



Ashford Board of Education

Roles & Responsibilities

May 7, 2020

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Responsibilities of the Board

Conn. Gen. Stat. § 10-157(a)



- Agent of the State
- Policymaker for the school district
- Board acts through the Superintendent, who serves as “chief executive officer” of the Board

Administration retains responsibility for school district operations

Rights of Board Members & Limits of Authority



Duties of Board Members

- Confidentiality/Educational Need to Know
- Parental Complaints
- Impartial Judge
 - Expulsion hearings (Conn. Gen. Stat. § 10-233d)
 - Residency and transportation hearings (Conn. Gen. Stat. § 10-186)
 - Teacher tenure hearings (Conn. Gen. Stat. § 10-151)
 - COMPARE: Grievance hearings

Code of Conduct for Board Members:

1. Adhere to all Board policies, rules and regulations;
2. Conduct him/herself in a fair and impartial manner;
3. Refrain from interfering with the implementation of a Board policy decision by the administration;
4. Refrain from interfering with the duties of any school district official; and
5. Refrain from divulging to anyone any aspect of matters considered and discussed in executive session.

Conflicts of Interest

Board member cannot be employed by the school district

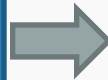
No statutory provision against a relative being employed by district

Board member actions may be governed by Board policies or ethics provision in local charter

Board members may need to recuse themselves from impartial BOE hearings

Board Member Conduct

Board members cannot be removed from their elected position on the Board by a vote of the Board



Board officers can be removed from their officer positions as provided by the bylaws



The Board can address Board member conduct issues as provided by the bylaws (and Robert's Rules as applicable)



Board Meeting Essentials

What Exactly is a “Meeting”



...Any **hearing or other proceeding** of a public agency, any **convening or assembly of a quorum** of a multimember public agency, and any **communication by or to a quorum** of a multimember public agency whether **in person or by means of electronic equipment**, to discuss or act upon a matter over which the public agency has supervision, control jurisdiction or advisory power.



Freedom of Information Act (FOIA)

“Meeting” Does NOT Include:



Any meeting of a **personnel search committee** for executive level employment candidates



Any **chance meeting, or a social meeting** neither planned nor intended for the purpose of discussing matters relating to official business



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



An **administrative or staff meeting of a single-member public agency**; and communication limited to notice of meetings of any public agency or the agendas thereof

FOIA and Electronic Messages



E-mails by a quorum of Board members may constitute a meeting of the Board

- Caucus is limited to members of the Board
- Communications at Board meetings must be open to the public
- Electronic communications by Board members are subject to disclosure under the FOIA

Electronic Communications



A one-way, non-interactive email or similar communication on district business **is permissible.**

Such emails typically will be subject to public disclosure unless exempt (personally identifiable student info, attorney/client information), even if on personal computer or personal email.

Electronic Communications



Where email communication is **unilateral**, it will likely not be considered a “meeting.”

Where such a communication generates interactive dialogue by a quorum of the Board (or Board committee), it is possible that a “discussion” (and hence a “meeting” in violation of the FOIA) will be found.

Types of Meetings



Regular

Special

Emergency

All meetings must be
noticed in advance

Regular Meetings

Contained on the annual schedule of meetings with the Town Clerk by January 31, for the ensuing year
(Conn. Gen Stat. § 1-225(b))

Agenda must be **posted** at least **24 hours in advance**

Minutes must be **available** for public inspection **within seven days** of the meeting

New business may be **added** to the agenda by a **two-thirds vote**

Special Meetings

Those meeting not included on the list of regular meetings filed with the Town Clerk

Notice of a special meeting must be filed at least **24 hours** before the meeting convenes

Minutes must be available for public inspection **within seven days** of the meeting

Business limited to items on posted agenda.
Items cannot be added to the agenda

Emergency Meetings

Emergency special meetings may be called in an emergency **without advance notice**. (Note: “Emergency” will be strictly construed.)
(Conn. Gen Stat. § 1-225(a))

Limited to the matter that requires “**emergency**” attention

Minutes must include a **statement** setting forth **the nature of the emergency**

Minutes must be filed with the Town Clerk(s) **within 72 hours** of the meeting



Conducting A Meeting

Executive Session

- Two-thirds vote needed to enter executive session
- Motion should be clear as to basis
- Limited reasons:
 - Discussion of appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, subject to the individual's right to have the discussion be held in public
 - Pending claims and litigation
 - Security strategy or deployment of security personnel/devices
 - Certain real estate matters
 - Discussion of confidential records



Executive Session:



Not an agenda item, but a means of dealing with an agenda item



Not open: specify who is invited into executive session



Board cannot take action in executive session



Board members are not to disclose discussion which occurs in executive session



Do not misuse: be respectful of the public when scheduling executive sessions

Scenario:

Executive Session:

The Nutmeg Board was in a special budget meeting when it learned of dire economic news that meant significant staffing cuts were necessary. Knowing that the Board would need to discuss and decide the elimination of specific positions, and not wishing to needlessly distress or excite its employees, the Chair added an executive session item to the agenda to discuss “personnel matters.” With a 5-3 vote, the Board entered executive session. After an hour of discussion, the Board members agreed, without a vote, to direct the Superintendent to cut 10 staff positions.

So far, so good?

Which statement is incorrect?

- A. The Board's agenda must state that the Board will go into executive session
- B. A vote to go into executive session must be by two-thirds
- C. Stating that the reason for executive session was for "personnel reasons" is insufficient
- D. The Board cannot add an item to the agenda during a special meeting of the Board

Public Comment at Meetings



No requirement to provide public comment at meetings



Can regulate the manner of speech, but **cannot discriminate based on content**



Be clear about expectations, and **enforce** them

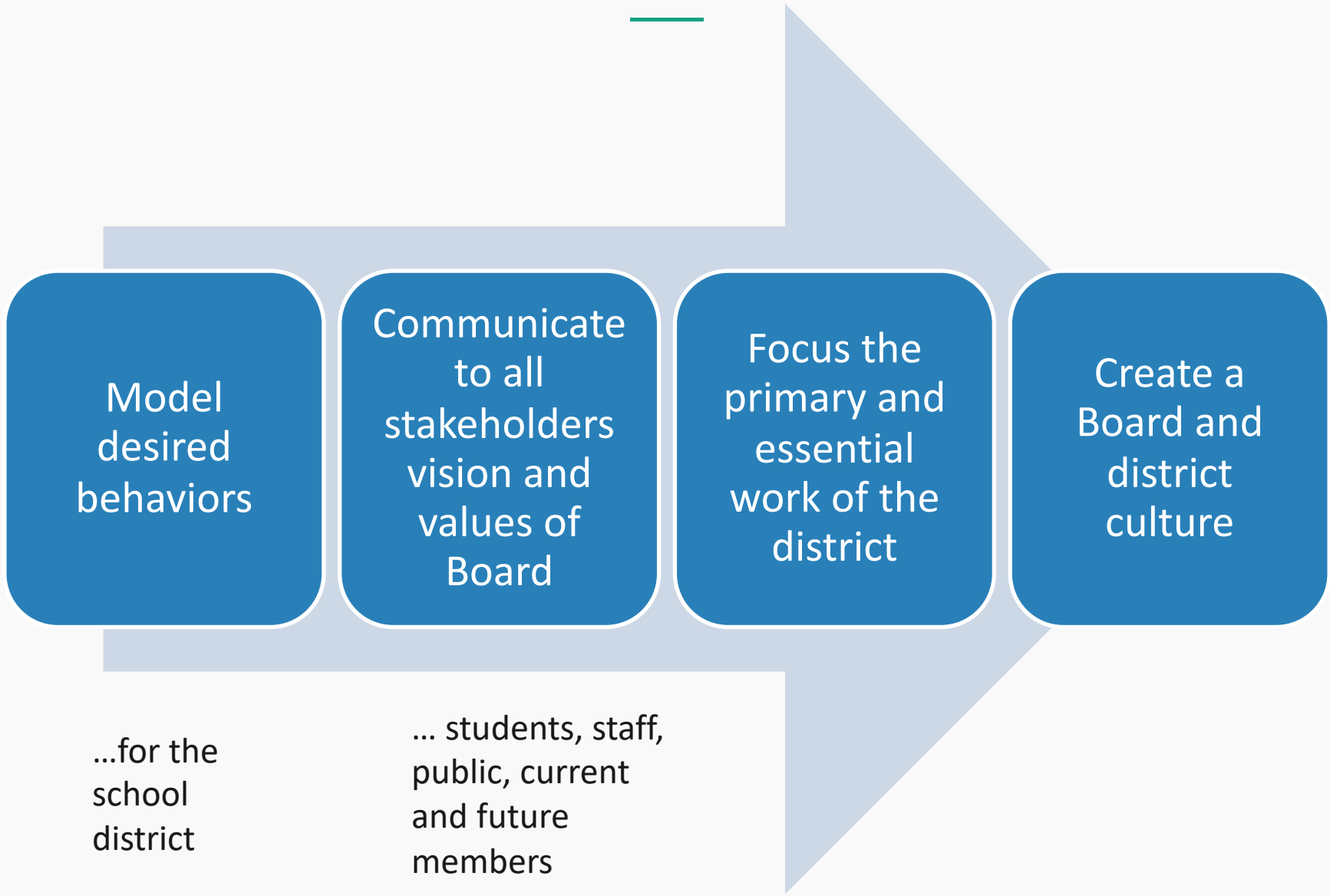


Can have **time limits**, require people to sign up to speak, and **insist on decorum**

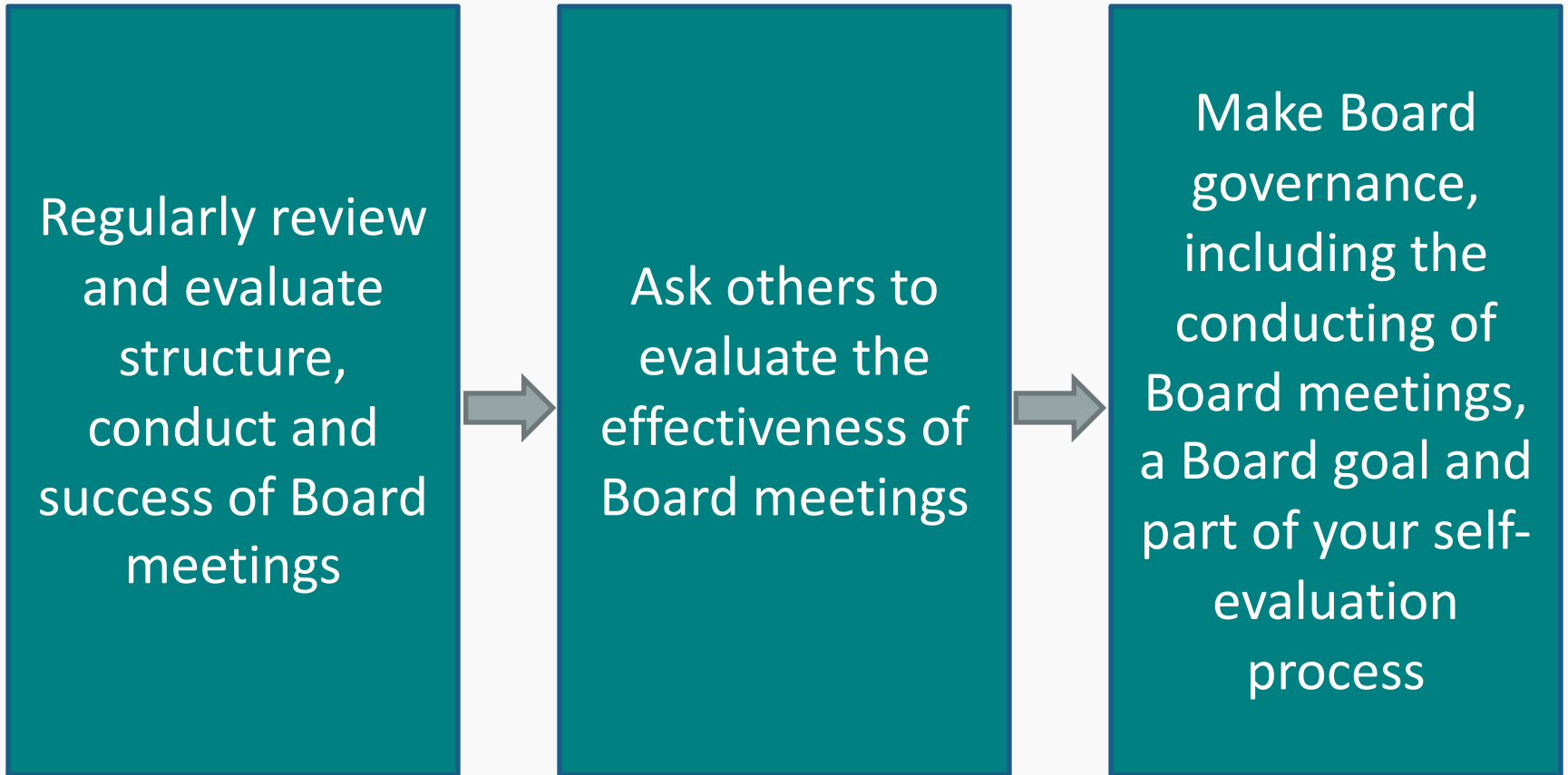


Reminder that public comment should be **reserved for the public**, and not be an opportunity for Board members to respond to comments

During Board Meetings



After the Meeting



Don't...



Don't spend time at Board meetings on administrative matters



Don't single out or criticize individual employees



Don't debate with the public



Don't tolerate rude or inappropriate behavior



Don't discuss or spend time on trivia or unessential matters



Don't make it personal

Do...



Do focus on Board and District priorities



Do come prepared to all meetings



Do keep in mind those in attendance – staff, students and public



Do bear in mind the symbolic force of your meetings and conduct



Do model the behavior expected of your employees and students



Do remember why you are there

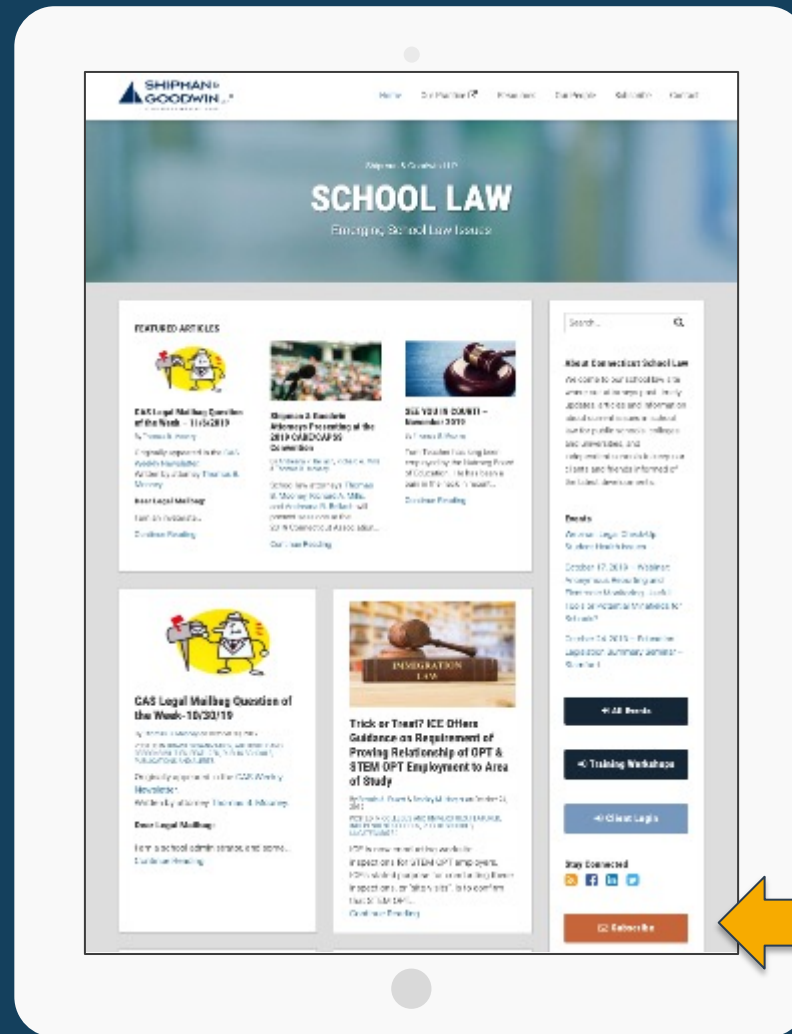
Questions?



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