

**BRISTOL WARREN REGIONAL
SCHOOL COMMITTEE WORKSHOP
MONDAY, AUGUST 3, 2009**

The monthly workshop of the Bristol Warren Regional School Committee was held in the Oliver Administration Building, 151 State Street, Bristol, RI, on Monday, August 3, 2009. The Chairperson, Paul Silva, called the meeting to order at approximately 6:12 PM.

Present:

Paul Silva, Chair, Paul E. Brule, Vice-Chair, William M. O'Dell, Treasurer, (6:20 PM) Denise R. Arsenault, John C. Bento, Diana B. Campbell, Karen A. Lynch and John P. Saviano (6: 15 PM); Mary N. Almeida, Director of Literacy and Title I; Andrew D. Henneous, Esq., District Counsel

Absent: Marjorie J. McBride

ROLES AND DUTIES OF SUBCOMMITTEES

Mr. Silva explained that he called this Workshop because of many issues going back and forth that he asked Attorney Henneous to address; they are not directed at any one member, but all nine. Guidance on issues is directed by the open meetings laws, Roberts Rules of Order and the policies of other districts. Important to him

personally, was why nine members show up to subcommittee meetings.

Attorney Henneous provided a list of issues to consider (attached) many of which are from his firm's "School Committee 101"; he also distributed information on the Attorney General's Open Government Summit; this is not intended to be a lecture, just a discussion. Each item on the list was reviewed; there was discussion on some.

I.A.1., 2. & 3. Attorney Henneous stated that members must always keep in mind that they have no authority to bind the group and when talking to people or reporters be sure those people understand that what they say is only their opinion; members must always be cognizant of how people perceive what they say. This also and more importantly applies to litigation. Mrs. Arsenault suggested that when asked about such things, members can respond "I suggested you speak to the Superintendent about that."

I.A.4. Attorney Henneous said it is important to schedule meetings so that a quorum can be reached. Out of concern, Mrs. Arsenault asked how important it is for administration to attend meetings, as there are many meetings. Mr. Henneous said it depends on the type of meeting and how integral they are; Mrs. Campbell added that in the case of Policy Subcommittee meetings, it is very important they be there because they have to implement the policies her committee creates; also the committee does not really write the policies, they

conceptualize them and Dr. Mara writes them. Mr. Henneous added their input is a critical component in the policies relating to the everyday operations of the District.

Mr. Bento asked if meetings must be scheduled within any certain timeframe of the day. Mr. Henneous said they can be scheduled when and where the Committee wants. Mr. Saviano commented that public perception is important, if meetings are scheduled at a time when the public typically is not available, it can raise suspicion.

I.A.6. Mr. Henneous explained there are a number of attorneys for the Principals' Association that have sued individual School Committee members over the handling of complains about teachers or non-renewal of personnel; the best way to insulate from this is to direct people to first the principal then to the Superintendent; he stressed to be very cautious about "taking the bait." Mr. Saviano asked who pays the legal fees in such situations; Mr. Henneous said it would be RI Interlocal Trust; however, if slander is determined, they will not be covered.

Mr. O'Dell asked about #2 and #4 in relation to his role as Chair of the Budget Subcommittee. Mr. Henneous cautioned that as a member of the body, he must be careful but has the option to preface things with "As Chair I have the authority . . ." There are no legal implications to #4 and scheduling meetings. Mr. O'Dell felt that if his Subcommittee has a timeline to take an action, his authority could be subjugated if

he calls a meeting and none of his Subcommittee attends. Mr. Henneous stated that is politics, just put it before the full Committee that he was unsuccessful at getting a quorum.

Mr. O'Dell asked for clarification of #5; his understanding is that members act through the Chair at School Committee meetings. Mr. Silva said that in the strict sense, no one is to speak at meetings without permission from the Chair, but this is not strictly followed. Mr. Henneous further explained that this is directed more when say a member receives a complaint about a teacher; this is protocol and is the nature of #s 5, 6 and 7.

I.A.8. – Attorney Henneous explained that chastising an administrator in public just does not look good and projects unprofessionalism and disorganization and looks ridiculous; unfavorable opinions can be expressed but in an appropriate manner. Mr. Silva added that future potential administrators will not be attracted to the District if current administrators are treated badly.

I.A.9.&10. – The issue of all Committee members engaged in Subcommittee meeting discussions can become an open meetings issue, as it technically becomes a meeting of the full Committee and it could be argued that it should have been advertised as such. Non-Subcommittee members can attend, but as members of the public. It is up to the Chair to recognize the potential situation. Mrs. Campbell stated that the public is invited to talk at her Policy

meetings and that she goes to other subcommittee meetings to learn.

Mrs. Lynch suggested having only the Subcommittee members seated at the table and the rest of the Committee seated with the public; Mr. Henneous said this would be up to the Chair; Mr. Saviano felt the nine members of the Committee should know protocol and not stress the Chair; Mr. O'Dell said some members of the public could have important input to the discussion.

Mrs. Campbell left the meeting at 6:55 PM.

No matter the seating arrangements, Attorney Henneous stressed vigilant caution; even the taking of a consensus of the full Committee at a Subcommittee meeting is a violation.

I.A.12. – Mr. Henneous said the overriding message is to respect the Chair. Keep in mind that non-subcommittee members will have the opportunity to vote at the full Committee meeting; however, pertinent information can be brought up at the Subcommittee meeting, telephoned to the Chair, or brought up at a full Committee meeting, depending on the topic. Mrs. Arsenault added that if a new idea is presented at a full Committee meeting, the Chair can always say “You bring up a good point, we will take it up at a workshop.”

I.A.13. & 14. – Attorney Henneous iterated that members who will be asking questions at a meeting let the other members known in advance; thoughts that come up during a meeting can be prefaced

with “It just came to me , please get back to me.” Mr. Silva stated that it is very difficult to digest packets of information that are handed out during a meeting, they should be distributed before hand; Mr. Henneous added this just is not good form.

Mrs. Arsenault took issue with sharing research she may have prepared for her Subcommittee with the entire Committee through the weekly packet; Mr. Henneous said if the Subcommittee is going to do an analysis of all the information it is not absolutely necessary, but should be done to the extent possible. Mrs. Arsenault said that it sometimes is shared through emails. Attorney Henneous warned that with emails, if “reply all” is used back and forth among members, they just had a meeting.

III. Legal Counsel

Mr. Henneous’ general preference is to have questions from the Committee go through the Superintendent or the Chair. In a given situation, he could receive calls from three different members who give him three different pieces of information and would respond in different ways; the advice is one particular fact pattern. Mr. Silva added that sometimes questions are fashioned to elicit the desired answer. Members should avoid calling the Attorney about an agenda item, then at the meeting say, “I talked to Andrew about this and” The Attorney can be asked questions in Executive Session.

Mr. Saviano asked the protocol and authority of a Subcommittee

Chair when inviting people for input at meetings; he understands that all questions about employees go through the Superintendent. Mr. Henneous responded that our policies do not address this; the Chair makes these decisions on a global level. Mr. Silva said that staff members who are integral for discussion of Subcommittee agenda items should be invited by the Superintendent; a Subcommittee Chair should not go directly to a school him/herself to obtain the information. In the case of an architect being invited to a construction meeting, this is a different realm. Another exception would be the Budget Subcommittee Chair dealing directly with the Director of Finance rather than going through the Superintendent.

I.B. Quorum

Mr. Henneous explained that this information is just a matter of procedure. In the instance that a Subcommittee meeting is posted and two members suddenly cannot attend, it is up to the Chair how to proceed, but without a quorum nothing official can happen; if the Chair were to hold the meeting anyway and speak with the public present, this would open us to a violation. Mr. Saviano asked if in that situation a paid expert was present at the request of the Committee, should the presentation be made. Mr. Henneous advised canceling the meeting and apologizing. Mr. O'Dell asked about members remaining at a meeting to talk among themselves after the meeting has been adjourned. Mr. Henneous advised avoiding this situation as best as possible because it does not look good; often a

member of the public can become disgruntled and start citing the Committee for infractions that come one after another.

Mr. O'Dell asked if in the case where two of three Subcommittee members do not show for a meeting, can the Chair call the meeting to order, establish that no quorum has been reached, then recess the meeting to the following night. The Attorney advised against recessing the meeting to less than 48 hours out. Mr. Silva asked further, whether on the morning of the meeting it is learned that a quorum will not be reached, can the Chair repost the meeting to the following night. Again, Mr. Henneous advised against this; also Roberts Rule of Order is not the law and should not be consulted as such. The use of an alternate on each Subcommittee does not seem worth the potential risk.

Mr. Saviano asked if, as Chair of the Personnel Subcommittee, he could ask questions directly of Donna St. Angelo. Both Mr. Henneous and Mr. Silva responded he should go through the Superintendent. Mrs. Lynch asked the same about contacting Mrs. Thies directly. Mr. Henneous said she should clear it through the Superintendent.

Mr. Silva reiterated that this list is not directed to any one member in part; each member has done something improperly; the most common answer to questions is "It depends." Attorney Henneous restated his advice of always utilizing caution.

EXECUTIVE SESSION - 7:55 PM

In accordance with Open Meeting Laws 42-46-5(a)(1)-(9), 2(b), Mr. Brule motioned to go into Executive Session at 7:55 PM for an update on BWEA contract negotiations. Mr. Saviano seconded. The motion passed unanimously.

Mrs. Arsenault recused herself from BWEA contract discussion.

Mrs. Almeida left the meeting.

RESUMPTION OF MEETING – 8:22 PM

In Executive Session, the Committee discussed BWEA contract negotiations. No action was taken during Executive Session.

Mrs. Arsenault rejoined the meeting.

SCHOOL COMMITTEE GOALS

Mr. Silva opened discussion stating the current Committee goals are actually Dr. Mara's goals; the School Committee powers and duties do not follow in with this; the Committee goals should be to support the goals of the Superintendent and there is no need for everything to be spelled out.

Mrs. Arsenault agrees they should follow the Superintendent's but feels there needs to be a document; she suggested the formation of a task force to gather the thoughts of the full Committee and take the former goals, the powers and duties, the Strategic Plan and the wishes of the public, and draft something. Mr. Bento said Dr. Mara's goals must be taken into consideration; it must have substance and must be workable. It was agreed that all nine members would be sent a notice to review the pertinent documents, craft their suggestions for goals and submit them to the clerk within two weeks; a few members would consolidate them so there are no duplicates and report back to the full Committee. A workshop will be set up for discussion. The goals ultimately decided upon would be by majority vote. Mrs. Arsenault recalled that the Committee recently adopted Dr. Mara's goals as their own; she also recalls a document that puts down succinct and briefly stated goals, which may be what was developed with the Committee worked with Martha Torrence.

Mrs. Arsenault and Mr. Bento volunteered to work with the goal suggestions; Mr. Silva will ask Mrs. Campbell and Mrs. McBride if they are interested as well. Mr. O'Dell commented that this is good timing because this is not an election year and that goals relate to dollars and budget building starts in October. The degree of specificity is under debate. Once established, the goals would be reviewed and analyzed yearly.

ADJOURNMENT – 8:55 PM

There being no further business to discuss, Mr. Brule motioned to adjourn at 8:55 PM. Mr. O'Dell seconded. The motion passed unanimously.

Respectfully submitted,

William M. O'Dell, Treasurer

For Marjorie J. McBride, Secretary

/c