

**WESTPORT BOARD OF EDUCATION POLICY COMMITTEE MINUTES**

**Board Members Present:**

Karen Kleine, Chair  
Mark Mathias

**Administrators Present:**

Colleen Palmer, Superintendent of Schools (arrived 8:30 a.m.)  
Michael Rizzo, Director of Pupil Services  
John Bayers, Director of Human Resources (arrived 8:50 a.m.)

**Absent:**

Candice Savin

**PUBLIC CALL TO ORDER:** 8:03 a.m. Westport Town Hall, Room 307

**DISCUSSION/ACTION:**

1. Review and approval of minutes: February 1, 2018

Karen Kleine moved to approve the minutes of February 1, 2018; seconded by Mark Mathias and passed unanimously.

2. Second reading and discussion of the following policies:

- Policy 5144, Students: Discipline
- Policy 5114, Students: Suspension and Expulsion/Due Process
- Policy 5144.3, Students: Discipline of Students with Disabilities
- Policy 4112, Personnel – Certified: Appointment and Conditions of Employment

**Moved that the Policy Committee recommends to the Board of Education the approval of policies 5114 and 4122 as amended, and the deletion of policies 5144 and 5144.3.**

**MOTION:** Karen Kleine

**SECOND:** Mark Mathias

**RESULT:** Passed Unanimously

**VOTE:** 2-0

3. First reading and discussion of the following policies:

- Policy 4110 and 4210, Employment Checks
- Policy 5131.7, Students: Weapons and Dangerous Instruments

**Moved that the Policy Committee recommends to the Board of Education the deletion of policy 5131.7.**

**MOTION:** Karen Kleine

**SECOND:** Mark Mathias

**RESULT:** Passed Unanimously

**VOTE:** 2-0

A second reading of policy 4110/4210 will occur at the April meeting.

4. First reading and discussion of the following bylaws:

- 9010 Duties of the Board
- 9012 Role of Board and Board Members
- 9121, 9122, 9123 Duties of Officers
- 9130 Committees
- 9215 Oath of Office
- 9221 Filling Vacancies
- 9270 Conflict of Interest
- 9280 Reimbursement of Board Member Expenses

A second reading of bylaws 9010-9280 will occur at the April meeting.

**ADJOURNMENT:** Karen Kleine moved to adjourn at 10:03 a.m.

Respectfully submitted,

Jennifer Caputo, Administrative Assistant to the Superintendent

## Instruction

### Field Trips

The Board of Education considers as part of the Public School program, student trips for educational, cultural or recreational purposes that are approved by the school principal and such other administrators as may be required, and carefully planned and supervised by the teacher in charge. The Board of Education accepts responsibility only for school-sponsored trips that fall within the limits set forth by this policy. The Board of Education accepts no responsibility for any trips that are not officially approved school-sponsored trips. Staff members involved in any other student trips, whether privately sponsored, or sponsored by non-profit organizations, may not discuss them on school time, distribute material about them on school grounds, or use the facilities, equipment or electronic resources of the schools for planning such trips or communicating about them to students or parents. Staff members shall not make statements that might lead students or parents to believe that such a trip is a school-sponsored activity.

#### School-sponsored trips may include:

- A. Those primarily educational and/or cultural trips which emerge from the classroom and which are so closely related to the instructional program that every effort should be made to insure that each student has the opportunity to participate. Such trips should be designed to help students to a better understanding of their studies by reinforcing, supplementing or extending their learning.
- B. Educational, cultural or recreational trips which may emerge either from the classroom or from an approved extra-curricular club, organization, program or activity but which, while also designed to broaden and enhance students' educational experiences, are not so closely related to the curriculum as to require a student's participation.

All trips require the Principal's approval; approval by Assistant Superintendent and/or Superintendent is required as noted below.

School-sponsored trips may be of three types:

- Type I - Day Trips:** within a radius of 125 miles from Westport.
- Type II - Extended Trips:** to points beyond the 125-mile radius, which require more than one day.  
Extended trips that take place during school vacation periods should be limited to three week-days where possible and not more than five weekdays plus possible weekends.
  - A. Review by Assistant Superintendent required where cost is unusually high, according to periodically reviewed guidelines,
  - B. All such trips will require special independent insurance arrangements.
  - C. Participation by staff shall be voluntary.

## **Instruction**

### **Field Trips** (continued)

**Type I - Special Trips:** beyond 500-mile radius from Westport.

- A. Special trips should not exceed five school days plus possible weekends.
- B. All such trips will require special independent insurance arrangements.
- C. Participation by staff shall be voluntary.
- D. Final review and approval by the Assistant Superintendent and Superintendent is required.

**Exceptions to any of the above conditions require approval of the Superintendent.**

The Superintendent is to establish appropriate ratios of chaperones to students and to develop regulations governing chaperones' responsibilities and conduct.

### **Careful planning of all trips shall include:**

1. A definite statement of the purposes and reason for the trip.
2. A review of insurance needs and coverage especially for trips involving hazardous activities and, if necessary, arrangements for special separate and personally-funded insurance coverage for staff and students made in consultation with the business office.
3. Complete notification about the trip to the parents of students involved.
4. Collaboration with the school nurse so that arrangements can be made for the participation of students with special health needs. The school system must be completely informed about students' health needs. Students whose parents do not provide this information will not be permitted to participate.
5. Arrangements made within the school for students not participating.
6. Provision for lodging, if needed, and safe, insured transportation. If a tour operator is to be engaged, the school district will do business only with a company that will sign an assurance that all drivers and other employees having contact with students have had background checks.
7. An attempt to control the cost of trips so that a student's opportunity to participate shall not be limited by financial circumstances.
8. Means (such as fund-raising, assessment, etc.) by which costs are met.
9. Arrangements for an appropriate number of adult chaperones.

Policy adopted: 1995  
Policy amended: July 1979  
Policy amended: December 7, 1998

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

Policy amended: July 9, 2001

Policy amended: April 2002

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## **Personnel -- Certified**

### **Duties of Personnel**

#### **Procedures**

#### **Responsibilities as Field Trip Chaperones**

1. Adult chaperones and/or their spouses are not entitled to student-paid transportation for overnight or extended trips unless parents have been informed in advance that the cost of the trip includes the cost for the chaperones, or that chaperones' expenses must be covered through students' fund-raising activities. Spouses are not entitled to student-paid transportation unless they are willing to undertake the responsibilities of an official chaperone. All chaperones are to work under the supervision of the teacher-sponsor (T-S) and should always notify the teacher in charge of any problems.
2. Chaperones who are not Westport staff members are to be given an orientation session, during which they are to be informed of their responsibilities, given suggestions about managing groups of youngsters, and informed about the extent of and limitations on, their decision-making authority.
3. Students must be chaperoned at all times. Groups or individuals may never go anywhere without the supervision of an official chaperone.
4. During trips lasting only one day, all chaperones are on duty for the entire trip. For longer trips, *all* chaperones are to be considered "on duty" during all official activities, whether day or evening, and during all meals.
5. On overnight trips where chaperones are lodged in the same room, bunk, tent, etc. with students, there must always be at least two chaperones in each unit, one of whom must be a Westport staff member.
6. For overnight trips, there must always be at least 2/3 of all chaperones on duty until all students are in their rooms for the night. The T-S may develop a rotating schedule for chaperones' "off-duty" time.
7. During their off duty time all chaperones must be "on call" in case of emergencies, and therefore the T-S must be informed of their planned whereabouts, and be given a number where they may be contacted.
8. All chaperones are "on duty" during the night and must be available in case of nighttime emergencies. If necessary, the T-S should arrange for spot checks of students during the night.

