

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 a good public elementary school; 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 sixteen years of age attends schools in accordance with state requirements (10-220) (10-184 as amended by PA 98-243;
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 pupils 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);

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

8. provision of textbooks, supplemental books, and library books, supplies, materials, and equipment loaned and furnished to pupils 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 as amended by PA 98-168, Section 23)
11. provisions for reasonable and desirable student transportation to school (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);
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 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);
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);

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

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. 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);
 - 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);

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- 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 (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, 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).
 - i. annually to the Commission of Education on the condition of facilities and the action taken to implement the long term school building program. (10-220)
 - j. biennially, beginning, October 1st, 1998, to the regional education service center on the programs and activities undertaken in the district to reduce racial, ethnic and economic isolation.
24. 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 pupil suspension and expulsion; and promulgation of rules at least annually to students (10-221)(10-233e);
 - c. homework, attendance, promotion, and retention (10-221);
 - d. student truancy (10-198a);

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- e. use, sale, or possession of alcohol or controlled drugs by students on school property... (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. school district use of repayments and insurance proceeds in the year of loss from lost or damaged textbooks, library materials, or other materials (net of any costs the board of finance incurred, if any, for replacing such lost, damaged or stolen books or materials) (10-222a);
 - j. uniform treatment of recruiters, military and non-military (10-221b);
 - k. protection of children from abuse (17a-101—17a-106)
25. 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 pupils, out of school or in-school, and from bus privileges and recommend expulsion of pupils 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);
 - d. upon request, for not less than one semester's use, of nonpublic school pupils, or their parents/guardians, residing in and attending a nonpublic school in the district, free loans of current district textbooks (10-228a);

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- 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 (10-226 & 10-227);
- 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 an approved State Board of Education non-profit Connecticut elementary or secondary nonpublic school;
- 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. establish vocational guidance as part of the educational program and employ a vocational counselor (10-21);
- p. exchange professional personnel and students with institutions of other states and other countries and conditions for such exchanges (10-27);
- q. 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), consists of not less than fifty hours of actual service that may be performed at times when school is not regularly in session;

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- r. provide sanctions against pupils who damage or fail to return textbooks, library materials, or other educational materials (10-221);
 - s. establish firm high school graduation date on or after the 185th school day noted in the school calendar originally adopted by the board for that school year, except that after April 1st in any school year a firm date may be established which at the time of establishment, provides a minimum of 180 days of school. (10-16L).
 - t. provide transportation to an out-of district charter school. (10-266m)
26. compliance with all provisions of the following Connecticut General Statutes:
- a. sections 1-13 through 1-21k Freedom of Information Act on public records and meetings;
 - b. sections 7-391 through 7-396a — Municipal Audits;
 - c. section 7-421 — political activities of classified municipal employees for elective office. Leaves of absences. Service on governmental bodies of the town in which the employee resides;
 - d. sections 7-467 through 7-479 — negotiations with non-certified (municipal) employees;
 - e. section 7-479 — conflicts of interest for board of education members;
 - f. section 8-24 — municipal and school district improvements and municipal planning commissions;
 - g. section 9-185 through 9-206a — election of municipal officers and members of boards of education;
 - h. sections 10-14m through 10-14r — educational evaluation and remedial assistance programs;
 - i. section 10-15b — parental or guardian access to student records;
 - j. section 10-15c — prohibition of public school discrimination among children;
 - k. section 10-16a — silent meditation;
 - l. section 10-16b — prescribed courses of study;
 - m. 10-16c through 10-16f — family life education;

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- n. section 10-17 — English language as the medium of instruction in all public elementary schools with exceptions made for bilingual programs;
- o. sections 10-17e through 10-17f — required bilingual programs;
- p. section 10-18 — required courses in United States history, government and duties and responsibilities of citizenship;
- q. section 10-18a — multicultural interests in selection of textbooks;
- r. section 10-18c — firearm safety programs and exemptions from participation;
- s. sections 10-19 through 10-19b — teaching about alcohol, nicotine, or tobacco; drugs and acquired immune deficiency syndrome and training of personnel; substance abuse prevention teams and advisory councils on drug abuse prevention;
- t. sections 10-21b through 10-21e — programs offered by employers, programs offered jointly by boards of education and business firms, and school business forums;
- u. sections 10-29a through 10-29b — school observances of special days proclaimed by the Governor of Connecticut;
- v. sections 10-33 through 10-36 — high school operations and tuition;
- w. sections 10-39 through 10-63t — regional school districts;
- x. sections 10-64 through 10-66 — regional vocational schools;
- y. sections 10-66a through 10-66n — regional educational service centers;
- z. sections 10-67 through 10-73 — adult education;
- aa. sections 10-76a through 10-76ee — special education;
- ab. sections 10-94f through 10-94 k — surrogate parent programs;
- ac. section 10-145 — employment of properly certified professional personnel;
- ad. section 10-151a — access of teachers to personnel files;
- ae. section 151b — evaluation of certified board of education employees;

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- af. section 151c — confidentiality of teacher evaluations;
- ag. section 153 — prohibition of discrimination among professional employees on the basis of marital status;
- ah. section 10-153 through 10-153r — certified employee negotiations;
- ai. section 10-157 — Superintendents: relationship to local or regional board of education; verification of certification status; written contract of employment; evaluation of superintendent by board of education;
- aj. section 10-155f — prohibition of residency requirements for teachers;
- ak. section 10-156d—reemployment of certified employees after military leave;
- al. section 10-158 — cooperative arrangements among towns. “Teacher” defined for purposes of this section;
- am. sections 10-183b through 10-183nn — teacher retirement;
- an. section 10-186 through 10-193 — boards of education/pupil attendance;
- ao. section 10-203 — school sanitation;
- ap. sections 10-204 and 10-204a — vaccination and required student immunizations;
- aq. sections 10-205 and 10-207 — appointment and duties of school medical advisers;
- ar. sections 10-206, 10-206a, 10-206b, 10-208, 10-208a, 10-209, 10-210 — student health assessments;
- as. section 10-212 — appointment of school nurses and nurse practitioners;
- at. section 10-212a — administration of medicines by school personnel;
- au. section 10-214 — vision, audiometric, and postural screenings: when required; notification of parents re defects; and record of results;
- av. section 10-214a — eye protection for students;
- aw. section 10-214 b — compliance reports by boards of education;

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- ax. section 10-215 — lunches, breakfasts and other feeding programs for public school children and employees;
- ay. section 10-217a — Boards to provide the same health services for children in private nonprofit schools within the town as for local public school children... ;
- az. sections 10-217c, 10-217d, 10-217e, 10-217f 10-217g — warning labels on art or craft materials of toxic substance, carcinogens, and a statement of safe use and storage for such materials; restricting purchases of art or craft materials by local or regional school districts without such labeling;
- ba. section 10-231 — requirement for monthly fire drills in each building;
- bb. sections 10-282 through 10-292 — school building projects;
- bc. sections 14-212 through 14-292 — operation, drivers, markings, etc. of school buses;
- bd. sections 16a-38 — energy utilization and conservation and life cycle cost analyses for new school construction;
- be. sections 17a-101 through 17a-106 — protection of children from abuse;
- bf. sections 19a-332 through 19a-332d—carcinogens, asbestos abatement;
- bg. sections 20-412a through 20-412c — speech pathologists and audiologists;
- bh. section 22a-449h — replacement of underground storage systems;
- bi. section 29-313 — regulations and prohibitions on use of certain fire extinguishers on school buses;
- bj. sections 29-381 through 29-389 — safety of public buildings;
- bk. sections 31-23 and 31-24 — protection of employees and certain prohibitions on employment of minors;
- bl. sections 46a-58 through 46a-62 — prohibition of discriminatory employment practices;
- bm. sections 46b-120 through 46b-150d — juvenile matters, families with service needs, emancipation of minors, etc.;

Bylaws of the Board

Legal Responsibilities of Boards of Education (continued)

- bn. section 47-47 — prohibition against barbed wire around public buildings;
- bo. sections 52-57 through 52-572 — statutory right of action and defenses including the “good Samaritan law as applicable to school personnel;
- bp. sections 53-392a through 53-392e — academic crimes;
- bq. section 53a-18 — use of reasonable physical force.
- br. Public Act 93-263 An Act Improving Educational Quality and Diversity;
- bs. Public Act 93-304 An Act Prohibiting Smoking in Public Buildings.
- bt. Public Act 97-290 An Act Enhancing Educational Choices and Opportunities.
- bu. Public Act 98-168 An Act Concerning State Agency Placements and Special Education.
- bv. Public Act 98-139 An Act Concerning Student Suspension and Expulsion.
- bw. Public Act 98-141 An Act Concerning Budget Line Transfers by Local Boards of Education.
- bx. Public Act 98-243 An Act Concerning Early Reading Success.
- by. Public Act 98-129 An Act Concerning Hand Gun Safety.

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

Bylaw adopted by the Board: May 27, 1999

MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut