

CABE's suggested bylaw.

Bylaws of the Board

Public and Executive Sessions

Public Meetings

All meetings of the Board of Education, regular, special and emergency shall be open to the public with the exception of executive sessions. A chance or social meeting, a caucus, a meeting of a personnel search committee for executive level employment candidates, or a discussion of strategy or negotiations with respect to collective bargaining are not defined as "meetings" under the Freedom of Information Act. A meeting is defined as a hearing or other proceeding of the Board, any convening or assembly of a quorum of the Board and any communication by or to a quorum of the Board, whether in person or by means of electronic equipment to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advocacy power. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Freedom of Information Act.

Executive Sessions

The public may be excluded from meetings of the Board of Education which are declared to be executive sessions. Executive sessions may be held upon a two-thirds vote of the members present and voting taken at a public meeting for only one or more of the following reasons, and may not be held for any other reason:

1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.
2. Strategy and negotiations with respect to pending claims and litigation that the Board or a member of the Board, is party.
3. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.
4. Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
5. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in Subsection (b) of Section 1-210 of the Connecticut General Statutes.

Bylaws of the Board

Public and Executive Sessions

Executive Sessions (continued)

The motion to go into executive session shall identify the persons, in addition to the Board, who shall be invited to be in attendance in the executive session. The persons invited into executive session shall be limited to persons needed to present testimony or opinion pertinent to matters before the Board and such persons' attendance shall be limited to the time period for which their presence is necessary.

Smoking

Smoking will not be permitted in any room in which a meeting of the Board of Education is being conducted, nor during the time immediately prior to the meeting. A request that there be no smoking during the meeting will be made by the Chairperson during the opening ceremonies.

Non-Meetings

Not every meeting of the Board of Education constitutes a "meeting" under the Freedom of Information Act (FOIA). A meeting does not include:

- Any meeting of a personnel search committee to executive level employment candidates;
- Any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters related to official business;
- Any meeting discussing 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;
- A quorum of the members of the Board who are present at any event which has been noticed and conducted as a meeting of another public agency, in that case, the event shall not be deemed to be a meeting of the Board as a result of their presence at such event. (For example, if the Board of Education is invited to attend a meeting of the Board of Finance, such a meeting does not have to be noticed and posted by the Board of Education.)

There is no specific executive session privilege for the discussion of collective bargaining issues. However, discussion of "records, reports of strategy or negotiations with respect to collective bargaining" is permitted in executive session, provided that such documents exist.

Absent such documents, such strategy discussions and/or negotiations themselves must be held as a "non-meeting." Collective bargaining is excluded from the definition of a meeting under the Freedom of Information Act (FOIA). Collective bargaining sessions shall be held outside the scope of the FOIA as a "non-meeting." Such sessions may be held at any time without posting, and related strategy sessions or updates to the Board of Education may be held either before or after the end of a regular or special meeting, without the need to post such meetings.

Bylaws of the Board

Public and Executive Sessions (continued)

(cf. 1331 - Smoking in School Facilities)

Legal Reference: Connecticut General Statutes

1-200 Definitions. (as amended by PA 02-130)

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

1-210 Access to public records.

1-225 Meetings of government agencies to be public.

1-226 Recording, broadcasting or photographing meetings.

1-231 Executive sessions.

19a-342 Smoking prohibited in certain places.

Bylaw adopted by the Board:

cps 4/99
rev 6/02
rev 3/06
rev 4/09
rev 10/10