

NEW HAVEN PUBLIC SCHOOLS

BYLAWS OF THE BOARD

SERIES 9000

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School Board Governance and Operations

Roles of Board and Members (Powers, Purposes, Duties)

The law provides that the public schools in each school district shall be maintained, developed, and operated by a local board of education. Legally, then, local school boards are agents of the State, and derive their authority from the General Assembly.

The New Haven Board of Education, as an agent of the State, exercises those powers and duties expressed or implied in the laws and regulations of the State. The Board alone bears the responsibility for the education program of the New Haven Public Schools.

Structurally, the public educational system of the City of New Haven is a department of the City which is under the management and control of a board of education. The City Charter provides for an appointed Board of Education consisting of the Mayor and seven members serving overlapping four-year terms.

Legal References: *Conn. Gen. Stat. §§ 10-4b, 10-220, 10-221*
 Charter of the City of New Haven, Art. XXIX, § 148

School Board Governance and Operations

Limits of Authority

The powers delegated to a board of education by the State are delegated to the board as a body. No authority is granted board members acting as individuals.

The New Haven Board of Education exercises its powers and duties only when it is convened in an official meeting where a majority of the Board constitutes a quorum to transact business. Members of the Board have no authority except at such Board meetings or when discharging an assignment made by the Board of Education.

Legal References: *Conn. Gen. Stat. § 10-220*
 Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Public Statements

Before voting on any issue, all Board members shall be encouraged to present whatever evidence they may feel important to the matter at hand. The Board shall fully consider the implications and relevancy of all information so presented. All opinions, reactions and positions shall be openly discussed, so that each member may understand all aspects of the issue before the Board makes its decision.

Once a Board decision has been reached, all Board members shall abide by that decision until it is amended or rescinded by subsequent Board action.

Public statements in the name of the School Board shall be issued by the Board President or, if appropriate, by the Superintendent of Schools or his/her designee at the direction of the Board President.

*Legal References: Conn. Gen. Stat. § 10-221
Charter of the City of New Haven, Art. XXIX, § 150*

School Board Governance and Operations

Board-Related Responsibilities

The Board of Education is responsible for the control and management of all the public schools in the City, and for the expenditures of all funds appropriated for schools, and for the construction, repair and maintenance of all school buildings.

With educational excellence and equity as its primary objective, the Board views the following as its major responsibilities:

1. To develop and maintain exemplary public elementary and secondary school programs;
2. To implement the educational interest of the State, as set forth in Conn. Gen. Stat. § 10-4b, as amended by Public Act 97-290 (*Sheff v. O'Neill Legislation*);
3. In order to reduce racial, ethnic and economic isolation, to provide educational opportunities for students to interact with students and teachers from other racial, ethnic and economic backgrounds;
4. To provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology; (2) equitable allocation of resources among its schools; and (3) a safe school setting;
5. To provide other educational activities as in its judgment will best serve the interests of the City;
6. To require each child between the ages of seven and sixteen to attend school in accordance with state law;
7. To require each child of school age to attend some public day school for the period required by law and provide transportation of such children wherever transportation is reasonable and desirable;
8. To strive for and encourage racial balance in its schools;
9. To determine the number, age and qualifications of pupils admitted to each school and to establish school attendance areas;
10. To employ a qualified Superintendent of Schools and, on the recommendation of the Superintendent of Schools, appoint and dismiss all certified and noncertified personnel, subject to applicable law.

School Board Governance and Operations

Board-Related Responsibilities (continued)

11. To explain and interpret the educational program and its objectives to the citizens of the community.
12. To formulate broad, general policies to guide and govern the operation of the public schools in the City and to delegate to the Superintendent of Schools the responsibility for the development and enforcement of rules and regulations necessary for the implementation of the Board's policies; and
13. To perform all acts imposed upon it by applicable law.

Legal References: *Conn. Gen. Stat. §§ 10-220, 10-221, 10-241*
 Charter of the City of New Haven, Art. XXIX, §150

School Board Governance and Operations

Organization

The Board shall annually organize at its second regular meeting held in September by electing from among its membership a President and a Vice President/Secretary.

The election of officers shall require a majority vote of the full membership of the Board.

Should an office become vacant between organizational meetings, the Board shall choose, by majority vote of its full membership, a member to fill the vacancy until the next annual election.

Legal References: *Conn. Gen. Stat. § 10-218*
 Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Number of Members, Terms of Office

The Board of Education consists of the Mayor of the City of New Haven and seven members appointed by the Mayor.

Appointments to the Board are made in accordance with provisions of the City Charter. Each member serves for a four-year term, and the terms are overlapping.

Legal References: *Charter of the City of New Haven, Art. X, §56; Art. XXIX, §§ 148, 149*

School Board Governance and Operations

Officers and Auxiliary Personnel

The officers of the Board of Education shall be a President and a Vice President/Secretary. The President shall preside at all board meetings, call all special meetings except as otherwise provided by the Board, and perform such other duties as may be assigned by the Board of Education.

In the absence of the President, the Vice President/Secretary shall assume the duties and responsibilities of the President.

In the absence of both the President and Vice President/Secretary, the duties and responsibilities of these offices will be assumed by a committee chairperson in the following order: Administration/Finance Committee, Curriculum Committee, Personnel Committee.

Legal References: *Conn. Gen. Stat. §§ 10-218; 10-224*
 Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

President

The Board President shall preside at all Board meetings. He/she shall:

1. Call the meeting to order;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of the meetings;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.
5. Explain what the effect of a motion would be if it is not clear to every member.
6. Restrict discussion to the question when a motion is before the Board.
7. Rule on parliamentary procedures;
8. Put motions to a vote and state clearly the results of the vote;
9. Have the Authority to sign any and all contracts and other legal documents on behalf of the Board of Education, and
10. Perform all other duties as directed by the Board and by applicable laws and regulations.

The President shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

Legal Reference: *Conn. Gen. Stat. §§ 1-224, 10-225*
 Charter of the City of New Haven, Art. XXIX, § 150

Bylaw adopted: January 11, 1999
Bylaw revised: September 27, 2006

NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut

School Board Governance and Operations

Vice President/Secretary

The duties of the Vice President/Secretary shall be to:

1. Serve as presiding officer in the absence of the President,
2. Sign any and all contracts and other legal documents on behalf of the Board in the absence of the Board President; and
3. Perform any other duties assigned by the Board.

Legal References: *Conn. Gen. Stat. §§ 10-224, 10-225*
 Charter of the City of New Haven, Art. XXIX, § 150

Bylaw adopted: January 11, 1999
Bylaw revised: September 27, 2006

NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut

School Board Governance and Operations

Attorney(s)/Corporation Counsel

The Board may use the services of private attorneys to meet the needs of the district. The Board-appointed legal counsel shall render legal advice to the Superintendent or his/her designee and the Board, and shall perform other administrative duties as assigned by the Board and Superintendent or his/her designee.

The Superintendent or his/her designee may confer with the district's legal counsel at his/her discretion, except as otherwise directed by the Board.

Legal References: Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Board Committees

The Board of Education shall establish committees of the Board. Board committees may seek input and participation from parents, guardians, staff, students, and members of the community, and also may consult with other public boards and agencies as deemed necessary and appropriate.

Board committees shall act in an advisory capacity, making recommendations to the full Board. No committee action shall be binding on the Board. The Board as a whole shall have the final consideration in all matters.

Legal References: Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Standing Committees

The Board of Education shall have three standing committees: Administration/Finance, Curriculum, and Personnel. Each committee will have a minimum membership of three Board members.

The chairperson for each committee will be appointed annually by the President of the Board of Education at the annual organizational meeting. Administration/Finance Committee meetings will be held on the first and third Monday of the month at 5:30 p.m., Curriculum Committee meetings will be held on the first and third Monday of the month at 4:30 p.m., and Personnel Committee meetings will be held on the third Monday of the month at 7 p.m.

Legal References: Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Orientation

New Board members are encouraged to become familiar with the workings of the Board as soon after their appointment as practical.

The Board of Education, in collaboration with the Superintendent of Schools, will assist new Board members in gathering information relevant to their expected roles and responsibilities as board members and other such information as may be needed or requested in preparation therefor.

Legal References: Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Qualifications

All members of the Board of Education must be legal residents of the City of New Haven. No more than four members of the same political party shall at any one time be members of the Board.

Legal References: *Charter of the City of New Haven, Art. X, §56; Art. XXIX, §§ 148, 149*

School Board Governance and Operations

Filling Vacancies

Vacancies on the Board of Education caused by resignation, death, or disqualification of a member shall be filled by the Mayor for the unexpired term.

Legal References: Charter of the City of New Haven, Art. XXIX, § 149

School Board Governance and Operations

Formulation, Adoption and Amendment of Policies

The policies adopted by the Board of Education shall be broad and general and shall indicate a line of action to be taken by the Superintendent of Schools in dealing with specific problems and issues. The implementation of such policies is an administrative detail to be performed by the Superintendent of Schools.

Policies of the Board may be adopted or amended by a majority vote of the members provided the proposed policy or amendment is included on the agenda for the meeting at which the action is to be taken.

Policies of the Board may be suspended only by the unanimous vote of the full membership of the board.

Legal References: *Conn. Gen. Stat. § 10-221*
 Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Formulation, Adoption and Amendment of Bylaws

The bylaws of the Board may be adopted or amended by a majority vote of the members provided the proposed bylaw or amendment is included on the agenda for the meeting at which the action is to be taken.

The bylaws of the Board may be suspended only by the unanimous vote of Board members present and voting.

Legal References: *Conn. Gen. Stat. § 10-221*
 Charter of the City of New Haven, Art. XXIX, § 150

School Board Governance and Operations

Time, Place, Notification for Meetings

The Board of Education meetings will be held on the second and fourth Monday of each month at 5:30 p.m. The Board may vote immediately to go into executive session, in which case it shall reconvene the public session at 6:00 p.m.

At the annual organizational meeting in September, the Board will adopt a schedule of Board meeting dates and sites for the ensuing year and this schedule will be made known to the public.

The call for any meeting of the Board of Education shall be given to the Board members not less than 24 hours prior to the meeting. Notice of such a meeting may be given in person, by telephone, or in writing.

Regular meetings may be cancelled, postponed, or held at another time and place by agreement of a majority of the Board members.

Legal References: Conn. Gen. Stat. §§ 1-7 through 1-21h; § 10-218

School Board Governance and Operations

Public and Executive Sessions

All meetings of the Board of Education for the official transaction of business, except executive sessions, shall be open to the public. The Board of Education may, by a majority vote, meet in executive session when public discussion of certain matters may not be in the best interests of the school system.

Attendance at an executive session shall be limited to members of the Board and any persons invited by the Board to present testimony or opinion on pertinent matters. Such guests' attendance at executive sessions shall be limited to the period for which their presence is necessary.

When an executive session is deemed necessary, the Board shall vote publicly to go into such session, and the motion for such a vote shall contain the reason for the executive session.

As permitted by law, the Board may go into executive session for the following reasons only:

1. Discussion of personnel matters involving identifiable individuals.
2. Discussion of strategy and negotiations for pending claims and litigation.
3. Discussion of security strategy or deployment of security personnel.
4. Discussion of the acquisition of real estate until such time as the real estate is purchased.
5. Discussion of matters which would result in the disclosure of records not required to be open to the public.

The minutes of any Board meeting shall include any executive sessions held, with a statement of the reason for the executive session and all persons present, except job applicants who attend for purpose of being interviewed by the Board.

Legal References: Conn. Gen. Stat. §§ 1-7 through 1-21g

School Board Governance and Operations

Special Board Meetings

Special meetings of the Board shall be called upon by vote of a majority of the full Board membership, or whenever deemed necessary by the Board President. Only business related to the call of the meeting shall be discussed by the Board at a special meeting.

Board members shall be notified of special meetings at least 24 hours in advance of the meeting. The notice must include the time, place, and agenda to be acted upon. Notification of special meetings must be filed with the city clerk at least 24 hours before the meeting. In cases of extreme emergency, the Board may hold a special meeting without this notification if the minutes of the meeting are filed with the city clerk within 72 hours. (Time excludes Saturdays, Sundays, and legal holidays.)

All special meetings shall be open to the public.

Legal References: Conn. Gen. Stat. §§, 1-21, 10-218

School Board Governance and Operations

Quorum/Rules of Order

Five members shall constitute a quorum of the Board of Education.

The rules contained in Robert's Rules of Order Newly Revised shall govern the proceedings of the Board of Education in all instances in which they are consistent with the bylaws of the Board.

Legal Reference: Charter of the City of New Haven, Art. XXIX, §§ 150, 151

School Board Governance and Operations

Voting Method

All official actions of the Board shall be by a unanimous vote of five members.

Legal References: Charter of the City of New Haven, Art. XXIX, § 151

School Board Governance and Operations

Board Member Compensation and Expenses

Payment of Legal Expenses

Board members who are involved in any legal matter, which is not covered by an appropriate statutory and/or charter provision, will not receive the financial support of the Board of Education for expenses, unless such member is challenging an issue that may reasonably benefit all Board members or an issue that is calculated to maintain the integrity of the Board as a separate and distinct legal entity.

To effectuate this policy, the New Haven Board of Education agrees that:

1. Any Board member who desires to initiate a legal action against the City government or any other parties should first discuss such action and its implications in detail with the Board.
2. The Board will next decide whether its best interests would be served by the action.
3. The Board will in turn decide by vote whether to financially support such legal action.
4. If the decision is in the affirmative, the Board will designate a financial ceiling for legal expenses.

Adherence to the above policy will have the effect of preventing an arbitrary initiation of a legal action by the Board member for which legal support is sought. This policy further necessitates a full hearing of the issue and this provides the Board with a rational basis upon which to make a decision. Finally, the aforementioned policy requires the Board to approve an impending legal action, and to develop a clear understanding of its financial commitment before action is commenced.

Legal References: