



# Engaging Interactively with the Community and Media Without Surrendering the Keys to the District

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# CONSUMERS OF INFORMATION

- Students
- Parents
- Staff
- Elected Officials
- Taxpayers
- Community Action Groups
- Special Interest Groups
- Community Members with no direct involvement with the district
- Businesses/Industry

# THE DISTRICT'S MESSAGE

- The purpose of the District's message is to communicate what the District is doing in furtherance of its mission and vision.
- The District's message is established based on the District's priorities.
- The District's priorities are established based on input and feedback from various individuals and entities.

# THE DISTRICT'S MESSAGE

- Each individual consumer of information may seek to receive something different from the District's message.
- Regardless as to the identity of the consumer of the information, the District's message should be consistent and aligned with the District's priorities.
- In other words, the District's message should not change based on the consumer of the information.

# GETTING OUT THE MESSAGE: FORUMS OF ENGAGEMENT

- Public Records
- Public Meeting
- Public Participation and Comment
  - Public participation at meetings
  - Surveys
  - Complaints or reports
- Public Statement
  - Responses to media inquiries

# S.C. FREEDOM OF INFORMATION ACT

- The S.C. Freedom of Information Action (“FOIA”) is intended to protect the public from secret government activity. South Carolina Tax Comm’n v. Gaston, 316 S.C. 163, 447 S.E.2d 843 (1994).
- School boards are considered public bodies under § 30-4-20(a) and are subject to FOIA.
- Under FOIA, a public body must make its records available to the public and cannot take formal action in closed session. S.C. Code Ann. §§ 30-4-30, 30-4-70(b).
- FOIA governs two items:
  - (1) Records: subject to disclosure or exempt?
  - (2) Meetings: open or closed?
- FOIA does not require the district to answer questions.



# PUBLIC RECORDS

- Public Records defined in part as books; papers; and other documentary materials regardless of physical form. S.C. Code Ann. § 30-4-20(c).
- Pursuant to FOIA, certain information is declared public information in § 30-4-50:
  - Identity of District employees and officers;
  - Employee handbooks and manuals;
  - Written planning policies and goals and final planning decisions;
  - District budgets and any other information relating to the expenditure or receipt of public funds must also be disclosed;
  - Meeting minutes; and etc.
- Items that are not considered public records include: 1) data prepared by board members in anticipation of a meeting; 2) proposed budgets prior to a board meeting; and 3) legal advice to the Board. Cooper v. Bales, 268 S.C. 270, 233 S.E.2d 30 (1977).
- FOIA contains several “permissive exemptions,” which allow the governmental body the option of choosing to disclose or withhold information from public access. S.C. Code Ann. § 30-4-40.

# PUBLIC MEETING

- A meeting is defined as “the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.” S.C. Code Ann. § 30-4-20(d).
  - Other interactions that could be classified as a meeting: conference calls; group emails; committee meetings.
- Every meeting must be open to the public.
- Certain meetings may be closed to the public and discussed in executive session:
  - Receipt of confidential legal advice;
  - Discussions of hiring, firing, discipline of employees, to include employment interviews;
  - Discussion of contract negotiations (not actual negotiations);
  - Certain industrial development matters;
  - Security matters;
  - Investigations of criminal misconduct;
  - When complaints against an officer are unspecific and the Board wishes to glean more information from witnesses.



# PUBLIC PARTICIPATION AND COMMENT

- Under certain circumstances, the district may desire to receive input and feedback from individuals. This feedback may be received in a variety of ways: surveys, complaints or reports, or public participation and meetings.
- School board meetings are limited public forums.
  - The First Amendment protects an individual's right to speak. Note: all types of speech is not protected.
  - A limited public forum is designated by the district in a specific location limited to certain groups or discussion of limited topics.
  - The district may establish reasonable time, place, and manner restrictions on speech.
  - Restrictions on speech must be viewpoint neutral.

# PUBLIC PARTICIPATION AND COMMENT

- Because public participation and comment at meetings is within the discretion of the district, the district may prescribe certain rules for participants to further the district's purpose and transacting public business in an orderly, effective, and efficient manner.
- Certain restrictions may establish guidelines for accessing the forum. For example, a sign-in sheet.
- Certain restrictions may be established to limit the content (subject matter) of speech.
- The Board is not required to respond to questions posed during public participation and comment.

