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COUNSELORS AT LAW

Darien Board of Education
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SCENARIOS FOR DISCUSSION

Scenario One:

- Yesterday, the Stamford Advocate published a front-page story about a teacher employed by the Darien Public Schools who was arrested for running a meth lab. The article identifies the teacher by name and school.
 - Parents from that school come to the next Board meeting, and during public comment, several of them address the Board to express concern that this teacher must be fired immediately
 - A fourth parent who comes up to speak attacks the Board for sitting there silently “like bumps on a log,” and asks the Board members what they are going to do about this bad teacher.
- Should the Board members just sit there like bumps on a log?
 - Can a Board member reassure the public that the Board will fire this teacher if he is guilty as charged?
 - What can the Superintendent tell you about the situation?

Scenario Two:

- A Board member is Facebook friends with a teacher.
 - In a post on her Facebook page, the teacher complains that her principal unfairly denied her three days of personal leave to attend Nature’s Classroom in a neighboring school district to serve as a chaperone for her fifth-grade son.
 - The Board member calls the principal to find out what the problem is.
 - The teacher files a grievance, which is denied at the lower steps and is now before the Board.
- Can the Board member participate in the grievance hearing or does the Board member have a conflict of interest preventing him from participating?
 - Under what circumstances is it appropriate for a Board member to call a principal to “find out what the problem is” after hearing (or reading about) a teacher’s complaint?
 - How do we determine if a Board member has a “conflict of interest”?

Scenario Three:

- A member of the Board of Finance sent an email to the Board of Education asking for financial information, and the Board of Education Chairperson writes to the BOF Chairperson to clarify whether the request is from the full Board of Finance or a single member. The BOF Chairperson tells the BOE Chairperson to tell Administration to hold off on responding to the request.
 - The BOF member makes the request again, and the BOE Chairperson told him to check with the BOF Chairperson. BOF Chairperson calls BOE Chairperson to report that the BOF is not making a request for information.
 - The BOF member contacts individual BOE members to lobby for the information. However, the BOF Chairperson reports to BOE Chairperson and Vice Chairperson that he has informed the BOF member that nothing would happen until the BOF votes on the request.
 - A BOE member emails BOE Chairperson about the situation, and BOE Chairperson responds that per BOF Chairperson the request is on hold. BOE member forwards the email to BOF member, who forwards the email to the BOF Chairperson.
 - BOF Chairperson announces at a public meeting that he supports the request of the BOF member for information.
- What was the status in the first instance of the request for information by the BOF member?
 - What is the role of the BOE Chairperson in dealing with this request and communicating on behalf of the Board of Education with the BOF Chairperson?
 - What should the BOE Chairperson tell the other members of the Board of Education about the situation? How?
 - When should the BOF as a whole vote to authorize requests for information?

Scenario Four:

- The Policy Committee has been going through Board policies to update certain policies and to delete others.
 - The Policy on Public Complaints has received a lot of public attention because some members of the public are concerned that the Board may eliminate the policy and thus deprive them of their forum for complaining to the Board about this or that.
 - Given the public attention, some Board members who are not on the Policy Committee want to attend the meeting of the Policy Committee at which the Public Complaint Policy will be discussed.
- Is it a problem if a quorum of the full Board of Education attends a meeting of the Policy Committee?

- If a quorum of the Board of Education is present, how should the meeting be conducted?
- Is the full Board bound by the recommendation of the Policy Committee concerning the possible elimination or amendment to the Public Complaint Policy?

Scenario Five:

- Some Board members are more engaged than others, and they ask the Superintendent for *a lot of* information.
 - Once the Superintendent responds to one Board member's request for information, other Board members hear about it and want the same information for themselves.
 - Some Board members are dissatisfied with the occasional delays in receiving the information from the Superintendent, and they complain to each other over email and sometimes even reach out to staff for information before the Superintendent responds.
- What protocol should the Superintendent use for responding to Board member requests for information?
 - Should the Chairperson serve as a buffer between the Board members and their demands for information and the Superintendent?
 - When is it appropriate for a Board member to reach out to staff directly for information?
 - Are Board member emails to each other public records even when they do not include a quorum of the Board?

Scenario Six:

- At the beginning of each meeting, the Board of Education provides an opportunity for the public to comment on matters of concern.
 - The Board limits public comment to three minutes and prohibits personal attacks on school employees.
 - A parent whose child attends parochial school comes to the meeting, and during public comment asks that the Board override the Superintendent's decision to deny her child the opportunity to take Chemistry at Darien High School.
- Given that this request is different from most of the complaints that the Board hears during public comment, can the Board members ask questions of the parent and/or Superintendent?
 - Can the Board use this parent's question as the basis for a discussion about the status of home-schooled children, either then or later?
 - Can the Board really prohibit speakers from making personal attacks against school employees?

Scenario Seven:

- A parent is all over social media after her daughter was suspended for insubordination two days before the Junior Prom.
 - The parent calls you and every other Board member with her concerns, complaining about the fact that her daughter has only one Junior Prom in her life and will not be able to wear the expensive dress she bought for the occasion.
 - In light of the pressing circumstances, you talk it over with a couple of Board members, and with the agreement of the Chairperson, you all decide by email to convene an emergency meeting for the next morning to review (and possibly rescind) the action by the Administration.
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- Is that legal?
 - Is that a good idea?
 - Can you do it in a caucus?
 - Should you?