



Carmage Walls
Commentary Prize

2019 Entry Form

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- "An invitation to speak, sealed with red tape," May 26
- "Tell school board that you deserve the right to speak," Aug. 25
- "Hopefuls, incumbents can fix broken policy on our school board," Oct. 3
- "Speaker restrictions pose pivotal test for Wilson school board," Nov. 14
- "New day for school board dawns as new member joins," Dec. 1
- "School board to Wilson parents: We're listening," Dec. 22

Is your newspaper under 50,000 circulation or above 50,000 circulation?

Under. Daily circulation is 11,500.

Please give a brief explanation of issues discussed and the results achieved. (This space will expand as you type in your comments.)

Through a series of editorials, The Wilson Times has influenced the Wilson County Board of Education to eliminate an unconstitutional public comment policy and rescind subsequent speaker restrictions that prevented local parents from freely addressing their elected representatives.

After the school board's chairwoman interrupted and censored parent speakers during an April 16 meeting under a rule that wrongfully prohibited "discussions regarding particular individual employees, litigation, student records or other matters which may be required to be kept confidential," the Times consulted with experts in First Amendment and state open government

law and published an April 21 editorial criticizing the policy. That editorial falls outside the contest entry period and is not part of the Times' Carmage Walls Commentary Prize entry but is referenced here for context.

We explained to great effect that First Amendment jurisprudence prohibits content-based restrictions on citizen speakers in government meetings and that state employee confidentiality laws apply to school board members and school system employees, but not to members of the general public.

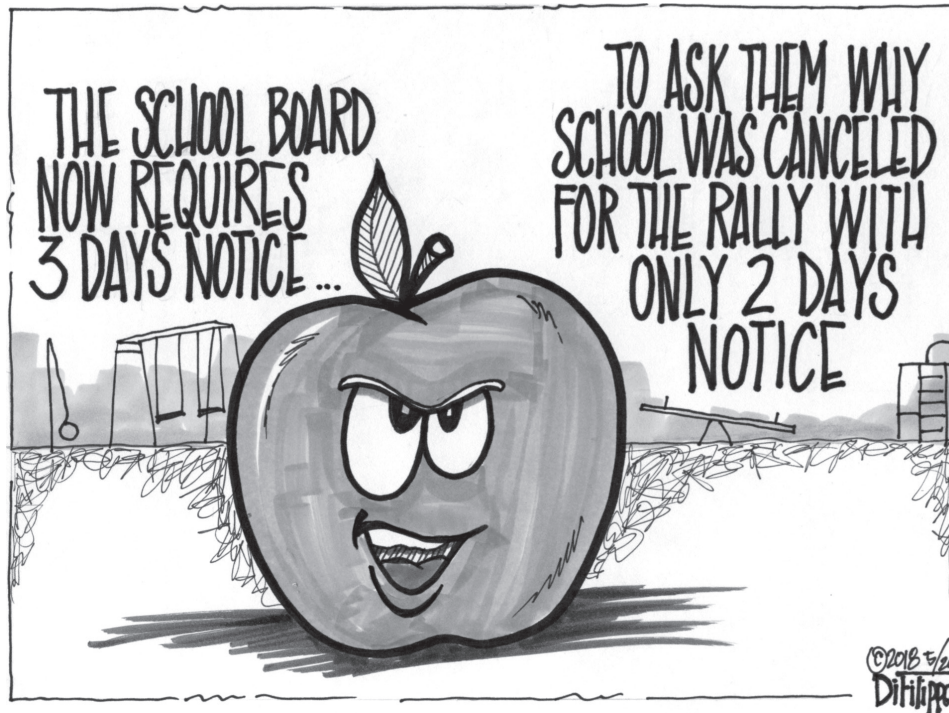
The very next month, on the advice of school board counsel Brian Shaw, the Board of Education replaced that policy. However, the new policy contained an advance registration requirement — meetings are held on Monday evenings and speakers were required to sign up by noon on Fridays — along with a prior review provision instructing speakers to disclose the matters they wished to address.

Those rules had the practical effect of reducing public participation, and we wrote and published additional editorials making the legal, ethical and moral case for dismantling the barriers placed in front of the people's podium.

Two editorials, one of which is selected for this entry, provided the addresses, phone numbers and email addresses of elected school board members and encouraged readers to lobby their representatives for unfettered access. Dozens of parents did so, with many also writing letters to the editor that were published on the editorial page.

Upon the request of District 5 school board member Beverly Boyette, who credits the Times' editorials and resulting constituent input with changing her mind, the Board of Education revised its public comment policy and eliminated the advance registration and comment screening requirements on Dec. 19.

As a result of the Times' criticism and commentary, Wilson County parents have greater access to the people's podium and the specter of censorship has been lifted.



Editorial cartoon by Dave DiFilippo

IN OUR OPINION

An invitation to speak, sealed with red tape

If school board members really wanted to hear from parents, they would've thought twice before rolling up the welcome mat and replacing it with a barbed-wire fence.

Your Wilson County Board of Education let you down Monday night when it voted 6-1 to limit those allowed to speak during time reserved for public comment to individuals who sign up three full days in advance.

Before this week's clumsy power play, anyone could address school board members by simply waiting their turn to talk and stepping up to the podium. Requiring speakers to register will reduce public participation, and that seems to be the board's aim.

“Any restriction of free speech, even procedural restriction, is a restriction on free speech,” attorney and Wilson parent Rhyan Breen wrote. “If you don’t want to hear what the public wants to say, don’t be a public servant. Public service in a republic means representing your constituents. Representation requires listening even if you don’t want to listen to the message.”

Refusing to listen is what got us here in the first place. During April’s board meeting, Chairwoman Christine Fitch interrupted three speakers and curtailed their comments about a soccer coach’s suspension, abiding by a previous board policy that forbade discussion of school personnel issues.

As we noted in this space, censoring those citizens violated their First Amendment rights. Personnel privacy laws restrict what the school board can say, not what its members can hear, and speakers who are not school officials aren’t subject to any confidentiality requirements. It wasn’t entirely Fitch’s fault, we note in the interest of fairness, as she was following an unconstitutional school board rule.

We brought the matter to Wilson County Schools legal counsel Brian Shaw’s attention. He seemed receptive, and when May’s meeting rolled around, tweaking the public comment policy was listed as an action item on the school board’s agenda.

The new policy eliminates all references to banning the discussion of personnel issues. Instead, it prohibits “obscene or vulgar statements, personal attacks and statements reasonably perceived to be disruptive or imminently threatening to the orderly operation of the meeting.” It also notes that “Any limitation on public comments shall be viewpoint-neutral.”

Contradicting that specificity, the new and not-much-improved Policy 1326 goes on to state that the board chair “will have the responsibility to determine matters of discussion that may be inappropriate under this policy and to rule the speaker out of order, if necessary.”

Such loose language appears to give the school board chair far too much leeway.

“Discretion is the devil’s playground,” said Amanda Martin, attorney for the North Carolina Press Association. “If you give too much latitude to anyone in

particular to make decisions about what is and isn't permitted and you don't give benchmarks...that's really problematic."

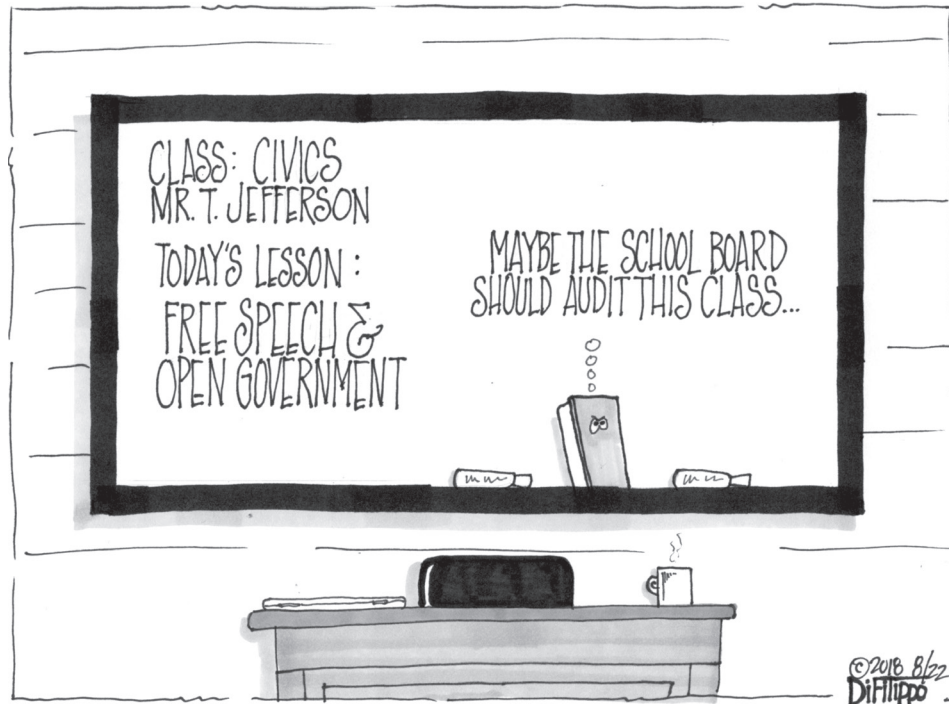
The written policy is no longer flagrantly unlawful, but it enables judgment calls that could too easily cross the line into censorship. Perhaps reducing that risk is why the board set up a high hurdle that would-be speakers must clear, which will have the practical effect of reducing participation.

In order to address the school board, members of the public are asked to register by noon "no later than the last school work day prior to the board meeting." Since the school board meets on Mondays, folks have to register on Fridays.

Speakers can sign up at the Wilson County Schools central office or by emailing publiccomments@wilsonschoolsnc.net. Either way, they're required to provide their name and address, disclose the subject on which they will speak and provide "a brief explanation of the nature of the item with background information sufficient for the superintendent to provide a reasonable understanding of the matter to members of the board."

All that red tape may be enough to deter any number of parents and community members who should have the right to address their elected representatives without jumping through hoops.

If school board members care about open government, why are they building barriers to the people's podium at taxpayer expense? They would be wise to take this problematic policy back to the drawing board and scrap the three-day sign-up requirement without delay.



Editorial cartoon by Dave DiFilippo

IN OUR OPINION

Tell school board that you deserve the right to speak

Buses will arrive and school bells will ring Monday, but the first Wilson County Schools homework assignment for the 2018-19 term will be one for the parents.

In late May, your Wilson County Board of Education passed a restrictive public comment policy that limits your ability to speak during monthly school board meetings. As we celebrate the start of a new school year, it's time to remind our elected officials that they work for us — not the other way around.

Under the new rules, you can only address the school board if you sign up by noon on the Friday before the Monday meeting and explain to Wilson County Schools staff what you plan to discuss with their bosses. If you miss the deadline or don't wish to share the nature of your comments in advance, the public ser-

wants you elected refuse to hear from you.

Such a backward, hostile and wrongheaded policy cannot be allowed to remain on the books. If enough parents and community members contact the school board to voice their concern, perhaps the panel can be persuaded to change course.

Board members changed the rules for public comment after Chairwoman Christine Fitch interrupted and censored parent speakers lamenting a soccer coach's suspension during the April meeting. She was enforcing an awful — and unlawful — prior policy that forbade any discussion of personnel matters from the podium.

We took the board to task, explaining that the First Amendment does not allow public bodies to censor citizen speakers merely because their comments make elected officials uncomfortable. Under North Carolina's personnel privacy laws, board members may be limited in what they can say about employee issues, but there is no limit to what they can hear.

Our objections to the previous policy resonated with the school board's legal counsel, Schwartz & Shaw, whose firm drafted a replacement that was rubber-stamped the very next month. Unfortunately, your Board of Education and its attorneys saw fit to trade the unconstitutional for the unconscionable.

The three-day registration rule is plainly intended to reduce public participation. The deadline to sign up to speak at the Aug. 20 meeting was Aug. 17, and the agenda for that meeting was posted on the Wilson County Schools website just one day prior. You had less than 24 hours to find out what the issues were, decide whether to address the board and then reserve your place at the podium.

"Parents, employees and members of the community deserve more notice," wrote District 7 school board candidate Rhyen Breen, who posted the agenda to his campaign Facebook page. We agree.

Those who successfully sign up are required to provide "a brief explanation of the nature of the item with background information sufficient for the superintendent to provide a reasonable understanding of the matter to members of the board."

The practical effect of that rule is that most people will be reading from pre-

pared remarks instead of speaking extemporaneously. Heartfelt, spur-of-the-moment discourse is discouraged, but bland recitation of watered-down bullet points is OK.

Students will learn about the First Amendment right to free speech and the values of open, accessible and responsive government in their civics and social studies classes this year. What message does it send when our own school board shows disdain for these democratic values?

Here's your weekend homework assignment: Call, write or email your Board of Education members and tell them Wilson County can do better than a public comment policy that slams the door on parents and concerned citizens.

If Wilsonians weigh in, the board just may have a change of heart.

- Chairwoman Christine Fitch, District 3; 516 S. Lodge St., Wilson, NC 27893; 252-243-5967; christine.fitch@wilsonschoolsnc.net
- Vice Chairman Henry Mercer, District 4; 4537 U.S. 117, Wilson, NC 27893; 252-291-0098; henry.mercer@wilsonschoolsnc.net
- Debora Powell, District 1; 1005 Academy St. E., Wilson, NC 27893; 252-237-0087; debra.powell@wilsonschoolsnc.net
- Velma Barnes, District 2; 2425 Bel Air Ave., Wilson, NC 27893; 252-237-7040; velma.barnes@wilsonschoolsnc.net
- Beverly Boyette, District 5; 6634 Governor Hunt Road, Lucama, NC 27851; 252-291-1386; beverely.boyette@wilsonschoolsnc.net
- Gary Farmer, District 6; 922 Raleigh Road Parkway, Wilson, NC 27896; 252-291-1258; gfarmer1@myglnc.com
- Robin Flinn, District 7; 5034 Country Club Drive, Wilson, NC 27896; 252-243-2473; rflinn@myglnc.com

IN OUR OPINION

Hopefuls, incumbents can fix broken policy on our school board

Calls for reform from three first-time candidates and wise words from a respected leader show there's reason for optimism on the Wilson County Board of Education.

The Wilson Times published responses to our candidate surveys in the District 7 school board race on Monday and shared the three unopposed incumbents' responses Tuesday. Each current and prospective board member provided thoughtful answers.

District 7 hopefuls Rhyan Breen, Stephanie Cyrus and Wayne Willingham all agree the school board should change its restrictive public comment policy and reconsider the elimination of valedictorian and salutatorian honors scheduled to take effect in 2020. Each candidate considered those issues and arrived at the same correct, constituent-focused conclusions.

Voters can be confident their choice will place an advocate for parents, students and teachers on the Board of Education. We needed a reform candidate, and District 7 has been blessed with three.

Among the incumbents who will be on the ballot with no opposition in November, District 5 representative Beverly Boyette impressed us with her candor and humility — the hallmarks of a true public servant. Though she voted for the requirement that people sign up three days in advance in order to address the school board, Boyette now acknowledges that decision was made a bit too hastily.

"I do think we should reconsider the change in the public comment policy," Boyette wrote in her Times survey response. "We changed the policy after learning that our old policy was out of compliance and needed to be revised. In doing so, and by waiving a second reading, we did not discuss the proposed changes and give time for input from the public. I believe we should reconsider the policy and possibly extend opportunities for speakers to address the board."

We applaud Boyette for her willingness to examine this issue and advocate for her constituents through her support for open, accessible government.

District 1 representative Debora Powell didn't specify whether she wants to revise the rules, but she did write that she's "always open to input from the public." Since people who don't register to speak three days in advance are denied the chance to provide input, the current policy is incompatible with Powell's pledge of openness.

Christine Fitch, who represents District 3 and is the board's chairwoman, seemed to endorse the speaker restrictions.

"The time between sign-up and the board meeting allows for staff to provide clarification for the speaker's interest/concern and possibly have information available for the meeting," she wrote.

As Monday's public comment session showed, this theory hasn't panned out. Two parents — including Breen — reported traffic tangles and danger to students in the New Hope Elementary drop-off line due to a 10-minute delay in the time children are allowed inside the school. Fitch directed Superintendent Lane Mills to follow up with both speakers at a later date.

