

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, September 28, 2021

Note: This document is ACIR staff notes written during this subcommittee meeting. It is a public document and has been provided to meeting participants for their review and revised in accordance with any comments received but is not approved minutes of the meeting.

The agenda is available at:

<https://egov.ct.gov/PMC/Agenda/Download/10384>

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https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-09-28_ACIR_LGF_Audio.mp3

Members present: Debra Borrero (alt.), Leah Grenier (alt.), Marcia Leclerc, James O’Leary, Rick Porth (alt.), Lon Seidman, Brendan Sharkey (Chair), Lyle Wray (Vice-Chair)

Other participants: Sheila McKay, Matt Pafford, Meghan Portfolio, Margaret Wirtenberg

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 10:32 and provided some background regarding the ACIR’s home rule initiative.

2. Review of [8/31/2021 meeting notes](#)

There were no comments.

3. Discussion of Local Government of the Future initiative

- a. Applications of home rule in local & regional education for report described in Sec. 5 of the ACIR’s [draft 9/10/2021 minutes](#)

Commission chair Sharkey introduced Commission member Seidman to begin the discussion of applications of home rule in education. Commission member Seidman said he provided a link in the chat to a [CT Assoc. of Boards of Education \(CABE\) page on board of education responsibilities and authority](#). He provided an overview of his experience with boards of education: this is his 18th year on his town’s board; he now is also on the board for Region 4, and he had joined Westbrook’s board in 1999 when he lived there.

Commission member Seidman said there is much local control in public education, but all authority comes from the state. A board of education’s role is to ensure a district does what is required by state statute, making local boards of education essentially agents of the state. Boards of Education have free rein regarding many things including the selection of textbooks and curriculum, although the State sets standards that all local curricula must follow. Special education is the exception: it is subject to federal requirements and mandates, although each individualized special education plan happens locally. He mentioned mastery testing as being something else that is not under local control and noted that he does not like its snapshot approach to student evaluation. Commission Member Seidman added that a better way to approach assessment is to have state and local Boards of Education agree on an ongoing assessment model vs. a set of tests. Commission member Seidman noted that boards of education had a lot of flexibility in their response to COVID and

practices differed greatly from one school district to the next especially when it came to remote education.

Commission member Seidman provided further background regarding constraints on boards, including the state's [Minimum Budget Requirement](#). He also noted that board members have personal liability for board actions. He explained that a board is solely responsible for determining the district's budget. A municipal board of finance can reduce the education budget amount but cannot specify how the board of education allocates the approved funds. Commission member Seidman also pointed out that municipalities have flexibility in how a board of education is constituted and described some of the approaches that are used in different parts of the state.

Commission member Seidman said the superintendent is a board's only employee. The board manages the superintendent, who manages the school staff and only the superintendent's annual evaluation is available through the [Freedom of Information Act](#) (FOIA). He said some policies administered by a board are required by the state, but the rest are developed locally. He highlighted that when the General Assembly passes a public act requiring a new subject be taught it can disrupt the locally-developed curriculum vs. standards that are established by the State Department of Education and State Board of Education. He mentioned CABE's role in monitoring such legislation.

Commission member Seidman pointed out the burden imposed by [PA 11-232](#), which enacted broad anti-bullying training requirements and became a big issue in districts' professional development efforts. He noted that his district had already implemented its own approach prior to the legislature introducing a new set of standards. He also said that some believe a statewide approach is best, but he believes the state should work on policy and standards with districts before revising statutes. Commission member Seidman highlighted that CT's narrow definition of the federal term *Local Education Agency* (LEA) makes it unnecessarily difficult for CT school districts to collaborate on programming. He added that he finds his involvement with the board to be rewarding and mentioned districts' partnerships with public health authorities to bring people back to school.

Commission chair Sharkey highlighted the degree of local control available to boards of education. He described an ongoing controversy regarding critical race theory in his town's board of education elections and highlighted the board's authority to make curriculum decisions. Commission member Seidman said the board has the authority to make such decisions now, but the state could impose a requirement. He also said he prefers to talk with members of the community before they arrive at a board meeting angry, but it is not always achievable. Commission chair Sharkey said this issue demonstrates the extent of home rule applies in education.

Commission member Seidman said a district's curriculum is largely determined locally. He also mentioned other things also under local purview, such as mask requirements, absent the governor's public health emergency powers, and dress codes. He noted his board's prior experience with other health issues where the district and public health authorities took action on a MRSA outbreak. He also pointed out that the national-level volatility of topics like critical race theory and COVID have created a new dynamic for local boards to navigate locally.

Commission chair Sharkey asked if the role of boards of education as agents of the state provides them with greater autonomy than municipal government receives. Commission member Seidman said that if something is not prohibited, boards of education can do it. He said having so many school districts trying different things leads to a good outcome because there is a lot of innovation. He noted that local autonomy keeps board members like him on their toes because they are held accountable by their constituents. He said there is a close relationship between lay people like himself on the boards and the professionals in the schools to ensure community expectations are met.

Commission alternate Porth said he has two questions. First, it appears that some other states, not including CT, are disinvesting in public education and are there things we should be thinking of in

the long term that can help prevent the loss of a commitment to and confidence in public education happening here? The second question, which might be more relevant to today's discussion, is how would it play it out in the context of local control or home rule if the state were to decide it is in the best interest of the state as a whole to soften the borders between local districts.

Commission member Seidman said those questions are related and said he has found that when people must make a decision about something big, such as a building or regionalism, they gravitate more towards what they can define locally, not what is defined for them by the state. He added that communities in Connecticut have a lot of pride and ownership in their local schools. That is why Connecticut schools are high performing. He also pointed out that schools are becoming more diverse, underscoring the need for community dialog.

b. Status of other report components

Commission chair Sharkey said this discussion will be included in the home rule report but mentioned Sen. Cassano's recommendation at this month's meeting of the full ACIR to present this work to the legislature sooner rather than later, not just barely in time for the 2022 legislative session as previously envisioned. Commission member Seidman said the education section might benefit by getting input from a panel of board of education members from districts of different sizes.

Commission chair Sharkey pointed out the importance of the home rule effort, including the [draft home rule definition](#) prepared by Steve Mednick, but referenced previous comments by Commission member O'Leary that the Local Government of the Future initiative should focus on big things. Commission chair Sharkey recommended that LGF subcommittee meetings be dedicated to other topics and the home rule report be brought to the legislature now.

Commission chair Sharkey said Commission member Filchak has offered to compile the home rule discussions to date and include the topics that were expected to be addressed at upcoming LGF meetings. Commission chair Sharkey said the next meeting should still focus on home rule in zoning because of the term being misrepresented in recent discussions of the state's role in zoning. The LGF subcommittee can proceed to other topics after that. There was general agreement and Commission chair Sharkey said this will be brought to the full ACIR on Friday.

4. Adjourn

The meeting was adjourned at 11:52.

Notes prepared by Bruce Wittchen, OPM