

Series 9000 - Bylaws of the Board

3. Methods of Operation

E. Hearings

Public Hearings

The Board of Education may from time to time hold a public hearing on any issue where it seeks the opinion and/or guidance of the public. Also, upon receipt of a written petition signed by at least one percent of the electors of Suffield, the Board of Education shall hold a public hearing on any question specified on said petition. Any public hearing shall be held at a time and place designated by the Board of Education, and shall be held no later than three (3) weeks after the Board's receipt of the petition. Notice of the hearing shall be posted in the Town Clerk's office at least twenty-four (24) hours before the scheduled hearing. At a public hearing, the following procedure shall be followed:

1. If the Board has taken a position on the issue in question, the Board Chairperson shall briefly summarize the reasons for the position taken
2. Suffield residents who wish to speak on the issue shall identify themselves by name and address when recognized by the Board Chair. The Board Chair may set a reasonable time limit for each speaker.
3. Upon a majority vote of the Board, the hearing may be continued at a later date.

The minutes of the hearing must be filed with the Town Clerk's office within seven (7) days following the hearing and a copy of the votes taken at a hearing must be filed with the Town Clerk's office within forty-eight (48) hours.

Grievance Hearings

The following rules shall apply to all formal hearings before the Board of Education in contested cases. Said rules shall not apply to conference or other informal investigations or proceedings at or upon which no formal ruling or decision is made, or to any proceeding in a non-contested case. These rules are developed specifically for use in hearings regarding school transportation disputes and complaints alleging the failure or the inability of the Suffield Board of Education to implement the educational interests of the state. Special Education administration reviews shall follow regulations specified in Section 10-76.

All requests for hearing or appeals under Section 10-76, 10-153, or Public Act 79-128 of the Connecticut law or as otherwise provided for by resolution of the Board of Education shall be in writing to the Board Chair or the Superintendent. Appeals from the decision of the Superintendent shall include the appellant's statement of the issues to be presented in said appeal. All hearings in personnel actions held under B (1) will not be public unless both parties agree. All hearings held under B will be public.

Notice of Hearing

1. In personnel actions, written notice of hearing shall be sent by the Board Chair, or his/her designee, to all interested parties not less than fifteen (15) days prior to the hearing. Such notice shall state the charges and/or issues. It shall also state the date, time and place of the hearing.
2. In all other cases involving appeals authorized by law, written notice of a hearing shall be sent by the Board Chair, or his/her designee, to all interested parties not less than twenty (20) days prior to the hearing and shall outline a counter statement of charges and/or issues, if any, involved in the proceeding, if the Superintendent shall deem such to be materially and substantially different from those previously raised or decided by said appellant before the Superintendent in the first instance. Any disagreements arising from the above shall be resolved by the Board of Education.

Parties – Representation

1. “Party” includes any person or agency named or admitted as a party. Any person or agency may be admitted as a party for limited purposes upon the satisfactory demonstration of the nature and extent of its interest to the Board of Education.
2. All parties appearing at formal hearings shall have the right to appear in proper person or with counsel. All such parties shall have the right to be accompanied, represented, and advised by counsel.

Records – Transcripts

1. The Board of Education shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda filed in the proceeding.
2. When prescribed by law, a stenographic record of the proceedings shall be made at the expense of the school system and shall be transcribed. Cost of copies of the transcript of any proceedings, or part thereof, shall be paid by the party requesting such copy.

Presiding Officer – Duties and Authority

Each hearing shall be held before not less than three members of the Board. The Chairperson, or in his/her absence the Vice Chairperson, and in the absence of both a member designed by the Chairperson, shall be the presiding officer and shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.

Order of Procedure

The order in which the parties shall present their case shall be determined by the presiding officer.

Examination of Witnesses and Introduction of Evidence

1. The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is

reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence, and may curtail redundant questioning. He/she may encourage (but, shall in no event coerce) the parties, where possible, to make proffers and stipulation in place of cumulative Counsel for any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions: provided however, that where a party is not represented by counsel, all such submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented by the party.

2. The presiding officer, or any person designated by him/her for the purpose, may examine all witnesses called by any party. He/she may call as a witness any person whose testimony may be relevant. Any Board member may examine any witness.

Briefs

Any party may submit briefs of the issues of fact and law involved in the hearing in such form as the presiding officer may designate.

Counsel

The presiding officer of the Board may request the Board attorney to participate in any hearing as counsel for the Board.

Decision and Order

Each decision and order of the Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each decision and order shall be accompanied by findings of fact, conclusions of law, and specific dispositions of the case and shall be provided to the individual. Formal action of the Board shall be taken publicly at a Board meeting following the hearing, but no other information will be released by the Board or school administration as noted above.

Legal Reference: Connecticut General Statutes
 4-177 – re Contested Cases

Bylaw adopted by the Board: December 2, 1997
Bylaw Revised: November 20, 2012

SUFFIELD PUBLIC SCHOOLS
Suffield, Connecticut