



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

February 28, 2024

Michael Grey, Chair  
R.I. Board of Education  
255 Westminster Street  
Providence, RI 02903

VIA MAIL AND EMAIL

Dear Mr. Grey:

As a result of a number of complaints that our organization has received about yesterday's meeting of the state Council on Elementary and Secondary Education, I am writing to urge the Board of Education to re-examine and rescind its long-standing policy requiring individuals who wish to speak at any meeting of the Board or its Councils to sign up at least 24 hours in advance. Because such a requirement is burdensome, unnecessary, detrimental to public participation, and an outlier in public body "public comment" policies, we believe that, whatever the original rationale for its adoption, the time has come for it to be retired.

It is unclear to us what compelling purpose is served by having this advance sign-in requirement. Indeed, it is hard to imagine *any* useful purpose for such a policy. The Board has absolutely no reason to know in advance who is desirous of speaking at a meeting. Since the Board's open forums are, according to the posted agendas, no more than 20 minutes long, there is not even any meaningful benefit to learning in advance *how many* people are interested in speaking.<sup>1</sup>

As was demonstrated by the frustration experienced by members of the public at last night's meeting, many people simply may not be aware 24 hours ahead of time of the possibility of speaking on an issue of importance to them. Further, since meeting agendas generally need only be posted 48 hours in advance of a meeting under the Open Meetings Act, there is potentially a very short window for interested members of the public to sign up after learning that an item of interest is on the agenda.

Last month, our organization published [a review](#) of the "public comment" policies of city and town councils and school committees in the state, and we believe it highlights the extreme and unwarranted nature of this policy. Overwhelmingly, we found that these public

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<sup>1</sup> Even if the time is extended when a large number of people have signed up to speak, having advance knowledge of that number leads, at most, to giving the Board an opportunity to adjust the timing of items on its agenda. That is hardly a powerful rationale for requiring members of the public to provide a full day's advance notice of their intent to speak. In any event, we would encourage the Board to reexamine the wisdom of this extremely short time limit as well.

bodies either had no advance sign-up requirement at all or, at most in a minority of cases, a sign-up requirement for just shortly before the meeting. Having attended many meetings of state public bodies over the years, I am not aware offhand of any other agency that has a similar 24-hour advance notice requirement to speak.

Simply by virtue of your interest in serving on this important public body, you and all the members of the Board deeply understand that public education is an extremely critical responsibility of government, and virtually every household in the state is affected by the decisions made at both the state and local level on this topic. Offering members of the public a robust opportunity to make their views known in order to influence educational policy decisions is therefore deeply important. A public comment policy like this one, which has a clearly deleterious effect on public participation in that decision-making, serves no beneficial function. Rather, as demonstrated last night, it can only promote division and an understandable belief among parents, students, teachers and others that their concerns and interests are literally not being heard.

Finally, we would be remiss in not addressing one other directly related matter. On occasion, as was true last night, meetings of the Board and its Council attract large gatherings that cannot fit into the small meeting place at RIDE where Board meetings are held. We strongly urge Board members to consider scheduling meetings in an alternative location, whether within the RIDE building or elsewhere, when they have strong reason to suspect there is likely to be a large presence from the public. I trust that the grounds for making an accommodation like this need no explanation.

For all the reasons expressed above, we urge the Board, at the earliest possible opportunity, to make a revision to its current Open Forum policy so as to allow people to speak at Board meetings without having to sign up 24 hours in advance. We also ask the Board to consider holding its meetings elsewhere than its current meeting location when a much larger number of people than can be accommodated at that space are expected.

Thank you in advance for your attention to this matter.

Sincerely,



Steven Brown  
Executive Director

cc: Members of the Board of Education (via email only)  
Commissioner Angélica Infante-Green