

Wednesday, January 17, 2018

MINUTES OF GOVERNANCE COMMITTEE OF THE
BRIDGEPORT BOARD OF EDUCATION, held January 17, 2018, at
Bridgeport City Hall, 45 Lyon Terrace, Bridgeport, Connecticut

The meeting was called to order at 6:31 p.m. Present were committee members Chair John Weldon and Hernan Illingworth. Board members Maria Pereira and Joseph Sokolovic were in attendance. Committee member Dennis Bradley arrived subsequently as noted.

Superintendent Dr. Aresta Johnson was in attendance.

Mr. Hernan Illingworth moved approval of the committee's minutes of October 16, 2017. The motion was seconded by Mr. Weldon. Mr. Weldon and Mr. Illingworth both abstained. The minutes were approved.

Mr. Illingworth moved item 3 be considered before item 2. The motion was seconded by Mr. Weldon and unanimously approved.

Attorney Gary Brochu of Shipman & Goodwin was present.

Mr. Weldon said the board members had the existing 9000 Series bylaws. He said eventually he would like to address the entire 9000 Series. Ms. Pereira said she believed we were in agreement on the need to update the 9000 Series, but a policy at a time. Mr. Weldon said he agreed.

Atty. Brochu said virtually every board in the state uses the same format for its policies, 1000 through 9000, with the 9000 Series being board bylaws. He said Shipman & Goodwin has a model policies book. He said he pulled up his firm's model policies and made minor revisions to apply them to Bridgeport.

Atty. Brochu said the majority of boards have policies either based on our model policies or the CABA model policies. However, some districts such as Bridgeport seem largely unique and do not seem based off either model.

Ms. Pereira said CABE helped this board when its obsolete policies were revised in 2007.

Ms. Pereira said she believed the board's policies on public comment were illegal. She said speakers are not allowed to disparage staff or parents, but you are allowed to compliment anyone. Atty. Brochu said he believed public comment can be restricted on a content-neutral basis, such as Bridgeport residents or by length or limited to agenda items.

In response to a question, Atty. Brochu said the board could require that speakers be civil or not vulgar or profane. In reference to an incident out of state where a speaker was arrested, Atty. Brochu said a disruptive person could be escorted from the room, but not restrained.

Ms. Pereira said she would like to go through the model policies and match them up to the board's current policies.

Atty. Brochu said the model policies on code of conduct for board members also talks about procedures for censure or disciplinary actions. He said due process or procedural requirements are necessary before a board can censure a member or remove a member from their elected office.

Mr. Bradley arrived at the meeting.

Atty. Brochu said the removal of a board chair in Connecticut was reversed at the Superior Court level because he wasn't given enough notice of the reasons why the board was doing it.

Atty. Brochu said under Robert's Rules the general rule is that whatever process is used to put someone into a position, the same process can be used to remove them. If the chair has the authority to appoint members to a committee, then the chair can remove members from a committee. The same applies to the board's election of officers. However, the board could not vote to remove a member from the board because the member was put there by the population of Bridgeport.

Atty. Brochu said the effect of a censure of a member is not to remove a member, but to publicly express disapproval of what the member did. He said he was not aware of a case in Connecticut where a board member prevailed in court in opposition to being censured.

Atty. Brochu said under state law(10-32) the one specific requirement of conflict of interest is a member cannot be employed by the board. As soon as you are employed by the board, you are automatically removed from the board. He said boards could have more robust conflict of interest policies.

In response to a question, Atty. Brochu said board members could volunteer to assist in the school district, but could not be paid by the board. He said he believed an employee of Source 4 Teachers would fall into the category of an employee for these purposes.

Atty. Brochu discussed some of the ways the board's current policies differed between the model policies regarding creation of the agenda.

There was a discussion of the parameters of FOI requests. Atty. Brochu said they had to be responded to within a reasonable amount of time.

Mr. Bradley said the board had historically had a problem with allowing a particular board member to take over the board by adding items to an agenda that aren't issues that we can address or issues that have a high priority. He said giving authority to the chair was not creating a dictatorship because the chair is only in place for a year and needs a majority vote to be elected. He said he would be the first to acknowledge that when he added a significant number of items to an agenda it was not helpful.

Mr. Bradley said those agenda items then become what the board and the superintendent's staff works on, and nothing gets done in the district because one person decided that these issues are important. He said one of the reasons he added a lot of items to an agenda was to highlight that such practices do not help the board and the district.

Atty. Brochu said during a board retreat two and a half years ago the board members talked about what the priorities of the board should be. He said with nine volunteer members in a large district, meeting twice a month, the board simply cannot get to everything, so the board has to prioritize things. He noted boards underestimate their impact because even if nothing is accomplished in the meeting just deciding what to have the meeting on causes responses by the administration and others.

Ms. Pereira said there was recently an agenda item about valentines for veterans. She said she could have gone to the superintendent about the issue, but as one person she can't direct the superintendent to do anything. She said by putting it on the agenda it created board buy-in.

Mr. Bradley said reading scores or graduations are far important than some of the feel-good things that go on at the board meetings. He said things should be vetted by a chairperson who keeps us on task.

Mr. Weldon said if a board member thought their item was important enough the policies could force it to be on the agendas if they had the support of several other board members.

Mr. Sokolovic said he believed the board had to work together to come to some sort of compromise on this issue with the balance of power. He said he believed a member needing a second or a third for an agenda item would be a good check and balance.

Ms. Pereira said the purpose of Robert's Rules was to let the majority to rule and the minority to be heard.

Mr. Weldon said there should be adequate checks and balance so that neither a chair nor an individual board member has the ability to totally dominate an agenda. Mr. Bradley said the election of the chair was the check and balance. Mr. Weldon said if the chair denies agenda items and forces members to constantly get the support of other members for agenda items, then the membership may vote in a new chair. He said that threat is incentive for the chair to compromise.

Ms. Pereira said demonstrating leadership is not trying to accumulate power. She said a good leader works across all aisles and all bridges, which Mr. Weldon did not do with committee chairmanships and membership.

Mr. Sokolovic said two-thirds of the board can vote to take an agenda item off. Ms. Pereira said a majority of the board could postpone an agenda item.

Mr. Bradley said we often can't get anything done on the board because one or two voices of dissenters become the majority.

Atty. Brochu said the model policies addressed telephonic participation, which is allowed by law, but he cautions boards to do it correctly. Ms. Pereira said the board's policies prohibited it.

Atty. Brochu said many districts have restrictions against non-residents, except for district employees, addressing the board during public comment.

Atty. Brochu said the model policies call for speakers to indicate their name and address. There was a discussion whether providing the address was appropriate or not.

Atty. Brochu said recusals were always dependent on the board members themselves. Ms. Pereira said our policy was fine-tuned to make recusal mandatory. Atty. Brochu said a recusal could not be made mandatory. The board member could not be prevented from voting, but there could be consequences such as censure. He said the city ethics did not stop someone from voting.

Ms. Pereira said the policy was tightened up because no one should vote for hiring a family member. Atty. Brochu said in one district a board member's son was up for being a principal at the high school. He said his advice was that board member not take part in any discussions on the issue, but the board member went into an executive session on the matter.

Atty. Brochu discussed the model policies treatment of minutes. He noted the board used lengthy summaries. He said the only thing that

is important is the wording of the actual motions the board approves.

In response to a question, Atty. Brochu said he was not sure whether the seven days within which the minutes had to be posted included business days or legal holidays.

He said a record of the board's votes needed to be available within 48 hours. He said this means it should be available for public inspection; it doesn't have to be distributed.

There was a discussion of the provisions on the annual organizational meeting.

Ms. Pereira said she believed under state statute if the board is going to have a security committee there must be parents and students on the committee. Atty. Brochu said he would investigate that issue.

Atty. Brochu said according to Robert's Rules a two-thirds vote was needed to suspend the rules unless there was prior written notice to the board, in which case a majority of members present may suspend the rules.

Mr. Illingworth suggested the committee match up the model policies to the board's policies and at the next meeting make decisions on what to include or not.

Regarding student representatives, Atty. Brochu said oftentimes board policies do not delineate what is the board's expectation for them. Mr. Illingworth said he observed another board where students take an active part in many aspects of the meetings. Atty. Brochu said boards differ greatly in how they handle the issue. Mr. Illingworth said he had heard of incidents where principals e-mail the reports to be read by the student reps.

There was a discussion of how notice should be given to the public and board members for future discussion. Atty. Brochu said he believed the wording of the agenda was appropriate for tonight's committee meeting.

The next agenda item was on Policy 6201, field trips.

Dr. Johnson said in the interests of time the matter could be postponed.

Ms. Pereira said Policy 9313 says the board has the right to review and direct revision to an administrative regulation should they, in the board's judgment, be inconsistent with the policies adopted by the board. The superintendent has the right to change the regulation (marked R in the policies), subject to the board's disapproval. The items in board policies designated regulation are about the day-to-day operations of the district. The board has the right to approve or disapprove the superintendent's change.

Supt. Johnson said the policy currently says the board approves overnight trips, but for the past four or five years the board has not been doing so.

Mr. Illingworth moved to postpone the matter to the next committee meeting. The motion was seconded by Mr. Bradley and unanimous approved.

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

John McLeod

Approved by the committee on November 19, 2018