



**TEMPORARY REGIONAL SCHOOL STUDY COMMITTEE
OF
THE CITY OF ANSONIA AND
THE CITY OF DERBY**



MINUTES
Monday, January 25, 2021 – 7 p.m.
ZOOM virtual conferencing platform via the Internet

The meeting was called to order at 7 p.m. by Co-Chair Jim Gildea. All those present recited the Pledge of Allegiance.

Roll Call:

Derby members:		Ansonia members:	
Jim Gildea, Co-Chair	present	Joe Jaumann, Co-Chair	present
Barbara DeGennaro	present	Dr. Steve Adamowski	present
Tara Hyder	present	Rich Bshara	present
George Kurtyka	present	Christopher Phipps	present
Ron Luneau 7:30	absent	Dr. Joshua Shuart	present

Others participating:

NVCOG Staff John DiCarlo, Derby Superintendent of Schools Dr. Conway, Ansonia Superintendent of Schools Dr. DiBacco, State Board of Education Attorney Matt Venhorst

Public Session

Mr. Gildea asked three times if any member of the public wished to speak. There being none, he declared the public session closed. He recognized those members of the public that show up each month to observe.

Approval of Minutes – October 26, 2020

Mr. Jaumann MOVED to approve the minutes of October 26, 2020; SECONDED by Mr. Phipps. Motion carried unanimously.

Jim Gildea, Co-Chair
Joe Jaumann, Co-Chair
Dr. Steven Adamowski, Treasurer
George Kurtyka, Secretary

Rich Bshara
Barbara DeGennaro
Tara Hyder

Ronald Luneau, Jr.
Chris Phipps
Joshua Shuart

Approval of Minutes – November 23, 2020

Mr. Jaumann MOVED to approve the minutes of the November 23, 2020 meeting; SECONDED by Mr. Bshara. Motion carried unanimously.

Treasurer's Report – Discussion/Possible Action

Dr. Adamowski reported that he has approved an invoice for clerical for the last three meetings.

DMG Invoicing Phase 2.2 and Phase 2.3 – Discussion / Possible Action

The invoice for 2.2 was just received today, and the invoice for 2.3 has not arrived yet. Those will be brought up at the February 3 meeting along with the background information.

[Ms. DeGennaro arrived at this point]

Mr. Jaumann MOVED to TABLE DMG Invoicing Phase 2.2 and Phase 2.3; SECONDED by Dr. Shuart. Motion carried unanimously.

Mr. Jaumann MOVED to deviate from the agenda to discuss Finance first, then Governance; SECONDED by Dr. Shuart. Motion carried unanimously.

Review and Discuss Finance Open Issues – Discussion / Possible Action

Mr. Gildea stated, as far as Finance open issues, there is not much to report. The Superintendents met with DMG within the last week and they are not prepared to move forward with updated financial information today.

Dr. Conway explained that at the next meeting we should have three different versions of what we'd present for a budget – the original from DMG, what we added back in that we shared at the last meeting, and then what we term as the "optimal" without any conservative looks at it.

Co-Chairs' Report on Legislative Delegation Meeting to discuss Potential Incentives and/or Legislative Assistance

The co-Chairs met with the Legislative Delegation about some of our concerns. We clearly explained to them that the most helpful area to the Committee would be for the Legislature to do something with the Statute that references regionalization construction costs. We gave them specific language to consider and forward that would allow for a new regionalized school district to have 100% reimbursement. They talked about introducing a Bill that says anything the State saves with regionalization would be given back to the towns with potential for 96.5 reimbursement rate. We have not been able to locate this proposed Bill on the website to date.

Mr. Jaumann noted that 10-92(g) is the statute that puts a cap on the percentage of reimbursement for a regionalized district. We proposed removing the 10 percent cap on renovations, new construction, renovate-to-new, to allow us to get to the 100 percent increase. The difference between the capped amount and the 100 percent is less than \$7 million. If we were to regionalize, we'd automatically get to that 84-86 percent in terms of new construction.

There was secondary language proposed that any savings that the State finds from the regionalization of Ansonia and Derby, the regionalized school district would receive 50 percent of that savings. We need to clarify the language to determine where that savings would come from. We received word today that a concept was submitted but haven't been able to find the specific language to share.

