

July 20, 2010

(Please note: these minutes are in draft form and not yet approved by the Board of Education)

A Special Meeting of the Regional School District 14 Board of Education was held on Tuesday, July 20, 2010, at 7:30 p.m. in the Nonnewaug High School Library, 5 Minortown Road, Woodbury, Connecticut.

Present: Superintendent Robert D. Cronin, Ph.D.; Board Chairman Stephen Sordi; Board members George Bauer, Linda Bulvanoski, Deborah Corsico, Charles Cosgriff, Gary Suslavich and Pamela Zmek; also, Director of Finance and Operations Jay Hubelbank

Audience members included: Region 14 employees Carol Ann Bilella, Arlene Campbell, Vinita Chapman, Tricia Dannenhoffer, Mary Hamor, Alice Jones, Christie Koukopoulos, Mary Ann Martins, Debbie Massimin, Melinda McKenna, Katie Yocis and Tim Zeno; approximately 35 members of the community; and three members of the press.

Absent: Board member Scott Baider

I. Call to Order

Mr. Sordi called the meeting to order at 7:30 p.m.

II. Pledge of Allegiance

Mr. Sordi led the Pledge of Allegiance

III. Committee Appointments

Mr. Sordi listed the following committee appointments for the 2010-2011 school year:

Agriscience Advisory – Ms. Corsico

Bloss Scholarship – Mr. Bauer

By Laws/Policy/Ethics – Mr. Suslavich, Chair, Mr. Bauer, Ms. Bulvanoski, Ms. Zmek

CABE and Cable Advisory – Mr. Cosgriff

Public/Community Relations – Ms. Zmek, Chair, Mr. Bauer, Ms. Bulvanoski, Mr. Sordi

Education Connection – Mr. Cosgriff

Facilities/Enrollment/Transportation – Mr. Bauer, Chair, Mr. Baider, Mr. Sordi, Mr. Suslavich

Finance – Mr. Suslavich, Chair, Mr. Baider, Mr. Bauer, Mr. Cosgriff

Health Council – Mr. Bauer, Ms. Corsico

Negotiations – Mr. Cosgriff, Chair, Mr. Baider, Mr. Suslavich

Pension – Mr. Baider, Mr. Cosgriff

Personnel – Mr. Sordi, Chair, Mr. Baider, Ms. Bulvanoski, Ms. Zmek

Planning – Mr. Baider, Chair, Ms. Corsico, Mr. Suslavich, Ms. Zmek

Special Education – Ms. Zmek, Chair, Mr. Baider, Mr. Suslavich, Ms. Bulvanoski

Sick Leave Bank – Ms. Corsico, Ms. Zmek

Ms. Zmek was added to Sick Leave Bank after Mr. Sordi was reminded that there are typically two representatives from the Board on that committee.

IV. Pending Litigation (Executive Session Anticipated)

Mr. Sordi requested a *motion to move to Executive Session to discuss pending litigation in Pratt/Scherf v Regional School District 14*. Mr. Suslavich entered the motion, seconded by Mr. Bauer. **Motion carried 7-0.**

That *motion was amended to include Dr. Cronin and Mr. Hubelbank in the session*. **Amended motion carried 7-0.**

The Board returned from Executive Session at 8:46 p.m.

Mr. Sordi asked if there was a motion on the floor regarding the pending litigation.

A *motion to adjourn* was entered by Ms. Corsico and seconded by Mr. Cosgriff.

Mr. Sordi asked if there was any discussion.

Ms. Zmek felt there was a need for further discussion on the pending litigation.

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Mr. Sordi put the motion on the floor to a vote, and **the motion to adjourn failed 3-4**. Ms. Bulvanoski, Ms. Corsico and Mr. Cosgriff voted yes; Mr. Bauer, Mr. Sordi, Mr. Suslavich and Ms. Zmek voted no.

In order for discussion to occur, a motion regarding the appeal was needed.

Mr. Bauer entered a *motion to end the current appeal in the Pratt v Region 14 lawsuit*.

Ms. Zmek seconded the motion.

Discussion followed.

Ms. Bulvanoski did not understand the urgency of this meeting. She understood the need for committees to be determined because interviews were being scheduled for the Principal and Director of Special Services. However, she had trouble comprehending why the pending litigation was added. At the last Board meeting, close to twenty minutes were spent trying to establish meeting dates, but nothing was said about the need for this meeting. Region 14 has already filed its brief, could file a reply brief sometime after the plaintiffs, and no additional money would be spent until oral arguments. She added that if the appeal is withdrawn, the action returns to the judge for a hearing and legal fees will be incurred whether the appeal is pulled or heard. Ms. Bulvanoski also noted the ten email Board members had received by the time of the meeting, as well as the number of teachers and staff here to show support of Dr. Cronin. She urged the new board members, if they truly wanted to fulfill the platforms on which they ran, to not act with haste.

Ms. Corsico began by saying that she felt action on the appeal should not be considered tonight without the presence of Mr. Baidar. She noted her eight years of experience on the Board and that, with regards to the reconfiguration of the elementary schools and subsequent actions taken by the Board in defending the lawsuit, she has always believed the Board acted correctly. Though it was never anyone's intention to cause it, she acknowledged the dissension created over it. She stands by the decision to reconfigure the schools. She suggested that action tonight does not determine right or wrong, but simply creates a different set of "winners and losers." She suggested an outside facilitator could get to the good, the bad and the ugly of reconfiguration. This would allow the Superintendent to formulate an educational plan even if the decision was to restore the original configuration of the elementary schools. She noted that the former board acted on the recommendation of Dr. Cronin for financial, facilities and educational reasons. She feels some of the progress made will be turned back if this board truly wants to bring the community together, it has the chance to do it. This board can allow Dr. Cronin the chance to weigh in as the educational leader. She, too, mentioned that notification of the meeting came on Thursday, 7/15, by email and that public comment was not included. She questioned making a decision that does not need to be made tonight and without a full board.

Mr. Cosgriff agreed with the comments made by Ms. Bulvanoski and Ms. Corsico. He reminded board members that prior to the decision to reconfigure the schools, the board had provided a 2 ½ hour hearing for public input. He noted that in forming the district, the board was charged with providing facilities for educating the towns' children. He noted the increased amount of professional development provided to teachers. He also lamented the idea of withdrawing the appeal when so close to finally receiving a decision. This opportunity will not come again without starting the process all over again. He noted that the previous board was criticized for rushing to a decision; yet, this board has been in office since July 6th and now, on July 20th, is ready to make a major decision. He suggested more gathering of information before deciding whether or not to withdraw the appeal. He disagreed with the idea that this case is the same as the one in Region 12 and wants the judge to hear this case. He also urged new board members to talk to Dr. Cronin to see where we are going and where we have been.

Mr. Bauer stated that he has talked with many in the community and believes the decision to drop the appeal is long overdue. He ran on bringing a vote to the people and to let them decide, and that is what he is trying to do. The decision to undo reconfiguration is not going to be made hastily, he said, and he wants to see where we stand financially and with regard to state requirements. This will not be a quick decision but an informed one and he feels we need to get back what we did not get four years ago.

Mr. Suslavich said that no one here takes their job lightly. He ran two years ago, has followed things closely and does not intend to decide hastily. He noted that both First Selectmen and boards of finance had asked the board not

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to appeal and he feels the board needed to consider that and still needs to. He said tonight is for deciding that money spent prohibiting people's right to vote ends. The lawsuit is about the people's right to decide. He asked if the people of the towns know what is best, or a group of judges in Hartford. He agrees that there needs to be honest, open discussion about the good/bad/ugly of reconfiguration and with the way we are educating our children. He will support the community vote and the implementation of what is decided to be best. He also noted that if a brief is filed it may not be able to be withdrawn later, and this drives some of the urgency of tonight's meeting. He does want to hear from everyone, and lack of public comment tonight was an unintentional oversight on Mr. Sordi's part. He is torn on what is the best set up of the schools but believes the board has a moral obligation to allow for a vote.

Ms. Zmek read a statement in which she said she has listened carefully to opinions of current and former board members, read case law, and attended oral argument regarding the case; and heard opinions that additional costs would be negligible, precedent may be set by its outcome, and that the decision could be useful to the board in the future. The issue has been played out in the press, meetings and town gatherings for 4 years, she said, and she feels the focus on the children has been lost. She indicated she is not interested in providing legal precedent for other Boards of Education at the expense of our taxpayers. She is concerned with fairness for this community here and now. She has never been a fan of reconfiguration but, as only one voice, is not pushing her personal agenda but trying to do what is best for the children. She feels the only way to accomplish that is to put the matter in the hands of the residents, who she feels should decide what they want for our students. Moving forward with a 10-47(c) vote provides that and puts the decision with them as opposed to with justices in Hartford or even the eight board members. She stated she would vote to discontinue the appeal and request that the board consider scheduling a public hearing and 10-47(c) vote at the earliest opportunity.

Mr. Sordi read a statement reviewing the history of the court proceedings to date and stating that the prior board acted illegally and incurred high legal expenses; also, he noted similarities to the Region 12 case, and disagreed with the claims of success with the reconfiguration of the elementary schools. He reviewed the court's decision in Region 12, that any non-incidental change to the region's plan must be approved by voters of both towns. He considers the continuance of the appeal as a way to prolong reconfiguration. He spoke of unraveling within the community and division among parents. He feels that when transportation costs are factored in, the plan will be more expensive. Enrollment allows for K-5 populations to fit in both schools, with all day kindergarten and feels that traditional local schools are best for families with young children. He is opposed to cutting educational time to accommodate the busing schedule. He considers reconfiguration a distraction that prevents us from moving forward with educating the children. He said that, as a board, they could opt to restore the schools to K-5 schools at any time, but the only way to attain legal reconfiguration is to hold a 10-47(c) vote to see if the people want to amend the plan. As much as other members of the board may be opposed to that, they recognize it is time to move forward. He will vote to withdraw the appeal with the intent of discussing options regarding an amendment vote. The action, he said, would not affect the 2010-11 school year.

Ms. Corsico disagreed with the depiction of Region 12 as a companion case, and with the assertion that the prior board acted illegally. It acted on advice of counsel and based on Atwood, which was the legal standard at that time. Based on Atwood, what Region 14 did was legal but when legal standards changed, the Atwood precedent was shredded and, after 2 years and having won every argument, the decision was reversed and Region 14 was put on the offensive. The board that approved reconfiguration, she said, did so for educational reasons. There is a \$2000 cap to continue the appeal and a Supreme Court decision has already been paid for. She believes we should see it through. She took exception to the statement that the board acted illegally. If the Supreme Court decision was so clear, she asked, why would it take the appeal?

She also added that it is not the function of the board to simply follow the will of the people but rather to provide the best education possible. The public, she said, may not be the most knowledgeable about what the best educational decisions are. She raised the question of what we would do if enrollment increased, and that decisions may not always be popular with the public. A Supreme Court decision would provide the board guidance on its authority. She questioned the statement of urgency, as legal counsel had said that withdrawal could be done at any time. If the appeal is pulled, she said, the choice is to change back or vote – without any input from Dr. Cronin or Mr. Hubelbank. The Board's action today would be premature since the board has never asked for a report from the Superintendent or Director of Finance describing the ramifications of returning the schools to two K-5 buildings. She questioned a

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number of assertions made and asked if there was certainty of room in both schools, or about class sizes, programming, budgetary implications, movement of the town boundary line, staff distribution, principal placement, and further study of scores. She asked again why there was a rush to judgment tonight. While she assumed Mr. Baidier's presence would have caused a 5-3 vote, he might have voted with the three to keep the appeal and she urged not making a decision tonight that was not necessary.

Mr. Sordi indicated that Dr. Cronin had asked for an opportunity to speak.

Dr. Cronin raised practical perspective on where the Region had been. MES was a K-4 building with the 5th grade at WMS, and BES a K-5. He noted that ours was supposed to be a school system and not just a system of schools. It is his opinion that there is greater equity than ever before and this has impacted the budget. There are 11 fewer classroom teachers in part due to reconfiguration, and improvements have been possible at other schools, like NHS, because of this. In 2006 there were 142 students in grade 2 with 97 of them at MES and 45 at BES – 16 of whom lived in Woodbury. There were 5 grade 2 teachers at MES and 3 at BES. Class sizes at MES were 19-20 and 15 at BES. Financially speaking, the 3 lowest budgets ever were submitted in the last 3 years. During monthly meetings with the Selectmen, they asked for a zero budget and the Region complied. He also spoke of test scores, noting that while schools can always find areas for improvement, he sees significant gains in those students tested in 4th and then 5th grade, 6th and then 7th, and 3rd and then 4th grade. Ninety percent of grade 7 students are reading at goal. Middle school teachers no longer spend time at the beginning of 6th grade catching any group of students up. Teachers receive 30 hours a year of professional development at the elementary level and fifteen hours a year in math. Improvements in the area of equity, positive impact on the budget, and increases in student achievement have all been realized. It is his responsibility, he said, to recommend what is in the best interest of all students. He appreciates that it is the Board's decision, however, and will carry out whatever they decide to the best of his ability.

The motion previously made and seconded, to *end the current appeal in the Pratt v Region 14 lawsuit* was put to a vote. The **motion carried 4-3**. Mr. Bauer, Mr. Sordi, Mr. Suslavich, and Ms. Zmek voted yes. Ms. Bulvanoski, Ms. Corsico and Mr. Cosgriff voted no.

V. **Adjournment**

Ms. Corsico entered a *motion to adjourn*, second by Mr. Suslavich. **Motion carried 7-0**.
The meeting of the Board of Education adjourned at 9:52 p.m.

Respectfully Submitted,

Pamela Zmek, Secretary
Regional School District #14 Board of Education