MIDDLETOWN BOARD OF EDUCATION
POLICY COMMITTEE
Minutes
Tuesday, January 5, 2016
Dr. Alfred B. Tychsen Administration Building
8:00 A.M.

Board of Education Policy Committee Members Present:

Sheila Daniels, Chair, Christopher Drake, Vincent Loffredo (left the meeting at 8:45 a.m.),
Debra Cain participated by telephone

Also Present:

Dr. Patricia Charles, Superintendent, and Kathleen F. Bengtson, Administrative Assistant.

The following policies and bylaws were discussed.

#9321 – Time, Place and Notification of Meetings – Electronic participation.

Vincent Loffredo thinks we need to legitimately allow members to fulfill their duties. Whatever bylaw we go forward with, we can always revise it if we find changes are needed. Vincent understands the arguments and concerns. He is coming from the point it should be allowed.

Debra Cain, via phone, said she wanted to participate in Board meetings even though she is not here. At the present time, she is in England and noted the time change is very challenging. She is committed to being on the Board even if she is not in the country. She is in favor of video and phone conferencing.

Sheila said during the recent budget workshop in the BOE building, the chair did not follow the protocol of making sure those present could hear Debra and she could hear them. Vincent Loffredo noted he was late to the meeting, quickly set up his laptop and did not announce that a BOE member was participating electronically.

Dr. Charles reported that Attorney Ann Littlefield told her she has clients who use electronic participation. Pat will ask her to look at their bylaws concerning this matter. CABE, though not in favor of electronic participation, offers Boards two alternates. Sheila asked CABE what towns were using electronic participation and they said they were not keeping track of them.

Sheila Daniels asked Dr. Charles what the practice was in Westbrook while she was superintendent there. She stated they did not permit electronic participation and their Policy Committee decided it was not something they wanted to do.

Electronic participation during an executive session was a big concern for multiple reasons. Debra Cain stated if she was participating by electronic connection, during executive session, she would hang up and call in later when the session ended.
Christopher Drake spoke to what he proposed as options to this bylaw. His document was distributed for review and discussion. He suggested there be no electronic participation in expulsion hearings. He captured the points from the last meeting in an effort to address all issues we had discussed at that time.

Sheila feels you lose aspect of the mood of room. She also stated Board members are public officials as opposed to employees in the business sector, where she acknowledged and has no problem with electronic participation. There are numerous questions and circumstances in allowing one person and not another to participate electronically. She questioned how to set up parameters? Christopher shared his understanding of Sheila’s “slippery slope” argument and suggested we revisit the bylaw if it is getting out of control. Chris said it is not an issue between the old guard and new guard. Everything is possible. He acknowledged that every once in a while physical participation is required and there may not be a way to carve it out perfectly right now, but we may want to give it a trial run.

Dr. Charles stated her biggest concern is with electronic participation in an executive session. During executive sessions, all documents shared with Board members must be turned back in to maintain confidentiality. Sheila Daniels also had concerns that in an electronic setting the participating member had to make it clear that no one else is in the setting. Question also arose, if a Board member is alone in the room how can it be guaranteed that will remain the case throughout the duration of the session? Vincent stated he understood Pat’s position concerning executive session. Christopher said he is concerned with executive session which is similar to attorney-client relationship, noting the client (BOE) must take reasonable steps to make sure communication is private. If the meeting is not confidential, it is possible it will not fall under the attorney-client privilege. It was decided, “Due to security concerns, electronic participation in closed executive sessions, including expulsion hearings, will not be permitted and all electronic participation shall be disconnected.”

Mike Skott said we would have to have an account set up and would need to have a physical location for the public to hear the meeting, even if BOE members are not at the meeting. Conference phone would be necessary. It is possible to set up with web cam, Skype, Go-To-Meeting. Mike will do more research on what would be the best way to connect for other locations, including Conference Room A & B. Christopher said they use Join Me which is cheaper than Go-To-Meeting.

Vincent Loffredo questioned what would be the basis for a reason to call in electronically? Need to understand why the member is not attending the meeting – is it a legitimate reason? Do we need to set some terms and conditions, where are you, why calling in? Sheila asked Vincent if Common Council members have participated electronically. Christopher Drake also wondered if the City Council would allow electronic participation at their meetings. He would like it to be unanimous practice.

Discussion around the need of prior notice for electronic participation before a designated meeting followed. It was noted we clearly have capability to do this and electronic participation occurs in city commission/committee meetings and statewide. Vincent said he is in favor of electronic participation.
The question arose on how the votes would be taken. The Committee decided to add this sentence to the bylaw, “**All votes by the member who is attending by teleconference shall be taken by roll call.**”

Pat, Sheila and Christopher preferred CABE’s “Alternative 2” bylaw wording. There was discussion around the definition of “good cause”? Vincent said we can lay out the bylaw to define good cause. Pat Charles said if someone is ill, they should not be in the meeting. Debra suggested being out of state/country, on business trips, family emergency and illness that prevented one from attending a meeting such as a broken leg. Sheila was concerned about the subjectivity in setting reasons such as those mentioned. She thinks it is a big can of worms.

If a member is unable to be physically able to attend, what would “good cause” be:

- Family emergency out of state
- Medical condition
- Work
- Beginning at the meeting, the record should indicate why they are not physically present.
- Must have prior notice

Christopher felt there are just too many options to address and how can you numerate all situations?

Sheila Daniels questioned how many members would be allowed to electronically participate at a meeting and how many times during the year? Pat Charles stated she was more concerned on capping the number of people allowed to call in. It was decided it would be difficult with more than one person calling in. Pat asked Mike Skott on how that would work. Mike Skott said it will definitely be easier to set up for only one member. City Hall’s connection was very good. Mike Skott said it would depend on what level we want to go - either electronic video, or telephone speaker phone. He recommended using a hookup to a personal speaker which would cost approximately $150. He will look into it further. Issues to consider:

- An extra speaker to hear
- Needs line that is free.
- Possibly use an IP address, web based Wi-Fi

Mike said meetings at City Hall are available to see only one way, Public cannot ask questions electronically. His department is working on technology to stream online for people to observe but not ask questions.

At the last BOE meeting at City Hall, Debra said she could see video and sound quite clearly.

After a lengthy discussion, the Committee decided there would be too many options to define “good cause” and opted for the following statement:

**The Board of Education authorizes that the Board Chairperson or presiding officer may allow one (1) Board member to participate electronically in a Board meeting if there is good cause why the Board member cannot attend in person and the request is received by**
noon on the preceding day to allow a good quality electronic connection to be set up. The member who participates in a Board meeting through electronic means shall be counted in the quorum. Due to security concerns, electronic participation in closed executive sessions, including expulsion hearings will not be permitted, and all electronic participation shall be disconnected. All votes by the member who is attending by teleconference shall be taken by roll call.

At the commencement of the meeting:

• the Board Chair will announce there is one (1) board member participating electronically;
• the member participating electronically shall share the reason for such participation;
  o Any member of the board may object to the attendance of a member attending electronically. If such objection is made and seconded, the Chair shall call for a vote on the issue. Only those members physically present may vote on such matter. If the objection is sustained, electronic communication shall be disconnected and such member shall not be considered present for the meeting;
• the Board Chair will ensure that the two-way communication is audible to the public and the electronically participating board member; and
• the Board secretary will document in the minutes when a member participates electronically.

The Committee discussed the matter and recommended this revised bylaw be brought forward to the Board at its next meeting for its first reading. Sheila did state she is not in favor of this bylaw and would not support it at the Board meeting, but worked on developing it knowing it will probably pass by a majority vote.

The next Policy Committee meeting is scheduled tentatively for Tuesday, January 19, 2016, at 8:00 A.M. in the Board Room of the Dr. Alfred B. Tychsen Administration Building.

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