Mr. Jaumann continued, there is a Proposed Bill 253 introduced by Sen. Looney, "An Act Encouraging Local School Districts to Regionalize." The language lowers the reimbursement rate for any school construction if you don't regionalize. It does the opposite of what we were trying to do, which would be to find those incentives for districts to regionalize. This is a disincentive that fits both of our communities with language that includes, "has fewer than 25,000 residents, is not a member of a regionalized school district, contains a high school that is under the jurisdiction of a local Board of Education." We meet all three criteria. Under this proposed Bill, not regionalizing would end up hurting us by lowering our reimbursement rate to 20 percent. Right now, Derby and Ansonia are between 74 and 76 percent, respectively.

Review and Discussion Section of Task 1 Report: Governance and Administration – Discussion / Possible Action

Dr. Conway shared the Governance and Administration document with the Committee, and Mr. Gildea read some key points from it. Under full Pre-K through 12 regionalization, a regional Board of Education would oversee the district and replace the two local boards. Representation on the regional board can be apportioned based upon enrollment from each City or combined across both districts.

The authors provide three potential regional board configurations – a) a nine-member board with six members elected from Ansonia and three elected from Derby, each with equal voting rights; b) five board members elected from each City with each Ansonia vote counting for 12.8 percent (64% divided by 5 members) while each Derby vote would count for 7.2 percent (the remaining 36% divided by 5); or c) nine at-large board members elected from both Ansonia and Derby, each with equal voting rights.

For any regional board, the authors recommended instituting a crossover voting rule that requires all approvals to have at least one affirmative vote from each city.

Ansonia and Derby's central offices could consolidate, though they could also remain separate under a 6-12 or 9-12 regional district.

They gave us a history of what other towns do; there are a number of different options of the three that we talked about.

Ms. Hyder noted that the new document shared today is different – one says 8-12 members; the other says a minimum of five members. Which document is accurate? Mr. Jaumann explained, one is the statute which requires the minimum of five. The best practices is what DMG went by and said that the average Board of Education size in the State of Connecticut is 8-12 members.

Ms. DeGennaro asked how we would overstep the City Charter that says how we elect the Board of Education. Will we just have a regional Board of Education versus a traditional Board of Education, or will it be in addition? Mr. Jaumann replied, under both scenarios, it will be a separate regional board with no local boards. The statute speaks to getting the initial board in place, and how it will be set up. He stated, it will be legal in both cities because we each will go to referendum and the public chooses whether to regionalize. That would, in essence, work as a Charter change for both communities because we will be utilizing a regional Board of Education.

Mr. Jaumann questioned whether they're recommending minority rule. It doesn't indicate if any of these districts have adopted those.

Attorney Matt Venhorst from the State Board of Education replied, there is no minority voting. It's 10-46 that is the main provision of the General Statutes that talks about the process of getting the membership of the regional board, how the members are selected, holding a town meeting, etc. A lot of that is new for a district that doesn't have a regional district. One of the references says that those minority political representation provisions do not apply to the regional board.

Mr. Jaumann referenced the minority voting rule, for instance Derby would have to vote on the board with Ansonia to adopt anything that the board voted on. Attorney Venhorst stated, that is the crossover provision, which the Committee can adopt or not. The general rule is that the provisions with regard to Title 9 which covers municipal elections applies. Section 9-167a refers to minority political representation doesn't apply. If we go full Pre-K through 12 the singular Derby and Ansonia Boards of Education will no longer exist – there will be a Region 20 Board of Education made up of members from both cities. It is a separate legal entity.

Mr. Gildea asked, when Ansonia and Derby are dissolved, then each city's Legislative authority would then temporarily take the seats of Board of Education members? Atty. Venhorst replied, the Committee's final report would say what the composition will be – what the Board looks like, what the representation is and the weighted voting, etc. 10-46 states a regional school district has a regional Board of Education with at least five members. This Committee's report determines the number of members and the representation on each city.

Atty. Venhorst explained, we have the referendum; there's a positive vote in both cities. The Legislative bodies meet within 30 days and pick their initial members. The regional Board of Education has its first meeting within 10 days, and at that meeting the new regional Board determines the term of office of each member, according to those principles – it has 1 through 5. Without going through each one, the idea is that the Statutes provide for this kind of continuity of membership. There are some members that have shorter terms initially, and

some will have longer terms. After that initial set up, once elections are held and once vacancies come up based upon what's decided at that first meeting, that's when the full members are decided. The initial people are just sort of the placeholders.

Mr. Jaumann asked, what is the timeframe from the point you go to referendum to the turnaround time it's expected for the State Board to have the district regionalize, and have the students attending a regional district? Atty. Venhorst explained, the State Board gives it the thumbs up and the referendum is held. There is a period of time, I think it can be up to two years, from the time of the referendum to when the regional district starts out. It is 10-46a, which states, "The regional board, after consultation with the local boards in the towns comprising the regional district, determine the time and method by which the responsibility of conducting educational programs shall be transferred to the regional Board of Education." It goes on to provide a time period, "provided such transfer shall be completed within two years of the date of the organizational meeting of the regional Board of Education." The organizational meeting is that first meeting of the temporary people. That transfer has to be completed within two years of that date.

At such meeting – the first meeting where they decide the identity of the temporary members – the Board shall determine the term of office of each member – each temporary member – according to the following principles. A lot of planning would go into that. It would be up to those people to determine the term of office.

Mr. Gildea asked, the work of deciding curriculum, that's not really designed to be that initial body. That initial body – their only job per se is to pick the official board? Atty. Venhorst stated, I don't think the Statutes get into that. They are the members of the regional board. It's the democratic process.

[Mr. Kurtyka arrives at this point]

Mr. Gildea stated, in a perfect world with everything aligned it would certainly take more than two years to add on and get everything going. You're not saying that needs to be done in two years, are you? Atty. Venhorst replied, basically, the Region 20 Board of Education is in charge – it has to be in charge within the two years, according to this. Now, I know you have Legislators you're working with, this would be a perfect thing if you're looking for a Special Act or something along those lines, some provision that would extend that time period.

Mr. Phipps stated, I understand the temporary Board of Education will be appointed by the Boards of Aldermen of both cities. Let's say they appoint five and five. Then come the election, let's say that temporary Board is appointed in April, our next election is November of that year. So that Board would be in place until the election – what's to say you couldn't elect all 10 members at that time?

Mr. Gildea stated, let's just say the Committee has a referendum in November at the municipal election. It passes at the municipal election. This says that within 30 days – December 30, 2021 – this temporary Board of Education is put in place. There is just no conceivable way that all the work is going to be done by December of 2023. It's not. That two-year thing – does that mean that within two years the regional Board of Education has to be

assuming control of the day-to-day operations, or does it say that within two years all the work has to be done, kids have to be going in the schools and the doors have to be open? That doesn't seem realistic.

Atty. Venhorst stated, it is helpful to look at the statutory language – 10-46a – “The regional Board of Education shall, after consultation with the local boards, determine the time and method by which the responsibility of conducting the educational burden will be transferred to the regional board, provided the transfer shall be completed within two years.” Then it goes on to say, “when, in accordance with this section or the other section, a regional Board of Education assumes the responsibility for all programs which are provided.”

Mr. Gildea stated, okay, it's not saying the additions have to be done; it's just saying that within two years the local Boards of Education are dissolved, and the regional Board takes over.

Ms. Hyder asked whether there is a timeframe for when kids need to enter the buildings of the regionalized school from the time of referendum? Atty. Venhorst replied, the only date that I'm aware of refers to when the regional board takes control. Ms. Hyder then asked, what is the purpose of the first appointed regional board before it takes over from the local boards. Atty. Venhorst stated, it's not defined in the statutes; I believe their purpose is to start the transition process – to be the initial members on the regional board and to do whatever they believe is necessary to effectuate the whole plan. It's not prescribed any more specifically than that.

The Committee discussed the temporary Board of Education and its role in the process. Mr. Gildea noted that it is the State Board of Education's interpretation – there is no guesswork. If it's successful, within 30 days there's a temporary regional schools committee that decides on the final school committee. That committee has two years to assume control from the local Boards of Education.

Ms. Hyder asked how this board will know what to do; what is their charge? Atty. Venhorst replied, the first thing they'd want to do is hire their own lawyer; a law firm that will represent the Region 20 Board of Education. That entity would go a long way in helping them get up to speed. They want to get insurance; do all these things. Do some hiring; set policy. Things like that. It's a daunting task starting a school district from scratch.

Mr. Gildea noted that there are 10 on this Committee, and he would think it would suit the Legislative bodies to have some of us serve.

Mr. Bshara asked, if there's a transition of up to two years between the local boards and the regional board, where's the regional board getting its funding from? Atty. Venhorst stated, my initial thought would be – they're not operating a school district. If they haven't taken control of the district I wouldn't think they'd be getting ECS funding – that would be going to the local boards until the transition occurs. Mr. Jaumann asked, is it the date of transfer, because that first year determines the MBR – is it after that transfer occurs – is it spelled out in a Statute? Atty. Venhorst will look into that and find out if the MBR is tied to the transfer; and how is the regional board getting money – I haven't seen anything that addresses that.

Mr. Gildea asked Atty. Venhorst to talk about the one person one vote. Atty. Venhorst explained, the rule is there is one person, one vote. It comes from the US Constitution, but the idea that within a given State, one person's voting power is roughly equivalent to another person's voting power. So, if 2/3 of the people are from Ansonia, 2/3 of the representation on the board should be Ansonia. It doesn't have to be exact; there's an allowable level of deviation – it's a Constitutional standard of 10 percent. However, if one city has ¼ of the people, they can't have half the vote on the board.

The other way to do it is to weight each individual member – you can have 4 and 4 from each city, but you have differential weighting of the votes. Every 10 years the Commissioner of Education looks at each of the regional districts and the town populations based on the Census and determines the acceptable representation from each city on the regional board. The State Board would be looking for numbers closer to the actual representation than 10 percent at that point.

The last way to do it is “at large” voting – the members would be voted on from the two communities as a whole. The two cities would vote for all the members as opposed to Derby people voting for Derby members and Ansonia citizens voting for Ansonia members. Mr. Kurtyka is in favor of this method.

Mr. Gildea recapped the Committee's questions of Atty. Venhorst – or DMG. During the two-year transfer period, a delineation of duties a little greater, as well as how do the duties roll out for the temporary board versus the local boards, then ultimately the final board. Maybe the regional board wants to hire an attorney and things like that – but where is the money coming from.

Atty. Venhorst stated, the Charter of the regional district is this Committee's report. The Committee should give serious thought whether they want to engage in that minutia about defining the duties of that initial board. Mr. Gildea replied that the Committee would like to understand it, perhaps not define it.

In response to a question regarding “town meeting,” Atty. Venhorst stated, looking at 10-46(b)(1), “at least 30 days before the expiration of the term of any board member, a town meeting shall be held in accordance with Chapter 90...” and goes on a few sentences later, “...where members of the regional board are to be elected at large, a meeting of the voters of the entire regional school district shall be held to nominate and elect successors.” The town meeting is a question of whether it's going to be one town, or in the case of “at large” it's with both towns. Mr. Jaumann asked, if a vacancy occurs, (c) seems to speak to “board members shall be nominated and elected in the same manner as town officers.” That's the question – if you're not doing “at large,” you don't need the respective town meeting because you'll go through your regular town processes for purposes of election. If a vacancy occurs, then you have to have a town meeting, I suppose, but even that would only seem to apply to only the community that lost a member, if you're doing it not at large.

Atty. Venhorst will take a closer look at (c). He stated, my impression is that that town meeting is held no matter what. It's a question of whether it's the one town or the two towns. They went on discussing the town meeting and the election of board members. Atty. Venhorst reads it as requiring a town meeting for the elections. He will get some clarity on that and get back to the Committee.

Mr. Gildea stated, we are going to follow up on a) Joe's question about the town meeting and the process; b) clarification of duties and roles; c) Rich's question about the money. We will put this topic on the agenda again next week.

Mr. Bshara believes that it would be in the best interest of both cities to commandeer members of the current boards of education to represent each city on the regional board of education, as that group will probably know best what this regional board is intended to be doing. As part of that, this transitional board is going to have to negotiate contracts, do the construction, etc. That two years is going to be a lot of work, there will be a lot of money needed, and there will be a lot of effort to make the jump say, in two years, where the individual boards all of a sudden become the merged board. That Board is going to have a lot to do.

TRSSC Next Steps – Discussion / Possible Action

Mr. Gildea stated, we're going to try to answer more questions that came up today. We're going to put the Governance and Administration topic on our agenda next week. Next week's agenda will also have the invoice items.

Point of Good Order

None presented.

Public Session

Mr. Gildea asked three times if any member of the public wished to speak. There being none, he declared the public session closed.

Adjournment

Mr. Kurtyka MOVED to adjourn; SECONDED by Mr. Phipps. Motion carried unanimously.

The meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Trish Bruder

Patricia M. Bruder
Secretary