

**Bylaws of the Board****Legal Responsibilities of Boards of Education**

Powers, duties, and responsibilities of Connecticut Boards of Education originate from state statutes. The Board of Education has responsibility for district education and for maintaining good public elementary and secondary schools; implementing the educational interests of the state as defined in Section 10-4a, including efforts to reduce racial, ethnic and economic isolation, and complying with orders from the Commissioner of Education arising from hearings held under 10-4b (on complaints alleging failure or inability of the Board to implement the educational interests of the state); providing all children of the school district as nearly equal advantages as may be practicable; and providing such other educational activities as in its judgment will best serve the interest of the school district. Other specific Board of Education responsibilities enumerated in state statutes include:

1. preparation of an annual budget (10-222);
2. monitoring and directing budget expenditures and prevention of over-expending the total appropriation to the Board by the town (10-222);
3. provisions for each resident child of school age to attend public day school for the period required by law (10-220);
4. insuring that each child five years of age and over and under eighteen years of age attends schools in accordance with state requirements (10-220) (10-184);
5. provision of at least one hundred eighty days of actual school sessions each year; a minimum of nine hundred hours of actual school work in grades 1-12 and at least four hundred fifty hours of actual school work in kindergarten (10-15)(10-16);
6. determination of the number, age, and qualifications of the students to be admitted into each school (10-220);
7. acting as a body corporate with powers to sue and be sued; to purchase, receive, hold, and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs on them, and to supply them with fuel, furniture, and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to make agreements and regulations for establishing and conducting of schools consistent with regulations of the town; to employ teachers in accordance with Section 10-151 or authorize the Superintendent of Schools to employ teachers; as a school district through its Board of Education, the town is authorized to pay taxes and borrow money for educational purposes and to make agreements and regulations (10-241);

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### **Legal Responsibilities of Boards of Education (continued)**

8. provision of textbooks, supplemental books, and library books, supplies, materials, and equipment loaned and furnished to students free of charge subject to Board and Superintendent rules of care and use (10-228); change of textbook adoptions requires at least a two-thirds vote of the Board notice of such potential adoption having been given at a meeting at least one week previous to the vote (10-229);
9. establishment of school attendance areas (10-220);
10. participate in a state-wide inter-district public school choice attendance program; (10-4a)(10-266aa,(b)-(g));
11. provisions for reasonable and desirable student transportation to school including students attending charter schools and magnet schools, (10-220)(10-220c); to state vocational and state vocational agricultural schools (10-97), and equivalent transportation for students in grades K-12 attending nonpublic nonprofit schools within school district boundaries when a majority of such students attending the nonprofit nonpublic schools are residents of Connecticut (10-281);
12. employment and dismissal of certified personnel in accordance with state statutes and Board policies (10-220) (10-151d);
13. provision of an appropriate learning environment for students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among schools, proper maintenance of facilities and a safe school setting (10-220);
14. continuing study of the need for school facilities and of a long-term school building program and from time to time making recommendations to the town (10-220);
15. care, maintenance, and operation of buildings, lands, apparatus and other property used for school purposes (10-220);
16. insuring all buildings and all capital equipment against loss in an amount not less than eighty percent of replacement cost (10-220);
17. provision of in-service training for certified teachers, administrators, and other personnel (10-220a);

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### Legal Responsibilities of Boards of Education (continued)

