



**NORWALK PUBLIC SCHOOLS
NORWALK, CT
BOARD OF EDUCATION
NORWALK, CONNECTICUT**

BOARD OF EDUCATION POLICY COMMITTEE

Committee Chairperson, Heidi Keyes

Monday, November 14, 2016

6:00 PM – 7:30 PM

Room A333

(City Hall – 3rd Floor)

AGENDA

1. Call to Order
2. Discussion and Action for Electronic Participation Policy 9323
3. Discuss Homeschooling Policy
4. Adjournment

Next Meeting: December 6, 2016

Electronic Participation in Board Meetings

Recognizing the inherent responsibility and statutory duties of Board of Education (BoE) members, the Board strongly encourages Board members to attend and participate at meetings of the Board and its committees. Although great importance is given to the physical presence of Board members at meetings, the attendance and participation of members by conference call or two way video is authorized when physical presence is not practical, subject to the limitations set forth below. All votes at a meeting in which members are attending by teleconference shall be taken by roll call.

Any Board member wishing to participate in a meeting electronically will notify the Board Chairperson and Superintendent as early as possible. Members of the BoE will be considered “present” for purposes of meetings under Robert’s Rules of Order if they are either (i) physically present in the meeting room designated in the official notice and agenda for a Board or committee meeting or (ii) participating by means of electronic communication devices. Members participating electronically shall be counted present for purposes of establishing a quorum. A member may participate as of right in up to three Board meetings per calendar year by electronic means; such a member may only participate in more than three Board meetings with the permission of the Board Chairperson.

If the Chairperson is participating in the meeting by electronic means, he or she may not chair the meeting; another member of the Executive Committee shall chair the meeting in such a circumstance.

For purposes of compliance with the State Freedom of Information Act and Roberts Rules, the following requirements will apply to any meetings at which members are participating by electronic means.

1. Arrangements must be made for those members of the public who wish to attend the meeting to be present at a physical location where the greatest number of participating BoE members are located.
2. If any BoE member in the meeting utilizes physical or demonstrable material in the course of the proceedings, that material, or a copy or facsimile of same, must be present in the place where the public is located. That material also must be available for public observation and inspection unless otherwise exempt from disclosure under the FOI Act.

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3. All those in attendance at the meeting must be able to hear and identify adequately all participants in the proceedings, including their individual remarks and votes, and participate by simultaneous aural communication.
4. Participation in such meetings may, but need not, include two-way video.
5. The Chairperson may decide technical questions regarding whether audio only or video technology will be used, call-in numbers to be used, etc. for such electronic participation at particular meetings.
6. All other provisions of Roberts Rules, not inconsistent with this Policy, will remain in effect and shall govern meetings involving electronic participation.
7. Due to security concerns, electronic participation in closed executive sessions will not be permitted.
8. The Superintendent will arrange for any meetings involving electronic participation to take place in a location with the appropriate equipment so that the BoE members participating in the meeting electronically may interact effectively and the public may observe any video and hear any comments made.

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Bylaws of the Board

Time, Place and Notification of Meetings

Regular Meetings

The Board of Education shall file with the office of the Town Clerk, not later than January 31st of each year, the schedule of the regular meetings of the Board of Education.

Special Meetings

Notice of each special meeting of the Board of Education shall be filed not less than twenty-four hours in advance of the meeting with the Town Clerk, giving the time and place of the special meeting and business to be transacted. No other business shall be considered by the Board at the special meeting. Each member of the Board of Education shall be notified by the Superintendent or the Clerk not less than 24 hours prior to the time of the special meeting and shall be advised of the time, place and business to be transacted, although any Board member may waive the twenty-four hour notification by a written waiver of notice to the purpose.

Special meetings may be called by the President or shall be called by the Secretary on the written request of at least three members of the Board.

Notice

Notice of meetings will be mailed to persons filing a written request renewable in January of each year. The Board of Education may charge a fee based upon cost of the service, as provided by law.

Emergency Meetings

An emergency meeting may be held. The Board must file minutes of any such meeting and state the nature of the emergency within seventy-two hours of the meeting. (Sec. 1-21)

Electronic Participation

The Board of Education authorizes that the Board President or presiding officer may allow Board members to participate electronically in a Board meeting if there is good cause why the Board members cannot attend in person and the request is received sufficiently in advance to allow a good quality electronic connection to be set up. Members who participate in a Board meeting through electronic means may be counted in the quorum. The location of the meeting must be in the normal location at the Stamford Government Center to allow the public to adequately monitor the meeting. Due to security concerns, electronic participation in closed executive sessions will not be permitted.

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, as amended by June 11 Special Session, PA 08-3
- 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.
- 10-218 Officers. Meetings

Bylaw adopted by the Board:

January 25, 2000

Amended:

December 2, 2014

b. Private schools and home instruction

Parents have an alternative to public school instruction. A parent meets his or her duty regarding the education of children if "the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." Conn. Gen. Stat. § 10-184. Absent special circumstances, enrollment in a private school meets that requirement, whether the school is secular or sectarian. Such schools, however, are required to file student attendance reports with the State Department of Education. Conn. Gen. Stat. § 10-188.

In addition, parents may choose to exercise their right to educate their children at home. When parents make this choice, school officials can be uncertain of their own rights and obligations. The statute clearly states that the parent must show that the child is elsewhere receiving education equivalent to that provided in the public schools. Do school districts have the right to judge the quality of the parents' home instruction? Can school districts require that instruction be provided through certified personnel? Do school officials have the right to visit the home, observe instruction, ask for work samples, conduct pre- and post-instruction testing, and the like? With home-schooling there are more questions than answers.

The Connecticut statute does not explicitly permit home schooling. However, in 1990, the State Board of Education adopted a policy to the effect that home instruction is permitted. *See* Series 1994-95, Circular Letter C-14, "Revised Procedures Concerning Requests from Parents to Educate Their Children at Home" (July 15, 1994). This policy does not have legal effect, and parents remain obligated under Conn. Gen. Stat. § 10-184 to assure that their children receive instruction equivalent to the studies taught in the public schools. Rather, the policy simply establishes guidelines for receiving and reviewing requests to educate children at home. Under these guidelines, the Department suggests that parents who wish to home-school notify school districts that they are taking responsibility for the education of their children. The guidelines also suggest a portfolio review at the end of the school year to determine whether instruction in the required courses has been given. The guidelines even admonish that a failure to provide such notification and/or to participate in a portfolio review may cause the child to be considered truant. Unfortunately, because these guidelines do not have the force of law, some parents refuse as a matter of principle to cooperate with school officials who wish to exercise oversight responsibility over home instructional programs.

Given parent obligations under Conn. Gen. Stat. § 10-184, the State Department of Education could take a more aggressive stand in authorizing oversight over home-schooling programs. See *Combs v. Homer-Center School District*, 540 F.3d 231 (3d Cir. 2008) (Pennsylvania law imposing obligations on parents home-schooling their children held constitutional). To be sure, reportable neglect includes educational neglect. *In re Amurah B.*, 2010 Conn. Super. LEXIS 595 (Conn. Super. Mar. 12, 2010). See Section F, Child Abuse and Neglect, below. However, school officials typically pick that fight only in the most extreme cases.

B. Supervision of Students

Historically, school officials have exercised significant control over students. However, since the 1960s, the right of school officials to supervise students has been closely regulated. Citing the Fifth and Fourteenth Amendments to the United States Constitution, the courts have recognized the following principles in reviewing action taken by school officials.

1. General principles

While courts generally defer to judgments by school officials, parents often do not. Over the years, parent challenges to actions by school officials have resulted in various court decisions that establish the principles for determining whether a particular school rule under challenge is valid. See Mooney, "What Are the Rules for Making Rules?" (Connecticut Association of Schools, May 2006).

First, for a school rule to be valid, it must be clear and understandable. Courts have held that it is a denial of due process of law to impose a penalty on the basis of a rule that is overly vague. *Crossen v. Fatsi*, 309 F. Supp. 114 (D. Conn. 1970); *Coy v. Board of Education of North Canton*, 205 F. Supp. 2d 791 (N.D. Ohio 2002). Before a student can face discipline for violating a rule, the rule must be sufficiently clear so that the student can reasonably understand what conduct is permitted and what is prohibited.

Second, the student must have fair notice of the rule. The statutes provide that school districts must assure that all pupils are informed at least annually of board policies governing student conduct. Typically, school districts set out the school rules in a student handbook. Some districts even require that parents and/or students acknowledge receipt of the handbook. Such special acknowledgment may be particularly helpful where districts

6172.3

Instruction

Parent Instruction of Children at Home

Parents wishing to educate children in the home may do so in compliance with Connecticut General Statutes and regulations of the Connecticut State Board of Education. When parents or guardians are willing to discuss their decision for equivalent education at home with school personnel, school district staff shall explain the advantages of a public school education to such parents or guardians without any criticism of parental choices.

If decisions are made by parents or guardians to return children who for a time have been educated at home to local schools, school staff shall provide an appropriate return to the public schools.

Children educated at home are considered to be non-public school students and are not part of the system's educational responsibility and are not part of the school system.

Legal Reference: Connecticut General Statutes
10-184 Duties of parents
10-220 Duties of Boards of Education
Regulations of the Connecticut State Board of Education

Policy adopted:

6172.3

Appendix

NUTMEG SCHOOL DISTRICT

Nutmeg, Connecticut

NOTICE OF INTENT

Instruction of a Student at Home

Name of Student _____ **Date of Birth** _____

Address _____ **Telephone #** _____

Name of Teacher _____ **Telephone #** _____

Address _____

SUBJECTS TO BE TAUGHT ARE:

Required:

Reading	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Writing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
English Grammar	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Geography	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Arithmetic	<input type="checkbox"/> Yes	<input type="checkbox"/> No
U.S. History	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Citizenship *	<input type="checkbox"/> Yes	<input type="checkbox"/> No

* includes a study of town, state and federal governments

Recommended:

Science **Yes** **No**

Other: _____

Total Number of Days Scheduled for Instruction _____

Teacher's Method(s) of Assessment of Student Progress _____

An Annual Portfolio Review will be held on or about _____

(Date)

(Optional – a portfolio review cannot be mandated)

NUTMEG SCHOOL DISTRICT

Nutmeg, Connecticut

NOTICE OF INTENT

Instruction of a Student at Home

I DO HEREIN ACKNOWLEDGE AND ACCEPT FULL RESPONSIBILITY FOR THE EDUCATION OF MY CHILD IN ACCORDANCE WITH THE REQUIREMENTS OF CONNECTICUT STATE LAW.

Father **Date**

Mother **Date**

I DO HEREBY ACKNOWLEDGE ONLY THE RECEIPT OF THIS FORM AND RENDER NO OPINION AS TO THE APPROPRIATENESS OF THE PLANNED PROGRAM.

Superintendent **Date**