

LWV OBSERVER REPORT FORM

Board or Commission: West Hartford Board of Education

Date of Meeting: May 11, 2010

Members present: Clare Kindall, Terry Schmitt, Elin Katz, Naogan Ma

Members absent: Bruce Putterman, Lib Spinella, Diane Mudge

Nature of meeting Routine _____

Special X (Workshop) _____

Called to order (time): N/A

Adjourned (time): N/A

Action taken:

The subject of this workshop was legal issues, specifically the rights and responsibilities of board members in personnel matters and relative to Freedom of Information laws. It was conducted by Tom Mooney of Shipman & Goodman, who frequently serves the board as outside counsel and is an expert on the law as it applies to members of school boards.

Mr. Mooney stated that the board of education is an agent of the state and that its overall responsibility is defined in statute as that of the policy-making body for the school district. Its role is distinct from that of the administration, which carries out board policies and is responsible for district operations. Board members have authority only at meetings; otherwise they have the same rights as other citizens.

The board has supervisory responsibility for only one employee, the superintendent; supervision of all other district employees falls to the administration. Therefore, all complaints from citizens regarding teachers or other individual employees should be referred to the administration. In addition, because the board must serve as impartial judge in hearings related to student expulsion, school accommodation, tenure, etc., it is vital that members not discuss issues relating to individual students or staff outside of such proceedings. Parent and/or student input is not included in state standards for teacher evaluation; its inclusion in such evaluations would have to be collectively bargained locally. Staff evaluations and other personnel matters are excluded from public disclosure unless the individual involved specifically consents.

Freedom of Information (FOI) laws govern access to public records and meetings. A public record is defined in part as "any recorded data or information relating to the conduct of the public's business." Therefore, board members' communications with each other or the public regarding board business are subject to disclosure, whether or not they take place through official channels. Members' emails relating to board business are public records even if they are written or received on members' own computers using personal email addresses; board members should therefore retain all such communications. Given the volume of email received by members, board chair Clare Kindall suggested that all board members be given district email addresses.

A meeting as defined under FOI is "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." Meetings must be posted, along with an agenda, 24 hours in

advance and must be open to the public; party caucuses, executive sessions for defined purposes, and collective bargaining are exempted from these requirements. Board members were cautioned against email exchanges of views among a quorum regarding board business because such exchanges may spontaneously evolve into a “discussion” that would then constitute an illegal meeting. The Freedom of Information Commission has been unable to arrive at an overarching definition of such meetings and considers them on a case-by-case basis.

Observer name: Kathy Wilson