENT.

Part 2: Public Comments Run Amok

The chair or presiding member of the assembly meeting may request persons testifying at public hearing to 2.30.055 Conduct of public hearing.

- give their name, and to identify their neighborhood or community of residence. Each individual giving testimony shall be allocated three minutes. The time limit for a designated representative of a community council is five minutes. The time limit for a designated representative of the Α.
- Native Village of Eklutna is five minutes. The speaker must focus testimony to the topic of the public hearing. A person may testify once at public hearing on any item. While the public hearing is open, a person may testify on the changes in a substitute version and will not be precluded for having given prior testimony on Β.
- A sign-up list may be implemented to facilitate the management of public hearing so that all who seek to c.
- testify are allowed the opportunity to be heard in an orderly manner. A sign-up list may be initiated at any time by the chair of the assembly or the municipal clerk in

Continued public hearing may be scheduled for any day of the week.

In order to meet a deadline imposed by law, or

hearing is continued, public notice shall be given as soon as practicable.

Notwithstanding subsection E. of this section, the assembly may close a public hearing.

(AO No. 2014-2(S), § 3, 2-25-14; AO No. 2017-53 , § 10, 4-11-17; AO No. 2020-137(S) , § 2, 1-14-21)

hearing shall be continued.

E.

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- D.
 - A member of the public may request use of a sign-up list by submitting a written request to the 1.

 - municipal clerk by noon on the day prior to public testimony. When a written request for use of a signup list is timely filed by a member of the public, the municipal clerk may implement the sign-up list. If a sign-up list is utilized, the municipal clerk shall manage the sign-up list to ensure fairness. 2.

If the date, time, and location of continued public hearing cannot be announced when the public

If the assembly anticipates public hearing or assembly deliberation will draw more people than the assembly chambers will accommodate, additional space with audio or audio and video in the Wilda Marston Theater or other location will be used, if available, to facilitate seating for additional members of the public.

If necessary to pass a budget or appropriation item which is, in the sole discretion of the assembly,

- a. If a public hearing is continued, the sign-up list will remain open and available to anyone present If any time scheduled for public hearing proves inadequate to hear all persons present to testify, the public

Municipality of Anchorage

Part 2: Public Comment – The Law

§ 29.20.020. Meetings public, AK ST § 29.20.020	
West's Alaska Statutes Annotated Title 29. Municipal Government (Refs & Annos) Chapter 20. Municipal Officers and Employees (a) Meetings of all municipal bodies shall be public as provided	
(a) Meetings of all municipal bodies shall t (b) This section applies to home rule and	
 (a) Meetings of all municipal codes in the public to be head (0) THIS SECTION applies to Home rule and general law municipalities. (b) This section applies to home rule and general law municipalities. Credits 	
SLA 1985, ch. 74, § 7. Notes of Decisions (2) AS § 29.20.020, AK ST § 29.20.020 AS § 29.20.020, AK ST § 29.20.020 an extractional decision of the 32nd Legislature. AS § 29.20.020, AK ST § 29.20.020 AS § 20.200 AS § 29.20.020, AK ST § 29.20.020 AS § 20.200 AS	

Part 3: Public Comment – The Law

§ 44.62.310. Government meetings public, AK ST § 44.62.310

KeyCile Yellow Flag - Negative Treatment

Proposed Legislation West's Alaska Statutes An Title 44. State Governm Chapter 62, Administ Article 6. Open Mee

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing.

§ 44.62.310. Government meetings public

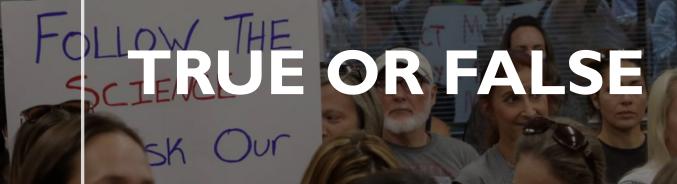
Currentness

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with

The Organic Nature of

D Bylaws	Bylaws of the Board BB MEETING CONDUCT (continued)	9323(b)
MEET The Ll meetin to all I Parlia	 At a time so designated on the agenda, members of the public also may brin Beard matters that are not listed on the agenda of a regular meeting. The Board such a matter to the Superintendent or designee or take it under advisement may be placed on the agenda of a subsequent meeting for action or discu- Board. A person wishing to be heard by the Board shall first be recognized by the 	The board has a responsibility to conduct business in an orderly and efficient way.
Board bylaw of On Quot A ma	Hershe shall then identify himself/herself and proceed to comment as be subject permits. With Board consent, the president may modify the time allowed for public or may rule on the appropriateness of a topic. If the topic would be a addressed at a later time, the president may indicate the time and place when presented.	The public will have an opportunity to address the Board either before or during the Board's consideration of each
Unle requ press	5. No oral presentation shall include charges or complaints against any emp Board, including the Superintendent, regardless of whether or not the identified by name or by another reference which tends to identify. Charges of against employees must be submitted to the Board under the provisions of .	employee is or complaints listed on the agenda of a regular meeting
Abs	and administrative regulations related to such complaints. (cf. 1312.1 - Complaints Concerning School Personnel) (cf. 9312 - Executive Sessions) No disturbance or willful interruption of any Board meeting shall be permitted. Persistence, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals and order the room cleared if necessary.	Public comment should be as brief as the subject permits.
for maj		The president may modify the time allowed for public presentation or may rule on the appropriateness of a topic
Pu No Be		No disturbance or willful interruption of any Board meeting shall be permitted.



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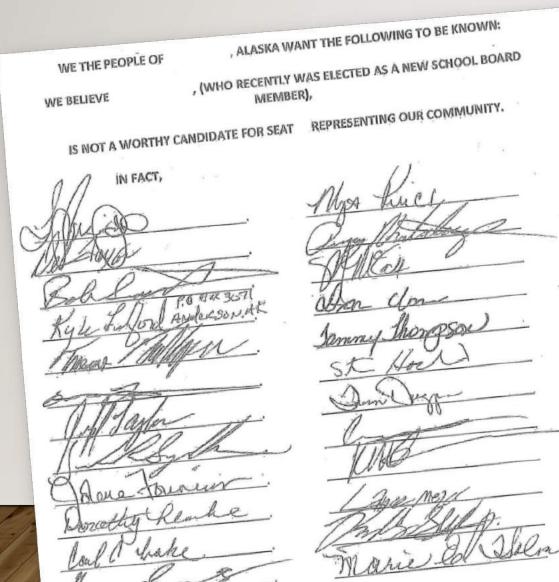
You have to allow the public to comment on agenda and nonagenda items.



You have to allow all members of the public who want to comment to have an opportunity to comment.



Public comments cannot be meanspirited.



This petition attacking a Board member could be read at a public board meeting during public comment on nonagenda items.

[EXTERNAL EMAIL - GAUTION, Done open unexpected attachments or links.] Please read this written testimony into the official record before the School Board.

Please read this written testimony into and it has come to my attention as a community member/tax has a mask mandate in effect for children attending public school for the purpose of state mandated education. My name is I would like to like inform you of 2 federal criminal laws you are violating. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in 18 USC 241 Conspiracy Against Rights any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, shall be fined under this title or imprisoned not more than ten years, or

I UUUI VUU.

It needs to be read into the record at your next public board meeting.



both. Below are 7 additional US Codes you are all in violation of: What can you as a board do to bring "balance to the force" (balance between the need to do business and the obligation to allow for public comment)?



PART 3: FREE SPEECH

FOR ONE OR FOR ALL?

How should you respond if one of your fellow board members regularly goes on expletive filled rants about various school groups and disrespects them to the point where it is hard to sit at the board table for meetings?



How should you respond if one of your fellow board members regularly goes on expletive filled rants about various school groups and disrespects them to the point where it is hard to sit at the board table for meetings?



What if the Member Disclosed Confidential Information?

Part 3: Public Comment – The Law

F (1	BB 9011 DISCLOSURE OF CONFIDENTIAL INFORMATION Confidential information which is produced for or which comes out during executive sessions of the Board shall not be divulged or released unless a majority of the Board agree to release the information, subject to applicable not be divulged or released unless a majority of the Board agree to release the information, subject to applicable and the divulged or released unless and confidential records. This bylaw is not intended to cause the withholding and the divulged or release the information of the divulged or release the withholding and the divulged or release the unless and confidential records. This bylaw is not intended to cause the withholding and the divulged or release the divulged or release the unless and confidential records.			
	lav Any Doord member who releases confidential information contrary to the provisions of this bylow may be			
	of publicly censured by a majority vote of the Board.			
	(cf. <u>4112.6/4212.6/4312.6</u> - Personnel Records)			
	(cf. <u>5125</u> - Student Records) Information from executive session shall be released by the President or chairman of the meeting in which the			
	Information from executive session shall be released by executive session is held. Any Board member who releases confidential information contrary to the provisions of this bylaw may be Any Board member who releases confidential information contrary to the provisions of this bylaw may be			
	11: also concluted by g mainter y			
	(cf. <u>4119.23</u> - Unauthorized Release of Confidential Information)			
-/	(cf. <u>9321</u> - Executive Sessions)			
1	Adopted: 1993			

Part 3: Public Comment - The Law



Book	Policy Manual
	AND OF THE BOARD
	9000 BYLAWS OF THE BOARD

Section

The Board may consider formal action against a member violating the provisions of this policy as allowed by law and including:

Verbal reprimand from Board in private

- Written reprimand
- Censure

Removal from a Board committee or removal from any Board officer's position.

as a member of the Board when it is duly convened in a meeting or as auto-Board members shall present their concerns and concepts through the process of Board debate and shall be respectful when opinions are shared which differ from their own. Once deliberations are concluded and a final action made by majority vote, that decision constitutes the decision of the Board. No individual member shall take any action to impede effective implementation of a majority decision other than through proper channels of reconsideration or other actions Whenever a Board member believes that another has violated the Code of Ethics or Standards of Conduct, it is allowed by the adopted rules of procedure. incumbent on him or her to bring the issue to the subject member first. If the concern is not resolved, the Board member may then bring the issue to the president of the Board, who shall immediately investigate the allegation including discussing it with the person alleged to have violated the code or standards. If the president believes the allegation is substantiated by credible evidence and is not resolved with the individual member, the president may bring the issue to the full Board for discussion. Before convening into executive session to discuss the allegation, the Individual member shall be given the opportunity to request that the discussion be held in public. If the individual member requests a public discussion, the Board may not convene into executive session to discuss the allegations The Board may consider formal action against a member violating the provisions of this policy as allowed by law and including: Verbal reprimand from Board in private

WILSON VS. HOUSTON COMMUNITY **COLLEGE SYSTEM**

WILSON!

Wilson vs. Houston Community College System

Board members receive no compensation.

Wilson disagreed with HCC's decision to fund a campus in Qatar.

So, he arranged robocalls to constituents and went on local radio.

HCC excluded him from an executive session.

Wilson then hired a private investigator to find out whether another trustee resided in the district.

And, Wilson set up a website where he published his concerns and named names..

The HCC Board had enough. Wilson was becoming a distraction.

Wilson vs. Houston Community College System

HCC publicly censored Wilson on January 18, 2018. The censure provided that Wilson's conduct was:

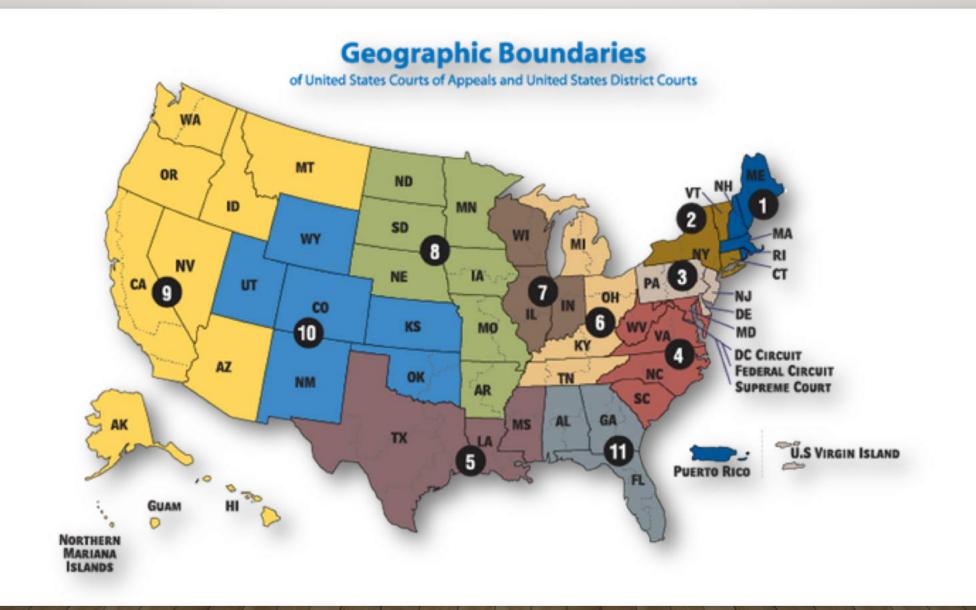
"not consistent with the best interests of the College or the Board, and in violation of the Board Bylaws Code of Conduct."

The Board directed Wilson to "immediately cease and desist from all inappropriate conduct" and warned that "any repeat of improper behavior by Mr. Wilson will constitute grounds for further disciplinary action by the Board."

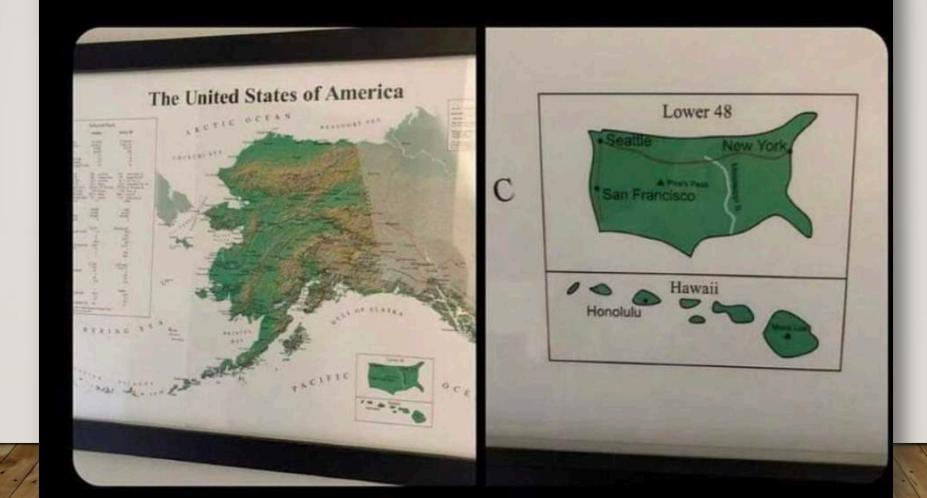
Wilson vs. Houston Community College System

Further, the HCC Board decided that:

- (1) Wilson would be ineligible for election to Board officer positions for the 2018 calendar year,
- (2) Wilson's requests for access to the funds in his Board account for community affairs would require Board approval.



Passive aggressive Alaskan map of the United States



5th Circuit Decision







Judge Davis

Judge Smith

Judge Stewart



"The Supreme Court has long stressed the importance of allowing elected officials to speak on matters of public concern. We have echoed this principle in our decisions, emphasizing that "[t]he role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance."

Decision: HCC Board violated Mr. Wilson's First Amendment free speech rights by censuring him. The Court stated in part "[t]he role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance."

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THE UNITED STATES SUPREME COURT

NOVEMBER 2, 2021

"SO, UNDER YOUR VIEW, THE BOARD **COULD SAY EVERYTHING IT SAID IN** THE RESOLUTION, EXCEPT AT THE END, SAY, 'WE WOULD ADOPT A **RESOLUTION OF CENSURE, BUT FOR** THAT CRAZY SUPREME COURT **DECISION IN THE HOUSTON COMMUNITY COLLEGE SYSTEM, WHICH** SAID WE CAN'T DO THAT?"

QUESTIONS?

