

**EMAIL TO CHAIRMAN MARGIOTTA REGARDING
"Provisions for Public Comment on Student Assignment"**

From: **yevonne brannon**

Date: Tue, Dec 7, 2010 at 11:42 AM

Subject: Provisions for Public Comment on Student Assignment

To: Ron Margiotta

Dear Chairman Margiotta:

We were disturbed to see the regulation posted on the wcpss.net website yesterday regarding "Provisions for Public Comment on Student Assignment." In particular, we are concerned with the Board's apparent position that "public comments regarding student assignment will not be permitted at the Dec. 7 board meeting."

This is a content-based restriction on speech, and it violates citizens' free speech rights under the First Amendment to the U.S. Constitution. While it may be permissible for the board to request that citizens defer their public comments until a future meeting, no governmental body and no governmental official has the authority to tell members of the public what they can and can't speak about. To the extent you or the board attempt to enforce that restriction, you will be violating the speakers' constitutional rights under the First Amendment. The U.S. Constitution trumps whatever school board policy you are purporting to rely on.

The posted regulation appears calculated to dissuade those who intended to speak publicly regarding recent developments relating to reassignment from attending the meeting and speaking. The chilling effect is made worse by the fact that it appears to have been posted just one day before the meeting. This follows an unfortunate and disturbing pattern of posting restrictive regulations regarding public participation on the eve of public meetings.

Finally, even putting aside the First Amendment violations, it seems a stretch to try to apply Policy 1300.G.4 to public hearings that have not even happened yet. I trust you will reconsider this ill-advised and unconstitutional regulation and will permit members of the public to speak freely at the meeting this afternoon.
Sincerely,

Yevonne Brannon, Chair
Great Schools in Wake Coalition