

A new bylaw to consider.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

The Board of Education believes that electronic communication among its members and the administration is an efficient and convenient way to disseminate information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, Board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, internet web forums and internet chat rooms. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

1. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at Board meetings. (A Board member may discuss District business in person or by electronic means with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing District business in a series of visits with, or use of emails or telephone calls to, Board members individually.)
2. Board members shall be aware that email and email attachments received or prepared for use in Board business may be considered public records that may be open to public disclosure, upon request.
3. Board members shall avoid reference to confidential information about employees, students, or to others in email communications because of the risk of improper disclosure.
4. Board members shall adhere to the District's "acceptable use" policy in all email communications and refrain from sending inappropriate, profane, harassing or abusive emails.
5. The Superintendent or designee is permitted to email information to Board members. This can include Board meeting agendas and supporting information. When responding to a single Board member's request, the Superintendent should copy all other Board members and include a "do not reply/forward" alert to the group, such as "**BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender.**"
6. Board members are permitted to provide information to each other, whether in person or by electronic means, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members (continued)

7. A Board member should include a “do not reply/forward” alert when emailing a message concerning District business to more than one other Board member. The following is an example of such an alert: *“BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual.”*
8. Board members are permitted to discuss any matter except District business with each other, whether in person or by electronic means, regardless of the number of members participating in the discussion. (For example, they may discuss league sports, work, current events, etc.)
9. IF BOARD MEMBERS ARE NETWORKED TO THE DISTRICT SYSTEM, THE FOLLOWING MAY BE APPROPRIATE:
 Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any Board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the Superintendent of Schools immediately.
10. In the use of paperless Board meetings (**CABE BoardBook**), a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information pertaining to the meeting of the Board, care must be exercised to not misuse the process to deliberate issues that are appropriately discussed only in a public meeting.

The following guidelines should be considered regarding the conducting of a survey on an issue among Board members using electronic means:

1. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at Board meetings.
2. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk of improper disclosure.
3. The district will avoid the appearance of conducting Board discussion or actions, in which opinions are exchanged among a quorum of Board members through repeated survey questions and answers, outside an open public meeting.

The Board shall annually review its electronic communication policy and practices with the Board attorney.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members (continued)

Some additional language to consider included in the policy:

- ~~1. If the Board decides to conduct a meeting utilizing some form of instantaneous electronic communication, the meeting shall be posted along with the means by which members of the general public may access the meeting. At a minimum, this access shall include providing access to a computer or computer monitor to view the meeting as it is conducted.~~
1. The Board shall have no expectation of privacy for any messages sent, stored, or received electronically. Messages that have been deleted may still be accessible on a District storage device. Messages deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.
2. District email addresses of all Board members who choose to have an account shall be published on the District website. Board members who choose not to forward and reply to messages via the District email system accept personal responsibility for compliance with the Freedom of Information Act.
- ~~3. All emails received or sent from a personal email address that pertains to Board business shall be immediately forwarded to a designated District account for archiving purposes.~~
3. Members of the Board shall not communicate among themselves by the use of any form of communication (*e.g.*, personal intermediaries, email, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board.

Legal Reference: Connecticut General Statutes
 The Freedom of Information Act.
 1-200 Definitions.
 1-210 Access to public records. Exempt records.
 1-211 Disclosure of computer-stored public records.

Bylaw adopted by the Board:

cps 11/10