

## **Bylaws of the Board**

### **Public and Executive Sessions**

#### **Public Meetings**

All meetings of the Board of Education, regular, special and emergency shall be open to the public with the exception of executive sessions. A chance or social meeting, a caucus, or a discussion of strategy or negotiations with respect to collective bargaining are not defined as “meetings” under the Freedom of Information Act.

#### **Executive Sessions**

The public may be excluded from meetings of the Board of Education that are declared to be executive sessions. Attendance at executive sessions is limited to members of the Board of Education and persons invited by the agency to present testimony or opinion. Executive sessions may be held upon a two-thirds vote of the members present and voting at a public meeting, even if an executive session was not on the agenda. An executive session may only be held for one or more of the following reasons, and may not be held for any other reason:

1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.
2. Strategy and negotiations with respect to pending claims and litigation.
3. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.
4. Discussion of the selection of a site or the lease, sale, or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
5. Discussion of any matter that would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-19 of the Connecticut General Statutes.

A two-thirds vote is required to add a topic to an executive session.

## **Bylaws of the Board**

### **Public and Executive Sessions (continued)**

#### **Smoking, Consumption of Alcoholic Beverages/Foods, and Use of Illicit Substances**

Smoking, the consumption of alcoholic beverages/foods, or the use of any illicit substances will not be permitted in any room in which a meeting of the Board of Education is being conducted, nor during the time immediately before the meeting. Smoking includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, chewing tobacco, electronic nicotine delivering devices, chemicals or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations which may or may not contain tobacco. Illicit substances include, but are not limited to illegal drugs and/or prescription medications not prescribed to the user or household substances used to alter mood.

#### **Non-Meetings**

Not every meeting of the Board of Education constitutes a “meeting” under the Freedom of Information Act (FOIA). A meeting does not include:

- Any meeting of a personnel search committee to executive level employment candidates;
- Any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters related to official business;
- Any meeting discussing strategy or negotiations with respect to collective bargaining;
- A caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency;
- A quorum of the members of the Board who are present at any event which has been noticed and conducted as a meeting of another public agency, in that case, the event shall not be deemed to be a meeting of the Board as a result of their presence at such event. (For example, if the Board of Education is invited to attend a meeting of the Board of Finance, such a meeting does not have to be noticed and posted by the Board of Education.)

There is no specific executive session privilege for the discussion of collective bargaining issues. However, discussion of “records, reports of strategy or negotiations with respect to collective bargaining” is permitted in executive session, provided that such documents exist.

Absent such documents, such strategy discussions and/or negotiations themselves must be held as a “non-meeting.” Collective bargaining is excluded from the definition of a meeting under the Freedom of Information Act (FOIA). Collective bargaining sessions shall be held outside the scope of the FOIA as a “non-meeting.” Such sessions may be held at any time without posting, and related strategy sessions or updates to the Board of Education may be held either before or after the end of a regular or special meeting, without the need to post such meetings.

(cf. 1331 - Smoking in School Facilities)

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Legal Reference: Connecticut General Statutes

1-200 Definitions.

1-210 Access to public records.

1-225 Meetings of government agencies to be public.

1-226 Recording, broadcasting or photographing meetings.

1-206 Denial of access to public records or meetings.

1-231 Executive sessions.

19a-342 Smoking prohibited in certain places.

Bylaw adopted by the Board: December 8, 2014

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut