

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
25 Sunny Valley Road, Suite A
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

RECEIVED
TOWN CLERK



DATE: June 4, 2024

TIME: 6:45 P.M.

PLACE: Sarah Noble Intermediate School - Library Media Center

2024 JUN -3 A 10:42

NEW MILFORD, CT

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Bylaws Recommended for Initial Review in June

- 1. 9020 Construction and Posting of Agenda
- 2. 9021 Time, Place and Notice of Meetings
- 3. 9022 Public Meetings and Executive Session
- 4. 9023 Meeting Conduct
- 5. 9024 Quorum and Voting Procedures
- 6. 9025 Minutes
- 7. 9026 Transaction of Business
- 8. 9027 Conflict of Interest
- 9. 9028 Filling Vacancies on the Board

B. Bylaws Recommended for Deletion Upon Approval of Bylaws in Item A.

- 1. 9320 Meetings of the Board
- 2. 9321 Time, Place and Notification of Meetings
- 3. 9322 Public and Executive Session
- 4. 9323 Construction of the Agenda

5. 9324 Advance Delivery of Meeting Materials
6. 9325 Meeting Conduct
7. 9325.1 Quorum
8. 9325.2 Order of Business
9. 9325.21 Order of Business Consent Agenda
10. 9325.4 Vote Recording
11. 9330 Board/School District Recordings
12. 9332 Electronic Communications
13. 9350 Hearings
14. 9360 Legislative Program
15. 9400 Monitoring Products and Processes
16. 9410 Public Announcement of Accomplishments
17. 9420 Recognition of Public Accomplishments by Citizens, Students, Staff Members, or Members of the Board

C. Items of Information

1. 5117 R Administrative Regulations Regarding School Attendance Areas
2. 9115 R Administrative Regulations Regarding Annual Organizational Meeting of the Board
3. 9125 R Administrative Regulations Regarding Selection and Appointment of Board Counsel

4. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

5. Adjourn

**Sub-Committee Members: Leslie Sarich, Chairperson
Dean Barile
Tammy McInerney**

**Alternates: Sarah Herring
Brian McCauley**

**Note from Shipman & Goodwin as per the Audit of Series 9000:
This Bylaw is recommended to replace 9323, Construction of the Agenda.**

Note: It has a new number.

**Series 9000
Bylaws**

9020

CONSTRUCTION AND POSTING OF AGENDA

- I. Construction of Agenda
 - A. The Superintendent in cooperation with the Chairperson of the New Milford Board of Education (the “Board”) shall prepare an agenda for each meeting of the Board.
 - 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. This request must be made no later than seventy-two (72) hours prior to the legally required public posting of the agenda.
 - C. If at least three Board members request in writing that an additional agenda item be placed on the Board’s agenda, it will either be placed on the agenda or a special meeting of the Board will be scheduled within fourteen (14) days of the written request.
- II. 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.
 - B. An agenda will be posted at Town Hall, the Board’s Administrative Offices, and on the Board’s Internet web site. Any associated documents that may be reviewed by members of the Board at such meeting shall be posted on the Board’s Internet web site, provided such documents are not exempt from disclosure under the Freedom of Information Act.
 - 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.
 - D. If, in accordance with applicable law, the Board holds a public meeting that is accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting, the agenda shall include instructions for the public to attend and provide comment or otherwise participate in the meeting by means of electronic equipment or in person, as

applicable and permitted by law. Any such agenda shall be posted in accordance with the provisions of Connecticut General Statutes Section 1-225.

Legal Reference:

Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

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

10-218 Officers. Meetings

Public Act 23-160, "An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes."

10-220 Duties of boards of education.

Bylaw approved:

Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

**Note from Shipman & Goodwin as per the Audit of Series 9000:
This Bylaw is recommended to replace Bylaw 9321, Time, Place and Notification of Meetings.**

Note: This Bylaw has a new number.

**Series 9000
Bylaws**

9021

TIME, PLACE AND NOTICE OF MEETINGS

1. Regular Meetings
 - A. The New Milford Board of Education (the “Board”) shall set a calendar of regular meetings for the ensuing year at the first regular meeting in November.
 - B. In compliance with the Connecticut General Statutes, the Chairperson shall file this calendar with the Town Clerk, and post this calendar on the Board’s Internet web site, if available, before January 31.
 - C. Normally the Board shall schedule regular meetings on the third Tuesday of each month of the year except it falls on a holiday, when the Board shall schedule no regular meetings.
 - D. If at any point in the meeting the Board 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.
 - E. If, in accordance with applicable law, the Board conducts a regular meeting by means of electronic equipment, the Board shall provide, at least forty-eight (48) hours before the meeting, direct notification in writing or by electronic transmission to each member of the Board and post a notice that the Board intends to conduct the meeting solely or in part by means of electronic equipment in the Administrative Offices of the Board, in the office of the Town Clerk [Regional School District Option: in the office of the Town Clerk of each municipal member of the school district], and on the Board’s Internet web site. Such notice shall include instructions for the public to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person, as applicable and permitted by law.

2. Special Meetings

Special meetings may be held when determined by the Board, when so called by the Chairperson, or within fourteen (14) days upon written request of three members of the Board.

A. 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 Internet web site, if available, twenty-four (24) hours before the time stated for the meeting to convene.

1. If, in accordance with applicable law, the Board holds a special meeting conducted solely or in part by means of electronic equipment, notice of such meeting shall include whether the meeting will be conducted solely or in part by means of electronic equipment. If such meeting is to be conducted by means of electronic equipment, such notice shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting, as applicable and permitted by law.

B. 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 [Regional School District Option: with the Town Clerk of each municipal member of the school district] 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 7:00 PM or as soon thereafter as a quorum is present and shall adjourn no later than 10:00 PM 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 Sarah Noble Intermediate School Media Center, unless otherwise ordered by the Board.

B. Special Meetings (non-emergency) of the Board shall be held at a time and place to be determined and announced in advance of meeting.

Legal References:
Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

- 1-225 Meetings of government agencies to be public. Recording of votes. Schedule and agenda of certain meetings to be filed and posted on web sites. Notice of special meetings. Executive sessions
- 1-228 Adjournment of meetings. Notice
- 1-229 Continued hearings. Notice
- 1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution
- 7-3 Warning of town and other meetings
- 7-4 Record of warning
- 10-218 Officers. Meetings

Bylaw approved:
Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**Note from Shipman & Goodwin Audit of Series 9000:
This Bylaw is recommended to replace Bylaw 9322, Public and Executive Session.**

Note: This Bylaw has a new number.

**Series 9000
Bylaws**

9022

PUBLIC MEETINGS AND EXECUTIVE SESSION

1. Public Meetings
 - A. All meetings of the New Milford Board of Education (the "Board") 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 and 1-200(6).
 - 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
 - A. The public may be excluded from Board meetings that 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 or pending 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 adversely impact the 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

- | | |
|-------|---|
| 1-200 | Definitions (Public Agency; Meeting; Caucus; Person; Public Records or Files; Executive Sessions) |
| 1-210 | Access to public records. Exempt records |
| 1-225 | Meetings of government agencies to be public.
Recording of votes. Schedule and agenda of certain meetings to be filed and posted on web sites.
Notice of special meetings. Executive sessions |
| 1-231 | Executive sessions |

Bylaw approved:
Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**Note from Shipman & Goodwin as per the Audit of Series 9000:
This Bylaw will replace Bylaw 9325, Meeting Conduct.
Note optional language.**

This Bylaw has a new number.

**Series 9000
Bylaws**

9023

MEETING CONDUCT

1. Definitions

For purposes of this policy:

- A. “Electronic equipment” means any technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video, or other conferencing platforms.
- B. “Electronic transmission” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium, which (A) is capable of being retained, retrieved and reproduced by the recipient, and (B) is retrievable in paper form by the recipient.

