

Monday, May 2, 2022

MINUTES OF THE GOVERNANCE COMMITTEE OF THE BRIDGEPORT BOARD OF EDUCATION, held May 2, 2022, at Central High School, 1 Lincoln Boulevard, Bridgeport, Connecticut.

The meeting was called to order at 6:00 p.m. Present were members Chair John Weldon and Joseph Lombard. Board member Joe Sokolovic was present. Board member Christine Baptiste-Perez\* joined the meeting subsequently as noted. Committee member Albert Benejan\*\* joined the meeting subsequently as noted.

(\*remote participation; \*\*participated remotely and in person.)

Supt. Michael J. Testani was present.

Mr. Lombard moved to approve the minutes of the meetings of March 7, 2022. The motion was seconded by Mr. Weldon and unanimously approved.

The next agenda was on a revised policy regarding public comment.

Mr. Weldon said during the Regular Meeting there was concern about the language referring to protecting the impartiality of the board and comment that involves a complaint about Board of Education personnel, students, personnel action, and student disciplinary action. He said such complaints should be directed to the superintendent.

Mr. Weldon said the language was provided by CABE's staff attorney.

Supt. Testani noted the board pays to belong to CABE. Mr. Lombard said he believed the concern was that there be a venue for the board to hear about issues. Mr. Weldon said language could be inserted that complaints should be limited to general matters relating to the school system, but not specific personnel matters.

Ms. Baptiste-Perez\* joined the meeting

Mr. Weldon said the prohibition was included because the board may end up hearing a grievance.

Mr. Lombard said he believed the reservations were based on matters that the board would never become aware of. Mr. Weldon said we need hear operational difficulties, with the superintendent charged with getting to the bottom of it and finding out if someone is at fault or not.

Supt. Testani said when there is a disciplinary action taken against an employee there is a process that we go through. He said it is problematic that while discipline is underway to have a family member stand up in two meetings and make accusations to save the family member from the discipline. He said he did some investigation to identify that person as a family member.

Mr. Weldon said it could also be an issue with just someone with an ax to grind.

Supt. Testani said he received a complaint today about from a parent who did not did not make the principal or assistant principal aware of the situation.

Ms. Baptiste-Perez said the board needs to at least be aware of information and that the impartiality of the board is not equivalent to ignorance. She said the current language is broad and has a chilling impact. She suggested it should say “named individuals” or “outstanding litigation.”

Mr. Weldon said he did not notice the absence of the phrase “named personnel.” Ms. Baptiste-Perez said “named students” could also be used.

Ms. Baptiste-Perez said the line on litigation could be whether a suit has been filed. Mr. Weldon said complaints at the level of a demand letter could qualify as something the board would not want to hear. Ms. Baptiste-Perez said a lawsuit would be public information in any event. Mr. Weldon said the board could subsequently be involved in settlement discussions of a lawsuit.

Mr. Sokolovic said he supported narrowing the proposed language. He said the employees had a grievance process available to them, while the board is the only chain of command above the superintendent. He said complaints against the superintendent should be permitted. Supt. Testani said questioned complaints about the superintendent regarding a staff member who has a process available to them.

Mr. Sokolovic said we had to protect ourselves against creating a hostile employee environment, but also, we should not preemptively stop people from speaking in support of somebody else, which would be a severe restriction on their speech.

Mr. Weldon said the board should not be influenced by comments on matters that could come before them in a grievance.

Mr. Sokolovic said he would like to hear the attorney on the issue of preemptive speech.

Mr. Weldon said he would create proposed language based on the discussion and send it to the attorney.

The next agenda item was on a revised policy regarding field trips.

Mr. Benejan\* joined the meeting.

Supt. Testani said Policy 6201 addresses field trips. He said he believed there should be a board approval prior to distribution of materials and the collection of money for overnight and other trips. He said the trips should be approved before the 11th hour when the principal brings it to the board.

The superintendent noted the board must approve out-of-state travel. He said the 30-day notice required does not leave the option of reimbursement of funding in 99 percent of the cases if the board does not later approve the trip.

Supt. Testani said he did some investigation after Monday's meeting about Masuk High School students traveling to Germany. The Monroe superintendent indicated it was a non-school sponsored trip to the extent that school copiers could not be used for the trip, with all the risk on the individual that organized it.

Mr. Weldon noted the problem of the board saying no to a trip at the 11th hour.

Ms. Baptiste-Perez said the board should look at out-of-country trips, which are significantly different.

Mr. Benejan arrived at the meeting in person.

Supt. Testani said he was inclined not to submit for approval international trips due to liability concerns. He said there was a recent case in Connecticut after a trip to China that led to damages of \$41 million. He said such trips are typically for a small group of children and are not accessible to everyone. He questioned the educational value to the overall student body if only a small number of students went on a trip, with it being a question of who can afford to go.

The superintendent said he agreed with Ms. Baptiste-Perez that the proposed trips should be submitted at least 30 days prior to refundable costs being available.

Mr. Weldon said the board had been presented with trips which require immediate approval or money would be lost.

Ms. Baptiste-Perez noted the requirements regarding educational value of the trips and reinforcement of the educational value. She said she did not want to foreclose the opportunities for Bridgeport students to travel out of the city and expose them to other areas.

Mr. Lombard said the unaffordability of some field trips is an issue and might be best for a non-school-supported trip.

The superintendent said there were enough opportunities in the country to explore and learn.

Mr. Sokolovic said he believed the policy had outdated language in some cases. He noted there is no longer an assistant superintendent. He discussed trips sponsored by an outside organization and said the language around those was too vague. He suggested participation by staff members would have to be approved by the board or the superintendent.

There was a discussion of the liability of the district for trips sponsored by outside organizations. Supt. Testani gave the example of the VIP trips for college trips. He said the indemnification should be apply to the board, not just the city.

Mr. Sokolovic said equity considerations were important to him.

Supt. Testani said the tour companies typically charge dollar for dollar, without any sort of discount.

Mr. Weldon said international travel could present complications with people stranded in countries. He said such trips would be best handled by outside organizations.

Mr. Sokolovic suggested trip approvals occur before any deposits are due. The superintendent said he has been told deposits are typically required about 110 days out from the trip.

Mr. Weldon said he did not want to make it overly complicated because issues come up when people don't follow the timelines.

The superintendent said typically parents pay money directly to the tour company, so the school is not involved in handling the money.

Mr. Sokolovic questioned out-of-state provisions because there are places in Connecticut that are further away than New York City. He suggested a mileage limitation or time limitation be used.

Ms. Baptiste-Perez said most of the school districts she lived or worked in did college visits. Supt. Testani said counselors organize trips to in-state colleges for day trips. He said in districts like Fairfield and Trumbull parents take students on college visits. He said contractually we can't obligate staff to participate in college trips.

Ms. Baptiste-Perez said from a quick glance at the 2017 case it seemed connected to the duty to warn or protect against risks associated with the trip, which was negligence-based. She said language could be drafted to protect the district against outside organizations promoting trips, including indemnification. She said she wanted to see potential opportunities for students.

Supt. Testani said the district allows VIP to promote college trips in school, but it is made clear that it is independent from the district.

In response to a question, Supt. Testani said out-of-state trips require board approval. He said if trips are approved by the board prior to money being collected then any subsequent cancellation is at the risk of the families who made the deposit.

In response to a question, the superintendent suggested trips requiring approval come to the Teaching & Learning Committee because it will make full board approval smoother. He said overnight trips are typically planned way in advance, which should leave time for them to come to the board.

In response to a question, Supt. Testani said currently proposed overnight trips come to the supervisor or executive director at least thirty days in advance, which makes for a tight timeline with board approval. He said if the policy is changed, proposals would go from his office to the Teaching & Learning Committee for vetting.

Mr. Lombard questioned if there were changes imposed by the tour company after approval if the board should have to look at it again.

Mr. Sokolovic noted the designation of the transportation department should be changed in the language.

The superintendent said he would make sure the indemnification includes the board, not just the city.

Mr. Benejan moved to adjourn the meeting. The motion was seconded by Mr. Lombard and unanimously approved.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

John McLeod

*Approved by the committee on June 29, 2022*