



SB 2180 GUIDANCE: PUBLIC COMMENT AT BOARD MEETINGS

During the 2025 legislative session, the North Dakota Legislature passed **SB 2180**, which requires every regular meeting of a school board to include an opportunity for public comment. In response, NDSBA has revised its template policies to assist districts in complying with the new law while preserving the structure and purpose of school board meetings.

To comply with the statute, **Policy BCAA (Board Meeting Agenda and Pre-Meeting Preparation)** has been updated to include “Public Comment” as a standing item on the regular meeting agenda. This ensures that all regular meetings provide the required opportunity for public input, as now mandated by state law. Because BCAA is a required policy, districts should review their local version to confirm that a public comment item appears on the agenda of each regular meeting.

Policy BCBA (Public Participation at Board Meetings), a recommended policy, has also been revised to reflect both the statutory requirements of SB 2180 and long-standing best practices previously adopted by many North Dakota school districts. The updated policy affirms that individuals must be allowed to provide public comment at regular meetings and must submit their name and address in writing. While the address is an exempt record, the district must maintain it.

Importantly, SB 2180 allows school boards to adopt reasonable limitations on public comment, and BCBA includes optional language to implement these limitations. These include setting time limits for speakers and the overall comment period, requiring that comments relate to agenda items from the current or previous meeting, and prohibiting comments that are disruptive, defamatory, harassing, or otherwise unlawful. Public comment may also be restricted when an alternative procedure exists to address the matter (i.e., a complaint procedure in policy), when the comment includes confidential or exempt information (e.g., student records), or when disclosure would violate the law.





These provisions are consistent with the concerns NDSBA raised in its testimony prior to the bill’s passage, emphasizing the need for school boards to maintain order and focus on school business during meetings. NDSBA advocated for preserving local control over public comment procedures and highlighted the legal distinction between meetings held in public and public forums. The optional language in BCBA reflects this position and is designed to help districts preserve a limited public forum that supports the board’s mission and complies with constitutional and statutory requirements.

Districts are encouraged to review and adopt the revised BCBA policy, customizing the optional provisions as appropriate. These updates ensure legal compliance while continuing to support the orderly and effective operation of school board meetings.

For assistance in tailoring these provisions to your district’s needs—or if you have any questions regarding SB 2180 or the updates to policies BCAA and BCBA—please contact the NDSBA.