2. Meeting Conduct

- A. Meetings of the New Milford Board of Education (the “Board”) shall be conducted by the Chairperson in a manner consistent with the adopted bylaws of the Board and the provisions of law, including the Freedom of Information Act.
- 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 that will have been prepared and delivered in advance to all Board members and other designated persons and made available to the public in accordance with the Freedom of Information Act.
- D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.
- E. In the event that a Board meeting is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully

interrupting the meetings, the Chairperson may order the room cleared and continue in session.

1. Only matters appearing on the agenda may be considered in such a session.
2. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any such session.
3. Nothing in these bylaws shall prohibit the Board from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the meeting.

3. Smoking

- A. Smoking of any kind, including using an electronic nicotine or cannabis delivery system or vapor product, will not be permitted in any room in which a meeting of the Board is being conducted, nor during the time immediately prior to the meeting.
 - B. When applicable, a sign notifying the public that no smoking is allowed in the room designated for the meeting will be prominently posted.
4. Procedures for Board Member Participation By Means of Electronic Equipment

- A. The Board shall provide Board members the opportunity to participate in meetings by means of electronic equipment, except that the Board is not required to adjourn or postpone a meeting if a Board member loses the ability to participate because of an interruption, failure, or degradation of that member's connection by electronic equipment, unless the member's participation is necessary to form a quorum. Conditions for participation are as follows:
 1. If a quorum of the Board members attend a meeting, other than an executive session, by means of electronic equipment from the same physical location, members of the public must be permitted to attend such meeting in such physical location.
 2. Any physical or demonstrable material that is used in the course of the proceedings must be present in the physical location, if any, where the public is located.
 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.

4. Any vote taken at a meeting during which a Board member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous.
5. The minutes of the meeting shall record a list of Board members who attended the meeting in person and a list of Board members who attended the meeting by means of electronic equipment.

Any Board member who participates orally in a meeting conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable, at the outset of each occasion that such member participates orally during an uninterrupted dialogue or series of questions and answers.

- B. When a Board member is participating in a meeting by means of electronic equipment, the Chairperson shall take the necessary steps to ensure that the conditions enumerated above are met. In addition, the Chairperson shall take the necessary steps to ensure that a Board member participating by means of electronic equipment has adequate opportunity for participation in Board discussion, including the opportunity to take the floor and make motions.

[Note: Boards that do not wish to provide for public participation by means of electronic equipment may elect not to include the following section. However, Boards should be prepared to accommodate any changes necessitated by pandemic-related conditions in the event such conditions warrant a return to fully remote Board meetings.]

5. Procedures for Public Participation By Means of Electronic Equipment

The Board may hold a public meeting that is accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting. If the Board allows for the public to participate by means of electronic equipment, it shall do so in accordance with the following procedures:

- A. Not less than forty-eight (48) hours before the Board conducts a regular meeting by means of electronic equipment, the Board shall provide direct notification in writing or by electronic transmission to each member of the Board, and post a notice that the Board intends to conduct the meeting solely or in part by means of electronic equipment, (a) in the Board's Administrative Offices; (b) in the office of the Town Clerk; and (c) on the Board's Internet web site, if any.

- B. Not less than twenty-four (24) hours prior to any such meeting, the Board shall post the agenda for any such meeting in the same manner as the notice of the meeting as set forth in Section 5.A.
- C. Such notice and agenda shall include instructions for the public to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person, as applicable and permitted by law. Any such notice and agenda shall be posted in accordance with the provisions of Connecticut General Statutes § 1-225.
- D. If the Board holds a meeting, other than an executive session or special meeting, solely by means of electronic equipment:
 - 1. The Board shall provide any member of the public
 - a. upon a written request submitted not less than twenty-four (24) hours prior to such meeting, with a physical location and any electronic equipment necessary to attend such meeting in real-time, and
 - b. the same opportunities to provide comment or testimony and otherwise participate in such meeting that such member of the public would be accorded if such meeting were held in person, except that the Board is not required (i) to adjourn or postpone a meeting if a member of the public loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment, or (ii) to offer members of the public who attend a meeting by means of electronic equipment the opportunity for public comment, testimony, or other participation if the provision of such opportunity is not required by law for members of the public who attend such meeting in person.
 - 2. The Board shall not be required to adjourn or postpone the meeting if a member of the public loses the ability to participate because of an interruption, failure, or degradation of such person's connection to the meeting by means of electronic equipment.
 - 3. The Board shall ensure that such meeting is recorded or transcribed, excluding any portion of the meeting that is conducted in executive session. Such transcription or recording shall be posted on the Board's Internet web site and made available to the public to view, listen to, and copy in the Board's Administrative Offices not later than seven (7) days after the meeting and for not less than forty-five (45) days thereafter.

4. If a quorum of Board members attend a meeting by means of electronic equipment from the same physical location, the Board shall permit members of the public to attend such meeting in such physical location.
- E. If the Board holds a special meeting and any portion of such meeting is to be conducted by means of electronic equipment, it must include in the notice of such meeting if the meeting will be conducted solely or in part by means of electronic equipment.
1. Not less than twenty-four (24) hours prior to such meeting, the Board shall post such notice and an agenda of the meeting in accordance with applicable law.
 2. If such meeting is to be conducted by means of electronic equipment, such notice and agenda shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting, as applicable and permitted by law.
- F. Any member of the public who participates orally in a meeting conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable, at the outset of each occasion that such member participates orally during an uninterrupted dialogue or series of questions and answers.
- G. Whenever a meeting being conducted by means of electronic equipment is interrupted by the failure, disconnection or, in the Chairperson's determination, unacceptable degradation of the electronic means of conducting a meeting, or if a Board member necessary to form a quorum loses the ability to participate because of the interruption, failure or degradation of such member's connection by electronic equipment, the Board may, not less than thirty (30) minutes and not more than two (2) hours from the time of the interruption or the Chairperson's determination, resume the meeting (1) in person, if a quorum is present in person, or (2) if a quorum is restored by means of electronic equipment, solely or in part by such electronic equipment.
1. In each case of resumption of such meeting, electronic access shall be restored to the public if such capability has been restored.
 2. The Board shall, if practicable, post a notification on its Internet web site and inform attendees by electronic transmission of the expected time of resumption or of the adjournment or

postponement of the meeting, as applicable, and may announce at the beginning of any meeting what preplanned procedures are in place for resumption of a meeting in the event of an interruption.

- H. In the event that a Board meeting is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible, and if such person or group of persons is attending such meeting by means of electronic equipment, the Chairperson may terminate such person's or group of persons' attendance by electronic equipment until such time as such person or group of persons conforms to order or, if need be, until such meeting is closed.

[Note: The following section is optional:]

6. 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 [or special] meetings so designated for such purpose.

(1) _____ 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 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 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 References:

Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

- 1-200 Definitions
1-206 Denial of access to public records or meetings. Appeals. Notice.
Orders. Civil penalty. Petition for relief from vexatious requester.
Service of process upon commission. Frivolous appeals. Appeal re
state hazardous waste program records
1-225 Meetings of government agencies to be public. Recording of votes.
Schedule and agenda of certain meetings to be filed and posted on
web sites. Notice of special meetings. Executive sessions
1-232 Conduct of meetings
19a-342 Smoking prohibited. Exceptions. Signs required. Penalties

Freedom of Information Commission Advisory Opinion #41 (April 9, 1980)

Bylaw approved:
Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**Note from Shipman & Goodwin as per the Audit of Series 9000:
This Bylaw will replace Bylaw 9325.1, Quorum.**

Note: This Bylaw has a new number.

**Series 9000
Bylaws**

9024

QUORUM AND VOTING PROCEDURES

1. Quorum:
 - A. The majority of all members of the New Milford Board (the “Board”) shall be necessary to constitute a quorum for the transaction of business.
 - B. If, in accordance with applicable law, the Board provides Board members the opportunity to participate in meetings by means of electronic equipment, the Board is not required to adjourn or postpone a meeting if a Board member loses the ability to participate because of an interruption, failure, or degradation of that member’s connection by electronic equipment, unless the member’s participation is necessary to form a quorum. If a quorum of the Board members attend a meeting, other than an executive session, by means of electronic equipment from the same physical location, members of the public must be permitted to attend such meeting in such physical location.
 - C. If, in accordance with applicable law, the Board holds a meeting solely by means of electronic equipment, and if a quorum of Board members attend a meeting by means of electronic equipment from the same physical location, the Board shall permit members of the public to attend such meeting in such physical location.
2. Voting Procedures:
 - A. No member can vote on a question in which the Board member 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, a Board member cannot be compelled to do so.
 - D. A member may abstain from voting (with the knowledge that the effect is the same as if the Board member 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. Board members shall have the opportunity to explain their votes, with the explanation to be recorded in the minutes.
- G. Any vote taken at a meeting during which a Board member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous.

Legal References:

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

Bylaw approved:
Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**Note from Shipman & Goodwin as per the Audit of Series 9000:
This Bylaw will replace Bylaw 9325.4, Vote Recording.**

Note: This Bylaw has a new number.

**Series 9000
Bylaws**

9025

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 New Milford Board of Education (the “Board”) 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 Internet web site, 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 web site. Should the Board decide to make minutes available on the Board’s Internet web site, it shall do so at the sole discretion of the Board.

[Note: The posting of minutes to a website is optional and at the discretion of the Board.]
6. If, in accordance with applicable law, the Board conducts a meeting in which one or more Board members attend by means of electronic equipment, the minutes of the meeting shall record a list of Board members that attended the meeting in

person and a list of members that attended the meeting by means of electronic equipment.

Legal Reference:

Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

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

Bylaw approved:

NEW MILFORD PUBLIC SCHOOLS

Bylaw revised:

New Milford, Connecticut

**Note from Shipman & Goodwin as part of the Audit of Series 9000:
This Bylaw is recommended for approval. It is a new Bylaw for the Board.**

**Series 9000
Bylaws**

9026

TRANSACTION OF BUSINESS

- A. The New Milford Board of Education (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 concerning the New Milford Public Schools’ operations.

Bylaw approved:
Bylaw revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Note from Shipman & Goodwin as part of the Series 9000 Audit: Recommend the Board maintain this bylaw. While there is a Model Bylaw on this topic, the Board's current bylaw is more robust. However, we recommend review to ensure this bylaw is consistent with Policy 4112.8, Nepotism, and Policy 3313, Relations with Vendors.

Note: Policies 4112.8, Nepotism, and 3313, Relations with Vendors, were reviewed and are not in conflict with this policy. Also, this is a new number for this Bylaw.

**Series 9000
Bylaws of the Board**

9027

Conflict of Interest

The Board desires its members not only to adhere to all laws regarding conflict of interest, but to be continually aware of situations which have the appearance of conflict of interest and to avoid actions that might embarrass themselves or the Board.

Two areas of Board operations must be guarded with particular care in order that there be no real or seeming conflict of interest. These are purchasing and hiring of new personnel. Therefore:

1. Board members are strictly prohibited from being financially interested, or having any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Board of Education. It is not the intent of this bylaw to prevent the district from contracting with corporations or businesses because a Board member is an employee of the firm. However, in such instances the member may be expected to declare his/her association with the firm and will refrain from debating or voting on the question.
2. If a member of the immediate family of a Board member--specifically parent/guardian, spouse, child or grandchild or any person who resides with the Board member -- is being considered for employment, that member shall disqualify him/herself from participation in discussion or vote.
3. The Board shall not give preferential treatment to companies in which town officials or paid town employees, have a major financial interest or to companies by which they are employed.
4. No Board member shall use his or her position to influence an employment or contractual decision other than those routinely made by the Board itself.
5. No member of the Board may be employed for compensation in any position in the school system. If a Board member is employed by the school district, the office to which he/she was elected or appointed shall become vacant.
6. Board members are strictly prohibited from accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by the Board of Education, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation.

Legal Reference: Connecticut General Statutes
7-479 Conflicts of Interest.
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 approved: January 9, 2001
Bylaw revised: October 9, 2012
Bylaw reviewed: February 4, 2020
Bylaw reviewed:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

The Shipman & Goodwin Audit of Series 9000 recommended deletion of this policy and adoption of their model policy. However, the model policy from S & G does not conform with the Town Charter. Therefore, this policy should be retained.

Note: The policy has a new number.

**Series 9000
Bylaws of the Board**

9028

Filling Vacancies on the Board

The Board of Education shall notify the New Milford Town Council whenever a vacancy shall occur on the Board through the death, resignation or departure from Town of one of its members.

The Town Council shall appoint a successor to fill the vacancy on the Board. The successor shall hold office until the next Town election.

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.

Bylaw adopted by the Board: January 9, 2001
Bylaw reviewed by the Board:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Note: During the audit of the Series 5000, the policy related to School Attendance Areas was recommended for deletion as it is not a required policy. However, the procedures are important and recommended as an Administrative Regulation.

**Series 5000
Students**

5117 R

ADMINISTRATIVE REGULATIONS REGARDING SCHOOL ATTENDANCE AREAS

The New Milford Board of Education shall establish school attendance areas to facilitate educational programming, to ensure equity and balance, and to use existing facilities with optimal effectiveness and efficiency. Students shall attend the school(s) designated in their school attendance area unless a waiver is granted by an authorized administrator pursuant to the terms of this policy.

Designation of School Attendance Areas

The Board of Education shall designate school attendance areas to facilitate educational programs and to use existing facilities to maximize effectiveness and efficiencies. The Superintendent shall propose school attendance areas to the Board in accordance with the following criteria:

1. Safety of students;
2. Student educational needs;
3. Educational programs housed in school facilities;
4. Optimum use of existing facilities;
5. Student and municipal residential patterns;
6. Ages of students served;
7. Racial/ethnic balance as required by state law.

Once designated by the Board, school attendance areas may only be changed by subsequent Board action.

Waivers -- Attendance Outside of Assigned Area

Parents or guardians who desire that their children attend a school other than the one assigned to their school attendance area may request a school attendance area waiver from the Superintendent or his or her designee. Such waivers must be requested by parents or guardians on an annual basis.

In general, approval or denial of a waiver request shall be based on the following considerations:

1. Documented educational needs of the student;
2. Available room within the grade and/or school which the parent/guardian has requested;
3. Parent/guardian commitment to furnish transportation to and from the desired school of attendance;

4. Whether the request is justified by good and sufficient (educational or medical) reason. Supportive data such as recommendations from professional sources must be provided by the parent(s) or guardian(s);
5. Whether the student is the child of a New Milford resident teacher who teaches in the desired school of attendance.

Waiver requests shall not be based on the following factors:

1. School attendance of brothers, sisters or friends;
2. Place or time of employment of parent/guardian;
3. School start or end time preference;
4. Personal convenience of family or student (i.e. to facilitate day-care or after-school arrangements);
5. Athletic team preference;
6. Preferred school, program, or staff;
7. Availability of space in the preferred school as sole reason.

No request shall be granted if it would result in an overcrowded classroom or program, would cause a racial/ethnic imbalance as defined by state law or would require the District to hire additional staff.

Revocation of Waiver

An out-of-attendance area student must remain in good standing at his or her non-designated school or the privilege of out-of-area attendance shall be revoked by the Superintendent or his or her designee. In order to remain in good standing the out-of-attendance area student must:

1. Not be subject to discipline for inappropriate conduct as set forth in Board policy;
2. Remain in good academic standing;
3. Not have a record of excessive absenteeism;
4. Not be habitually tardy.

Mid-year Transfers and Requests to Remain in a Previously Designated Attendance Area

Any student who begins an academic year within their designated attendance area school but who then moves to another school attendance area within the District (i.e. family moves within Town, change in parent custody, etc.) may be allowed to finish the school year in their initially assigned school provided that there is space permitting. In such circumstances, the parents/guardians of such student must submit a school attendance area waiver request in accordance with this policy. Should such request be granted, the District shall not be responsible for transportation to and from the non-designated school attendance area school.

Parental Disagreement Regarding Waiver Requests

In most cases school attendance waiver request forms shall be signed by all parents or guardians who have legally-designated educational decision-making authority regarding the student. Consent from parents without educational decision-making authority regarding the student shall not be required for school attendance waiver requests made by parents or guardians with sole educational decision-making authority.

Where a school attendance area waiver request is made by only one parent and both parents share educational decision making authority, the Superintendent or his or her designee shall attempt to contact the student's other parent or guardian to determine if that parent or guardian consents to the waiver request. School attendance area waiver requests shall only be considered where all parents/guardians with educational decision-making authority consent to the request. Where such consent is denied or cannot be determined the waiver request shall not be considered.

Racial Imbalance

As required by state law, on an annual basis the Board submits data to the State Board of Education regarding the total number of students and teachers of racial minorities and the total number of students eligible for free or reduced-price lunches in each of the District's schools. As set forth above, school attendance area waiver requests may be denied in the event that the Superintendent or his or her designee determines that granting a waiver may cause a District's school to be "racially imbalanced" as that term is defined under state law. Pursuant to Conn. Gen. Stat. § 10-226b a "racial imbalance" is defined as a condition in which the proportion of students of racial minorities in all grades of a public school substantially exceeds or substantially falls short of the proportion of such public school pupils in all of the same grades as the school district.

Homeless Students

Homeless students who secure temporary housing outside of their previously designated school attendance area may remain enrolled in their school of origin in accordance with federal law.

School Attendance Area Waiver Requests

School attendance area waiver requests shall be processed administratively by the Assistant Superintendent of Schools or his or her designee. Building-level administrators shall refer parents and guardians to the Office of the Assistant Superintendent of Schools for information regarding waivers and waiver request forms.

The Assistant Superintendent of Schools shall consider all waiver requests in accordance with these Administrative Regulations. Where appropriate the Assistant Superintendent may request further information from parents or guardians in order to substantiate a waiver request in accordance with the criteria set forth above. All waiver requests shall be answered in writing and shall state that the request has been approved for the school year in question or, if denied, shall identify the basis for denial in reference to the criteria in these Administrative Regulations.

Directions: All requests for a designated school attendance area waiver should be made using the attached form. Please review Board of Education Policy # 5117 on applicable conditions for a waiver. Waiver requests must be made on a yearly basis. In the event that a waiver request is granted, the student's parent(s)/guardian(s) shall be responsible for transportation to and from the new school. Waiver request forms must be signed by both parents, if applicable. In the event that a student's parents are separated or divorced the waiver request form must be signed by each parent with educational decision making authority. If only one parent has educational decision making authority then a copy of any custody order indicating such must be attached to this request form.

Name of parent/guardian

Phone

Phone

Name of parent/guardian

Address of Student

Name of student

_____/_____/_____
Date of birth

Current school

IEP <input type="checkbox"/> 504 <input type="checkbox"/> ELL <input type="checkbox"/> ID: _____
IEP <input type="checkbox"/> 504 <input type="checkbox"/> ELL <input type="checkbox"/> ID: _____
IEP <input type="checkbox"/> 504 <input type="checkbox"/> ELL <input type="checkbox"/> ID: _____

Name of student

_____/_____/_____
Date of birth

Current school

Name of student

_____/_____/_____
Date of birth

Current school

By submitting this request, the parent/guardian accepts that the following conditions apply: (please initial)

_____ *No transportation is provided.* Parent(s) will provide safe & punctual transportation to and from school.

_____ *Proper attendance and behavior will be maintained.* Violations of the student code of conduct and/or habitual tardiness or excessive absences may result in revocation of the privilege to attend out of attendance area school.

_____ *Student must remain in good academic standing.* Student failure to remain in good academic standing may result in revocation of the privilege to attend out of attendance area school.

Signature of parent/guardian

_____/_____/_____
Date

Comments and/or Reason for Request:

Legal Reference: Connecticut General Statutes
10-76d Duties and powers of boards of education to provide special education programs and service
10-221(b) Boards of education to prescribe rules.
10-226a Documentation of pupils and teachers of racial minorities and pupils eligible for free or reduced price lunches
10-226b Existence of racial imbalance United States Code
20 U.S.C. §1412(a)(5)
20 U.S.C. §1414(e)
42 U.S.C. §11301 et seq. McKinney-Vento Homeless Assistance Act

Regulation approved:
Regulation revised:

Note: At the May 7 Policy Meeting, the Sub-Committee recommended to preserve the Bylaw—Annual Organizational Meeting of the Board by creating an Administrative Regulation. Shipman & Goodwin noted it isn't a required Bylaw of a Board.

**Series 9000
Bylaws**

9115 R

**ADMINISTRATIVE REGULATIONS REGARDING
ANNUAL ORGANIZATIONAL MEETING OF THE BOARD**

It is the policy of the Board to conduct an annual meeting, held the third Tuesday in December, for the purpose of organization and the election of officers.

1. The meeting shall be called to order by the Superintendent or Acting Superintendent.
2. Upon nomination from the floor, the Board Chairperson shall be elected by a recorded vote of the Board and take office upon election.
3. Upon nominations from the floor, the Board shall elect by recorded vote the Vice-Chairperson, Secretary and Assistant Secretary.
4. Election of any officer shall require a majority vote of the Board members present.
5. Requests to serve on specific standing committees shall be submitted by Board members to the Board Chairperson (refer to policy 9130).

Regulation approved:

Regulation revised:

Note: At the May 7 Policy Meeting, the Sub-Committee made a recommendation to create an Administrative Regulation from Bylaw 9125, Attorney, as it is not a required Bylaw. The committee also recommended a new title for the Administrative Regulation.

**Series 9000
Bylaws**

9125 R

ADMINISTRATIVE REGULATIONS REGARDING SELECTION AND APPOINTMENT OF BOARD COUNSEL

The Board of Education will appoint an attorney for the district. The attorney must be admitted to the Bar of Connecticut. The attorney will be the legal advisor to the Board. In that capacity, the attorney's duties will be:

1. to advise the Board with respect to all legal matters relating to the district, including but not limited to, interpretation of the Connecticut General Statutes and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the district;
3. to review and to represent the district in the preparation of any and all contracts which the district may be obliged to execute (other than purchase orders usually issued for the purchase of goods, equipment and services);
4. to advise and assist in matters of litigation and represent the Board in legal proceedings;
5. to review the legality of all rules or regulations to be adopted by the Board;
6. to review and advise with respect to any process served upon the district;

All requests for written opinions on school-related matters shall be directed to the attorney through either the Superintendent or the Board Chairperson. Such written opinions shall be provided to all Board members.

The attorney shall receive a retainer or fee as per an agreement between the Board and the attorney.

Selection Procedures

When selecting a School Attorney, the Board shall adhere to the following procedures:

1. the district will first locate prospective lawyers/law firms that are properly licensed in the State of Connecticut and have experience representing boards of education by:
 - a. advertising in trade journals;
 - b. checking listings of lawyers/law firms; or
 - c. making inquires of other districts or other appropriate sources.

Selection Procedures (continued)

2. The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.
3. In selecting a School Attorney, the district will consider the cost of a retainer (or hourly fee), as well as such other factors as:
 - a. the special knowledge or expertise of the lawyer/law firm;
 - b. the quality of the service provided by the lawyer/law firm;
 - c. the staffing of the lawyer/law firm; and
 - d. the lawyer's/law firm's suitability for the district's needs.
4. The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

Regulation approved:

Regulation revised: