

**Proponent Testimony - written only
HB 2382 School Board Member Free Speech and Transparency Act
House K-12 Budget Committee
Michael Blankenship
February 20, 2023**

Madam Chair and Members of the Committee,

My name is Michael Blankenship, I currently serve as President of the Board of Education at USD 260 Derby. I stand in support of HB 2382 for many reasons.

(2) Any record made, maintained or kept by a member of a board of education of a school district concerning the business, functions, activities, programs or operations of the board of education of the school district on any private email account or private electronic device shall be open records available for public inspection in accordance with the open records act.

Mostly all work performed by member of a board of education must be transparent to the public. Before taking office, I argued with the district that I currently serve surrounding my request for a hearing under House Bill 40. I was ultimately denied that hearing by the district with little explanation. I later learned that there are many ways to get around or avoid a KORA request and I was almost sure that communication had been made about my personal HB 40 hearing that would slip through the normal KORA request. Most wise board of education member and faculty members of public schools know and do this. I know of many elected officials throughout our state that use other means of communication besides the public email address they have been assigned. This could include but not limited to private email, social media chat and private phone calls. In my opinion, this is done to conceal the topic of discussion from prying eyes.

Now with that said, I will admit there are times when items must be discussed that should not be done so in public. Almost all those instances would mostly include the safety and security operations of a public school district, individual student information, or consultation with an attorney.

(c) A member of a board of education of a school district shall have authority to add or place new items for discussion on the meeting agenda of the board prior to any meeting conducted by the board and at the beginning of any meeting that has commenced.

My first month of serving on the board of education I was shocked by many things. Hearing the struggles of newly elected board members in other districts where they may or may not be in the majority and how they couldn't even address publicly concerns their constituents shared with them was unbelievable. How is this possible? Elected officials not allowed to speak on a topic they feel sincere about in a public meeting of a board they sit on? I urge you all to consider this. Regardless of who is in a majority, voices should not be silenced. Open discussion and dialogue is key to resolving challenges, understanding one another and being transparent with the communities that we serve.

(d) No member of a board of education of a school district shall act to restrict, limit or prohibit any other board member from engaging with and questioning any person who presents public comment or testimony during any meeting held by the board of education of the school district.

At the beginning of my term, we were told that patrons were not allowed to refer to board members specifically. This was later found to be inaccurate. My boards of education have policies that *prohibit* board members from engaging patrons, except to ask clarifying questions. Once again, I feel this is a massive disservice to the communities we serve.

(e) Each meeting held by a board of education of a school district shall include time for a public comment portion of the meeting including any meeting that is held virtually.

Another issue I noticed before joining the board was the overall confusion by the majority of patrons on decisions by the board. Outside of the agenda items, little is shared behind the scenes. What brought this to the attention of the district or board that spurred the need to address it in an open meeting? The amount of questions could be many, however, I believe the public gains trust by being about to hold those in office accountable and have their questions answered.

(f) If any member of a board of education of a school district requests information regarding such school district, the appropriate staff of such school district shall fulfill such request in a timely manner. Any such request made by a member of a board of education of a school district shall not be subject to disclosure under the open records act.

Information should not be hidden, suppressed, or otherwise withheld when it is justifiable sought by elected officials who desire to perform their duties.

(g) Any communication received by a member of a board of education of a school district intended to be a communication sent to the entire board or that addresses the board as a whole shall promptly be disclosed to all members of the board. Any communication clearly intended to be sent to an individual board member shall not be subject to disclosure unless such communication is a public record pursuant to the open records act.

Communication should not be limited to whoever is elected as board president. Also, the board as a whole should have the ability to receive and share information that is intended for all members. Whether or not all board members will agree or disagree on a topic or issue, clear and equal communication is paramount.

Conclusion

HB 2382 is a much-needed piece of legislation, and I encourage you to approve it.

Thank you for your time.