Board members didn't discuss the comments or offer any response whatsoever — no one even expressed concern or sympathy to a mother whose child was nearly struck by a car in the motor vehicle melee at New Hope. The prep time hasn't improved communication one iota.

Even if the three-day deadline did enable the board to arrive response-ready, the point of public comment is for citizens to address their elected officials, not for officials to recite prepared statements. Our school board policy has it backward. This time is reserved for the people to speak. Representatives' job is to listen.

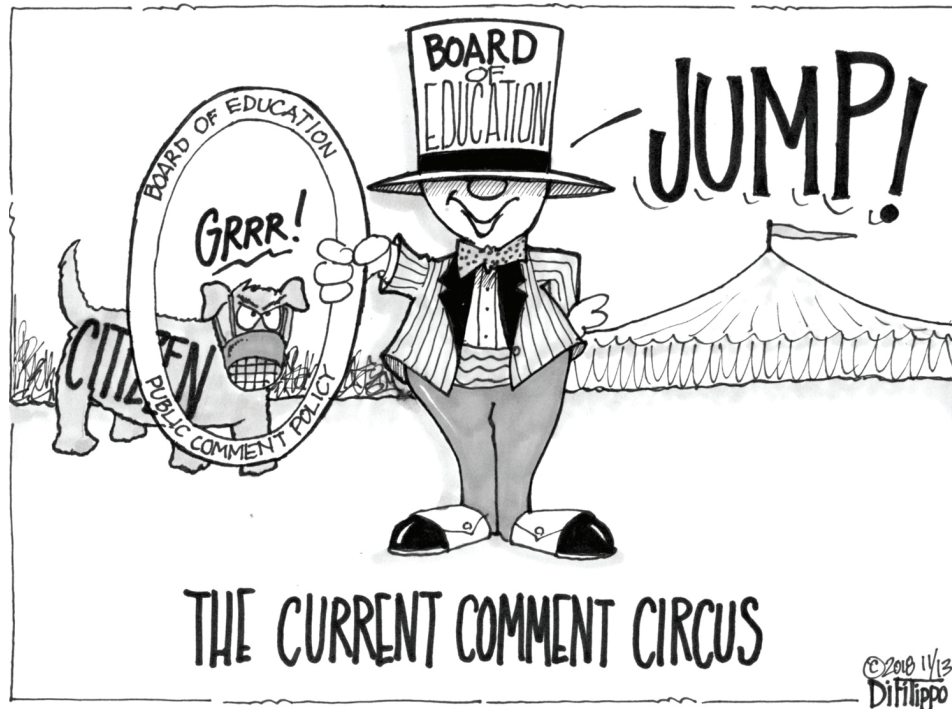
Speaker restrictions make comment sessions smoother for board members and administrators because they reduce the likelihood of surprises. The advance registration rule elevates an insular institutional preference above the need of parents, teachers, students and community members to address their representatives without jumping through hoops and tripping over red tape.

The good news is that our next District 7 member — whoever he or she may be

— understands that. Beverly Boyette in District 5 understands that. And Debora Powell in District 1 seems to understand as well.

With a renewed commitment to the public it serves, we believe our school board can make Wilson County proud. We saw some definite glimmers of hope this week.

Will the board wait until a constituent-focused reform candidate is elected in November to address its problematic public comment policy, or will its current members do the right thing and restore full access to the people's podium during their Oct. 15 meeting?



Editorial cartoon by Dave DiFilippo

IN OUR OPINION

Speaker restrictions pose pivotal test for Wilson school board

Your school board will be given a single-question multiple-choice test Monday evening. If members have done their homework, it's one they can all pass with flying colors.

The public comment portion of a board meeting exists to:

- A. — Provide people in attendance with a forum to candidly share their concerns about the public school system with their elected representatives.
- B. — Host performances by pre-approved speakers reading remarks that administrators have vetted to spare their bosses any momentary twinge of surprise, embarrassment or discomfort.

If you answered "A," you've aced the test. It remains to be seen whether the Wilson County Board of Education will make the grade, though at least one

member has been hitting the books.

At District 5 representative Beverly Boyette's request, the board placed its public comment policy on the agenda for review and possible reconsideration during its Nov. 19 meeting. School officials have a golden opportunity to slice through the red tape around the people's podium and declare themselves champions of open government.

Current rules require community members to register by noon on the Friday before each month's Monday evening meeting in order to speak. Before they're granted an audience, they also must explain in detail what they intend to discuss.

No such barriers were in place before the school board's April meeting, when several parents spoke to vouch for the reputation of a suspended soccer coach. Those comments were cautious and constructive, but they made board members squirm in their seats. Chairwoman Christine Fitch interrupted the speakers and curtailed their remarks, enforcing a prior policy that broadly forbade any discussion of personnel matters.

That rule was unconstitutional on its face and violated speakers' First Amendment speech and petition rights. When The Wilson Times raised objections to the school board and its legal counsel, a revised policy for public comments was hastily adopted in May.

Under the new framework, mentions of employee discipline and conduct are no longer strictly verboten. Instead, the three-day registration requirement reduces public participation, and the subject matter screening shields school board members from having to weigh critiques in real time.

Fitch said the policy allows the board to research speakers' topics in advance so members can offer an informed response at the meeting, but that isn't happening. Board members don't engage with citizen speakers, ask probing follow-up questions or offer any reaction at all. They direct school administrators to respond to speakers at a later date.

Limiting people's access to the representatives they elect and employ sends a disheartening message. It places a wide gulf of bureaucracy between the school board and the public. Wilson County parents are smart enough to figure out that the speech restrictions are really there for board members' comfort, not to facili-

tate phantom dialogue about their concerns that has yet to materialize.

Wilsonians have lamented the needless restrictions in letters to the editor and comments on WilsonTimes.com and on the Times' Facebook page. All three candidates for the school board's District 7 seat called for the rules to be reversed, and the winner on election night, member-elect Rhyan Breen, was the most outspoken and the first of the trio to sound the alarm.

Boyette, a widely respected member of the board, says she's reconsidered her initial vote to adopt the comment policy. We hope her colleagues, Chairwoman Fitch, Vice Chairman Henry Mercer and board members Debora Powell, Velma Barnes, Gary Farmer and Robin Flinn, have also thought the matter through and will proudly side with the citizens they serve.

Boyette showed courage, integrity and leadership by correcting course. We believe each of her fellow members has the potential to step up to the plate and be a leader on this issue as well.

Now's the time to make your voice heard. As of today, you have two and a half days to reserve your place at the podium by signing up at the Wilson County Schools Central Office or by emailing publiccomments@wilsonschoolsnc.net. Miss the noon Friday deadline and your public servants won't deign to hear from you at Monday's meeting. Let's work together to change that.

The test of open government is one our school board ought not flunk. Reversing the public comment restrictions on Monday would be a victory for the Board of Education, for Wilson County Schools and most importantly, for parents, students, teachers and community members — the people of Wilson County.

IN OUR OPINION

New day for Wilson school board dawns as new member joins

In the next two weeks, our school board will add a new member and has plans to subtract a shortsighted set of restrictions on public comments.

By our calculations, that arithmetic will serve to multiply public trust in the Wilson County Board of Education.

Rhyan Breen, a father of two, Wilson attorney and community leader, will be sworn in as the new District 7 school board member on Dec. 10. Breen bested well-qualified candidates Wayne Willingham and Stephanie Cyrus in last month's midterm and succeeds Robin Flinn, who did not seek re-election.

An outspoken advocate for effective public education, Breen campaigned as a reform candidate committed to giving his constituents a voice. He shared The Wilson Times editorial page's view that over the years, this school board has ossified, becoming too insular, bureaucratic and officious. He pledged to challenge the status quo.

"My whole mandate is to do the will of the people," Breen told a roomful of prospective voters during a September meet-and-greet. "We need to return to people who are elected officials actually representing us. That's how all this was set up, and we've lost sight of that. People get elected and they feel like they get to do what they want. That is not how our system of government was established."

Breen was a frequent critic of the school board's May 21 public comment policy, which requires people to sign up three days before monthly meetings and provide administrators with a synopsis of their remarks in order to address their elected officials.

"Any restriction of free speech, even procedural restriction, is a restriction on free speech," Breen wrote when the speaker restrictions passed. "If you don't want to hear what the public has to say, don't be a public servant."

It's fitting, then, that throwing out the repressive rules could be one of Breen's

first acts as a duly elected Board of Education member.

The school board will consider a new public comment policy during a special meeting planned this Wednesday. Since the board typically requires two readings of a policy before it takes effect, the key second vote could come at the regular monthly meeting on Dec. 10, when Breen takes the oath of office.

Our District 7 member-elect deserves credit for championing the cause of open government. So does District 5 incumbent Beverly Boyette, who spurred the board to reconsider the speaker signup rules and secured seemingly unanimous consensus during last month's meeting.

Boyette voted for the May policy but noted in her responses to a Wilson Times candidate questionnaire published Oct. 2 that the new guidelines were adopted hastily — without the standard two readings — and called for the policy to be revisited. At the next meeting, it was Boyette who made the request to add public comment rules to the November meeting's agenda.

We aren't sure whether Boyette convinced her colleagues to scrap the signup and screening requirements or whether each school board member saw the light independently. Either way, it was all aboard the Open Government Express when the panel met Nov. 19, and Boyette wore the conductor's cap.

Board members directed Superintendent Lane Mills and school board attorney Brian Shaw to eliminate the three-day signup rule and restore a prior standard allowing speakers to sign up a half-hour before the meeting. As we noted last week, even 30 minutes is unnecessary, but it's appreciably better than three days.

Speakers also won't have to summarize their talking points in order to be granted an audience. As prior review has a chilling effect on free speech, that's a welcome change.

It's unclear whether the new public comment policy will give the board chairperson wide latitude to rule speakers out of order, which is what created this mess in the first place. (The May policy includes that language and was adopted after parent speakers were censored in April under prior guidelines, which the Times identified as a violation of their First Amendment rights.)

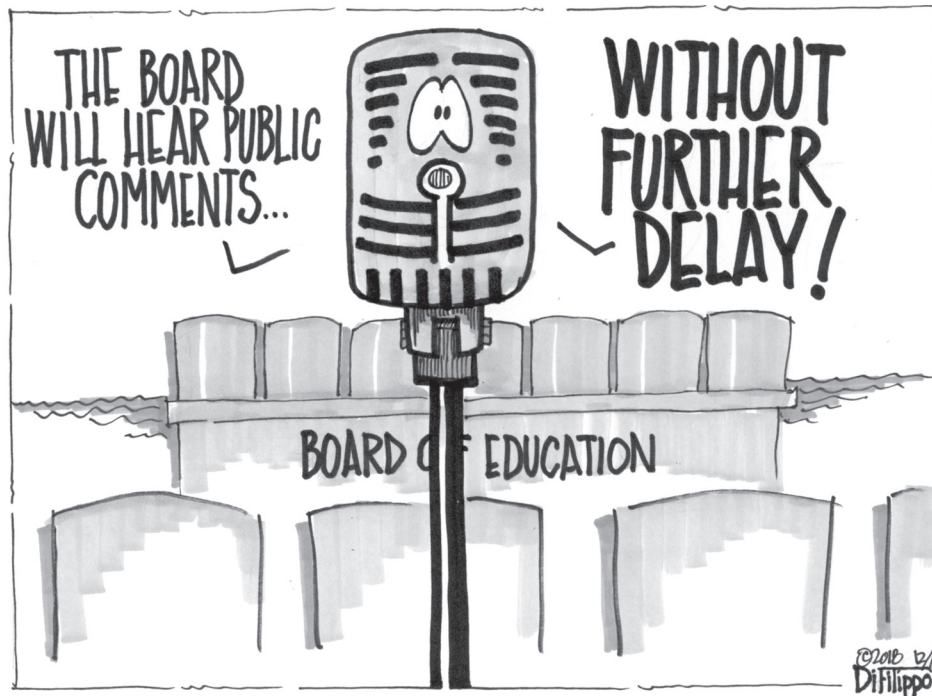
"Discretion," North Carolina Press Association general counsel Amanda Mar-

tin told us, “is the devil’s playground.”

If the chairperson’s to be entrusted with the high-stakes responsibility of keeping order without running afoul of First Amendment case law, perhaps the board should give its gavel to Breen — a lawyer well-versed in free speech issues whose steady hand is best able to prevent a constitutional calamity.

