

*Existing bylaw with modification based on P.A. 21-95, Section 1.*

## **Bylaws of the Board**

### **Hearings**

These rules shall apply to all formal hearings before the Board of Education in contested cases. Said rules shall not apply to conferences or other informal investigations or proceedings at or upon which no formal ruling or decision is made, or to any proceeding in a non-contested case.

The Board of Education (Board) upon written petition signed by one percent of the electors of the municipality or fifty such electors, whichever is greater, the signatures thereon to be verified by the Town/City Clerk, shall hold a public hearing on any question relating to the provision of education offered by the Board-specified in the petition.

Such hearing shall be held at a time and place designated by the Board, not later than three weeks after the Board receives the petition.

### **Hearings or Appeals**

All requests for a hearing or appeal authorized under law, and regulations of the State of Connecticut or as otherwise provided for by resolutions of the Board of Education shall be in writing to the Board Chairperson or the Superintendent. Appeals from the decision of the Superintendent shall include the appellant's statement of the issues to be presented in said appeal. The decision as to whether or not the hearing will be in open or executive session will be made on a case by case basis with assistance from legal counsel as necessary.

### **Notice of Hearing**

Appropriate notice of hearings will be communicated from the Superintendent's office as required by Statute.

### **Parties-Representation**

1. "Party" includes any person or agency named or admitted as a party. Any person or agency may be admitted as a party for limited purposes upon the satisfactory demonstration of the nature and extent of its interest to the Board.
2. All parties appearing at formal hearings shall have the right to appear in proper person or with counsel. All such parties shall have the right to be accompanied, represented, and advised by counsel if requested.

### **Presiding Officer - Duties & Authority**

Each hearing shall be held before not less than three members of the Board. The Board Chairperson, or his/her designee shall have charge of the hearing, with authority to permit the examination of witnesses testifying in the proceedings.

## **Bylaws of the Board**

### **Hearings** (continued)

#### **Records - Transcripts**

The Board will prepare a record of the hearing proceedings as required by appropriate Statute.

#### **Order of Procedure**

The order in which the parties shall present their case shall be determined by the presiding officer except in cases of appeals as follows:

1. In an appeal on a dismissal or suspension, the Superintendent shall proceed first.
2. In all other appeals, the appellant shall proceed first.

#### **Examination of Witnesses and Introduction of Evidence**

1. The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to allow cumulative or repetitive evidence, and may curtail redundant questioning. The presiding officer may encourage (but shall in no event coerce) the parties, where possible, to make proffers and stipulations in place of cumulative evidence. All testimony shall be given under oath.
2. Counsel for any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions; provided, however, that where a party is not represented by counsel, all such submission of evidence, examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented by the party.
3. The presiding officer, or any person designated by him/her for the purpose, may examine all witnesses called by any party. The presiding officer may call as a witness any person whose testimony may be relevant. Any Board member may examine any witness.

#### **Briefs**

Any party may submit briefs of the issues of fact and law involved in the hearing in such form as the presiding officer may designate.

#### **Counsel**

The presiding officer of the Board may request the Board attorney to participate in any hearing as counsel for the Board and to also serve as presiding officer, if so designated.

## Bylaws of the Board

### Hearings

### Decision and Order

Each decision and order of the Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each decision and order shall be accompanied by findings of fact, conclusions of law, and specific disposition of the case and shall be provided to the individual.

Legal References: Connecticut General Statutes

4-177 - re Contested Cases.

10-288 Petition for hearing by board of education (as amended by PA 21-95 Section 1)

Bylaw adopted by the Board: June 23, 1999  
Bylaw readopted: May 3, 2007  
Bylaw revised: May 6, 2021  
Bylaw revised:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut