

Existing bylaw, number 9222 adopted 6/15/09, appropriate as written, with update to legal reference. A sample follows for comparison and consideration.

Bylaws of the Board

Resignation/Removal from Office/Censure

A prospective Board member should realize that there is a great deal of investment in time, effort and dedication expected of each member of the Board. Before he/she seeks an appointment, this should be made clear to the candidate and that it is expected that he/she will serve a full four-year term of office.

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

Whenever a member of the Board of Education shall cease to be a bona fide resident of the Town of Woodbridge, membership in the Board shall immediately cease. Any member who fails to attend three consecutive meetings of the Board without good cause may be removed by it.

A Chairperson or Vice-Chairperson of the Board of Education may be removed from their position as Chairperson/Vice-Chairperson by the affirmative vote of six (6) members of the Board, and in case the office of the Chairperson or Vice-Chairperson shall become vacant the Board shall, within 30 days thereafter, fill the vacancy for the unexpired term.

The Board may vote to censure or reprimand a member by a two-thirds vote of the membership of the whole Board.

(cf. 9324 - Meeting Conduct and Parliamentary Procedure)

(cf. 9120 - Officers of the Board)

(cf. 9121 - Chairperson)

(cf. 9122 - Vice-Chairperson)

Legal Reference: Connecticut General Statutes
 7-103 Resignation of municipal officers.
 10-218.1.1 Officers. Meetings.
 10-220.1 Duties of boards of education.

Bylaw adopted by the Board:

WOODBRIIDGE PUBLIC SCHOOLS
 Woodbridge, Connecticut

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

Bylaws of the Board

Resignation/Removal from Office/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 from Office

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.

Bylaws of the Board

Resignation/Removal from Office/Censure (continued)

Standard for Removal

Service as a Board officer is a privilege, not a right, the purpose of which is to assist the Board in conducting its business in an appropriate, orderly, and efficient manner. Therefore, any Board member serving as an officer shall have no legally-protected right to continue in that position. A decision that there is cause for removal shall be made by two-thirds of the entire Board.

Censure

Each member of the Board is expected to act in complete accordance with the provisions and tenor of the policies and bylaws of the Board. Should any Board member fail to so act, such failure shall constitute cause for censure or other such action as deemed appropriate by the Board.

Prior to any vote to censure a Board member for cause:

1. The Board may review the performance and/or conduct of the Board member in open or executive session, as determined by the Board and Board member, prior to taking any formal action.
2. If the Board determines that formal action is necessary, the Board member shall be provided with reasonable notice of the Board's intent to consider possible censure. Such notice is to be given in writing after being authorized by Board vote at a prior meeting of the Board.
3. A vote to censure a Board member shall only take place at a regular meeting or a special meeting called for that purpose.
4. Such censure may be enacted for cause by a majority vote of the membership of the whole Board or the Board may vote to censure or reprimand a member by a two-thirds majority vote of the membership of the whole Board.

If the Board is considering adoption of this language pertaining to censure, keep in mind that censure has no legal effect and that the legal question regarding the potential violation of an individual's First Amendment rights is still unanswered. *Consult your Board's attorney for further advice.*

(cf. 9120 – Officers and Auxiliary Personnel)

(cf. 9221 – Filling Vacancies)

Legal Reference: Connecticut General Statutes
 7-103 Resignation of municipal officers
 10-218.1.1 Officers. Meetings
 10-220.1 Duties of boards of education

Bylaw adopted by the Board:

rev. 4/21

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 _____ Schools District.

Votes: _____

Against _____

Abstain _____

Absent _____

The Board authorizes its Chairperson to sign below, the _____ day of _____, 20____.

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