

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

DATE:	May 15, 2012
TIME:	6:30 P.M.
PLACE:	Lillis Administration Building, Rm. 2

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**

The Board welcomes Public Participation and asks that speakers please limit their comments to three minutes. Speakers may offer objective comments of school operations and programs that concern them. The Board will not permit any expression of personal complaints or defamatory comments about Board of Education personnel and students, nor against any person connected with the New Milford Public School System.

3. Discussion and Possible Action Items

A. Policies Recommended for Revision and Approval at Initial Board Presentation:

1. 9260 Board Member Protection
2. 9271 Code of Ethics
3. 9311 Policies
4. 9320 Meetings of the Board
5. 9321 Time, Place and Notification of Meetings
6. 9324 Advance Delivery of Meeting Materials
7. 9330 Board/School District Records

B. Policies Recommended for Revision:

1. 9125 Attorney
2. 9270 Conflict of Interest
3. 9332 Electronic Communications

4. Adjourn

Sub-Committee Members: **Mr. Tom Brant, Chairperson**
Mr. David Lawson
Mr. David Shaffer
Mrs. Daniele Shook

Alternates: **Mr. Daniel W Nichols**
Mr. Tom McSherry

GEORGE C. BUCKBEE
TOWN CLERK

2012 MAY 11 A 8:52

NEW MILFORD, CT

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Proposed revision is more consistent with the language of the law.

9260

Bylaws of the Board

Board Member Protection

The New Milford Public Schools shall maintain adequate insurance to protect the district and its Board of Education against loss because of fire, damage to school property, loss to other property, or general liability resulting as a responsibility of the school district, and save harmless its Board and staff while acting *in the discharge of their duties within the scope of employment or under the direction of the board* ~~in behalf of the school district.~~

Legal Reference: Connecticut General Statutes

10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.

10-236 Liability insurance.

10-236a Indemnification of educational personnel assaulted in the line of duty.

Bylaw adopted by the Board: January 9, 2001

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

<p style="text-align: center;">RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION</p>

Bold Italicized language constitutes an addition

Commentary: Proposed revision mirrors the equal educational opportunity policy and is established by a variety of civil rights laws.

9271(a)

Bylaws of the Board

Code of Ethics

As a guide to performing their duties, Board members should:

1. Be an advocate of high quality free public education for all Connecticut children.
2. As an agent of the state, uphold and enforce all laws, rules, regulations and court orders pertaining to public schools, and bring about any needed change only through legal and ethical means.
3. Help create public schools which meet the individual educational needs of all children regardless of their ***race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or any other class protected by law.*** ~~ability, race, creed, sex, physical condition or social standing.~~
4. Work to help the community to understand the importance of proper support for public education.
5. Become informed about the nature, value and direction of contemporary education and support needed change in the schools.
6. Serve as a communications link between the community and the schools, working to ensure that the community is fully and accurately informed about the schools, and that the school staff understands the aspirations and desires of the community.
7. Recognize that a Board member's responsibility is not to "run the schools," but to see that they are well-run through effective policies.
8. Confine Board action to policy-making, planning, and appraisal, and consult with those who will be affected by the Board's actions.
9. Arrive at conclusions after fully discussing the issue at an open meeting, and abide by the principle of majority rule.
10. Recognize that authority rests only with the whole Board assembled in a meeting, and make no personal promises nor take any private action that may compromise the Board.

Bylaws of the Board

Code of Ethics (continued)

11. Never use the position on the Board for personal gain.
12. Hold confidential all matters pertaining to the schools that, if disclosed, might needlessly injure individuals or the schools.
13. Ensure that all school business transactions be open and ethical.
14. Ensure that the best personnel available are appointed to all positions in the district.
15. Refer all complaints through the proper "chain of command" within the system, and act on such complaints at public meetings only when administrative solutions fail.

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Proposed revisions are minor—correct typo in the first paragraph and rephrase a section of number 4 on page (c).

9311(a)

Bylaws of the Board

Policies

Introduction

Board of Education policies translate beliefs and desires of elected officials into action through the Superintendent of Schools and the school staff. Except for specific meeting decisions, policies are a ~~Boards'~~ **Board's** best means of shaping district education through specifying in Board policy "what will be done." The Superintendent's administrative regulations provide the administrative "how it will be done" to accompany Board of Education policies

Policies also make it clear, at least by implication, that Superintendents are expected to follow the direction of the entire Board as it is expressed through its policies. On a daily basis, Board policies, except for bylaws, are primarily for the guidance of the Superintendent of Schools and his/her staff. It is, however, the Board's responsibility to ensure the Superintendent uses policies in making decisions; it is, similarly, the Superintendent's responsibility to insist that both policies and their amplifying regulations are followed by everyone in the school system.

Organization and Contents of Policy Manuals

Policy manuals contain three basic types of entries — Board of Education policies, Superintendent of Schools regulations, and Board of Education bylaws:

1. Policies are guides for discretionary action by the Superintendent of Schools and staff; not all policies require administrative regulations;
2. Regulations are the Superintendent's amplifications of Board policies into specific staff actions; not all administrative regulations require policies;
3. Bylaws are rules governing Boards of Education's internal operations.

Development of Board Policies

The development of sound educational policies is one of the primary duties of the Board of Education. Policies serve to promote democratic and responsive school governance and constitute a major method by which the Board exercises its leadership. Policies are guides for discretionary administrative action by the Superintendent of Schools and his/her staff. Policy development and revision should follow these principles:

Bylaws of the Board

Policies

Development of Board Policies (continued)

1. Policies and regulations shall be given high priorities by the Board and by the Superintendent of Schools;
2. Many people at different levels shall be given opportunities to participate in development and review of policies and regulations;
3. Procedures for development and revision of policies and regulations shall be clear and well understood; participants shall know their roles and authority; lines of communication shall be observed;
4. Use of policies and regulations as guides to action shall be stressed at all organizational levels, and policy or regulatory violations shall not be overlooked or condoned;
5. Policy and regulatory effectiveness shall be monitored regularly by the Board of Education, the Superintendent of Schools, and by other staff members;
6. Board members and administrators shall guard against intrinsic problems of policies and regulations. (*rigidity and inflexibility, bureaucratic or insensitive administration of policy, etc.*)

Anyone may propose a new policy or policy changes — members of the community, the staff, students, Superintendent, or Board members. Proposed new policies and policy changes from staff shall be forwarded to the Superintendent for presentation to the Board. Although the Board encourages and welcomes community, staff and student involvement, only the Board may establish policy.

The Superintendent is encouraged to submit written recommendations for new policies and for revision of existing policies as necessary for the effective operation of the public schools.

Approved policies shall be in writing and coded according to the policy codification system approved by the Board, and made part of the official policy manual maintained by the Superintendent. Policy manuals and copies of new and changed policies shall be distributed to all members of the Board of Education and school administrators, and shall be made available to the staff, students, and general public.

Adoption and/or Amendment of Board of Education Policies

Procedure for the adoption of a new policy or the amendment of existing policy shall be:

1. Upon referral to the policy committee, the committee will develop a statement of policy or change of existing policy based on the following:

Bylaws of the Board

Policies

Adoption and/or Amendment of Board of Education Policies (continued)

- a. Suggestions and requests from Board members;
 - b. Recommendations from the Superintendent of Schools;
 - c. Statutory requirements;
 - d. Citizen input.
2. The policy committee shall present a policy statement, or revised policy statement, with its recommendations to the Board at a regular Board meeting. No action shall be taken at this presentation meeting.
 3. The Board shall act on proposed policies at regular meetings of the Board at which time amendments to the policy proposals may be made and the policies approved if the changes are not a departure from the essence of the policy proposal; if the proposed changes are major, a policy should be brought back for a second review at the next regular meeting with a further recommendation from the Board's policy committee. Proposed policy changes approved by majority vote of the Board shall take immediate effect.
 4. For proposed policy statements, new or revised, because of changes or additions to *state or federal law*, ~~Connecticut General Statutes or State Board of Education Regulations~~, approval may be given at the initial presentation.

Formal adoption of policies and/or amendments of policies shall be recorded in the minutes of the Board meeting. Only those written statements so adopted and recorded shall be regarded as official policies.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies, and procedures.

Bylaw adopted by the Board: January 9, 2001

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Revision proposed on page (b) to correct proper number of majority.

9320(a)

Bylaws of the Board

Meetings of the Board

The Board of Education is a legal body which exists only when its members are assembled in official session. It is the responsibility of the Board to publicly convene for the purpose of conducting official business as required.

It is the policy of the Board to hold a regular meeting on the second Tuesday of each month. The Board shall also, when need dictates, conduct special meetings as called by the Board Chairperson, or upon request of three Board members. An agenda, prepared in accordance with the standards set forth in this policy, shall be publicly posted at least twenty-four hours prior to the time a meeting of the Board is to convene.

Official transactions of the Board shall ordinarily be conducted at the regular meeting. A special meeting, which has been called for a specific purpose, shall only address the specific order of business for which the meeting has been called.

1. So that the Board may be well prepared for meetings, all members shall receive the written agenda, as well as supporting information for items to be considered, at least two business days before a meeting of the Board.
2. The Board shall meet in executive session as needed, in accordance with the circumstances prescribed by the Freedom of Information Act.
3. All meetings of the Board are open to the public. An "Opportunity For The Public To Be Heard" shall be scheduled at every meeting.
4. The agenda of all meetings shall be prepared by the Superintendent in consultation with the Board Chairperson. Board members may also request items for inclusion on the agenda. Every effort should be made to prepare an agenda that will not require a meeting to extend more than three hours.
5. The following guidelines should be followed when listing agenda items; however, when necessary and reasonable, the Board may change the order of business on an agenda so that those items of particular interest to the public in attendance may be considered early in the meeting.

Bylaws of the Board

Meetings of the Board (continued)

- a. Recommended motions, including approval of minutes
- b. Items for Discussion - reports, schedules, communications, etc.

(cf. 9323 – Construction/Posting of Agenda and 9325.2 – Order of Business)

- 6. All actions of the Board shall be recorded as the Board Minutes and kept on file as the permanent official record of the Board meeting proceedings.
- 7. A majority of the Board members *(five)* ~~(seven)~~ shall constitute a quorum for the transaction of business. (cf. 9325.1 – Quorum)
- 8. “Robert’s Rules of Order, Revised” shall govern the proceedings of the Board except when in conflict with the Board Bylaws.
- 9. A meeting of the Board may be canceled by the agreement of a majority of the Board.
- 10. A listing of the regular meetings of the Board of Education shall be posted with the Town Clerk no later than January 31 of each year.

Legal Reference: Connecticut General Statutes

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

1-225 Meetings of government agencies to be public.

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: January 9, 2001
 Bylaw revised by the Board: November 7, 2005
 Bylaw revised by the Board: November 14, 2006

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Proposed changes to section on special meetings are consistent with the Freedom of Information Act.

9321(a)

Bylaws of the Board

Time, Place and Notification of Meetings

Regular Meetings

The Board of Education shall file with the Town Clerk, not later than January 31st of each year, the schedule of the regular meetings of the Board of Education and shall post such schedule on the Board's website, to the extent required by law. No meeting shall be held sooner than thirty days after such filing.

Special Meetings

Special meetings are meetings that are not part of the schedule of regular meetings and include make-up dates for regular meetings that may have been postponed. Notice of each special meeting of the Board of Education shall be *posted at least twenty four hours in advance in the offices of the Board and the Town Clerk and shall be posted on the Board's website, to the extent required by law.* ~~The notice must give~~ *filed refer* ~~(and shall be posted on the Board's website, to the extent required by law)~~ not less than twenty four hours in advance of the meeting ~~with the Town Clerk giving~~ the time and place of the special meeting and the business to be transacted. No other business shall be considered by the Board at that special meeting. Each member of the Board of Education shall be notified by the Superintendent or the Clerk in writing not less than 24 hours prior to the time of the special meeting and shall be advised of the time, place and business to be transacted, although any Board member may waive the 24 hour notification by a written waiver of notice or a telegram to the purpose, and this 24 hour notification requirement may be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Notice of Meetings

Notice of meetings will be mailed to persons filing a written request renewable in January of each year. Said notice shall, where practicable, be given at least one week prior to the date set for the meeting, except that the Board may give such notice as it deems practical for special meetings called less than seven days prior to the date set for the meeting. The Board of Education will charge a fee for these notices based upon cost of the service, as provided by law.

Bylaws of the Board

Time, Place and Notification of Meetings (continued)

Legal Reference: Connecticut General Statutes

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

1-225 Meetings of government agencies to be public.