**Personnel -- Certified**

**Duties of Personnel**

**Procedures**

**Responsibilities as Field Trip Chaperones (continued)**

Adult chaperones for overnight trips, whether or not they are employees of the Board of Education, must sign an agreement to abide by these regulations and any special rules that may be developed by the administration for a particular trip. This agreement will contain a provision specifying that chaperones are not permitted to smoke, to use controlled substances or to or consume alcoholic beverages while on field trips or to engage in any activity which violates the regulations of the Westport Board of Education.

## **Students**

### **Field Trips**

The Board of Education encourages and sanctions student field trips that are of value in helping achieve each participating student's educational objectives.

All student field trips shall require prior written approval by the building principal. In addition, all student field trips that are scheduled to last more than one day shall require the prior written approval of the Superintendent or his/her designee and the Board of Education.

All student field trips that require public solicitation of funds shall require Board approval prior to any fundraising by involved students or others on their behalf. In addition, any such fundraising activities must comply with the provisions of the Board Policy concerning fundraising activities (Policy No. \_\_\_\_ ) and any administrative regulations implementing such Board Policy.

The Board of Education will not be responsible for any field trip that is not approved in accordance with the procedures set forth in this policy and the accompanying regulations.



**Series 5000  
Students**

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ADOPTED \_\_\_\_\_

REVISED: \_\_\_\_\_

6/1/12

## Personnel – Certified/Non-Certified

### Employment Checks

As set forth below, each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”). If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state. Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

“Sexual misconduct means” any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

“Abuse or neglect” means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

“Former employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

#### I. Employment History Check Procedures

A. The district shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the district:

##### 1. Requiring the applicant:

a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) during any of the previous twenty years), if:

- (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or
- (ii) the applicant's employment with such current or former employer caused the applicant to have contact with children.

b. to submit a written authorization that

- (i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,
- (ii) consents to and authorizes disclosure by the Department of Education of the information requested under paragraph I.A.3 of this policy and the release of related records by the department, and
- (iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

- (i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated,
- (ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or
- (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those

employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department of Education, which shall request the following:

a. the employment dates of the applicant, and

b. a statement as to whether the employer has knowledge that the applicant:

(i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated;

(ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or

(iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the district receives a request for such information about an employee or former employee, the district shall respond with such information. The district may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department of Education concerning:

a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

b. whether the Department of Education has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and

c. whether the Department of Education has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

- B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education of such information.
- C. The district shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.
- D. The district may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the district's review of information received under this section, provided:
1. The applicant complied with paragraph I.A.1 of this policy;
  2. The district has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the district; and
  3. The applicant affirms that the applicant is not disqualified from employment with the district.
- E. The district shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:
1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
  2. Affects the ability of the district to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
  3. Requires the district to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the district, unless, after investigation, such allegation is dismissed or found to be false.
- F. The district shall not offer employment to a person as a substitute teacher, unless such person and the district comply with the provisions of paragraph I.A.1 of this policy. The district shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The district shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the district as a substitute teacher as described in paragraph III.B.2 of this policy, provided the district does not have any knowledge of a reason that such person should be removed from such list.
- G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of

this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee’s employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the district that may include

1. denial of employment, or
2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151.

I. If the district provides information in accordance with paragraph I.A.2 or I.G of this policy, the district shall be immune from criminal and civil liability, provided the district did not knowingly supply false information.

J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the district shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the district has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

K. Prior to offering employment to an applicant, the district shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to

have contact with children in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.

L. The district shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

## II. DCF Registry Checks

Prior to hiring any person for a position with the district, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

- A. No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.
- B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- C. Upon receipt of Registry or out-of-state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

D. If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

### III. Criminal Records Check Procedure

A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each person otherwise placed within a school under any public assistance employment program, employed by a provider of supplemental services pursuant to federal law or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) calendar days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:\*

1. No later than five (5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Westport Police Department. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.
2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the Westport Police Department. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check. The affected applicant/employee may notify the Superintendent or his/her designee in writing within

five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Notwithstanding anything in paragraph III.A.5 of this Policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this Policy, above.

#### **B. Criminal Records Check for Substitute Teachers:**

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district, provided a substitute teacher is subjected to such checks at least once every five years.

#### **IV. Sex Offender Registry Checks**

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

#### **V. Credit Checks**

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to take an action adverse to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

#### VI. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by (1) a person holding a certificate, authorization or permit issued by the State Board of Education, or (2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

#### VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

#### VIII. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or

accessed by an employee or applicant for a business purpose of the Board.

A. During the course of an employment check, the Board may not:

1. request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing a personal online account;
2. request or require that an applicant authenticate or access a personal online account in the presence of the Board; or
3. require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.

B. The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by Board or by virtue of the applicant's employment relationship with the Board or that the applicant uses for the Board's business purposes, or
2. any electronic communications device supplied or paid for, in whole or in part, by the Board.

C. In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Students Employed by the School District

A. This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

X. Falsification of Records.

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act 17-68, “An Act Concerning Various Revisions and Additions to the Education Statutes.”

Public Act 17-220, “An Act Concerning Education Mandate Relief.”

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C. § 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice<sup>1</sup> that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.<sup>2</sup>

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

<p><u>Connecticut Records:</u> <u>Department of Emergency Services and Public Protection</u> <u>State Police Bureau of Identification (SPBI)</u> <u>1111 Country Club Road</u> <u>Middletown, CT 06457</u> <u>860-685-8480</u></p>	<p><u>Out-of-State Records:</u> <u>Agency of Record</u> <u>OR</u> <u>FBI CJIS Division-Summary Request</u> <u>1000 Custer Hollow Road</u> <u>Clarksburg, West Virginia 26306</u></p>
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<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

## Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>3</sup> by Westport Public Schools that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.<sup>4</sup>
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>5</sup>
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- If you need additional information or assistance, please contact:

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<sup>3</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>4</sup> See 28 CFR 50.12(b).

<sup>5</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

[Connecticut Records:](#)  
[Department of Emergency Services and Public Protection](#)  
[State Police Bureau of Identification \(SPBI\)](#)  
[1111 Country Club Road](#)  
[Middletown, CT 06457](#)  
[860-685-8480](#)

[Out-of-State Records:](#)  
[Agency of Record](#)  
[OR](#)  
[FBI CJIS Division-Summary Request](#)  
[1000 Custer Hollow Road](#)  
[Clarksburg, West Virginia 26306](#)

Federal Bureau of Investigation  
United States Department of Justice  
Privacy Act Statement

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Social Security Account Number (SSAN).** Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

**Additional Information:** The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).



## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

Competitive bidding is required as detailed below. This is included in the new purchasing policy 3320. Preference is to be given local suppliers and vendors when quality and price are equal.

Prior to seeking bids on instructional and custodial supplies, the Financial Services Director will make a survey of the quantities and types of material needed. These indicated needs will be sent to prospective vendors. When the bids are returned and the low bidder determined, the Financial Services Director will notify those concerned of the results. Orders may then be processed by the administrators and billing date must be indicated as being on or after July 1 of the fiscal year in which the bills are to be paid.

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## Bylaws of the Board

### ~~Duties of the Board~~ Code of Conduct for Board Members

~~State statute charges the Board of Education to "maintain good elementary and secondary schools" and to "give all the children of the town as nearly equal advantages as practical." In carrying out this duty, the Board is directed to serve the interests of the State as well as those of the Town.~~

~~To assist in determining the interests of the Town, the Board will be receptive to community opinion on local educational matters. However, the Board cannot delegate to local individuals or groups its authority for establishing educational policy and its control of the schools.~~

~~The Board of Education will base its actions on the welfare of the students. In so doing, it will endeavor to secure maximum educational benefit for every dollar spent.~~

~~The following guidelines will govern the activities of the Board:~~

- ~~1. Board members will never use their position on the Board for personal gain.~~
- ~~2. Board members must understand that their primary responsibility is to establish policy.~~
- ~~3. The local school district has been created as a unit of the state government. This means that a local Board is responsible both to the local community and to state government. The Board of Education member is a state official functioning at a local level.~~
- ~~4. All Board members will abide by the principle of majority rule.~~
- ~~5. Board members should make no promise of commitments on school questions unless they are fully discussed and acted upon in the Board meeting.~~
- ~~6. The individual Board member has no authority when the Board is not in session unless authorized by the Board.~~
- ~~7. The local Board of Education should function independently of other local government bodies, except as provided by state law and town charter.~~
- ~~8. Board members will recognize that authority rests only with the whole board assembled in meeting, and will make no personal promises nor take any private action which may compromise Board.~~

## Bylaws of the Board

### ~~Duties of the Board (continued)~~

- ~~9. Board members will acknowledge that the Board represents the entire school community, and a member will refuse to surrender his or her independent judgment to special interest or partisan political groups.~~
- ~~10. Board members will respect the confidentiality of executive session.~~
- ~~11. Board members will arrive at conclusions only after discussing all aspects of the issue at hand with other board members in meeting. Opinions of Board members with differing points of view will be respected.~~
- ~~12. No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools, nor as an individual command the services of any school employee.~~

~~Legal Reference: Connecticut General Statutes~~

~~10-220 Duties of Boards of Education~~

~~10-232 Restrictions on employment of members of the Board of Education.~~

~~Charter, Town of Westport~~

~~C7 2, Powers and Duties~~

It is the policy of the Westport Board of Education that a member of the Board will:

1. adhere to all Board policies, rules and regulations;
2. conduct himself or herself in a fair and impartial manner;
3. refrain from interfering with the implementation of a Board policy decision by the administration;
4. refrain from interfering with the duties of any school district official; and
5. refrain from divulging to anyone any aspect of matters considered and discussed in executive session.

Each member of the Board shall act in complete accordance with the provisions and tenor of this policy. Should any member of the Board fail to so act, such failure shall constitute cause for censure or other such action as deemed appropriate by the Board.

### Procedures for Censure:

Prior to any vote to censure a Board member for cause:

- 1) The Board may review the performance and/or conduct of the Board member in open or executive session (as determined by the Board and the Board member) prior to taking any formal action;
- 2) If the Board determines that formal action is necessary, the Board member shall be provided with reasonable notice of the Board's intent to consider possible censure (such notice to be given in writing after being authorized by Board vote at a prior meeting of the Board);
- 3) A vote to censure a Board member shall only take place at a regular meeting or a special meeting called for that purpose;
- 4) Such censure may be enacted for cause by a majority vote of all Board members.

Legal References:

Connecticut General Statutes

10-220 Duties of boards of education.

Bylaw adopted by the Board: May 13, 2002  
Revised: \_\_\_\_\_

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### ~~Responsibilities and Functions of the~~ Role of Board and Board Members

~~By state statute, the Board of Education has “charge of the schools of the town.” The Board is specifically empowered to enter into contracts, employ the Superintendent of schools and the school staff, and “prescribe rules for the management, studies, classification and discipline” of the schools, including the adult education program. For these purposes its functions may be classified under the headings of finance, plant, staff, community relations, administration, student welfare, special services, instruction, and program extensions.~~

~~In exercising these powers the Board of Education functions as a policy-making and planning agency, relying on the school staff for the administration and implementation of the policies and plans. To ensure the Board of competent professional advice and to promote maximum staff understanding and commitment, the Board will consult fully with the professional staff in these matters. The Board will also negotiate with duly recognized staff organizations matters concerning their salaries and other benefits, as required by law.~~

~~The Superintendent of Schools is the chief educational advisor, executive advisor and executive officer of the Board of Education. In all matters coming before the Board it will seek the Superintendent’s recommendations before reaching decisions. The Board delegates to the Superintendent the authority to appoint certified staff below the rank of Principal and non-certified staff.~~

#### 1. General Duties

- A. The Board of Education represents the residents of the Town in carrying out the mandates of the General Statutes pertaining to education.
- B. The Board of Education shall determine all questions of general policy to be employed in the conduct of the schools.
- C. In determining school policy it shall:
  - (1) hear and consider facts and recommendations,
  - (2) adopt a plan, policy or course of action, and
  - (3) authorize the Superintendent of Schools, its chief executive officer, to carry out its policy.

#### 2. Specific Powers and Duties

The Board of Education shall have authority to take all action necessary or advisable to meet its responsibilities under state statute [and Town Charter] including but not limited to the following:

- A. Create, abolish, modify and maintain such positions, schools, divisions and classifications as may be necessary for the efficient administration of the educational enterprise.

- B. To elect a Superintendent of Schools in accordance with state statutes.
- C. To consider and adopt an annual budget, prepared by the Superintendent of Schools.
- D. To determine the number, classification, duties and remuneration of employees.
- E. To establish policies for employment, promotion and dismissal of personnel in accordance with the state statutes.
- F. To provide for the appraisal of the efficiency of personnel.
- G. To initiate and approve the acquisition and disposition of school sites, to initiate and approve plans for school buildings.
- H. To consider any specific recommendations made by the Superintendent of Schools.
- I. To keep the citizenry informed of purposes, values, conditions and needs of public education in the Town.
- J. To consider, revise and adopt any changes in the curriculum.
- K. To take any other actions required or permitted by law.
- L. To make reasonable provision to implement the educational interests of the State, as defined by law, so that
  - (1) each child shall have for the period prescribed in the General Statutes equal opportunity to receive a suitable program of educational experiences;
  - (2) the school district shall finance at a reasonable level an educational program designed to achieve this end;
  - (3) the school district shall provide educational opportunities for its students to interact with students and teachers from other racial, ethnic and economic backgrounds;
  - (4) the mandates in the General Statutes pertaining to education within the jurisdiction of the State Board of Education shall be implemented.

Legal Reference: Connecticut General Statutes  
1-200 Definitions (public agency)  
10-4a Educational interest of the State identified  
10-4b Failure of local or regional board to implement educational interests  
 10-220 Duties of ~~boards~~ Boards of ~~education~~ Education  
 10-221 Boards of education to prescribe rules:  
10-241 Powers of school district

Bylaw adopted by the Board:  
Revised: \_\_\_\_\_

May 13, 2002

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Duties of Officers

~~The Chairperson will:~~

- ~~1. Confer with the Superintendent in the preparation of agendas for meetings.~~
- ~~2. Preside at all meetings at which he or she is present.~~
- ~~3. Serve as chief spokesperson for the Board when it appears on official business before other town Boards and commissions and the Representative Town Meeting.~~
- ~~4. Call special meetings of the Board when he/she deems it necessary or as requested in writing to do so by three of its members.~~
- ~~5. Sign legal documents as authorized by the Board.~~
- ~~6. In all other respects have the same powers and duties as other members.~~

#### OFFICIAL DUTIES - CHAIRPERSON

1. The Chairperson shall preside at all of the meetings of the Board.
2. The Chairperson shall serve as the Board's spokesperson.
3. The Chairperson shall appoint the chair and members of all special committees.
4. The Chairperson shall serve as ex officio member on all committees.
5. The Chairperson shall act as the Board's representative for the purposes of consultation with Board legal counsel when appropriate, and may authorize other Board members to consult with Board counsel when appropriate.
6. The Chairperson shall perform such other duties as may be delegated to him/her by the Board.

~~The Vice Chairperson will normally perform the duties of the Chairperson in the Chairperson's absence. In the event of the Chairperson's resignation from the Board, the Vice Chairperson will become the acting Chairperson and serve in that capacity until the Board is reconstituted and a new Chairperson has been elected.~~

#### OFFICIAL DUTIES – VICE CHAIRPERSON

In the absence of the Chairperson, the Vice Chairperson shall assume and carry out the duties and responsibilities of the Chairperson.

~~With the assistance of a staff member appointed by the Superintendent, the Secretary has responsibility for the maintenance of the minutes of Board meetings, for the submission of an annual report to the Town, for causing written notices of regular and special meetings to be sent to Board members through the office of the Superintendent, and any for other duties assigned by law and the Board.~~

### OFFICIAL DUTIES - SECRETARY

1. The Secretary of the Board shall keep minutes or cause minutes to be kept of all meetings of the Board, and shall cause copies of such minutes to be forwarded to each member of the Board.
2. In accordance with the General Statutes, the Board Secretary shall cause a copy of the minutes of all Board meetings to be placed on file in the Board Office and posted on the Board's website, if available, no later than seven (7) days after the date on which the Board shall have met. Such minutes will be available for public inspection, except that such minutes will not be termed "official minutes" until approved by the Board of Education at a duly convened meeting of the Board.
3. The Board Secretary shall also make provision that members of the Board are notified of all regular and special meetings.
4. The Board Secretary shall attend to the official correspondence of the Board.
5. The Board Secretary shall submit to the Town at its annual meetings a report of the doings of the Board.

Legal Reference: ~~Connecticut General Statutes~~  
~~10-218 Officers. Meetings.~~  
~~10-221 Salaries of secretary and attendance officers.~~  
~~10-224 Duties of secretary.~~  
~~10-225 Salaries of secretary and attendance officers.~~

#### Connecticut General Statutes

<u>1-225</u>	<u>Meetings of government agencies to be public. Recording of votes. Schedule and agenda of meetings to be filed. Notice of special meetings. Executive sessions.</u>
<u>7-3</u>	<u>Warning of Town and other meetings</u>
<u>7-4</u>	<u>Record of warning</u>
<u>10-224</u>	<u>Duties of the Secretary</u>
<u>10-225</u>	<u>Salaries of Secretary and attendance officers</u>

Bylaw adopted by the Board:  
Revised: \_\_\_\_\_

June 10, 2002

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Bylaws of the Board

### Committees

~~The Board will act as a committee of the whole insofar as possible. There will be no standing committees, and no member has authority to make decisions for the Board in meetings with other town bodies or in relation to the school staff.~~

~~Since some of the business of the Board requires approval by other town bodies and since effective cooperation among town bodies and among school boards is highly desirable, individual Board members will be asked to serve as needed as liaison representatives to these bodies, and to report to the Board at intervals concerning those of their activities relevant to the schools. Such requests will be made by the Chairman as needed.~~

1. The Board shall act as a committee of the whole on all matters coming before it except that special committees for the consideration or investigation of certain problems, or for the performance of certain Board functions, may be created by vote of the Board.
  - A. Such special committees shall submit their reports at such regular meetings of the Board as may be determined, and when such reports have been submitted and accepted by the Board, shall be discharged.
  - B. All special committee reports affecting Board policy shall be submitted in writing.
  - C. A special committee's only authority is to make recommendations to the Board regarding matters that that have been referred to it, unless the Board specifically authorizes otherwise.
2. Meetings of committees shall be posted in accordance with the Freedom of Information Act. A record shall be maintained by the chairperson of each committee of each meeting, which shall include the names of committee members in attendance, listing of topics discussed and committee recommendations.
3. The Superintendent shall notify all Board members of committee meetings.
4. An Executive Committee consisting of the Chairperson, the Vice Chairperson, and the Secretary shall be a standing committee of the Board.
  - A. The Executive Committee shall meet with the Superintendent as requested by the Superintendent or as directed by the Chairperson to review matters related to administrative, personnel, pupil personnel, issues and general matters not requiring action of the Board as a whole.
  - B. Other responsibilities of the Executive Committee include:
    - (1) Long-Range agenda planning

(2) Facilitating communication between the Superintendent and Board members.]

Legal Reference: ~~Connecticut General Statutes~~

~~1-7 through 1-18 and 1-200 through 1-241 of the Freedom of Information Act.~~

~~1-200 Definitions.~~

~~1-226 Meetings of government agencies to be public.~~

Conn. Gen. Stat. § 10-218 Officers. Meetings.

Bylaw adopted by the Board: June 10, 2002  
Revised:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Bylaws of the Board**

**Oath of Office**

Members of the Board of Education shall, before entering upon their official duties, take the oath of office provided in Connecticut General Statutes Section 1-25.

Legal Reference:

Connecticut General Statutes  
10-218a Oath of Office

Bylaw adopted by the Board: WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Filling Vacancies

~~A vacancy is filled by appointment by the remaining Board members. Any member so appointed serves until the next municipal election, at which time a successor is elected to fill the unexpired portion of the term. If the person vacating a position was elected as a member of a political party, such vacancy is filled from the membership of the same political party.~~

~~If such vacancy has not been filled by appointment of the remaining Board members within 30 days after the occurrence of the vacancy, the Board of Selectman or First Selectman may appoint a qualified person to fill the vacancy until the next municipal election.~~

1. If a vacancy occurs on the Board of Education, the remaining members of the Board shall fill such vacancy at a meeting or a special meeting convened for that purpose.
2. A member resigning from the Board of Education should present or have presented, a letter of resignation to the Board of Education at a regular meeting.
3. Having accepted a letter of resignation, or having become aware of a vacancy created by means other than the resignation of a Board member, the Board of Education will schedule the election of a replacement at the next regular Board meeting or at a special meeting convened for such purpose.
4. Said election, made by the majority of the Board, shall be in effect until the next regular Town election, at which a successor shall be elected for the unexpired portion of the term. The official ballot shall specify the vacancy to be filled.

Legal Reference: Connecticut General Statutes

~~7-107 Vacancy appointments by selectmen.~~

~~9-204 Minority representation on boards of education.~~

~~10-219 Procedure for filling vacancy on board of education.~~

~~10-156e Employees of boards of education permitted to serve as elected officials; exception.~~

~~10-232 Restriction on employment of members of the board of education.~~

~~Charter Town of Westport.~~

~~C2-1, Eligibility.~~

~~C2-2, Minority representation on boards of commissions.~~

~~C40-3, Vacancies.~~

10-219 Vacancy

Bylaw adopted by the Board:

May 13, 2002

WESTPORT PUBLIC SCHOOLS

Revised:

Westport, Connecticut

## Bylaws of the Board

### Conflict of Interest

1. No member of the Board of Education shall be employed by the Board in any position within the school system.
2. If any member of the Board is employed contrary to the provisions of this bylaw, the office to which he or she was elected or appointed shall become vacant.
3. In the course of carrying out its responsibilities, the Board of Education does business with a large number of individuals and groups, purchasing, renting or leasing a variety of goods and services. In order to avoid financial conflict of interest or the appearance of conflict of interest, the Board of Education will avoid doing business with Board members or Board employees.
4. It shall be a conflict of interest for a Board member or employee to engage in any business transaction with the Board of Education unless disclosure of any material financial interest is made to the Superintendent and the Board of Education. Any financially interested Board member or employee shall not take part in any action to authorize or approve the contract.

### Further Stipulations

- A. A material financial interest shall be considered to be an interest of 5% or more in the company wishing to do business with the Board, or a contract to receive remuneration to effect the transaction.
- B. Disclosure of material financial interest will be made publicly.

### Gifts

All members and employees of the Board of Education are prohibited from accepting gifts other than of minimal value as defined by current IRS regulations from any person(s) doing or planning to do business with the school system.

This policy should not be construed so as to prohibit an employee or member of the Board of Education who is a candidate for any office (including re-election to the Board of Education) from receiving campaign contributions that he or she would otherwise be legally entitled to accept.

Legal Reference: Connecticut General Statutes  
7-479 Conflict of interest (municipal employees).  
10-156e Employees of boards of education permitted to serve as elected officials; exception.  
10-232 Restrictions on employment of members of the board of education.

Bylaw adopted by the Board  
Revised:\_\_\_\_\_

May 13, 2002

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Bylaws of the Board

### Reimbursement of Board Members' Expenses

#### 1. Remuneration

A. A member of the Westport Board of Education shall receive no compensation for carrying out Board services.

#### 2. Reimbursement

A. Board members authorized to attend educational conferences, meetings or travel on Board business shall be reimbursed, upon submitting vouchers and supporting documentation for reasonable expenditures, transportation costs, and registration fees. Board members must have approval in advance from the Board to be eligible for a reimbursement.

B. Each Board member that receives prior authorization for reimbursement of a Board of Education expense is expected to account for all expenditures incurred in connection with the performance of his/her Board duties.

C. Receipts in general are required for:

(1) Lodging -- Lodging accommodations should provide normal comforts and services well located in relation to the area in which Board business will be conducted.

(2) Meals -- Reasonable expenditures are allowed for meals [*specific meal amounts may be noted here*]. Board members may submit appropriate explanatory information as needed, on a separate sheet of paper attached to the receipt. The Board will not reimburse Board members for the purchase of alcohol.

(3) Taxi or Bus Fare

(4) Parking Fees or Toll Charges (when applicable)

(5) Registration Fees -- The Board will not pay any late registration fees without an explicit prior authorization.

#### Legal Reference

Conn. Gen. Stat. § 10-225 Salaries of secretary and attendance officers

Conn. Gen. Stat. § 10-232 Restrictions on employment of members of board of education



## Bylaws of the Board

### Removal of Board Officers

It is the policy of the Westport Board of Education that an officer of the Board will:

1. adhere to all Board policies, rules and regulations;
2. conduct himself or herself in a fair and impartial manner; and
3. carry out the duties of his or her respective office in accordance with law.

An officer of the Board may be removed for cause by a majority vote of the entire Board. A vote to remove a Board officer shall only take place at a regular meeting or a special meeting called for that purpose. "Cause" includes, but is not limited to, any conduct that:

1. specifically relates to and affects the administration of the office in a manner deemed to be deleterious to Board operations;
2. negatively and directly affects the rights and interests of the public;
3. violates Board policies, rules and regulations; or
4. conduct that interferes with the orderly and efficient operation of the Board.

### Procedures for Removal:

Prior to any vote to remove a Board officer for cause:

- 1) The Board may review the performance and/or conduct of the Board officer in open or executive session (as determined by the Board and the Board officer) prior to taking any formal action;
- 2) If the Board determines that formal action is necessary, the Board officer shall be provided with reasonable notice of the Board's intent to consider possible removal from office (such notice to be given in writing after being authorized by Board vote at a prior meeting of the Board);
- 3) Upon the written request of the Board officer within seven days of such action, he/she shall be provided with an opportunity for a hearing before the Board of Education before the Board votes on removal;
- 4) At any such hearing, the Board officer shall have the right to be represented by counsel at his/her own expense and to present relevant evidence to the Board.

### Standard for Removal

Service as a Board officer is a privilege, not a right, the purpose of which is to assist the Board in conducting its business in an appropriate, orderly and efficient manner. Therefore, any Board member serving as an officer shall have no legally-protected right to continue in that position. A decision that there is cause for removal shall be made by a majority of board members present and voting, provided that no less than a majority of the board membership as a whole shall be

required for removal.

Legal References:

Connecticut General Statutes

10-218 Officers. Meetings.

10-220 Duties of boards of education.

Lapointe v. Winchester Board of Education, CV040093257S, 2004 Conn. Super. LEXIS 2574 (Sept. 14, 2004).

Bylaw adopted by the Board

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

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## Bylaws of the Board

### ~~Methods of Operation~~ Transaction of Business

~~The Westport Board of Education shall concern itself only with broad questions of policy and not with administrative details. The Board shall rely upon the Superintendent of Schools to recommend policies for adoption and to administer policies enacted by the Board. Such policies shall be broad enough to indicate a line of action to be taken by the Superintendent in meeting a number of problems and jobs. Application of such policies to individual problems and jobs is an administrative function to be performed by the Superintendent.~~

- A. The Board shall transact all business at a legal meeting of the Board.
- B. The Board shall act as a whole entity, except that a committee created in accordance with these bylaws may act on matters before it in conformity with the committee's purpose or charge.
- C. Individual members shall make no commitments for the Board or issue orders for the Board, except when executing an assignment delegated by the Board.
- D. The Board shall concern itself with questions of educational policy, and not with administrative details of the district's operations.



## Bylaws of the Board

### Formulation, ~~Adoption~~, Amendment, or Deletion of Policies

~~In exercising its authority and responsibility for control of the schools the Board of Education acts primarily through establishment of school policies. The Board views policies as guides to discretionary action, which should be as broad as possible but as specific as necessary to ensure fulfillment of its intent. Such policies will normally state the purposes of the Board in adopting them and indicate the essential criteria and procedures to be used by the school staff in implementing them.~~

~~The policies of the Westport schools will be formulated on two levels. Board policies will state the requirements to be met by the Board and the school staff in the conduct of school affairs. Administrative policies will state the requirements to be met by staff and students in executing Board policies and in the day-to-day conduct of school activities.~~

~~Where public or staff concern indicates the need, school policies will be formally developed, committed to writing, adopted and incorporated in the official policy handbook maintained by the Superintendent of Schools.~~

~~Policy suggestions may originate with the Board of Education or with any individual or group. Such proposals will normally be referred to the Superintendent for consideration, possible development in written form, review by appropriate school personnel, and referral to the Board.~~

~~In accordance with state law, policies to be incorporated in contractual agreements with groups of staff personnel will be developed through established negotiation procedures before referral to the Board for action. Contractual agreements in conflict with existing policy will be considered to supersede that policy.~~

~~Reference: — Robert's Rules of Order~~

1. In the absence of any written policy, administrative regulations will be used to guide and administer the effective operation of the school district.
2. Suggestions for either new policies or policy changes would normally come to the Board of Education from any of the following:
  - A. Board of Education Members
  - B. Superintendent
  - C. Statute
  - D. Matters of law
  - E. Citizens
  - F. Students.
3. The Superintendent will prepare a draft policy statement for consideration and for the development by the Board of Education.
4. Policy proposals and suggested amendments to, revisions of, or deletions of existing

policies shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regular Board of Education meeting in which such proposed policies, amendments, revisions or deletions thereof shall be read and discussed.

5. Policies that deal with matters of an emergency nature may be introduced at any regular or special Board meeting.
6. Policies that affect students shall become effective at the beginning of the next school year following adoption unless the policy provides otherwise.
7. Except for emergency situations, policies will be adopted, amended, or deleted after consideration at two regular meetings of the Board of Education. The agenda shall be marked to indicate such policy matters.
8. When a policy is placed on the agenda for the second consecutive meeting, a motion either to adopt or not to adopt the policy or the proposed policy changes is necessary for discussion. If the discussion results in a suggestion for change, such changes will be included in the second reading of the policy prior to adoption.
9. The formal adoption or deletion of policies and the adoption of policy changes shall be by majority vote of all members of the Board, and the action shall be recorded in the minutes of the Board.
10. Only those written statements so adopted as policy and so recorded shall be regarded as official policy of the Board.

Bylaw adopted by the Board: June 10, 2002  
Revised: \_\_\_\_\_

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Bylaws of the Board

### Formulation, Adoption, Amendment, or Deletion of Bylaws

Bylaw proposals and suggested amendments to, revisions of, or deletions of existing bylaws shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regular Board of Education meeting in which such proposed bylaws, amendments, revisions or deletions thereof shall be read and discussed.

Except for emergency situations, bylaws will be adopted, amended, or deleted after consideration at two regular meetings of the Board of Education. The agenda shall be marked to indicate such matters.

When a bylaw is placed on the agenda for the second consecutive meeting, a motion either to adopt or not to adopt the policy or the proposed bylaw changes is necessary for discussion. If the discussion results in a suggestion for change, such changes will be included in the second reading of the bylaw prior to adoption.

Any bylaw of the Board may be adopted, amended or deleted at any regular meeting by a majority vote of all members of the Board, provided that such proposal shall have been given to the Board at the previous regular meeting.

Bylaw adopted by the Board:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



**Bylaws of the Board**

**Formulation, Adoption, Amendment, or Deletion of Administrative Regulations**

1. The Superintendent is responsible for the formulation, adoption, amendment and deletion of administrative regulations to implement the policies of the Board.
2. The Superintendent shall bring to the attention of the Board all new, revised or deleted administrative regulations.
3. The Board reserves the right to review and direct revisions or deletions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies of the Board. If the Board directs the Superintendent to adopt, amend, or delete administrative regulations, it shall do so upon majority vote of all members in attendance at a meeting, provided that prior notification of such proposed revision has been described in writing in the call of the meeting, or upon majority vote of all members of the Board when no such written notice has been given.

Bylaw adopted by the Board:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Suspension of Policies, Bylaws, or Administrative Regulations

1. Policies and bylaws of the Board shall be subject to suspension for a specified purpose and limited time by:
  - A. A majority vote of all members of the Board in attendance at a meeting, and
  - B. Provided that prior notification of such a proposed suspension has been described in writing in the call of the meeting.
2. Policies of the Board of Education shall be subject to suspension for a specified purpose and limited time upon a majority vote of all members of the Board when no such written notice has been given.
3. Bylaws of the Board of Education shall be subject to suspension for a specified purpose and limited time upon a two-thirds votes of all members of the Board when no such written notice has been given.
4. Administrative regulations of the Board may be suspended for a specified purpose and limited time:
  - A. By the Superintendent, who shall give notice to the Board of the reason for the suspension and the time period of the suspension.
  - B. The Board may direct the Superintendent to suspend administrative regulations for a specified purpose and limited time upon majority vote of all members in attendance at a meeting, provided that prior notification of such proposed suspension has been described in writing in the call of the meeting, or upon majority vote of all members of the Board when no such written notice has been given.

Bylaw adopted by the Board:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Meetings

#### Organizational Meeting

~~Not later than one month after the date on which the newly elected members take office, the Board elects from its number, by public vote, (which is to be recorded in the minutes) a Chairperson, Vice Chair and a Secretary. If such officers are not chosen after one month because of a tie vote of the members, the Selectman chooses such officers from the membership of the Board.~~

1. The Board shall, not later than one month after the date on which newly elected members take office, elect from its own members a Chairperson, a Vice-Chairperson, and a Secretary. Thereafter, new officers will be elected annually in December.
2. If such officers are not chosen after one month from the date on which newly elected members take office because of a tie vote of the members, the town council, or, if there is no town council, the selectmen of the town shall choose such officers from the membership of the board.
3. Officers shall hold their respective offices for one year, and until their successors are duly elected.
4. Should a vacancy arise in an office of the Board during the term of a Board officer's service, the members of the Board (including, if applicable, the member vacating a Board office) shall elect a successor to fill the office until the next regular election for Board officers.
- ~~4.5.~~ The votes of each member cast in such election shall be reduced to writing and made available for public inspection within forty-eight hours, excluding Saturday, Sunday, or legal holidays, and shall also be recorded in the minutes of such meeting at which taken, which minutes shall be available for inspection at all reasonable times.

Legal Reference: Connecticut General Statutes

~~\_\_\_\_\_~~ \_\_\_\_\_ 10-218 Officers. Meetings.

~~\_\_\_\_\_~~ \_\_\_\_\_ ~~Charter, Town of Westport~~

~~\_\_\_\_\_~~ \_\_\_\_\_ ~~C40-3 Vacancies.~~

Bylaw adopted by the Board:  
Revised: \_\_\_\_\_

May 13, 2002

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Bylaws of the Board

### Time, Place and Notification of Meetings

~~The purpose of meetings of the Board of Education is to enable the Board to discuss effectively the questions, the policies and the plans by which the schools are governed, and to arrive at well informed decisions on them. In fact, it is only when the Board is in session that its members are empowered to discharge the duties for which they were elected. All Board members will be sent notification concerning all meetings.~~

~~Regular meetings of the Board of Education will normally be held on the first and third Monday of each month. The Board may hold more frequent meetings as needed. The Superintendent will see that an annual schedule of meetings is filed with the Town Clerk as required by law.~~

~~Special meetings may be called by the Chair, Vice Chair, or Secretary up to 24 hours before the time set for the meeting. The Superintendent shall post a notice at Town Hall stating the time, place and business to be transacted and shall file the notice with the Town Clerk. No other business may be transacted than the items stated.~~

~~Emergency meetings may be called by the Chair, Vice Chair, Secretary and/or Superintendent upon notice to all members. Such meetings may be held without complying with the preceding notice requirements. The Superintendent must file the minutes of the emergency meeting, including the reason for the emergency, within 72 hours of the meeting with the Town Clerk.~~

~~Executive sessions may be held as provided by law for the purpose of discussing personnel matters; matters involving negotiations with individuals or groups, pending claims and litigation; security matters; real estate acquisition; or any matter that would result in the disclosure of a public record exempted from the disclosure requirement for public records. All business or discussion in the executive session shall be limited to the above areas. Otherwise, all meetings of the Board shall be open to the public.~~

~~Any person who wishes to receive a notice of meetings and agendas must make a written request to the Board of Education. Notification of meetings will be sent, where practicable, at least one week prior to the meeting date. Requests are valid for one year and may be renewed within 30 days after January 1 of each year. The Board of Education may charge a fee for these notices based upon cost of the service, as provided by law.~~

#### 1. Regular Meetings

A. The Board of Education shall set a calendar of regular meetings for the ensuing year at the first regular meeting in November.

B. In compliance with the General Statutes of the State of Connecticut, the Chairperson or Secretary shall file this calendar with the Town Clerk, and post this calendar on the Board's website before January 31.

C. Normally the Board shall schedule regular meetings on the first and third Monday

of each month of the year except July, when the Board shall schedule no regular meetings.

D. If at any point in the meeting the Board of Education should not maintain a quorum, then the Chairperson of the Board will adjourn the meeting and declare the time and place of the resumption of the meeting, which shall be reflected in a written order of adjournment. A copy of the written order of adjournment will be posted on or near the door of the place where the meeting was held within twenty-four hours after the time of adjournment.

## 2. Special Meetings

A. Special meetings may be held when determined by the Board, when so called by the Chairperson, or upon written request of three members of the Board.

B. No special meeting shall be held unless a notice stating the time, place and purpose of the meeting has been given to each member and to the Town Clerk, and has been posted on the Board's website, if available, twenty-four (24) hours before the time stated for the meeting to convene.