Alternatively, Boyette has emerged as a leader among the incumbents and would make an excellent chairwoman when the new board is sworn in.

After months of calling for change on the Wilson County Board of Education, we’re heartened to see it materialize. With an energetic citizen advocate taking his seat at the table and a better public comment policy on the cusp of adoption, the school board seems to be turning over an encouraging new leaf.



Editorial cartoon by Dave DiFilippo

IN OUR OPINION

School board to Wilson parents: We're listening

With no fanfare, no stirring speeches, no applause and no ceremonial trappings, your school board recommitted itself to openness and accountability Wednesday evening.

The Wilson County Board of Education's policy for public participation at board meetings sailed through unanimously, one of 14 second-reading policy changes the panel enacted at its rescheduled monthly meeting, the school board's final gathering of 2018.

Despite the lack of pomp and circumstance, the new public comment rules represent a seismic shift for this board. You told your elected officials that you deserve the right to speak without being penciled in days in advance and without the content of your remarks being screened. They heard you loud and clear.

In a victory for open government and representative democracy, your school board snipped the red tape that blocked access to the people's podium for seven months after a tempest in a teapot forced a hasty rewrite of the rules.

The saga began April 16 when several parents addressed the school board in support of a suspended soccer coach who has since been reinstated. Chairwoman Christine Fitch curtailed speakers' remarks under a school board policy that prohibited any discussion of personnel matters during time reserved for public comment.

The Wilson Times editorial page flagged that rule as presumptively unlawful, a violation of the First Amendment as interpreted by our federal courts. Content-based restrictions on speech are government censorship, and North Carolina personnel privacy laws apply to school officials, not to the general public.

School board attorneys quickly redrafted the public comment rules for approval at the next monthly meeting on May 21. The ban on discussing specific school system employees disappeared, but in its place was a clumsy vetting process that reduced public participation. In order to be granted an audience, speakers were required to sign up by noon on the Friday before each Monday night meeting and provide administrators with a summary of the issues they planned to discuss.

We blew the whistle again, but this time to no immediate effect. Though the new policy was undeniably hostile to community members wishing to address the school board, it stood upon firmer legal footing than its predecessor. Rules can be both lawful and flat-out wrong, and it took sustained advocacy from the public and press to make board members see the light.

Near as we can tell, the school board campaign and midterm election turned the tide. While Chairwoman Fitch and board members Debora Powell and Beverly Boyette were unopposed in their re-election bids, the District 7 seat formerly held by Robin Flinn drew a competitive three-candidate field.

Rhyan Breen, the eventual winner, and well-qualified opponents Wayne Willingham and Stephanie Cyrus all spoke out against the three-day speaker sign-up rule. We included the issue in a questionnaire distributed to all school board candidates. Boyette wrote that she'd reconsidered the wisdom of requiring advance registration and Powell wrote about the importance of open government.

With all District 7 contenders calling for change and two respected incumbents singing the same tune, it was only a matter of time. We continued our push for the people's right to address their representatives without jumping through bureaucratic hoops, publishing two editorials that listed each school board member's home address, phone number and email address.

The people of Wilson County responded, contacting their board members to express concerns with the May 21 policy and calling for unimpeded access in letters to the editor and comments on WilsonTimes.com.

Constituents spoke. Representatives listened. Things changed. That's how it's supposed to work.

Our new public comment policy isn't perfect — speakers now have to sign up 30 minutes before each board meeting, unlike Wilson City Council sessions where all comers are welcome at the podium — but it's been retooled to the considerable advantage of parents, teachers, students and any member of the public who wishes to speak.

The time between the noon Friday signup deadline and the 7:30 p.m. Monday meetings was 79 ½ hours. Wilson education stakeholders banded together to shave 79 hours off the required registration period. We'd call that a dramatic difference and a clear win.

Breen, who was sworn in as the District 7 school board member on Wednesday, had campaigned on scrapping the singup rules. He had the rare privilege of fulfilling a campaign promise immediately upon taking office. Boyette, the first incumbent to stand up for the public, made the Nov. 19 motion to reconsider the rule that led to this week's vote.

Your school board is ready to hear from you. We salute its members for doing the right thing and look forward to a new era of public access at the Board of Education.