

EDUCATION

# Lakota school board suspends public participation at board meetings until further notice



**Madeline Mitchell**  
Cincinnati Enquirer

Published 11:00 p.m. ET Oct. 11, 2022 | Updated 5:39 a.m. ET Oct. 12, 2022

---

## Key Points

- The Lakota board of education has a public participation policy, which its legal counsel says must be revised.
  - While the district's public participation policy is under review, the board voted to suspend public comment during board meetings.
  - It's not clear what "recent lawsuit" the board's legal counsel, Alex Ewing, referenced during Monday's meeting that led to the suspension of public participation.
- 

A lawsuit prompted the Lakota Local Schools board of education to suspend public comment during Monday evening's board meeting until the policy committee can review its public participation policy. Precisely what lawsuit triggered the move isn't clear.

Public participation is not required at school board meetings, according to the Ohio School Boards Association, though "nearly all Ohio school districts have policies in place that provide an opportunity for the community to address the board."

**Lakota schools:** Emails show Lakota school board members disagreed on how to handle superintendent complaint

Board member Darbi Boddy was the lone vote against the motion to suspend public participation, which was made by Isaac Adi and seconded by Kelley Casper. The board considered suspending public comment on the recommendation of its legal counsel, Alex Ewing.

"The district was recently sued, alleging that its public participation policy is unconstitutional," Ewing said while addressing the school board during Monday's meeting. "As a result, the board needs to consider revisions to its public participation policy."

Those changes need to be made through the policy committee and its review process, Ewing explained.

"Until that process is completed, and to avoid additional, unnecessary and costly litigation," Ewing advised the school board to suspend temporarily its public participation policy.

## **Lakota schools attorney's comments draw criticism, confusion**

Ewing's comments were met with exclamations of disapproval from community members in attendance.

It's not clear which lawsuit Ewing referenced during Monday evening's board meeting.

A federal lawsuit filed in October of last year was over the public comment policy. There are at least two other lawsuits pending against the district: one filed by lawyer Curt Hartman on behalf of Liberty Township resident Diane Hughes and one filed by lawyer Matt Miller-Novak on behalf of Hamilton resident Diane Butsch-Siereveld. Both of those suits are about public records access, not public comment.

The suit over public comments, filed by Lakota parent Brian Oswald against the Lakota school board, claimed the board did not allow Oswald to speak on the district's now-ended mask mandate due to COVID-19, which he opposed.

Oswald was interrupted during his speaking time at an August 2021 board meeting and the board ordered a deputy to remove him from the meeting, the lawsuit states.

"The School Board continues to fabricate rules in order to frustrate and chill speech," the lawsuit reads.

Court records show a settlement conference was scheduled for Aug. 24, and the case is still pending.

The Enquirer requested clarification from Ewing and school board president Lynda O'Connor, neither of whom responded as of Tuesday morning. The school district posted a statement about the vote Tuesday but did not provide further details about the litigation Ewing referenced.

## **What's in the Lakota school board's public participation policy?**

Lakota has a policy for public participation at board meetings, which was adopted in 2013 and last revised in March 2022, according to BoardDocs.

The policy states any Lakota resident, business owner, parent or legal guardian of a currently enrolled student can participate during public comment so long as they register with their name and address prior to the beginning of the public comment section of the meeting. Individuals may not register others to speak during public participation.

Those who register to speak have a limit of three minutes, cannot speak more than once during a single meeting and should direct all comments to the board president. Speakers cannot question or address board members individually, or make complaints about specific employees.

According to the policy, O'Connor (or whoever acts as the presiding officer) can interrupt, warn or stop a speaker, request they leave the meeting or request the assistance of law enforcement officers in removing individuals for the following reasons:

Making comments that are "repetitive, obscene, and/or comments that constitute a true threat."

Not observing "reasonable decorum."

Being disruptive or displaying disorderly conduct that interferes with the progress of the meeting.

Lakota's public comment periods are limited to 30 minutes unless extended by a vote of the board.

### **Darbi Boddy: 'Muzzling the community is a bad idea.'**

Boddy made her own motion before Adi's motion, at the start of Monday's meeting. Boddy's motion to allow all speakers time to address the board during public comment did not get a second, so the board did not vote on Boddy's motion.

"So that's a no, we don't want our community to speak?" Boddy said when her motion died.

Later on, the board discussed Adi's motion to suspend public comment.

"Let's make sure we're in line with the law," Adi said.

During discussion, Boddy asked Ewing what part of the policy needs updating. Ewing said he would prefer to discuss specifics during an executive session.

"I think muzzling the community is a bad idea," Boddy said. "I think the censorship from our president has got to stop."

Board member Julie Shaffer said "it's unfortunate" that the board had to consider the motion, but that she herself is "struggling to understand what is allowed and what's not allowed."

"Asking someone to try to moderate that from the chair's seat has become increasingly difficult," Shaffer said, adding that she does not want to see the district's monetary resources go towards continued litigation instead of students.

Casper agreed, stating the amount of resources that the district is "wasting on legal fees" over the last two years "is becoming out of control."

Recent public comment portions of Lakota board meetings have lacked decorum, Casper said. There is an issue with lack of respect from speakers and yelling from other attendees during speakers' time.

"It's gotten to the point where we can't even conduct business," Casper said.

Finding the balance between First Amendment rights and respect and decorum at board meetings has become increasingly difficult to moderate, O'Connor said during Monday's meeting.

Monday's meeting ended with a tense interaction between O'Connor and Boddy when Boddy attempted to add additional comments about superintendent Matt Miller and an investigation of him. Miller has been investigated by police without being charged, and claims he is the victim of attempted character assassination.

Board members get one opportunity to provide closing comments, O'Connor told Boddy. Boddy disagreed, and the two board members spoke over each other for over a minute at the conclusion of Monday's board meeting as O'Connor urged other board members to make a motion to adjourn.

"I am speaking and I have the floor," Boddy repeated as she started to read another statement. Attendees joined in, yelling comments at the school board and talking among themselves about the board members' behavior.

The next regularly scheduled board business meeting will take place on the evening of Nov. 7 at Lakota Plains Junior School, according to the district's website.