C. When a majority of the members agree that an emergency exists which has made a regular notice impossible, such a meeting may be called at a time or place which may be most convenient. In case of such emergency meeting, a copy of the minutes setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk no later than seventy-two (72) hours following the holding of such a meeting.

## 3. Meeting Time and Place

A. All regular meetings of the Board shall begin at 7:30 p.m. or as soon thereafter as a quorum is present and shall adjourn no later than 10:30 p.m. unless extended to a time certain by a two-thirds vote of the Board members present. All regular meetings of the Board shall be held in the Staples High School cafeteria, unless otherwise ordered by the Board.

B. Special Meetings (non-emergency) - time and place to be determined and announced in advance of meeting.

**9321(b)**

## **Bylaws of the Board**

### **Time, Place and Notification of Meetings**

Legal Reference: Connecticut General Statutes

~~1-206 Denial of access to public records or meetings.~~

1-225 Meetings of government agencies to be public.

[Recording of votes. Schedule of agenda of meetings to be filed. Notice of special meetings Executive session.](#)

~~1-227 Mailing of notice of meetings to persons filing written request.~~

1-228 Adjournment of meetings. Notice.

1-229 Continued hearings. Notice.

1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution.

10-218 Officers. Meetings

Bylaw adopted by the Board: June 10, 2002

[Revised: \\_\\_\\_\\_\\_](#)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Public and Executive Sessions

#### 1. Public Meetings

~~All meetings of the Board of Education shall be open to the public with the exception of executive sessions. (cf. 9320 Meetings)~~

- A. All meetings of the Board of Education for the official transaction of business shall be open to the public except that the Board may, by the affirmative vote of two-thirds of the members present and voting, meet in executive session for the purposes specified in Conn. Gen. Stat. §1-225.
- B. As defined by statute, the term "meeting" shall not include: any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. The term "caucus" means a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision.

#### 2. Executive Sessions

~~The public may be excluded from meetings of the Board of Education which are declared to be executive sessions. Executive sessions may be held upon a two-thirds vote of the members present and voting taken at a public meeting only for one or more of the following reasons:~~

- ~~1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.~~
- ~~2. Strategy and negotiations with respect to pending claims and litigation.~~
- ~~3. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.~~
- ~~4. Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.~~

~~5. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210 of the Connecticut General Statutes Freedom Of Information Act (FOIA). The types of records which may be withheld in accordance with FOIA include personnel and health records, student identification records, matters of security, test questions and other specified in FOIA.~~

### ~~Public Participation~~

~~In addition to permitting the public to attend meetings, the Westport Board of Education encourages public participation.~~

## **Bylaws of the Board**

### **Public and Executive Sessions**

#### **Public Participation** (continued)

#### **Regular and Special Meetings**

The following members of the public may speak at meetings of the Board:

- ~~• Westport residents, students and employees of the Board; non resident consultants to the Board and/or administration invited by the Board.~~

~~Speakers must use the following guidelines:~~

- ~~• Comment on non-agenda items will occur during the first 15 minutes except when staff or guest presentations are scheduled.~~

- ~~• Public may speak as agenda topics come up for discussion or information.~~

- ~~• Speakers on non-agenda items limited to 2 minutes each, except by prior arrangement with Chair.~~

- ~~• Speakers on agenda items are limited to 3 minutes each, except by prior arrangement with chair.~~

- ~~• Speakers must give name and use the microphone.~~

- ~~• Responses to questions may be deferred if answers not immediately available.~~

- ~~• Board will not engage in dialogue on non-agenda items unless the topic is added to the agenda (regular meetings only) by a 2/3 vote~~

- ~~• Public comment is normally not invited for topics listed for action after having been publicly discussed at one or more meetings.~~

#### **Public Work Sessions**

~~When meetings or parts of meetings are designated as work sessions the Board does not normally invite discussion or questions from the general public, but brief public comment may be permitted at the end of a work session if time permits.~~

~~Bylaws of the Board~~

~~Public and Executive Sessions (continued)~~

**Freedom of Information**

~~In accordance with the Freedom of Information Act (FOIA), the following are not public meetings and thus not subject to posting and other requirements:~~

- ~~• Meetings of personnel search committees~~
- ~~• Meetings for the purpose of discussion of collective bargaining strategy~~
- ~~• Negotiating sessions~~
- ~~• Chance or social gatherings not intended to relate to official business~~
- ~~• Caucuses of the members of a single party, provided that no persons other than the members attend the caucus.~~

~~Legal Reference: Connecticut General Statutes~~

~~1-200 Definitions.~~

~~1-206 Denial of access to public records or meetings.~~

~~1-210 Access to public records.~~

~~1-225 Meetings of government agencies to be public.~~

~~1-226 Recording, broadcasting or photographing meetings.~~

~~1-231 Executive sessions.~~

A. The public may be excluded from meetings of the Board of Education which are declared to be executive sessions.

B. Executive sessions may be held on a two-thirds vote of the members present and voting taken at a public meeting stating the reasons for such executive session. Executive sessions may be held for any reasons permissible under the provisions of the Freedom of Information Act, as it may be amended from time to time, including one or more of the following purposes:

(1) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open (public)

meeting.

- (2) Strategy and negotiations with respect to pending claims and litigation to which the Board or a member of the Board, because of his or her conduct as a member of the Board, is a party until such claims or litigation have been finally adjudicated or otherwise settled.
- (3) Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.
- (4) Discussion of the selection of a site or the lease, sale or purchase of real estate when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
- (5) Discussion of any matter which would result in the disclosure of public records or the information contained therein described in Conn. Gen. Stat. §1-210(b).

Legal References:

Connecticut General Statutes

<u>1-200</u>	<u>Definitions (Public Agency; Meetings; Person; Public Record; Executive Session)</u>
<u>1-210</u>	<u>Access to public record. Exempt records.</u>
<u>1-225</u>	<u>Meetings of government agencies to be public. Recording of votes. Schedule and agenda of meetings to be filed. Notice of special meetings. Executive sessions.</u>
<u>1-231</u>	<u>Executive sessions.</u>

Bylaw adopted by the Board:

August 19, 2002

WESTPORT PUBLIC SCHOOLS

REVISED: \_\_\_\_\_

Westport, Connecticut



## Bylaws of the Board

### Construction and Posting of Agenda ~~Preparation and Dissemination~~

~~Agendas are prepared primarily to enable Board members to participate effectively in discussion and to make well-informed judgments concerning the school issues before them. These agendas also enable members of the public to follow the discussion of the Board and to understand the basis for decisions reached.~~

#### **Preparation**

~~The Superintendent of Schools shall prepare the agenda for each Board meeting in consultation with the Chair. Board members wishing to place items on the agenda should notify the Superintendent sufficiently in advance of the meeting to enable him/her to obtain the information needed for effective discussion.~~

~~Members of the public wishing to have an item placed on the agenda should make a written request to the Superintendent. Oral requests may also be made at Board meetings for future consideration, but the Chair may ask for a written statement of the problem if circumstances warrant~~

#### **Announcement**

~~A list of items to be included on the agenda will normally be made available to the local news-media no later than Friday prior to the meeting.~~

#### 1. Construction of Agenda

A. The Superintendent in cooperation with the Chairperson of the Board of Education shall prepare an agenda for each meeting.

B. In addition to those items listed by the Chairperson of the Board, any member of the Board may contact the Chairperson or the Superintendent and request that an item be placed on the agenda.

*[Note: The following sections are optional. Either may be included at the discretion of the Board:]*

1) This request must be made no later than seventy-two (72) hours prior to the legally required public posting of the agenda.]

2) At least \_\_\_\_\_ Board members must agree to the additional agenda item before it will be placed on the agenda.]

*[Note: The following section is optional:]*

B. Town residents and/or taxpayers may request that the Board place an item on the agenda of a regular meeting. To do so they must:

- 1) Make their request in writing to the Secretary of the Board, with a copy of the request to the Superintendent of Schools.
- 2) The Secretary of the Board will present the written request to the Board at its next regular meeting.
- 3) If at least three [or, specify another number] Board of Education members agree to the additional agenda item, it will be placed on an agenda for a future regular meeting of the Board of Education.
- 4) The Board of Education will decide at which future regular meeting date the item will appear on the agenda.]

## 2. Posting of Agenda

- A. At least twenty-four (24) hours prior to the time of the regular [or special] meeting, an agenda will be constructed and posted by the Superintendent of Schools for the Board of Education.
- B. An agenda will be posted at Town Hall and ~~the Administrative Offices of the Board of Education.~~ A legal notice of regular meetings will be placed in a newspaper serving the Westport area as required by the Westport Town Charter permitted by State law, ~~the Board may add an item to the agenda at the meeting by a 2/3 vote.~~
- C. The Board may add items to the agenda of any regular meeting by a two-thirds vote of those Board Members present and voting.

## **Distribution**

Agendas, together with the necessary supporting information, will normally be distributed to members of the Board at least forty-eight hours before each regularly scheduled meeting.

## Legal Reference:

### Connecticut General Statutes

1-225 Meetings of government agencies to be public. Recording of votes. Schedule and agenda of meetings to be filed. Notice of special meetings. Executive sessions.

Bylaw adopted by the Board:  
Revised: \_\_\_\_\_

June 10, 2002

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Bylaws of the Board

### Meeting Conduct~~Parliamentary Procedures~~

#### **Rules of Order**

~~Regular and special meetings of the Board of Education are held in public, but they are not public hearings unless so designated. Comments from those citizens present will be welcomed at times indicated by the Chair, but such participation shall not be allowed to interfere with the conduct of business by the Board.~~

~~Procedure will normally be informal for the sake of simplicity and to minimize diversion of discussion to procedural questions. Board members may, however, involve Robert's Rules of Order, Revised.~~

~~A majority of the Board members present is required to approve a motion.~~

~~When comments from the public would be particularly helpful to the Board in reaching a decision on an item, the Board may schedule a public hearing devoted exclusively to that item. In any case, final action, on a change in Board policy will not normally be taken at the time of its first discussion or at a public hearing unless postponement until the next Board meeting would hinder the intent of such action.~~

~~Upon a 2/3 vote of the members of the Board, new business, not listed on the agenda, may be considered and acted upon at a regular meeting of the Board.~~

~~No new topic will be started after 10:30 p.m. except by a 2/3 vote of the members present and voting.~~

~~If a person or group of persons is so disruptive that the meeting cannot proceed in an orderly fashion, the meeting may be cleared, except for representatives of the news media not involved in the disturbance. A meeting may be adjourned or continued to a time and place specified in the adjournment or continuance.~~

#### 1. Meeting Conduct

A. Meetings of the Board of Education shall be conducted by the Chairperson in a manner consistent with the provisions of the Freedom of Information Act and the adopted bylaws of the Board.

B. All Board meetings shall commence at, or as close as practicable to, the stated time, provided there is a quorum.

C. All regular and special Board meetings shall be guided by an agenda which will have been prepared and delivered in advance to all Board members and other designated persons.

D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.

## 2. Smoking

A. Smoking will not be permitted in any room in which a meeting of the Board of Education is being conducted, nor during the time immediately prior to the meeting.

B. A sign notifying the public that no smoking is allowed in the place designated for the meeting will be prominently posted.

## 3. Procedures for Telephonic Participation

A. Board members may participate in meetings telephonically under the conditions set forth herein. When such conditions are met, any Board member participating telephonically shall be counted for the purpose of constituting a quorum. Conditions for participation are as follows:

1. The facility that is made available to the public that wishes to attend the meeting must be located where the greatest number of Board of Education members are located;

2. Any physical or demonstrable material that is used in the course of the proceedings must be present in the place where the public is located; and

3. All those in attendance at the meeting, at whatever location, must be able to hear and identify all participants in the proceeding, including their individual remarks and votes.

B. When a Board member is participating in a meeting telephonically, the Chairperson shall take the necessary steps to ensure that the three conditions enumerated above are met. In addition, the Chairperson shall take the necessary steps to ensure that a Board member participating telephonically has adequate opportunity to express himself/herself in Board discussion, including the opportunity to take the floor and make motions.

## 4. Public Address

A. The Board may permit any individual or group to address the Board concerning any subject that lies within its jurisdiction during a portion of the Board's regular meetings so designated for such purpose.

(1) Three minutes may be allotted to each speaker and a maximum of minutes to each subject matter. The Board may modify these limitations at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so.

(2) A Board of Education member shall be appointed by the Chairperson prior to the meeting to act as timekeeper for the meeting, if deemed necessary by the Chairperson.

(3) No boisterous conduct shall be permitted at any Board of Education meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

(4) All speakers must identify themselves by name and address.

Legal Reference: Connecticut General Statutes  
1-200 Definitions  
1-206 Denial of access of public records or meetings. Notice. Appeal.  
~~1-210 Access to public records~~  
~~1-226 Recording, broadcasting or photographing meetings~~  
~~19a-342 Smoking prohibited in certain places. Signed required. Penalty~~  
~~1-231 Executive sessions~~  
1-225 Meetings of government agencies to be public.  
1-232 Conduct of meetings (re: disturbances)  
~~10-224 Duties of the Secretary~~

Bylaw adopted by the Board: June 10, 2002

Revised: \_\_\_\_\_

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Quorum and Voting Procedures

1. Quorum:

A. The majority of all members of the Board shall be necessary to constitute a quorum for the transaction of business.

2. Voting Procedures:

A. No member can vote on a question in which he/she has a direct personal or pecuniary interest.

B. Members may vote for themselves for any office or other position.

C. While it is the duty of every member who has an opinion on a question to express it by vote, he/she cannot be compelled to do so.

D. A member may abstain from voting (with the knowledge that the effect is the same as if he/she had voted on the prevailing side).

E. The votes of each member of the Board upon any issue before the Board shall be recorded in the minutes of the session at which taken.

F. Any Board member shall have the opportunity to explain his/her vote for recording in the minutes.

Bylaw adopted by the Board:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Bylaws of the Board

### Minutes

1. In compliance with legal requirements, a complete and accurate set of minutes of each meeting shall be kept.
2. Minutes shall be maintained at the Administrative Offices of the school district in an official record book designated for said purpose.
3. The minutes shall constitute the official records of proceedings of the Board of Education and shall be open to public inspection at all reasonable times.
4. The minutes shall include the following:
  - A. The time, place and date of each meeting.
  - B. The names of those members in attendance.
  - C. The disposition of all matters on which action was recommended.
  - D. All motions and resolutions and their disposition, listing all votes, abstentions and absentees.
  - E. All decisions concerning future meetings and agendas.
  - F. By request, a brief statement of a Board member may be included.
5. A record of votes taken at each meeting shall be reduced to writing and made available for public inspection within forty-eight hours of the conclusion of the meeting at which the votes were taken. Votes taken shall also be reflected in the minutes of each meeting, and the minutes shall be made available for public inspection and posted on the Board's website, if available, not later than seven days of the date of the meeting to which they refer, however, the Board shall not be required by law to post such minutes on an Internet website. Should the Board decide to make minutes available on the Board's website, it shall do so at the sole discretion of the Board.

### Legal Reference:

#### Connecticut General Statutes

- 1-225 Meetings of government agencies to be public.  
Recording of votes.

Bylaw adopted by the Board:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut