



1 SB 2180 – Public Comment @ Meetings  
 2 Testimony requesting an amendment.  
 3 Amendment Requested:

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 5 5. A meeting of a public entity must include an opportunity for an individual in attendance to  
 6 provide public comment. A public comment:

- 7 a. May not be subject to approval by the public entity.
- 8 b. Only may be limited by time per speaker
- 9 c. Must be related to an item on the agenda
- 10 d. Comments about individuals, staff, or personnel of the school district are prohibited.

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 12 **Rationale (c.)**

- 13 • Because of open meeting laws in North Dakota, school boards are required to prepare and
- 14 post an agenda, so the public knows what is being discussed.
- 15 • Allowing comments on issues outside of the agenda can violate the open meeting laws.

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 17 **Rationale (d.)**

- 18 • To limit lawsuits for libel and slander, comments about individuals (coaches, teachers,
- 19 administrators, etc.) should be prohibited.
- 20 • The school board is the judge and jury should an employee ever move toward non-
- 21 renewal and should not be prejudiced by hearing accusations about individuals before a
- 22 non-renewal hearing.

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 24 If someone were to make negative comments about a specific staff member during a public  
 25 meeting, those statements could potentially lead to legal concerns regarding defamation,  
 26 specifically libel or slander, depending on the circumstances. Here’s how that works in the  
 27 context of a public meeting...especially a board meeting where there is a law for the minutes to  
 28 be published in the local newspaper AND where most all of the meetings are recorded and the  
 29 comments are part of the public record.

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 31 If the person making the statement presents false and damaging information, the individual being  
 32 targeted could potentially take legal action against the speaker and even, in some cases, against  
 33 the governing body if it fails to properly manage the public comment period. The school board  
 34 or governing body could face liability risks if they knowingly allow defamatory comments to be  
 35 included in the official record without addressing them.

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 37 To mitigate these risks, school boards often have policies that require public comments to avoid  
 38 personal attacks and focus on agenda items. They provide warnings or cut off speakers if they  
 39 engage in defamatory speech. They use discretion in including detailed public comments in the  
 40 meeting minutes

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 42 It is inappropriate to go straight to the board without following the grievance policy. This  
 43 typically mitigates 99% of the issues and if it rises to the board level, then it should be on the  
 44 agenda and discussed appropriately to protect all parties.