

Testimony to the State Board for Educator Certificate
Re: item #12, Proposed revisions to Board Operating Policies and Procedures
By Holly Eaton, Director of Professional Development and Advocacy
May 9, 2008

Under Section IV, Meetings of the Board, subsection 9(b)(2)(ii) Public Testimony/ Procedure/Agenda Items, the proposed revisions state that “The board shall allocate up to 30 minutes, **total time**, to public testimony on all agenda items.” Apparently, this language was meant to reflect the board’s discussion about public testimony at its March 7, 2008, meeting at which I was present. It was certainly not my recollection that the board discussed limiting public testimony to 30 minutes total for all agenda items; in fact, the board discussed the board’s current operating policy which states that “The Board may, by majority, vote to limit the total time allocated to public testimony on agenda items. The presiding officer retains discretion to determine which speakers shall be heard if the number of speakers exceeds or is expected to exceed the time allocated for public testimony, giving priority to new speakers and alternating testimony by viewpoint.”

Due to the fact that a large number of witnesses were registered to testify on several agenda items at that meeting, the board discussed whether to amend the board operating rules at that time to limit the time allowed for testimony on each agenda item. However, the board decided against amending the operating policy, and the chair discussed with the board that she would limit testimony to 30 minutes *for each agenda item, and in fact, that’s what happened. She allocated 30 minutes’ time for testimony for each of the agenda items for which large numbers of speakers were registered.* Additionally, the minutes for that meeting, contained in Item 4, page 5 of your agenda, state that “Dr. Cain recommended stating a maximum amount of time *per agenda item.*”

However, the proposed language before you does not accurately reflect this discussion in that it limits the total amount of public testimony to 30 minutes for all agenda items.

Not only is this a significant deviation from the true discussion at the board meeting, but it would be an unconscionable limit on the board’s ability to hear public input. It effectively limits the number of witnesses to ten, given that your current policy states that witnesses have up to 3 minutes to testify. The board’s agendas typically include 16 to 17 items, and, if public testimony was limited to 10 witnesses for all agenda items, there would be no public testimony allowed for many of the items on the agenda. That is simply not good government. If there’s any question about the true discussion that took place at the March 7, 2008, meeting, I would think the tape of the meeting could lend some clarity.

Additionally, the proposed policy strikes current language that limits the chair’s discretion in determining the number of speakers to be heard *only if the number of speakers exceeds the time allocated for public testimony.* So the language

before you gives the chair unfettered discretion to limit the number of speakers to be heard, regardless of how many speakers are registered, and even if the number of speakers doesn't exceed the time allocated for testimony. This presents a conflict in the policy, which requires the **board** to set the amount of time for public testimony on agenda items, but then allows the chair to effectively change the amount of time by deciding to allow only one speaker, for example. **This does not make sense, and the current language regarding the chair's discretion to determine which speakers shall be heard only if the number of speakers exceeds the time allotted for public testimony should be retained.**

Public testimony is a very important part of the process of open government. This board has historically been very receptive to getting as much input as is available on matters before you. Certainly, in cases in which large numbers of witnesses register to testify, one might see the need to place limits on testimony, but your current 3-minute limit on each witness serves to do that. Accordingly, we ask that any changes you make in your board policy regarding public testimony take into account the long-established process of getting sufficient public input in order to inform your decisions, and recognize that situations in which large numbers of witnesses have registered to testify on any particular SBEC item have been rare.

Thank you for this opportunity to testify.