The following bylaws were discussed:

#9325 Meeting Conduct - The Committee received a communications package from Marco Gaylord and Stephen McKeever on behalf of the teachers’ union concerning the public session portion of the Board of Education regular meetings. The teachers are upset with the conduct of individuals in the public session.

Sally thanked Marco Gaylord for attending this Policy Committee Meeting and representing the union. A discussion was held concerning this issue. Ms. Boske had sent the entire union package to Attorney Chris Chinni for her legal opinion. On Tuesday, February 8, 2011, Attorney Chinni wrote, “Sally, We can certainly look into this issue further. However, Mr. McKeever is wrong about the 1st Amendment; it does protect nonvulgar speech even if it is offensive to some. In addition, it is clear that the Board cannot allow positive comments about staff but censor negative comments.”

As the committee has previously discussed, the Board can legally limit public comment to items on the Board's agenda for the meeting in question. However, this would not eliminate both positive and negative comments about staff.

Sally stated we cannot put the Board into any legal problems. She said there were ideas the policy committee had to help alleviate the situation.

Mr. Gaylord went out of his way to spend personal money to address this situation. He met with an attorney. The attorney told him legally you can go two ways. 1. Address only the items on the agenda. It is a meeting held in public, not a public meeting. 2. You can schedule another meeting if you need a public meeting.

Marco said if the board agrees it is a meeting held in public, not a public meeting, your mind set changes. He has heard from a variety of lawyers who say it is not necessary to have a public session. The Chair should be very persistent that people cannot talk negatively about personnel. Ms. Boske said the Chair might notify the person speaking that he could be liable for his derogatory remarks in a civil court of law.
Bill Grady stated another possibility could be to require any person wishing to speak at the public session, to call ahead of time to request being put on the agenda.

Marco said he was not in favor of getting rid of public session, but agreed two sessions might help -- first session for agenda items, second session for items not on the agenda.

The policy committee agreed they would rather have two public sessions instead of just one at the end.

Another possible action would be to turn off the television cameras for the public session held at the end of the meeting.

The Committee recommended the following changes to bylaws:

*The committee recommended the following revised bylaw be presented to the Board of Education at its next meeting and will require two readings:*

**#9325 Meeting Conduct:**

2. The Chair will recognize members of the public who wish to address the Board during the "V. Public Session" portion of the agenda **that reference agenda items only.**

3. Any other items that members of the public wish to address the Board will occur during the XIII. Public Session Non-Agenda Items.

*The committee recommended the following revised bylaw be presented to the Board of Education at its next meeting and will require two readings:*

**#9325.2 Order of Business:** The committee recommended adding the following changes to this bylaw:

V. Public Session – **Agenda Items Only**
VIII. **C. MPS District Issues/News**
XIII. Public Session – **Non-Agenda Items**

The committee is still waiting for more information concerning the following policies:
The Policy Committee Meeting adjourned at 4:40 P.M.

The next Policy Committee meeting is scheduled for March 16, 2011 at 3:00 p.m. in the Board Room of the Dr. Alfred B. Tychsen Administration Building.

kfb