18. provision of United States Flags for each schoolroom to be displayed therein each school day, also provide each school with a U.S. Flag of silk or bunting not less than four feet in length and a suitable flagstaff or other arrangement whereby such flag may be displayed on school grounds in good weather and on the inside of the school building in inclement weather (10-230);
19. saving harmless Board members, teachers, or other employees from financial loss and expense, including legal fees and costs, arising from any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury or death of any person or accidental damage or destruction of property including, but not limited to, infringement of a person's civil rights which result in any injury as long as employee actions are not wanton, reckless, or malicious and are, at the time of such acts, acting in the discharge of his or her duties or within the scope of employment or under the direction of the Board (10-235);
20. saving harmless Board members and employees from financial loss and expense, including payment of reasonable medical expenses or other services, as a result of an assault while the employee was acting in the discharge of his or her duties or within the scope or employment or under the direction of the Board, when expenses aren't paid by an employee's insurance, workers' compensation, or any other source not involving an expenditure by the employee (10-236a);
21. conducting a public hearing on any issue specified in a written petition within three weeks of receiving the petition signed by one per cent of district voters, or fifty voters whichever is greater; such public hearing shall be held at a time and place designated by the Board of Education not later than three weeks after receipt by the Board of such petition (10-238);
22. granting the use of rooms, halls, school buildings or grounds, or any other school facilities, for voting, under the provisions of Title 9 whether or not school is in session, subject to reasonable restrictions the Board of Education may impose (10-239);
23. developing and implementing a three year plan to improve the reading skills of students in kindergarten through three (10-221h);
24. submission of required reports to the Commissioner of Education or State Board of Education, including:
  - a. not later than September 1st of each year, of all receipts, expenditures, and statistics required by the Commissioner on such forms, with such documentation and in accordance with instructions of the Commissioner (10-227); such report to be certified not later than December 31st of the same year by an independent public accountant (7-392);

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### **Legal Responsibilities of Boards of Education (continued)**

- b. each five years, in a manner prescribed by the Commissioner, (1) a statement of educational goals for the public schools developed with parents, students, school administrators, teachers, citizens, local elected officials, and any other groups or individuals the Board determines, such goals to be consistent with statewide goals of the State Board of Education (10-220), and (2) a five year plan for the ongoing and systematic assessment and improvement of teacher evaluation and professional development related to student needs (10-151b)(10-220a);
- c. each year at such time and in such manner as the commissioner prescribes, attestation that the district's educational program offerings and instruction are based on stated educational goals previously developed and submitted as described in "b" above (10-220);
- d. by May 1st of each year, in a format as required by the CSDE, strategic school profiles for each school and for the school district as a whole (10-220);
- e. prior to each October 1st, the name, address of employment, and contractual annual salary of all certified employees (10-226);
- f. the name and address of a new Superintendent of Schools within seven days after notice of his or her decision to accept a contract offer for employment (10-226);
- g. at such time and in a manner prescribed by the State Board of Education, data on racial minorities in district schools (10-226a);
- h. annually, not later than June fifteenth, through enumeration or other means approved by the Commissioner of Education, on the form prescribed, a report of the number of children of compulsory school age (10-249)(10-250);
- i. biennially to the Commissioner of Education on the condition of facilities and the action taken to implement the long term school building program (including any individual school building project), indoor air quality program and green cleaning program (10-220);
- j. biennially, beginning, July 1, 2000, to the regional education service center on the programs and activities undertaken in the district to reduce racial, ethnic and economic isolation including information on the number and duration of such programs and activities and the number of students and staff involved and evidence of the progress over time in the reduction of racial, ethnic and economic isolation (10-226h);

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### Legal Responsibilities of Boards of Education (continued)

- k. every five years, provide for an inspection and evaluation program in accordance with the law of the indoor air quality within school buildings that are or have been constructed, extended, renovated or replaced on or after January 1, 2003 (10-220).
25. development of written policies, procedures, rules on:
- a. management, studies, classification and discipline of the public schools; textbooks, rules for school library media centers, books and educational media; approval of plans for school buildings, and school oversight (10-221);
  - b. student conduct and notification to parents of student suspension and expulsion; and promulgation of rules at least annually to students (10-221)(10-233e);
  - c. homework, attendance, promotion, and retention (10-221); (promotion and graduation policies that foster student achievement and reduce the incidence of social promotion) (10-223a);
  - d. student truancy (10-198a);
  - e. dealing with the use, sale, or possession of alcohol or controlled drugs by students on school property and cooperation with law enforcement officials (10-221);
  - f. youth suicide prevention and youth suicide attempts (10-221);
  - g. parent-teacher communication/parental involvement(10-221);
  - h. reporting complaints re school transportation safety and reporting of accidents at school bus stops (10-221c);
  - i. sanctions against pupils who damage or fail to return textbooks, library materials or other educational materials (10-221);
  - j. uniform treatment of recruiters, military and non-military (10-221b);
  - k. reporting of child abuse and neglect by school employees (17-101i);
  - l. weighting of grades for honors and advanced placement courses (10-220g);
  - m. pesticide application at schools including maintaining a copy of the record of each pesticide application at a school for five years (10-231c) (22a-66a); a green cleaning program that provides for the procurement and use of environmentally preferable cleaning products in school buildings and facilities (10-220)(10-231g);

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### Legal Responsibilities of Boards of Education (continued)

- n. administration of medication (10-212a), management of life threatening allergies (10-212c), prohibition of school personnel recommending psychotropic drugs (10-212b), wellness (42 U.S.C.A. 1751 Richard B. Russell National School Lunch Act) and restraint and seclusion of persons at risk (46a-154);
  - o. safe school climate plan to address bullying in the schools (10-221d);
  - p. education records: confidentiality, access and amendment (20 U.S.C.A. 1232g, Family Educational Rights and Privacy Act or FERPA); student privacy, parental access to information about surveys and administration of certain physical exams (20 U.S.C.A. 1232h Pupil Privacy Rights Amendment or PPRA);
  - q. equal employment opportunity (federal and state civil rights statutes) and equal educational opportunity (10-15c; grievance procedures to provide prompt and equitable resolution of complaints by employees and students alleging discrimination or sexual harassment (34 C.F.R. 106.8 (Regulations of Title IX of the Civil Rights Act of 1972) and 34 C.F.R. 104.7 (Section 504) and 28 C.F.R. 35.107 (ADA));
  - r. minority staff recruitment (10-220);
  - s. making time available each day to recite the Pledge of Allegiance (10-230);
  - t. athletic coaches evaluation and termination (10-222e).
26. Under permissive powers, the Board of Education is not obligated to, but may at its discretion:
- a. establish and maintain summer schools on a voluntary basis and charge children a reasonable fee not to exceed the cost of programs, provided the Board may waive any charges for good and sufficient reason (10-74a);
  - b. authorize administrators to suspend students, out of school or in-school, and from bus privileges and recommend expulsion of students whose conduct endangers persons or property or is seriously disruptive of the educational process or violative of a publicized Board policy (10-233c);
  - c. insure against liability imposed by Sections 10-220 and 10-235 (10-236);

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### Legal Responsibilities of Boards of Education (continued)

- d. upon request, for not less than one semester's use, of nonpublic school students, or their parents/guardians, residing in and attending a nonpublic school in the district, free loans of current district textbooks (10-228a);
- e. provide inter-group relations teacher training and select a coordinator of inter-group relations, provide for workshops and training in inter-group relations, evaluate and recommend textbooks and curricula materials concerning racial and cultural minorities, and introduce and implement programs of inter-group relations in the schools (10-226g);
- f. establish and maintain school activity funds (10-237);
- g. provide for use of any room, hall, schoolhouse, school grounds, or other school facility for nonprofit educational or community purposes (10-239);
- h. appoint and prescribe duties of licensed dental hygienists (10-213);
- i. regardless of whether school is in session grant temporary use of rooms, halls, school buildings, or grounds, or other school facilities for public, educational, or other purposes or, when school is not in session for political discussions (10-239);
- j. contract with a federal governmental agency for funds to establish a demonstration scholarship program for up to five years (10-239a et. seq.);
- k. take by eminent domain, upon approval of the legislative body, land for a site, or addition to a site, for a public school building (10-241a);
- l. provide out of district transportation to a non-profit Connecticut elementary or secondary nonpublic school approved by the State Board of Education (10-280a);
- m. provide services of a school psychologist, remedial speech, school social worker, and special language teachers for non-English speaking students to children attending private nonprofit schools within the town (10-217a, Section 3g);
- n. operate student savings programs with any banks (36a-300);
- o. exchange professional personnel and students with institutions of other states and other countries and conditions for such exchanges (10-27);
- p. offer one half credit in community service if courses are supervised by certified teachers, are of fifty or more hours non-school time, and with at least ten hours of related classroom instruction (10-221a);

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**Legal Responsibilities of Boards of Education (continued)**

- q. establish firm high school graduation date on or after the 185th school day (10-16L);
  - r. provide transportation to an out-of-district charter school. (10-266m).
27. compliance with all provisions of the Connecticut General Statutes.

(cf. Board of Education Policies Series 1000 through 9000)

Bylaw adopted by the Board: January 9, 2001  
Bylaw revised by the Board: November 14, 2006  
Bylaw revised by the Board: April 10, 2012  
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NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut