BOARD OF EDUCATION WORK SESSION MEETING

Monday, November 9, 2026 5:00 PM
Glastonbury Town Hall, Meeting Room A
Glastonbury Town Hall
2155 Main Street
Glastonbury, CT 06033

1. Call to Order
2. Pledge of Allegiance
3. Board Discussion of Board Member Rights and Responsibilities, facilitated by Attorney Thomas Mooney
4. Adjournment

Glastonbury Board of Education
November 9, 2026

SHIPMAN

I. Responsibilities of the Board of Education

A. Agent of the State

B. Policymaker for the district

C. COMPARE Administration responsibility for district operations

II. Rights of Board members

A. Authority at meetings only

B. Otherwise same rights as other citizens

C. Free speech and teamwork

D. Role of the Chairperson

III. Duties of Board members

A. Confidentiality/Educational need to know

B. Parent complaints

C. Impartial judge

1. Expulsion hearings (Conn. Gen. Stat. § 10-233d)
2. School accommodations hearings (Conn. Gen. Stat. § 10-186)
3. Transportation Hearings (Conn. Gen. Stat. § 1-186)
4. COMPARE: Grievance hearings and teacher tenure hearings (Conn. Gen. Stat. § 10-151)

D. Other statutory duties

1. Budget
2. Policies
3. Negotiations

IV. Freedom of Information

A. Documents

B. Meetings

1. Caucus
2. Action by quorum
3. Committees
4. Executive session and Collective bargaining

C. E-mail and text messages

V. Board Deliberations

A. Decision-making process

B. Conflicts of interest

C. Information requests

D. Administration as Board agent

VI. Parliamentary procedure

A. Agenda

B. Taking and recording Board action

C. Point of order

D. Committees

E. Comments by citizens

SHIPMAN

TO: Members, Glastonbury Board of Education

FROM: Tom Mooney

RE: Caution on Board Member Communication by Email or Text Message

DATE: November 9, 2026

It is important that Board members understand the dangers in communicating by email or text message. One concern is that such communications are "public records." Any such communication is a "public record" when it relates to the board of education operation – the Freedom of Information Act (FOIA) defines a "public record" as "any recorded data or information ***relating to the conduct of the public's business*** prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method." Conn. Gen. Stat. § 1-200(5).

Another concern is that such communication could evolve into a "discussion" among a quorum of the Board members, thereby constituting an illegal meeting of the Board of Education. This concern is based on the definition of "meeting" under the FOIA, set forth in Conn. Gen. Stat. § 1-200(2), which provides in relevant part:

> (2) "Meeting" means 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***.

If the Board holds a "meeting," it must post that meeting (along with the agenda) at least twenty-four hours in advance. Therefore, if a meeting occurs, even inadvertently, the failure to post and provide public access would constitute a violation of the FOIA.

In this context, the elements of a "meeting" are (1) communication among a quorum (2) to discuss or act upon Board business. Since communication among a quorum occurs frequently (*e.g.*, the Board packet), the key issue is whether the communication results in a "discussion." While there are various definitions in the dictionary, one definition apropos of the concern over email or text message communication is "an exchange of views on some topic," with the key question being whether there is an "exchange" of views.

Exactly when communication becomes a discussion (resulting in an illegal meeting) is not self-defining. The Freedom of Information Commission tried to define such "meetings" in 2001 in a proposed declaratory ruling (Draft Declaratory Ruling # 94), and ultimately it decided to withdraw the proposed declaratory ruling and continue to consider such matters on a case-by-case basis (Report of Counsel, April 14, 2004). With the resulting knowledge that the Commission will thus rule on a case-by-case basis, I can suggest the following general guidelines:

- Email or text message communication on Board business by Board members to each other (or to or from the Superintendent to Board members) is permissible.

- Such email or text message communications are subject to public disclosure unless they are exempt (in whole or in part) from disclosure under the FOIA (*e.g.*, personally identifiable student information, attorney/client information).

- The status of email or text message communication as a public record is governed by the author and the subject matter, not by where the communication was generated. The Commission has ruled that public officials must disclose email or text message communications related to their public responsibilities, even if they are written on their personal computers at home or on the personal cell phones.

- Where email or text message communication is ***unilateral***, it will likely not be considered a "meeting" that would trigger FOIA concerns. For example, when the Superintendent sends out the Board packet (whether in hard copy or by email), such communication to a quorum would not be considered a "discussion" because there is no exchange of views.

- Where such a communication generates responses that are shared with a quorum of the Board, it is possible that a "discussion" (and hence a "meeting" in violation of the FOIA) will be found. Along the continuum of case-by-case determination, the more such responses are provided, the more likely it is that an illegal "meeting" will be found. However, even one "Reply All" could result in such a finding, because such a communication would be an exchange of views among a quorum of the Board.

- Communication among less than a quorum, by email, text message, or otherwise, does not trigger the "meeting" provisions of the law. However, where communication among less than a quorum is then conveyed, even by an individual, to other Board members so that a quorum ultimately is aware of the communication, a "seriatim meeting" may be found. For example, "Joe, Sally and I were talking, and we thought that the district should abolish the Chess Club. What do you think?

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SCENARIOS FOR DISCUSSION

Scenario One:

- Yesterday, the Hartford Courant published a front-page story about a teacher employed at Glastonbury High School who was arrested for running a meth lab. The article identifies the teacher by name and school.
- Parents from the High 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:

- As a Board member, you hear a lot from parents and others in the community.
- A parent has been a reliable source in the past, and he tells you that a teacher at Smith Middle School was reported to have been using sexual innuendo in class.
- You check in with the Superintendent, who tells you that he has dealt with the situation.
- A week later, the parent contacts you again and tells you that the teacher is still teaching with concern that the teacher may still be saying inappropriate things in class.

- How do you reconcile this conflicting information?
- How should you investigate on your own?
- How detailed should the information from the Superintendent be, and how often should he report back to you?

Scenario Three:

- Board members receive a lengthy email from a parent describing in detail the wrongs that her child has faced in school at the hands of other students as well as staff members.
- The parent alleges that her child has been the victim of microaggressions and race-based bullying for years; staff have been aware of these concerns; and nothing has been done to address the situation.
- The parent implores the Board to take action and threatens to raise the issue with the State Board of Education if nothing is done. She claims her child is in imminent danger of physical and emotional harm.

- Should the Board or Board members respond? If so, who should respond, and how?
- What else should the Board do?
- What can the Superintendent tell you about the situation?
- What is the role of the State Department of Education?

Scenario Four:

- As a parent, you do not like how a teacher graded a homework assignment your child did.
- You schedule an appointment to meet with the teacher, who asks for union representation.
- You tell the teacher that this is a private meeting, and you meet alone with the teacher. However, the teacher defends the way he graded the assignment and refuses to give your child an opportunity to redo the assignment.

- Did the teacher have the right to union representation?
- Can you complain to the principal about the teacher's response to your concern?
- Can you complain to the Superintendent about the teacher's response?

Scenario Five:

- You run into an acquaintance at the Mall, and she complains that her son's fourth grade teacher has not returned homework to her students in two months.
- Of course, you want to help her, but after reviewing Board policies, you determine that that there is no Board policy on when teachers must return homework to students.
- You check with other Board members on whether they have received similar complaints about this teacher, and they have not.

- Do you share this information with the Superintendent?
- What can he tell you?
- When and how should you report back to the parent who raised the complaint?
- Should the Board adopt a policy on grading homework?

Scenario Six:

- A Board member is Facebook friends with a teacher.
- In a post on his Facebook page, the teacher complains that his principal unfairly denied him three days of personal leave to attend Nature's Classroom in a neighboring school district to serve as a chaperone for his 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 Seven:

- A good friend of a Board member sends the Board member an email marked "**Personal and Confidential!**"
- The friend of the Board member complains to the Board member that a teacher was mean to her daughter.
- A reporter makes an FOIA request of all Board members for a copy of any email sent to or received from a third party during a specified time period, which time period includes the email in question.

  - Is the email a public record?
  - Is the email subject to disclosure in response to the FOIA request?
  - Why or why not?
  - Does the Board member have a conflict of interest if the Board must consider action regarding this teacher at some point in the future?