


**New Milford Board of Education
Special Meeting Minutes
June 26, 2023 - 6:30 pm
Sarah Noble Intermediate School Library Media Center**

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NEW MILFORD, CT

Present:	Mr. Pete Helmus, Chairperson Mrs. Wendy Faulenbach Mr. Eric Hansell Mrs. Tammy McInerney Mr. Tom O'Brien Mrs. Leslie Sarich Mrs. Sarah Herring Mr. Brian McCauley Mrs. Olga I. Rella
Absent:	None
Also Present:	Dr. Janet Parlato, Superintendent Mr. Zachary Schurin, Attorney

1.	Call to Order The special meeting of the New Milford Board of Education was called to order at 6:32 p.m. by Mr. Helmus, Chairperson.	Call to Order
2.	Public Comment None	Public Comment
3. A.	Presentation: Board of Education Member Roles and Responsibilities, Attorney Zachary Schurin, Pullman and Comley Mr. Helmus stated that the presentation is meant to help the Board focus on strategies for its work, with the Superintendent, that can be put in place. Attorney Schurin gave the slide presentation: Board of Education Member Roles and Responsibilities. Attorney Schurin stated the school is run by two entities: Publicly elected officials and the Superintendent. The Superintendent is like the CEO of the district and the Board of Education is like the Board of Directors. The Board is primarily a policy making committee and the Superintendent is in charge of carrying those policies out. Mr. Helmus stated in regards to the transportation policy, New Milford has many buses that are being run	A. Presentation: Board of Education Member Roles and Responsibilities, Attorney Zachary Schurin, Pullman and Comley

half empty. Attorney Schurin stated the Board of Education has discretion on what a policy is but it must remain within the law. Attorney Schurin stated the statute uses the language “reasonable and desirable,” leaving it open ended and the Department of Transportation has suggested guidelines.

Attorney Schurin stated when it comes to the educational interest of the state, if there is a mandated policy, legally it must be implemented. Mrs. McInerney asked how long the Board has to adopt a policy once it is mandated. Attorney Schurin stated it is determined by the state. The state gives a reasonable amount of time, and if not adopted, the state may consider it willful defiance.

Mr. Hansell stated, if the exact wording of the policy is dictated by the state, why review them and not just automatically adopt them. Attorney Schurin stated that even though it is mandated by law, the Board does have a little bit of discretion. Mr. Hansell suggested identifying the unfunded mandates in the budget so when defending the budget, it is known which items are non-negotiable.

Attorney Schurin stated, outside of enacting policies, the key functions of the Board of Education are negotiations and hearing panels. Attorney Schurin stated some include expulsions, student residency and transportation hearings. Board level grievances are an extension of the collective bargaining process. There are occasions when a board member may need to hear a termination or non-renewal case of a certified staff member.

When hearings do happen, there are specific rules for how it is handled. As a Board of Education member, it is an obligation to be impartial. If there is reason to believe a member cannot be impartial it is recommended that that Board of Education member recuses him or herself. Mr. Helmus asked about residency status. Attorney Schurin stated the district can question residency status and the family in question has to prove residency. An exception is when the family is homeless. If the family claims homelessness then the burden of proof falls to the

district. Mrs. McInerney stated she thought if a student is homeless and taken in by a relative in another town, they can still attend school in New Milford. Attorney Schurin stated if a family loses housing and has to double up on housing with relatives, the student can elect to continue academically in New Milford. Mrs. Rella stated it is different in a DCF case. The town where the parents live needs to provide the education. Attorney Schurin stated yes, the general rule of thumb is the student should have their education based on where the student has most of his/her connections.

Attorney Schurin stated the Board of Education is a legal entity that only has power when it is meeting at a duly constituted meeting and can only take action when a meeting has properly convened. Board members are not allowed to exercise administrative responsibilities, direct school employees, access personnel records, etc.

Attorney Schurin continued by stating the appropriate things that fall within purview, as a Board of Education member, is attending meetings, advocating, asking questions that are relevant in meetings, reviewing bylaws and acting in ways that support the district. Mrs. Herring stated that the Board follows Robert's Rule of Order, and occasionally it is difficult not to speak directly to someone during Public Comment. She does not want people to think the Board is not responding. Mrs. Faulenbach stated that it is a meeting held in public, not a public meeting, so anyone can come to the podium. There is a balance, and the Board will bring it to the Superintendent, and it can be followed up upon. Dr. Parlato stated she makes notes and follows up with people when necessary.

Attorney Schurin stated that as board members they should not manage day to day activities, go to classrooms, observe personnel matters or evaluate staff members. The only time a board member should see an evaluation is if there is a termination or non-renewal hearing and the person's performance is an issue. They should not investigate parent complaints, but pass them on to the Superintendent. These protocols need to be followed because if the issue comes before the Board, and as a board member, with prior knowledge, there

	<p>will no longer be impartiality.</p> <p>Attorney Schurin stated when handling parents and community member complaints, policy and bylaws should be followed. Individual board members should not try and remedy a complaint, everything should go to the Superintendent for appropriate action.</p> <p>Attorney Schurin stated the chairperson is responsible for planning agendas and conferring on crucial matters between meetings. The board chairperson is the one who has authority to sign legal documents. The board chair can call special meetings as necessary and is the ex-officio member of all board committees.</p> <p>Attorney Schurin stated FOIA (Freedom of Information Act) allows citizens to have the right to public records. FOIA does not just apply to paper documents, but also video, photo, email, texts etc. There are only certain instances where there are exceptions.</p> <p>Mrs. Helmus asked if it is true that in a situation where a district employee sends an email or text to a board member concerning disciplinary or complaint it is discoverable. Attorney Schurin stated yes, but there are exceptions. One is preliminary drafts of notes, contracts or reports. Once there is distribution among staff and board members that exemption is lost. Another exception is personnel and medical files. Disclosure would constitute an invasion of privacy. Student records are exempt and protected from disclosure under FERPA. Other exemptions included collective bargaining, trade secrets, records relating to pending claims or litigation, attorney client communications and DCF records.</p> <p>Attorney Schurin stated a meeting is considered any hearing or other proceeding convened by a quorum. A meeting can be physical or electronic. If communicating via email or text, and there is a quorum, the dialogue can be considered a meeting. If the meeting isn't noticed under FOIA, it is an illegal meeting. Attorney Schurin stated, in executive session, it crosses the line if people are canvassed about how</p>	
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they will vote before the voting actually happens.

Attorney Schurin continued by stating a meeting is not considered a meeting when it involves personnel search committees for executive level candidates, a chance meeting, a caucus of board members of a single party, or an administrative or staff meeting of a single member of a public agency. A board is a public agency, legally having to post agenda items and minutes.

Attorney Schurin stated the difference between a regular board meeting and a special meeting are that regular board meetings are pursuant to a regular meeting calendar. By Jan 31st, the Board is required to file a schedule of meetings. The dates submitted become regular meeting dates. Any meetings held outside of regular scheduled meetings are special meetings. Both regular and special meetings must be posted at least 24 hours prior to the meeting. If an agenda for a regular meeting has been posted, the Board is allowed to add business to the regular meeting agenda as long as $\frac{2}{3}$ of members present vote to add the agenda item.

Attorney Schurin stated executive session is not itself an agenda item but something you might do with respect to an agenda item. No action can be taken in executive session; it is for discussion only. The board members and non-board members who are attending need to be identified in the motion. The time the executive session began and ended needs to be documented. Attorney Schurin stated minutes should be reduced to writing. The Town Clerk has to record them within 48 hours and they then need to be posted to the website within 7 days.

Attorney Schurin stated there can be remote or hybrid meetings as long as there is technology that allows the public to view the meeting in real time. This requires a 48 hour notice requirement. Agenda items need to include a zoom link and call in passcode. If comment All votes must be taken by "roll call" and should indicate if attendees are present or joining electronically.

	<p>B. 2023-24 District Areas of Focus</p> <p>C. Initial Thinking about Board of Education Goals</p> <p><i>Mr. Helmus recommended to adjourn the meeting before continuing onto agenda item B., and noted the next meeting will be the full Board meeting in July.</i></p>	<p>B. 2023-24 District Areas of Focus</p> <p>C. Initial Thinking about Board of Education Goals</p>
<p>4.</p>	<p>Adjourn <i>Mrs. Sarich moved to adjourn the meeting at 8:33 p.m., seconded by Mrs. Rella, and passed unanimously.</i></p>	<p>Adjourn <i>Motion made and passed unanimously to adjourn the meeting at 8:33 p.m.</i></p>

Respectfully submitted:



Leslie Sarich
 Secretary
 New Milford Board of Education