



**NDSBA**  
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**SB 2180**

**Testimony of KrisAn Norby-Jahner  
House Political Subdivisions  
March 20, 2025**

Chair Longmuir and members of the House Political Subdivisions Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in opposition to SB 2180 as currently drafted and ask the Committee to do additional work on the bill.

This bill would require political subdivisions, which includes school districts, to allow the opportunity for individuals in attendance at board meetings “to provide public comment” at one-fourth of the publicly noticed regular meetings with certain allowable limitations. We are supportive of the limitations that are listed in this current version of 2180, including the option for political subdivisions to create a policy that places time limits on public comments and requirements that comments be pertinent to the political subdivision; may not interfere with orderly conduct of the meeting; may not be defamatory, abusive, harassing, or unlawful; and may be prohibited if an alternative procedure exists to bring that particular type of public comment before the political subdivision, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law. These are the exact type of limitations that already exist in a long-standing recommended template policy the NDSBA offers to member school districts to use when allowing public comments at board meetings. These limitations ensure that proper decorum, respect, and lawfulness is maintained in the board room where school district business and student-driven initiatives have to be the focus of the meeting. Additional policies exist within school districts that further define these types of decorum-related expectations on all school property and school-sponsored events. The school board room should be no exception.

However, one important allowable limitation in policy is absent from SB 2180: **a requirement that public comment pertains to an item on the agenda.**

Currently, the NDSBA's long-standing recommended policy that many school districts in the state have already adopted allows public comments at board meetings in two ways:

1. Specific agenda items: "Members of the public who wish to make formal presentations before the Board shall make requests in advance in accordance with the board's agenda setting policy"; and
2. Public comment period: "The Board may allot a time for general public comment on the regular meeting agenda."

Our recommended policy contains the same safeguards as identified in the current version of SB 2180 to ensure that the business of the school district is accomplished in a respectful and orderly manner. However, to ensure the continuance of this goal, it is important that there be an allowable policy that provides school boards the *option* to limit the "public comment period" to agenda items only. If a member of the public wants to address a separate topic, current policy directs them through the agenda-setting process. This ensures that a school board is prepared to discuss the topic at hand, and any relevant materials are included in the board packet, which is an open record and available to members of the public. It also ensures that open meeting procedures are properly followed in accordance with N.D.C.C. ch. 44-04 so that all topics brought forth during a board meeting are properly noticed. SB 2180 only indicates that comment "must be pertinent to the political subdivision." We are hesitant to conclude that an agenda item as general as "public comment period" would be in compliance with state law when commenters may bring up topics not listed on the agenda and may present information or documents that were not included in the open record board packet.

Without providing political subdivisions the option to limit public comment periods to agenda items, school boards are also being forced to create a public forum under the U.S. Constitution that may not align with board policies, rules, and the type of limited public forum our political subdivisions boards want to create (and have the ability to create under the Constitution as discussed in our [previous testimony](#)). We cannot emphasize enough that **public board meetings are not "public meetings," but rather they are "meetings held in public."** When a school board holds a meeting, its purpose is to conduct the business of the board as it relates to school policies, programs, budget, and operations. The purpose of open meetings law is to give members of the public access to the meetings of a governing board of a public entity, but that access does not give members of the public the right to participate or speak at the public meeting. *See, e.g.,* Attorney General Opinions – N.D.A.G. 2003-O-07; N.D.A.G. 99-O-07; N.D.A.G. 98-F-11.

Based on the foregoing reasons, the NDSBA is opposed to the current version of SB 2180 and asks the Committee to remove the requirement that public comment be allowed at "at least one-fourth of the

publicly noticed regular meetings” and also include amendment that will allow political subdivisions the option to limit public comments to agenda items. Thank you for your time.