## Public Participation at Meetings

The public is cordially invited to participate in school board meetings by attending the meetings in person or watching the live stream. The board conducts meetings for the purpose of carrying on the official business of the school district. The meetings are not public forum meetings but are meetings held in public. Orderly conduct of a meeting does not permit spontaneous discussion from the audience. However, the public is invited to provide public comments during the public comment section of the meetings. Any person wishing to address the board must sign up in advance.

The board reserves the right to suspend in-person attendance at school board meetings in order to protect public health in the event of harmful viruses and diseases, or declared emergencies by the state and/or the United States of America.

Adopted 5/9/00; Revised 3/24/20, 3/23/21, 5/10/22

### Legal References:

S.C. Code of Laws, 1976, as amended:

[Section 30-4-10](#), *et seq.* - South Carolina Freedom of Information Act.

## Open Forum

The board may provide a specified period of time for comments from any citizen, group representative, staff members, parent/legal guardian, or student regarding any topic over which the board has jurisdiction. If the board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next scheduled meeting or to a special called meeting. The board reserves the right to allocate a period of time for this purpose and limit time for speakers accordingly.

All persons who wish to comment during the open forum period will fill out the appropriate form provided by the board before the meeting begins. The chair of the board will introduce speakers who have signed up on the appropriate form and invite them to address the board. The chair reserves the right to limit discussion of same topic issues in an effort to provide individuals the opportunity to be heard on a variety of topics.

The board will not permit any expression of personal complaints about individual staff members or any other person connected with the district during public session. Specific student or staff member issues should be handled through the appropriate procedures as indicated in district policy.

Presentations for unsolicited services will not be permitted. Companies or businesses offering services of possible interest to the district should send information to the district office for distribution to the appropriate district officials.

The board may provide factual information or recite existing policy in response to inquiries, but the board will not deliberate or decide matters regarding any subject not included on the agenda. The board may request that staff members address any concerns or comments presented by the public during the open forum.

# PUBLIC STATEMENT

- A public statement should be used to clarify what the district is doing related to a particular matter.
- The statement is not intended to persuade.
- The statement should reiterate the district's message. Remember, the district's message is created based on the district's priorities.
- Board members should strive to amplify the district's message.
- To the extent individual board members desire to offer comments regarding a particular matter, the district should clearly distinguish the district's position from the individual board member's comments.

## **News Media Services at Board Meetings**

The board believes that one of its paramount responsibilities is to keep the public informed of its actions. Therefore, the press and public are welcome to attend board meetings.

The superintendent will send a copy of the agenda in advance of all official board meetings to members of the working press who request it. In the event that representatives of news media are unable to attend a meeting, upon request they will be provided a summary of important board actions.

When individual board members receive requests from news media representatives for information about board meetings, members may refer the information seekers to the board chair or the superintendent's designee. The board chair will be the official public spokesperson for the board (except as the board may specifically delegate this responsibility to others). Unless designated as indicated in this policy, board members shall state that their comments are not stated on behalf of the school board but they are individual comments made by the board member.

Adopted 5/9/00; Revised 3/23/21, 4/26/22

### **Legal References:**

S.C. Code of Laws, 1976, as amended:

[Section 30-4-10](#), *et seq.* - South Carolina Freedom of Information Act.

[Section 59-1-340](#) - Board meetings; meetings open to news media.



# THE ROUTINE, THE MUNDANE, THE UNUSUAL, THE UNEXPECTED, THE QUESTIONABLE, AND THE INFLAMMATORY

- The Unusual
- The Unexpected
- When the Routine and Mundane Become Controversial
- The Questionable
- The Inflammatory



# FINAL THOUGHTS

# TAKEAWAYS

- Board members should understand and make efforts to amplify the district's message by engaging in dialogue regarding the district's priorities.
- Engaging interactively with the community does not require board members to engage in debate to attempt to persuade any individual.
- Do not allow matters of controversy or debate to consume the work being done by the district to enhance student achievement.

A stylized graphic of a circuit board with teal lines and circular nodes, extending from the left and right sides of the central black box.

# THANK YOU!

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