

Bylaws of the Board

Time, Place and Notification of Meetings

Electronic Board of Education Meetings

Definitions

“Meeting” 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 advisory 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. This definition includes hybrid, remote, and in-person meetings.

“Public Notice” Each Board member and each person who has duly requested such notification shall be notified no later than twenty-four hours in advance of the meeting of the time, date, location, and the agenda of any regular or special meeting. The twenty-four-hour notice shall also be posted in the Board office, delivered to newspapers designated by the Board, and filed with the Town Clerk, except that such notice is not required where the time, date, and location of the meeting has been published in the annual list of meetings approved by the Board and filed with the Town Clerk not later than January 31 of each year in accordance with law. The meeting agenda must be filed at least twenty-four hours before the meeting convenes. (In an emergency meeting, the Board may proceed to conduct business if and to the extent required by the emergency.) The expectation shall also be adhered to in the event of a Board meeting held through electronic means as described in this bylaw. The public is encouraged to attend meetings in-person but will be informed about the option to attend virtually. If capacity is anticipated to exceed maximum allowable limits, the meeting notice can suggest the public participate by remote means.

“Voting” All Board actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member is recorded in the minutes of the meeting. Proxy voting shall not be permitted. Voice voting must occur in the event of a BOE meeting held through electronic means as described in this bylaw. Votes will be verbalized into the record by the Board Secretary. Abstentions shall not be counted as votes but shall be recorded.

“Internet (Chat) Discussions” In the event of a Board meeting held through electronic means as described in this bylaw, under no circumstances are members of the Board to have private chats while engaged in the public session of the meeting. All comments, inquiries, and votes must occur in the public forum for all to hear. All Board member(s) are expected to comply with the guidance of this bylaw.

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Policy Statement

The Marlborough Board of Education (Board) may hold meetings in a hybrid format, accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting, to allow for greater community awareness and participation. The Board may also hold meetings remotely if it is unsafe to meet in-person due to a public health emergency or other circumstances.

Hybrid/Remote Board meetings and proceedings will be recorded, and such recordings will be posted on the District's website within seven days of the meeting or proceeding. Consistent with Board Policy 1120, the Board of Education welcomes public participation in its meetings, including meetings held in a hybrid or remote manner through electronic means.

Public Viewing and Participation in a Hybrid/Remote Meeting

Members of the public may view the Board meeting live via electronic link. Such notice shall include instructions for the public, to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person.

The procedure for public comment during hybrid/remote meetings will mirror in-person meetings as follows:

- Members of the Marlborough community are encouraged to share their thoughts with the Board of Education and are invited to do so during the Public Comment segment of the meeting. All speakers must identify themselves by name and address and limit comments to 3 minutes. The Board will not engage in dialogue with the public.
- Written comments to be read aloud by the Chair can be emailed to: boardofed@marlborough.k12.ct.us no later than 24 hours before the meeting.

Members of the public who attend virtually, shall mute their microphones. Those who wish to offer public comment will be un-muted or directed to un-mute during the period of their comment.

Expectations of Board Members Relative to Attendance Via Electronic Means

Although the expectation is that Board members attend meetings in person, Board members who cannot be physically present at Board of Education meetings may participate electronically in the meeting if necessary. The following conditions shall be adhered to if there is electronic participation by Board members in the meeting:

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- Notice of a member to participate electronically must be made to the administration at least 24 hours in advance of the meeting.
- Remote members should be visibly present (camera on) during the meeting.
- Quorum requirements can be met by a combination of members participating in-person or electronically.
- Physical conditions of the location of the meeting may preclude electronic participation in the meeting, however members may attend via teleconference.
- During an executive session, members must be in a confidential setting where others cannot see or hear the Board's discussion.

Freedom of Information Provisions Relative to Holding "Hybrid" Meetings

In accordance with Connecticut's Freedom of Information Act (FOIA) the following provisions will be implemented so that a remote or "hybrid" meeting can occur:

1. Board of Education members shall make every attempt to participate through a technology portal where they can be viewable, or at a minimum heard, for each other and members of the public. The Board of Education will accomplish this through use of an electronic videoconferencing program, such as, but not limited to, Google Meets, ZOOM, GoToMeeting, WebEx, where members of the public can call and/or submit comments or questions electronically.
2. Notice of the Board meeting's virtual or in-person location, when a hybrid approach is utilized, shall be published through the traditional means and outlets as well as being noticed on the District website and in the Board of Education Office no less than 48 hours in advance. Such notice and agenda shall include instructions for the public to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person.

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3. When the Board conducts a meeting, other than an executive session or special meeting, solely by means of electronic equipment, it shall (1) provide any member of the public (A) upon a written request submitted not less than twenty-four hours prior to such meeting, with a physical location and any electronic equipment necessary to attend such meeting in real-time, and (B) the same opportunities to provide comment or testimony and otherwise participate in such meeting that such member of the public would be accorded if such meeting were held in person; (2) ensure that such meeting is recorded or transcribed, excluding any portion of the meeting that is an executive session, and such transcription or recording is posted on the Board's Internet website and made available to the public to view, listen to and copy in the Board's office or regular place of business not later than seven days after the meeting and for not less than forty-five days thereafter; and (3) if a quorum of the members of the Board attend a meeting by means of electronic equipment from the same physical location, permit members of the public to attend such meeting in such physical location.
4. The Board, when conducting hybrid meetings, will make provisions to allow at least some members of the public and press to attend in the same location as the Board members conducting the meeting in a manner consistent with any public health guidance. The number of the public allowed to attend the in-person or hybrid meeting will be limited to capacity limits put in place consistent with public health and social distancing guidance, determined by local health officials.
5. If the Board conducts a special meeting it shall include in the notice of such meeting whether the meeting will be conducted solely or in part by means of electronic equipment and, not less than twenty-four (24) hours prior to such meeting, shall post such notice and an agenda of the meeting. If such special meeting is to be conducted by means of electronic equipment, such notice and agenda shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting.
6. Any vote taken at a meeting during which any member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous. The minutes of the meeting shall record a list of members that attended such meeting in person and a list of members that attended such meeting by means of electronic equipment.
7. Any member of the Board or the public who participates orally in a meeting of the Board conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable at the outset of each occasion that such member participates orally.

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8. Executive session will be held, when necessary and for the statutorily allowed reasons, in a second videoconferencing meeting open only to Board of Education members, and those individuals determined by the Board to be necessary to participate in such executive session.
9. Pursuant to PA 22-3 a Board member shall not be denied the opportunity to participate and vote in any meeting or proceeding using remote technology if such member requests to do so.

Legal Reference: Connecticut General Statutes
1-200 (2) Definitions. "Meeting."
1-206 Denial of access to public records or meetings.
1-225 Meetings of government agencies to be public.
1-226 Broadcasting or photographing meetings.
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.
1-232 Conduct of meetings.
10-218 Officers. Meetings.
10-238 Petition for hearing by board of education.
PA 22-3 An Act Concerning Public Meetings Pursuant to the Freedom of Information Act.

Bylaw adopted by the Board:	November 18, 2021	MARLBOROUGH PUBLIC SCHOOLS
Bylaw revised:	April 28, 2022	Marlborough, Connecticut
Bylaw revised:	October 27, 2022	
Bylaw revised:	December 14, 2023	