

Saturday, December 4, 2021

MINUTES OF THE SPECIAL MEETING OF THE BRIDGEPORT BOARD OF EDUCATION, held December 4, 2021, at Bridgeport Regional Aquaculture Science and Technology Educational Center, 60 St Stephens Road, Bridgeport, Connecticut.

The meeting was called to order at 9:08 a.m.

Present were Chair John Weldon, Vice Chair Bobbi Brown, Joseph Sokolovic, Erika Castillo, Michael Maccarone, and Christine Baptiste-Perez. Albert Benejan arrived subsequently as noted

Supt. Michael J. Testani was present.

Mr. Weldon said the meeting was called as a professional development workshop on the Connecticut Freedom of Information and Robert's Rules of Order.

Attorney Floyd Dugas of Berchem & Moses made a presentation to the board. He said he would review the laws on the framework under which the board operates; along with the roles of the board and the superintendent; the Freedom of Information Act; and Robert's Rules.

Atty. Dugas said the board's role derives from the constitution of the State of Connecticut, which guarantees all children a free public education. The board also has responsibilities to the City of Bridgeport under the charter.

Atty. Dugas said the state statute, C.G.S. 10-20, delegated its responsibilities to local and regional boards of education.

C.G.S. 10-21 gives boards the authority to implement policies. C.G.S. 10-22 allows the board to establish a budget. Expenditures may not exceed the appropriations and members may be liable if the board fails to do so.

Atty. Dugas said it is very rare that there has been a movement to hold board members financially liable. The superintendent noted financial reporting is placed on the website quarterly. Atty. Dugas described the two cases he was aware of in this area.

Atty. Dugas described other statutes governing boards. He described the use of the term "the district," which technically is the City of Bridgeport.

Mr. Benejan joined the meeting.

Atty. Dugas said the board only has legal authority when it is sitting together in a duly constituted meeting. Board members cannot do individual investigations or obtain information individually.

Atty. Dugas noted the board's bylaws governs what it can do as well. He said proceedings held in executive session have to be kept confidential. He also said the city has a code of ethics which board members must comply with. This includes provisions on gifts and financial conflicts of interest,

The superintendent said folks often get upset when they approach us for jobs for themselves or family members. He said the public does not seem to understand the ethical obligations of city employees and board members.

Atty. Dugas said there are literally thousands of laws that govern the school district, including at the state and federal

level. Supt. Testani added that the general public do not understand the rules and regulations on things like the ARP/ESSER funds. There was a discussion of federal regulations regarding the vision-impaired on websites.

Atty. Dugas discussed state statutes about board members. He noted the law prohibits board members from working for the school district.

Atty. Dugas noted most school districts get sued at least once a year and sometimes individual board members are named in the suits. He said C.G.S. 10-35 indicates board members and employees must be indemnified by the school district. Exceptions are engaging in willful or reckless conduct. He noted the district is insured and he has never seen a situation where insurance has not been sufficient to cover lawsuits.

Atty. Dugas said board members who disagree with a board decision should make clear statements are their own personal opinion and not the opinion of the board. He gave an example of how a public statement on sexual harassment could be used in litigation.

Atty. Dugas said CAFE has taken the position that once you're on the board you should not be actively involved in PTO organizations.

Atty. Dugas compared the function of the board in relation to the superintendent. The board's most important job is to set policy. He said it is the administration's responsibility to implement the goals the board sets.

Atty. Dugas said the hiring and evaluation of the superintendent is an important role of the board. He

described the board's role in negotiating contracts with the teachers' and administrators' unions. He noted Mr. Lombard and Mr. Weldon have sat in on negotiations with the teachers' union. He added that the board can be asked to sit in on grievances by employees, which involve discipline or a claimed violation of the union contract. He said teachers have the most protection of any employees, period. He described the process involved in terminating a teacher and the need for board members to remain neutral in such matters due to their decision-making role.

Supt. Testani said there are several grievances presented by the teachers' union monthly and they are usually able to be settled amicably. He said in the case of terminations nine times out of ten a resolution involving a resignation is reached.

The superintendent said he was contacted by someone to get him involved with a person going through labor relations and he had to tell them he could not get involved.

Atty, Dugas said the board's role is to operate in the best interests of the Bridgeport Public Schools, which could mean ruling for or against a teacher in a proceeding.

Ms. Brown noted the strain the board was under during the Covid period. Supt. Testani said the board handled the situation well by putting the responsibility back on himself for the decisions during that period.

Atty. Dugas noted the federal law FERPA regarding student privacy. Violations could result in the loss of federal funding. He said employees have similar rights to privacy. The superintendent said a memo was issued recently reinforcing the need for follow FERPA.

Atty. Dugas described the statutes governing the role of the superintendent. He said virtually every superintendent in the state has a three-year contract, which is the maximum length of such a contract.

Supt. Testani said superintendent contracts send a message to the staff of the board's support for the superintendent's initiatives. He said when the staff knows leadership will be changing it makes it more difficult to get them to buy in and follow the leader. He said he believed the revolving door in Bridgeport has been a major contributor to ineffectiveness.

In response to a question, Atty, Dugas said boards often enter into a new three-year contract following the first year of a superintendent's tenure.

Atty. Dugas said his law firm works for the board as a whole, not individual members, while working regularly with the superintendent as the board's representative.

Atty. Dugas then discussed the Freedom of Information Act (FOIA). He said the basic concept is the board is doing the work of the people and the people ought to be able to see your meetings and have access to the paperwork and records of the school system, with some exceptions.

Atty, Dugas said anytime a quorum of the board is present and discusses the board matters it would be an illegal unless posted as such. The law also covers communications between a quorum of members of the board such as e-mail or text.

He said chance meetings or social meetings would not constitute a violation of FOIA. Meetings regarding collective bargaining contracts are also not included.

Atty, Dugas said any record where members are communicating about board members such as texts are eligible for disclosure under FOIA. He said he recommended using the district e-mail account for such business, not personal accounts. Ms. Brown noted the board members' use of the iPads provided to them keeps such communications off personal devices.

Mr. Weldon cautioned board members about whispering on the record at the meetings.

Mr. Sokolovic noted he was active on social media and as a board member he was always under a microscope.

Atty. Dugas described the differences between regular, special, and emergency meetings. He explained the process of the board meeting in executive session, including who may participate and the subjects that can be discussed.

In response to a question, Mr. Weldon said as chair when he has declined to place items on the board's agenda, he provides an explanation as to his reasons. He noted items can be added to the agenda at a Regular Meeting by a two-thirds vote of the members present.

Mr. Benejan urged executive sessions be not scheduled when the public has to wait for the board for a long period of time. Mr. Weldon said the board relies on time estimates of how long the executive session will take.

The superintendent discussed the charges that are now in place for requests from the public for copies.

Atty. Dugas said Robert's Rules have been adopted by the board in its policies. They are intended to provide structure to meetings. He noted two-thirds of the body present are needed to move a question. In response to a question, he said speakers cannot be interrupted in mid-sentence to call a question and such a member must be recognized by the chair to speak.

Atty. Dugas discussed the potential misuse of a point of order. A point of order should be used in response to a violation of procedure. Mr. Weldon said he believed a point of personal privilege should not be used as a mechanism to insert a piece of business or a new topic.

Ms. Brown moved to adjourn the meeting. The motion was seconded by Mr. Sokolovic and unanimously approved.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

John McLeod