



Weston Board of Education Workshop
Monday, December 15, 2025
4:30 PM
Weston Middle School Library Learning Commons
135 School Road
Weston, CT 06883

- I. CALL TO ORDER, VERIFICATION OF QUORUM
- II. LEGAL UPDATE
- III. QUESTIONS & ANSWERS
- IV. ADJOURNMENT



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Board of Education Service: Laws, Insights, and Practical Tips

Presented by Jessica Richman Smith

Weston Board of Education

December 15, 2025

Agenda

- **Board Roles and Responsibilities**
- **Freedom of Information Act**
- **Communication and Information-Sharing**

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Board Roles and Responsibilities

Responsibilities of the Board



- Implement State’s educational interests as agent of the State
- Employ and act through Superintendent, who serves as “chief executive officer”
- Employ school staff
- Establish policies
- Establish budget and allocate resources

Responsibilities of the Board (cont.)



- Adjudication (“quasi-judicial” function)
- Negotiations
- Strategic planning
- Facilities review
- Community relations
- Curriculum review
- Self-appraisal

Quasi-Judicial Function



1. Due Process

- Expulsion
- School accommodations (residency, transportation)
- Termination/non-renewal

2. Grievance hearings

3. New library policy

Role of the Superintendent



- Chief Executive Officer
- Enforces laws, regulations, rules, policies
- Makes recommendations to the Board
- Carries out Board's mission
- Appoints certain staff

Scenario 1

Yesterday, the local paper published a front-page story about a teacher employed by the District who was arrested for drunk driving. The article identifies the teacher by name and school. Parents 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 she is guilty as charged?**
- **What can the Superintendent tell you about the situation?**

Scenario 2

You run into an acquaintance at the grocery store, and she complains that her son, who is in ninth grade, has been bullied mercilessly in school. The parent reports that her son has also been the victim of racist taunts, which usually happen during swim practice (which is especially concerning to you, as your son is also on the swim team). She is concerned that nobody is doing anything to stop this.

Of course you want to help her, so you review the Board's policies and notice that at least two may apply here – namely, the Connecticut School Climate Policy and the Non-Discrimination Policy. You email other Board members and share what you have learned, asking for their feedback on what to do next.

- In hindsight, was it a good idea to email the Board?
- Do you share this information with the Superintendent? With the principal?
- What can the Superintendent/principal tell you?
- When and how should you report back to the parent who raised the complaint?
- Should you even be involved in this given your personal connection to the swim team?

Role of Individual Board Members



- Authority at meetings only
- Otherwise same rights as other citizens
- One member of a team

Responsibilities of Individual Board Members



- Participate and prepare
- Follow communication norms
- Act ethically
 - Maintain confidentiality
 - Follow laws and policies
 - Avoid conflicts of interest
 - Act fairly and impartially
 - Do not purport to speak on behalf of the Board

Role of the Chairperson



- Preside over meetings
- Represent the Board
- Organize committees
- Liaise with Superintendent
- Perform other delegated duties
- Not responsible for managing Superintendent or solving problems

Scenario 3

The Board is convened in a public meeting and the topic of discussion is a bell-to-bell cell phone ban. You feel strongly that a ban is a bad idea for a number of reasons, ranging from safety to cost. You have polled your friends and neighbors before the meeting, and based on the results of that poll, you have concluded that most Weston parents want their children to carry their cell phone around at all times. Although you share your views passionately at the Board table, the Board votes 5-2 to support the ban. You are outraged, and you have let your constituents down.

The next day, you and the other Board member who voted with you publish a co-authored opinion piece on your respective public Facebook pages explaining why both of you wholeheartedly disagree with the majority vote and encouraging likeminded members of the public to start a petition to overturn the ban. This issue, after all, is a matter of safety and “majority rule” be darned.

Three Board members who voted with the majority publish a joint response to your piece on their public Facebook pages. A fourth Board member writes the same comment on all the posts: “I am formally calling for the censure of all Board members who are using Facebook to have an illegal Board meeting. Please ‘like’ this post if you’re with me.”

- **Did anyone do anything wrong here?**
- **What, if anything, could or should you have done differently?**

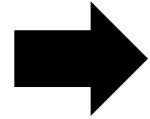
Scenario 4

Recently, three Board members have become very concerned about the new library policies the General Assembly has required boards of education to adopt and wrote a letter to the Commissioner of Education “as members of the Weston Board of Education” to lodge a complaint. Some of the other Board members do not agree and like the new policies. These Board members heard about this letter and were outraged that the three Board members did not let them know about the letter in advance.

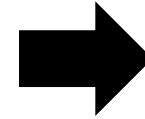
- **Did the three Board members do anything wrong?**
- **Should the three Board members have conferred with the other Board members before sending the letter?**
- **Can the Board Chairperson write such letters on behalf of the Board?**

Removal v. Censure

Board members cannot be removed from their elected position on the Board by a vote of the Board



Board officers can be removed from their office by a vote of the Board



The Board can vote to “censure” a Board member

Conflicts of Interest



Board members cannot be employed by the school district



No statutory provision against a relative being employed by the school district



Board member actions may be governed by Board policies or ethics provision in local charter



Board members may need to recuse themselves

Role of Committees



- Perform responsibilities as delegated
- Maximize efficiency of Board work
- Bring recommendations to the Board for Board action
- Not obligated to seek full Board feedback until Board must take action, but may do so as appropriate (*e.g.*, prior to mediation)
- Must comply with FOIA as “public agencies”

Scenario 5

You have significant concerns about the whiplash in the world of Title IX and you just can't understand why the policy has changed about five times in the last five years. You have read up on the matter and identified a good sample policy prepared by a reputable Title IX consulting firm which you want the Board to consider in lieu of Shipman & Goodwin's model Title IX policy and regulation.

You attend a Policy Committee meeting and submit your proposal to Policy Committee. You request (insist, actually) that the Policy Committee provide your suggestions to Board counsel for review and feedback, and then elevate them to the full Board for consideration.

- **How should the Policy Committee proceed?**
- **What can you expect?**
- **How can you move your agenda forward?**

Policy Governance



1. Establish policies
 - Who drafts?
 - Who approves?
 - What about administrative regulations?
2. Review and modify policies as needed
3. Ensure implementation

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The Freedom of Information Act

Connecticut Freedom of Information Act

- State law that applies to public agencies
- Prescribes rules for meetings
- Provides that records maintained by public agencies are
 - public unless exempt
 - Subject to *prompt* inspection upon request

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Board Meeting Essentials

Importance of Meetings



Board is a collective body that only has authority to take action when gathered at a meeting



Individual members, unless expressly authorized by the Board, do not have authority to act on behalf of the Board



The meeting is the most visible aspect of the Board's communication with the public and its staff, as well as between its members

“Meeting”






What is a meeting under FOIA?



- ...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.



Meeting Does NOT Include:

-  A meeting of a **personnel search committee** for an executive level candidate search (Board may appoint itself)
-  Any **chance meeting, or a social meeting**
-  Strategy or negotiations with respect to **collective bargaining**
-  A **caucus of members of a single political party**
-  Communications limited to **notice of meetings of a public agency or their agendas**

Meeting Does NOT Include (cont.):



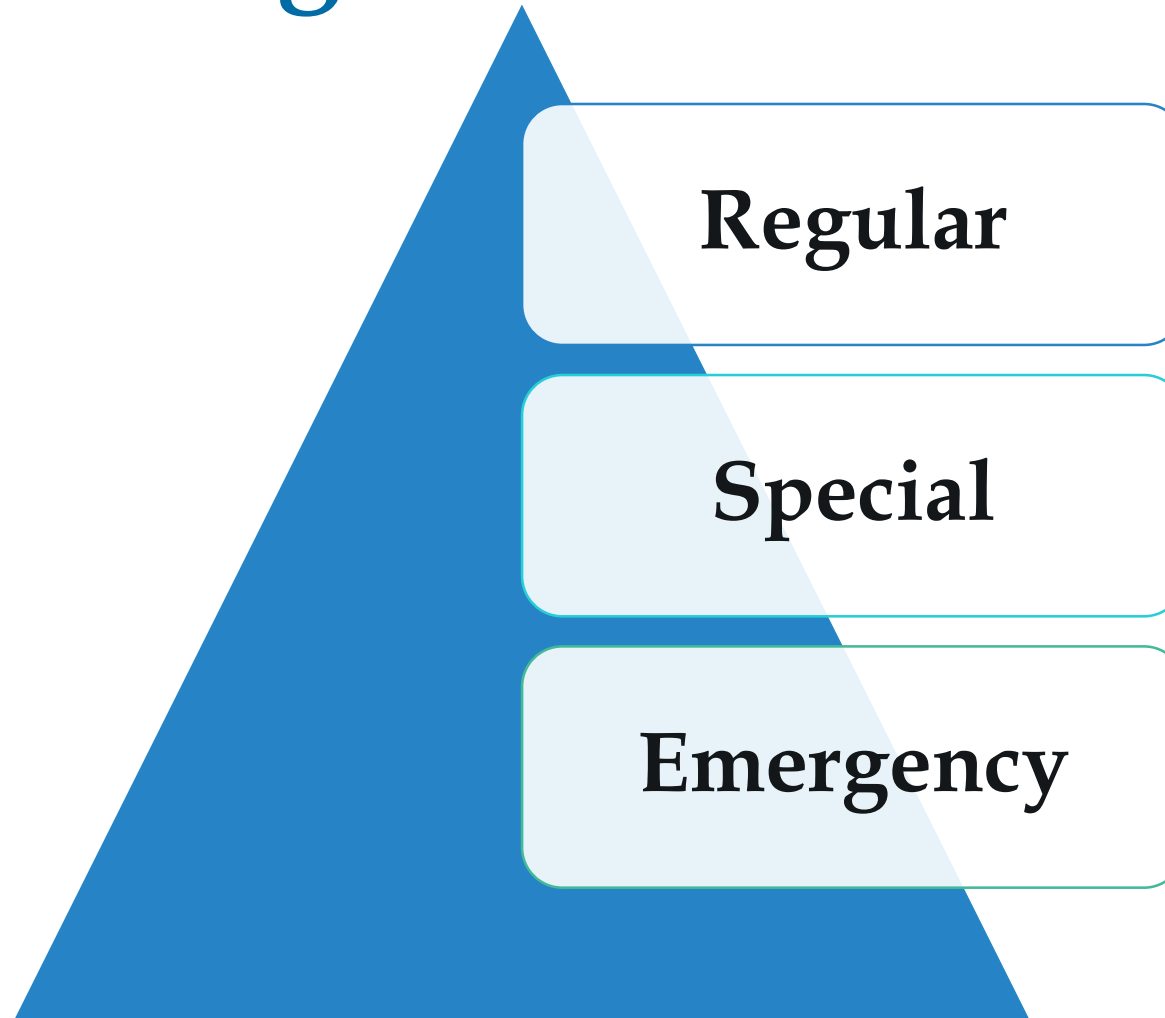
An administrative or staff meeting of a **single-member public agency**



A quorum of the members of a public agency who are present at any event **which has been noticed and conducted as a meeting of another public agency under the provisions of the FOIA** shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

**Q. Are all meetings subject to FOIA?
Policy committee? Administrative or staff? Building committee?**

Types of Meetings



Meeting Notice Requirements



- All meetings must be noticed in advance with an appropriate agenda
- FOIA requires that an agenda set forth the business to be transacted at the Board meeting
- Agenda should be specific enough to identify for interested members of public what will take place
- The responsibility for developing the agenda is usually specified in the Board bylaws; typically developed by the Board Chair and the Superintendent

Regular Meetings

Contained on the annual schedule of meetings with the Town Clerk by January 31, for the ensuing year

Agenda must be posted at least 24 hours in advance

Minutes must be available for public inspection within seven days of the meeting

New business may be added to the agenda by a two-thirds vote

Special Meetings

Those meeting not included on the list of regular meetings filed with the Town Clerk

Notice of a special meeting must be filed at least **24 hours** before the meeting convenes

Minutes must be available for public inspection **within seven days** of the meeting

Business limited to items on posted agenda
Items cannot be added to the agenda

Emergency Meetings

Emergency special meetings may be called in an emergency **without advance notice**
(Note: “Emergency” will be strictly construed.)

Limited to the matter that requires “**emergency**” attention

Minutes must include a statement setting forth the **nature of the emergency**

Minutes must be filed with the Town Clerk **within 72 hours** of the meeting

Scenario 6

The three-person Communications Committee is planning a meeting to talk about community outreach concerning school security. School security has long been a hot topic in Weston, and although you are not a member of the Communications Committee, you want to attend their meeting to ensure their plan is sound. Another Board member who is not on the Communications Committee plans to join you.

- **Is it a problem if a quorum of the full Board attends a Communications Committee meeting?**
- **If a quorum of the Board is present, how should the meeting be conducted?**
- **Is the full Board bound by the recommendation of the Communications Committee concerning a communications plan? Does the Committee even need to go back to the Board for approval?**

Executive Session

- Two-thirds vote needed to enter executive session
- Motion should be clear as to reason for executive session
- Limited reasons to go into executive session:
 - Personnel matters
 - Pending claims and litigation
 - Security devices and real estate
 - Confidential documents
- Collective bargaining strategy (non-meeting)



Executive Session



Not an agenda item, but a means of dealing with an agenda item



Not open: specify who is invited into executive session



Board cannot take action in executive session



Board members are not to disclose discussion which occurs in executive session



Do not misuse: be respectful of the public when scheduling executive sessions

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Records and Electronic Communications

Emails, Text Messages, Voicemails

- Communications about Board business are NOT private communications and may be subject to disclosure under FOIA
- May be retrieved as part of routine monitoring, an investigation, or formal discovery process as part of litigation
- Retention of records is governed by retention laws, Board policy, legal hold obligations
- *Queries:*
 - Is there a limit to what, and how much, someone can request?
 - Will the Board get in trouble for not finding and providing every responsive record?
 - Must Board members turn over their private emails and text messages for searching upon receipt of a FOIA request?
 - Is there anything districts can do to stop a “serial” FOI’er?

Exemptions from Disclosure

- Attorney-client privileged communications
- Records pertaining to strategy and negotiations with respect to pending claims or pending litigation against the school district
- Records pertaining to strategy and negotiations with respect to collective bargaining
- Records pertaining bidding until bid has been awarded
- Teacher evaluation records
- Education records as defined by FERPA

Scenario 7

The district has provided you with an email account on the district server, *i.e.*, name@westonps.org, which you know you are supposed to use to conduct Board business. But who does anything by email anymore? You are tied to your phone and you mostly use text messaging for almost everything, including your Board work. It's also helpful that your texts are on an automated deletion schedule, so you don't have to worry about any sensitive messages hanging around for more than 30 days.

- Is this legal?
- Are there any problems with this?

Scenario 8

You are preparing for the Board meeting in which the cell phone ban will be discussed and you want to ensure you have your ducks in a row. You reach out to a fellow Board member by text message and ask what she's thinking about the issues on the table. That Board member responds, and suggests you reach out to a third Board member (different political party). You do, and then inform the second Board member of what the third Board member said. You similarly inform the third Board member of what the second Board member said.

About a month after the meeting, a community member makes a FOIA request for all Board member communications about the cell phone ban.

- Any issues?
- What if you reach out to a fourth Board member?
- Would it make a difference if you were all members of the same political party?

FOIA and Electronic Messages



E-mails by a quorum of Board members may be an illegal meeting of the Board.

- Caucus is limited to members of the Board
- Communications at Board meetings must be open to the public
- Electronic communications by Board members are subject to disclosure under the FOIA

Electronic Communications



Email communication on Board business (but not discussion) by Board members to each other (or to or from the Superintendent to Board members) **is permissible**

Such emails typically will be subject to public disclosure unless exempt (personally identifiable student info, attorney/client information), even if on personal computer or personal email

Electronic Communications



Where email communication is *unilateral*, it will likely not be considered a “meeting” that would trigger FOIA concerns

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

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Communication and Information-Sharing

Scenario 9

Some Board members are more engaged than others, and they ask the Superintendent and other administrators (cabinet members, principals) for *a lot of* information. Not all of these requests, or the information provided in response to them, make their way to every Board member. In addition, the Superintendent is receiving complaints from some principals that they are spending all their time creating paperwork for, and meeting with, Board members and don't have time to deal with urgent matters at their schools. At last night's Board meeting, one Board member stood up and pounded her fists when she saw another Board member reviewing a budget spreadsheet that she had never received.

- 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 the Superintendent?
- When is it appropriate for a Board member to reach out to principals directly for information?

Communications with the Superintendent

- Agenda packet
 - Questions addressed to Superintendent and copied to Board
 - Apprise Superintendent of questions and comments in advance of meeting
- Regular updates from Superintendent
 - Apprises the Board of ongoing work
 - Not intended to solicit excessive feedback or questions



Communications with Staff



- Work primarily through Superintendent to address administrative matters
 - Work directly with Administration/staff only as necessary and appropriate
 - Avoid directing Administration/staff to perform any work
 - Information requests that may be burdensome may be considered by Board
- Refrain from private fact-finding or soliciting off-line information from employees
- Superintendent communicates Board's information to staff

Communications with Community



- Fiduciary responsibility to support Board positions once approved
- Avoid “problem-solving” and direct public questions and concerns to follow communication chain
- Maintain confidentiality
 - Executive sessions are privileged
 - Personnel matters are confidential
 - Contested issues require due process
- Share substantive issues with Board and Superintendent as appropriate

Communications with Community



- Chair responds to emails from the public
- Superintendent and Chair respond to media requests
- Use district email for Board business
- Avoid posting about Board business on personal social media accounts
- Avoid engaging directly with speakers during public comment

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Appendix

Meeting Procedure: Robert's Rules of Order

Key Concepts of
Robert's
Rules:

Enforce
decorum

One subject
dealt with
at a time

Confine debate to the
merits of a pending
question


Allow for the
airing of opposite or
divergent points
of view

Recognize and record
a negative vote
on a question

Provide
for a final
decision

Board Member Voting

Members are not required to vote, although Robert's Rules anticipates that each member will vote



Abstentions are not considered as votes for or against the motion



Approval of motions only needs majority of those present and voting, unless policy or statute requires otherwise




The Chairperson can vote and debate on matters before the Board in the same manner as the other members

Board Member Voting

Generally by voice vote or by showing of hands



Chair announces the result of the vote - vote count and whether the vote is adopted/defeated



Members may change their vote prior to the announcement of the vote

Board Debate

Maker of a motion has the right to be heard first on the motion



Generally members are recognized by the Chair before speaking



Robert's Rules calls for a courteous tone when debating, and specifically forbids personal attacks



The Board may vote to end debate, typically by a two-thirds vote (see Board bylaws)

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Best Practices

Don't...



Don't spend time at Board meetings on administrative matters



Don't single out or criticize individual employees



Don't debate with the public



Don't tolerate rude or inappropriate behavior



Don't discuss or spend time on trivia or unessential matters



Don't make it personal

Do...



Do focus on Board and school priorities



Do come prepared to all meetings



Do keep in mind those in attendance – staff, students, and public



Do bear in mind the symbolic force of your meetings and conduct