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: January 9, 2001
Bylaw revised by the Board: March 10, 2009

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Proposed change to number three below is a minor change reducing the affirmative obligation to provide notice of agendas to union and parent organizations, though certainly the practice of emailing such parties may still continue. All members of the community already have access to agendas.

9324

Bylaws of the Board

Advance Delivery of Meeting Materials

The Board meeting materials shall be disseminated as follows:

1. The complete Board of Education agenda and the appropriate materials pertaining thereto shall be sent to each Board member and the Board clerk.

The agenda will be available to the public at the administration building after 4:00 P.M. on Fridays preceding each regular Board of Education meeting. An agenda will also be available to each member of the press on Friday afternoons.

2. A copy of the agenda shall be emailed to each building principal.
3. Copies of the agenda shall ***be made available*** ~~emailed~~ to the presidents of each bargaining unit and the president of the PTO organization.

Bylaw adopted by the Board: January 9, 2001
Bylaw revised by the Board: November 14, 2006

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Bold Italicized language constitutes an addition

Commentary: Revisions are on page (c)(correction of fee to "twenty") and page (d)(new section on record retention). Both of these additions are due to statutory language.

9330(a)

Bylaws of the Board

Board/School District Records

Any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by the Board of Education or the school district, whether handwritten, typed, tape-recorded, printed, photostated, photographed, or recorded by any other method is by definition a "public record" and access thereto during normal hours of business shall be granted to any citizen. All such records shall be maintained at the office of the Superintendent of Schools, who shall be the custodian of all public records of the district.

Not included in the category of public records to which the privilege of access is given are the following:

1. Preliminary drafts or notes provided the custodian or the Board of Education has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.
2. Personnel or medical files and similar files, the disclosure of which would constitute an invasion of personal privacy.
3. Records pertaining to strategy and negotiations with respect to pending claims and litigation to which the district is a party until such litigation or claim has been adjudicated or otherwise settled.
4. (A) Trade secrets, which are defined by law as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and
(B) commercial or financial information given in confidence, not required by statute.
5. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations.

Bylaws of the Board

Board/School District Records (continued)

6. The contents of real estate appraisals, engineering or feasibility estimates and evaluation made for or by the district relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated (except that the law of public domain is not affected by this provision).
7. Records, reports and statements of strategy or negotiations with respect to collective bargaining.
8. Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship.
9. Names or addresses of students enrolled in the public schools without the consent of each student whose name or address is to be disclosed who is eighteen or older and a parent or guardian of such minor student.
10. Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.
11. Records when there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any Board facility or any fixture or appurtenance and equipment attached to, or contained in, such facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined by the Commissioner of Emergency Management and Homeland Security, after consultation with the Superintendent, with respect to records concerning the school district. Such records include, but are not limited to: (i) Security manuals or reports; (ii) Engineering and architectural drawings of Board facilities; (iii) Operational specifications of security systems utilized at any Board facility, except that a general description of any such security system and the cost and quality of such system, may be disclosed; (iv) Training manuals prepared for Board facilities that describe, in any manner, security procedures, emergency plans or security equipment; (v) Internal security audits of Board facilities; (vi) Minutes or records of meetings, or portions of such minutes or records, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subsection; (vii) Logs or other documents that contain information on the movement or assignment of security personnel; and (viii) Emergency plans and emergency preparedness, response, recovery and mitigation plans, including plans provided to a state agency or a local emergency management agency or official.
12. Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system.

Bylaws of the Board

Board/School District Records (continued)

13. The residential, work or school address of any participant in the address confidentiality program established by the Secretary of State to protect victims of family violence, injury or risk of injury to a minor, sexual assault, or stalking.
14. Responses to any request for proposals or bid solicitation issued by the district or any record or file made by the district in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the Superintendent certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

Availability of Records

Any person shall receive promptly on request, a plain or certified copy of any public record except those which access is not permitted under law, at a cost not to exceed fifty cents per page. If any copy requested required a printout or transcription, or if any person applies for a printout or transcription of a public record, the fee shall not exceed the cost to the school district. The district will require prepayment of the fee if the fee is estimated to be ten dollars or more. There will be no sales tax for this service. There will be no charge if the person requesting the record is an indigent, the record requested is exempt from disclosure, or if, in the judgment of the custodian of records, compliance with the request benefits the general welfare.

An additional charge of one dollar for the first page and fifty cents for each additional page may be made for certification of any records or of any fact within the record.

Any individual may copy a public record through the use of a hand-held scanner. The Board may charge a fee not to exceed ~~ten~~ **twenty** dollars for an individual to pay each time the individual copies records with a hand-held scanner. As used in this section, "hand-held scanner" means a battery operated electronic scanning device, the use of which (1) leaves no mark or impression on the public record, and (2) does not unreasonably interfere with the operation of the Board.

The Superintendent, on behalf of the Board of Education, shall immediately notify an employee in writing, and the employee's union representative, if any, when a request is made for disclosure of the employee's personnel, medical or similar files, if (and only if) the Superintendent reasonably believes disclosure would legally constitute an invasion of the employee's privacy. The Board shall disclose the records requested unless it receives a written objection from the employee concerned (or the employee's union representative, if any), within 7 business days from the receipt by the employee or such representative of the notice or, if there is no evidence of receipt of written notice, not later than 9 business days from the date the notice is actually mailed, sent, posted or otherwise given. Each objection filed under this subsection shall be on a form provided by the Board, in accordance with the law. Upon the filing of an objection, the Board shall not disclose

Bylaws of the Board

Availability of Records (continued)

the requested records unless ordered to do so by the Freedom of Information Commission or if the employee subsequently approves the disclosure of the records requested by submitting a written notice to the Board.

Record Retention

In accordance with state law, no public record may be "removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules and regulations adopted by the State Library Board." Therefore, public records may only be subject to destruction and disposal (1) in a manner provided by guidelines adopted by the Connecticut State Librarian, and (2) with the approval of the State Library's Public Records Administrator. With regard to the length of time that records should be retained, the Connecticut State Librarian has developed retention guidelines. The records retention schedule, as revised from time to time, is available through the State Library / Public Records Administrator and its website at www.cslib.org/publicrecords. Records of the school district may not be subject to destruction unless and until permitted by these retention guidelines.

Legal Reference: Connecticut General Statutes
 1-15 Application for copies of public records.
1-18 Disposition of original documents
 1-200 Definitions.
 1-210 to 1-213 Access to public records.
 1-211 Access to computer stored records.
 1-214 Public contracts as part of public records.
 1-225 to 1-240 Meetings of public agencies.
7-109 Destruction of documents.
11-8 Records management program.
11-8a Retention, destruction and transfer of documents.

Bylaw adopted by the Board: January 9, 2001
 Bylaw revised by the Board: March 10, 2009

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

9125(a)

Bylaws of the Board

Attorney

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;
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

~~In order to provide an opportunity for firms or attorneys to apply periodically for the position,~~
When selecting a School Attorney, the Board shall ~~every three years~~ adhere to the following selection procedures:

1. the district will first locate prospective qualified lawyers/law firms by:
 - a. advertising in trade journals;
 - b. checking listings of lawyers/law firms; or
 - c. making inquires of other districts or other appropriate sources.

Bylaws of the Board

Attorney

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 attorney of the Board of Education will be appointed annually on or before the June meeting.~~
4. The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

Bylaws of the Board

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. ~~No member of the Board shall have any direct pecuniary interest in a contract with the school district, nor shall he/she furnish directly any labor, equipment, or supplies the district.~~ ***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.***

Bylaws of the Board (continued)

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 adopted by the Board: January 9, 2001

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

(Revision as of May 15, 2012)

Commentary: This is a NEW by-law for consideration. It is intended to assist the Board in complying with the Freedom of Information Act while using electronic communications such as email, text messaging and similar forms of communication.

9332(a)

Bylaws of the Board

Electronic Communications

The Board of Education believes when used properly, electronic communications (such as e-mail, text messaging, etc.) can be an effective communication tool for Board members. The main goal of such form of communication is to expedite the passage of information and give Board members quick access to one another. Communication among Board members about Board-related activities via electronic communications should be consistent with the Freedom of Information Act.

Guidelines for the Use of Electronic Communications

The Freedom of Information Act mandates that all meetings of public bodies such as the Board of Education be open to the public. It is the policy of the Board of Education that electronic communications shall not be used in such a manner as to deprive the public of the rights given to it under the Freedom of Information Act. For this purpose, this bylaw sets forth guidelines for the uses intended to be made of e-mail by Board members when communicating with other Board members.

1. E-mail, like other written forms of communication relating to the conduct of the public business is subject to the Freedom of Information Act and subject to disclosure.
2. Board members shall not use electronic communications as a substitute for deliberation at public meetings, and/or shall not vote informally on any issues.
3. Electronic communication should be used to pass along factual information.
4. ~~Security of electronic communication cannot be assured. Board members shall not reveal their e-mail passwords to anyone else. If any Board member has reason to believe a password has been lost or stolen, or that e-mail is being accessed by someone without authorization, he/she shall notify the Superintendent, who will notify the District's technology specialist.~~
5. Personnel issues and other sensitive subjects should never be discussed on-line. The confidentiality of employee data, student data, and other sensitive subjects must always be maintained.
6. E-mail messages should not be deleted or otherwise destroyed except in a manner consistent with law. In other words, Board members shall retain any e-mail messages

Bylaws of the Board

Guidelines for the Use of Electronic Communications (continued)

that are: (1) the subject of a Freedom of Information Act request; (2) potentially relevant to litigation that the district is a party to or to anticipated litigation or to any subpoena; (3) required to be retained by the records retention schedule established by the State Library/Public Records Administrator (www.cslib.org/publicrecords/retschedules.htm).

~~Any usage contrary to the aforementioned shall be reported immediately to the Superintendent and may result in the suspension and/or revocation of system access.~~

Accessing E-Mail

~~Each Board member will be responsible for providing off site hook up and for paying all consumable expenses associated with e-mail usage (for example, office supplies, reproduction, and printing). In the event a Board member elects not to access e-mail, hard copy of all e-mail directed to "the Board" will be placed in the Board packet delivered via courier, and will also be available at the Board of Education Central Office.~~

Legal References: Connecticut General Statutes

- 1-18 Disposition of original documents
- 1-200 et seq, The Freedom of Information Act
- 7-109 Destruction of documents.
- 11-8 Records management program.
- 11-8a Retention, destruction and transfer of documents.

General Letter 2009-2, Advisory Opinion of Public Records Administrator on "Management and Retention of E-mail and other Electronic Messages."

Rules 34 and 45, Federal Rules of Civil Procedure

**New Milford Board of Education
Policy Sub-Committee Minutes
May 15, 2012
Lillis Administration Building, Room 2**

Present: Mr. Tom Brant, Chairperson
Mrs. Wendy Faulenbach
Mr. David A. Lawson
Mr. David R. Shaffer

Also Present: Dr. JeanAnn C. Paddyfote, Superintendent of Schools

GEORGE C. BUCKBEE
TOWN CLERK

2012 MAY 17 P 1:19

NEW MILFORD, CT

1.	Call to Order The meeting of the New Milford Board of Education Policy Sub-Committee was called to order at 6:31 p.m. by Mr. Brant. <ul style="list-style-type: none"> Mrs. Wendy Faulenbach was seated for Mrs. Daniele Shook. 	Call to Order
2.	Public Comment <ul style="list-style-type: none"> None 	Public Comment
3.	Discussion and Possible Action <p>A. Policies Recommended for Revision and Approval at Initial Board Presentation:</p> <ul style="list-style-type: none"> In response to a question from Mrs. Faulenbach, Dr. Paddyfote clarified that the by-laws listed under Item A have been reviewed by the Board attorney and may be approved at first review. <p>1. Policy 9260 Board Member Protection</p> <ul style="list-style-type: none"> Mr. Brant noted that this was a minor revision to one sentence. <p>2. Policy 9271 Code of Ethics</p> <ul style="list-style-type: none"> Dr. Paddyfote noted that the proposed revision mirrors the equal educational opportunity policy approved earlier in the school year. 	Discussion and Possible Action <p>A. Policies Recommended for Revision and Approval at Initial Board Presentation:</p> <p>1. Policy 9260 Board Member Protection</p> <p>2. Policy 9271 Code of Ethics</p>

<p>3. Policy 9311 Policies</p> <ul style="list-style-type: none"> Mr. Brant noted that these were very minor revisions: correction of a typo and rephrasing of one sentence. <p>4. Policy 9320 Meetings of the Board</p> <ul style="list-style-type: none"> Mr. Brant noted that this revision corrected the number of majority. Dr. Paddyfote noted this was due to a change in the charter. <p>5. Policy 9321 Time, Place and Notification of Meetings</p> <ul style="list-style-type: none"> Dr. Paddyfote stated these changes were made to provide consistency with the Freedom of Information Act. Mrs. Faulenbach noted that this policy provides clarity about posting of meeting dates and special meetings. <p>6. Policy 9324 Advance Delivery of Meeting Materials</p> <ul style="list-style-type: none"> No comments by the committee. <p>7. Policy 9330 Board/School District Records</p> <ul style="list-style-type: none"> No comments by the committee. <p>Mrs. Faulenbach moved to bring Policies 9260, 9271, 9311, 9320, 9321, 9324, and 9330 to the full Board for approval in June. Motion seconded by Mr. Shaffer.</p> <p>Motion passed unanimously.</p> <p>B. Policies Recommended for Revision:</p> <p>1. Policy 9125 Attorney</p> <ul style="list-style-type: none"> Dr. Paddyfote stated that she had reviewed several other districts' version of this policy and that New Milford's version was much more detailed than most. The proposed revision 	<p>3. Policy 9311 Policies</p> <p>4. Policy 9320 Meetings of the Board</p> <p>5. Policy 9321 Time, Place and Notification of Meetings</p> <p>6. Policy 9324 Advance Delivery of Meeting Materials</p> <p>7. Policy 9330 Board/School District Records</p> <p>Motion made and passed unanimously to bring Policies 9260, 9271, 9311, 9320, 9321, 9324, and 9330 to the full Board for approval in June.</p> <p>B. Policies Recommended for Revision:</p> <p>1. Policy 9125 Attorney</p>
--	--

	<p>gives the Board more flexibility on when they choose to go out to bid and deletes the necessity to name counsel annually.</p> <ul style="list-style-type: none"> • Mrs. Faulenbach stated that the bid process is already covered in the 3000 series and she likes the idea of the new flexibility. Bidding can now be tied in to possible price increases. • Dr. Paddyfote noted that the current attorneys did lower fees on request this year. • Mr. Shaffer asked if the Board counsel reviewed school handbooks. Dr. Paddyfote said they review Appendix A only, which is the policies. Handbooks have been the responsibility of the Assistant Superintendent in the past. 	
2.	<p>Policy 9270 Conflict of Interest</p> <ul style="list-style-type: none"> • Mrs. Faulenbach noted that she was pleased to see the additions to this policy which are in the best interest of all Board members. She finds it especially helpful for new Board members for interpretation and weighing of risks both personal and to the Board. • Mr. Shaffer asked a question as to whether or not his possible proctoring of SATs for the district, where he is not paid by the district, is a conflict of interest. Dr. Paddyfote stated not technically since the district is not paying him but that it is a judgment call. Mr. Lawson stated that conflict of interest usually requires a benefit to be received. Mrs. Faulenbach stated that it is always better to step back if there could be any negative interpretation perceived. 	<p>2. Policy 9270 Conflict of Interest</p>
3.	<p>Policy 9332 Electronic Communications</p> <ul style="list-style-type: none"> • Dr. Paddyfote handed out a revised draft of this policy. The revised draft corrected the implication that Board members have school e-mail addresses. These addresses were removed on legal advice due to past issues. Any e-mails addressed to the Board go to the Superintendent and Board Chair. If the e-mail is of a general nature, it is printed and put into 	<p>3. Policy 9332 Electronic Communications</p>

	<p>the Board correspondence packet. Dr. Paddyfote stated that the revision is also designed to guard against Board members having conversations by e-mail that could have the appearance of an informal vote.</p> <p>Mr. Lawson moved to bring Policies 9125, 9270, and 9332 to the full Board for first review in June. Motion seconded by Mr. Shaffer.</p>	<p>Motion made and passed unanimously to bring Policies 9125, 9270, and 9332 to the full Board for first review in June.</p>
4.	<p>Adjourn</p> <p>Mr. Lawson moved to adjourn the meeting at 6:55 p.m. seconded by Mr. Shaffer and passed unanimously.</p>	<p>Adjourn</p> <p>Motion made and passed unanimously to adjourn the meeting at 6:55 p.m.</p>

Respectfully submitted:



Tom Brant, Chairperson
Policy Sub-Committee