

*Suggested bylaw to consider, with an expanded section pertaining to censure.*

## **Bylaws of the Board**

### **Resignation /Removal of a Board Officer/Censure**

#### **Resignation**

If for reasons of health, change in domicile, or any other compelling reason a member does decide to terminate service, the Board requests as early as possible notification of intent to resign so that the Board may plan appropriately.

When a member of a Board of Education shall cease to be a bona fide resident of the Town membership in the Board shall immediately cease.

State law provides that municipal officers seeking to resign from office must submit a written resignation to the municipal clerk. The resignation takes effect upon the date specified in the resignation or, if no date is specified, upon the date of its submission to the clerk.

#### **Removal of Board Officer**

Any Board officer may be removed from office by a two-thirds majority vote of the membership of the entire Board. A vote to remove a Board officer shall only take place at a regular meeting or a special meeting called for that purpose. "Cause" includes, but is not limited to, any conduct that:

1. Specifically relates to and affects the administration of the office in a manner deemed deleterious to Board operations;
2. Negatively and directly affects the rights and interests of the public;
3. Violates Board policies, rules and regulations; or
4. Conduct that interferes with the orderly and efficient operation of the Board.

#### **Procedure for Removal:**

Prior to any vote to remove a Board officer for cause:

1. The Board may review the performance and/or conduct of the Board officer in open or executive session (as determined by the Board and the Board officer) prior to taking any formal action;
2. If the Board determines that formal action is necessary, the Board officer shall be provided with reasonable notice of the Board's intent to consider possible removal from office (such notice to be given in writing after being authorized by Board vote at a prior meeting of the Board);

3. Upon the written request of the Board officer within seven (7) days of such action, he/she shall be provided with an opportunity for a hearing before the Board of Education before the Board votes on removal;
4. At any such hearing, the Board officer shall have the right to be represented by counsel at his/her own expense and to present relevant evidence to the Board.



## 10-220.1 Duties of boards of education

Bylaw adopted by the Board:

rev. 4/21

rev 3/25

**Sample Public Censure Statement (#1)**

PUBLIC CENSURE OF BOARD MEMBER \_\_\_\_\_. Motion made by \_\_\_\_\_; seconded by \_\_\_\_\_.

**WHEREAS**, the Board of Education of the \_\_\_\_\_ School District is committed to the principles of authority, ethics, and responsibility established in Board Policy and its Board Bylaws;

**WHEREAS**, these principles manifest in the Board of Education's expectation that members will listen to and respect the opinions of others; will recognize that the authority of the Board rests with the Board as a whole taking action at lawfully noticed meetings; will refrain from disparaging other Board members and employees; and will support Board decisions once made;

**WHEREAS**, the Board of Education values diverse opinions, but expects Board members to conduct themselves in a manner that is consistent with their oath of office and with decorum;

**WHEREAS**, the Board believes Board Member \_\_\_\_\_ has been disruptive, uncooperative, disrespectful, and belligerent at School Board meetings by regularly and persistently talking over other Board members without allowing them to speak or finish their statements, raising his voice and becoming combative with other Board members, threatening Board members and the Board as whole, using vulgarity in Board meetings, and accusing or berating Board members without addressing the issues properly under consideration;

**WHEREAS**, Board Member \_\_\_\_\_ has been confrontational, threatening, vulgar, and sarcastic when addressing the Superintendent;

**WHEREAS**, the Board of Education has requested the resignation of Board Member \_\_\_\_\_ and, as in the past, he has dismissed the concerns which triggered the request as contrived or as a reflection of personal disputes;

**WHEREAS**, Board Member \_\_\_\_\_ has, by these actions, violated Board Policy \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, and Board Bylaw \_\_\_\_\_ and Bylaw \_\_\_\_\_-Exhibit;

**NOW, THEREFORE**, be it resolved that the Board of Education for the \_\_\_\_\_ School District hereby publicly censures Board Member \_\_\_\_\_ for conduct unbecoming of a School Board member.

**Finally**, the Board of Education gives the Superintendent the authority to take the following actions:

1. If, while attending a school meeting, conference, event or extracurricular function, Board Member \_\_\_\_\_ is disruptive and/or fails to act in accordance with the rules of conduct, Board Member \_\_\_\_\_ may be designated a trespasser or a disruption to school operations and be removed from school property by law enforcement;
2. Further, should Board Member \_\_\_\_\_ be disruptive at any school function, Board Member \_\_\_\_\_ may be banned for a period of time not to exceed one

semester from any and all attendance on school property except for duly-called meetings of the Board of Education (and Committees of the Board).

**Sample Public Censure Statement (#1)**

The Board of Education hereby gives notice to the public that Board Member \_\_\_\_\_, acting individually and outside of duly-called and open meeting of the Board of Education, does not have any legal authority or power to act on behalf of the Board of Education and his opinions or statements are not necessarily that of the Board of Education unless specifically acted upon at a duly-called meeting.

**APPROVED** by majority vote of the Board of Education of the \_\_\_\_\_ School District.

\_\_\_\_\_  
**Board Chairperson** **Date**

\_\_\_\_\_  
**Board Secretary** **Date**

**Sample Public Censure Statement (#2)**

**A RESOLUTION OF THE \_\_\_\_\_ SCHOOLS BOARD OF EDUCATION TO CENSURE DISTRICT BOARD MEMBER, \_\_\_\_\_.**

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to the effective operation of the \_\_\_\_\_ Schools District, in order to provide governance and leadership for the District; and

**WHEREAS,** the \_\_\_\_\_ Board of Education needs all of its members to contribute to a positive working environment for the Superintendent and for colleagues on the Board; and

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to upholding policies providing for open, honest, and respectful communication, adherence to state law and policies governing the Board's actions and behaviors, and to acting in a concerted fashion to set an example of positive leadership for the \_\_\_\_\_ Schools District; and

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to open and positive communication with \_\_\_\_\_ Schools, District parents and residents; and

**WHEREAS,** the \_\_\_\_\_ Board of Education has established and adopted a Code of Ethics for the Board; and

**WHEREAS,** the \_\_\_\_\_ Board of Education Chairman, \_\_\_\_\_ in an email dated, \_\_\_\_\_, directed Board Member, \_\_\_\_\_ to protocols regarding his/her actions, further stating that "Any attempt to do otherwise will compel me to recommend to this Board 'censure' of your actions at the next available meeting."; and

**WHEREAS,** the \_\_\_\_\_ Schools Board of Education presented evidence at the Regular Board Meeting \_\_\_\_\_, that Board Member, \_\_\_\_\_ violated (name portions of the Code of Ethics which were allegedly violated).

**NOW, THEREFORE, BE IT RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby censure Board Member, \_\_\_\_\_ for repeated violations of the adopted Code of Ethics and the negative impact his/her actions have brought upon the District; and

**BE IT FURTHER RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby demand that Board Member, \_\_\_\_\_, abide by the Board's adopted Code of Ethics; and

**BE IT FURTHER RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby demand that Board Member, \_\_\_\_\_ cease all public actions negatively impacting the Superintendent, staff, teachers, families, and most importantly, children of the \_\_\_\_\_ School District.

Votes: \_\_\_\_\_

Against \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_



The Board authorizes its Chairperson to sign below, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**Sample Resolution Disclaiming Statements of a Board Member**

I move the adoption of the following Resolution:

WHEREAS \_\_\_\_\_ Board of Education Board Member \_\_\_\_\_ has made public statements regarding \_\_\_\_\_; and

WHEREAS these statements do not reflect the opinion of the \_\_\_\_\_ Board of Education or its other members; and

WHEREAS the \_\_\_\_\_ Board of Education has not authorized \_\_\_\_\_ to speak on behalf of the Board of Education or other members in their individual capacity on these issues or any future issues;

NOW THEREFORE, the Board of Education specifically disclaims the statements made by \_\_\_\_\_ regarding \_\_\_\_\_.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member