

The Regional School District 13 Board of Education Policy Committee met in Special Session on Wednesday, January 20, 2021 at 6:00 PM remotely.

Committee members present: Mrs. Booth, Mrs. Caramanello, Mr. Hicks, Mr. Moore, Mr. Roraback and Mr. Yamartino

Committee members absent: Dr. Taylor

Board members present: Dr. Friedrich

Administration present: Dr. Schuch, Superintendent of Schools; Mrs. Keane, Director of Student Services and Special Education; and Mr. Pietrasko, Director of Infrastructure and Security Technology

Guests present: Mr. Peter Maher, Shipman and Goodwin

Mr. Yamartino called the meeting to order at 6:00 PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Public Comment

None.

Approval of Agenda

Mr. Hicks made a motion, seconded by Mr. Roraback, to approve the agenda, as presented.

In favor of approving the agenda, as presented: Mrs. Booth, Mr. Hicks, Mr. Moore, Mr. Roraback and Mr. Yamartino. Motion passed unanimously.

Approval of Minutes - November 18, 2020

Mr. Hicks made a motion, seconded by Mr. Roraback, to approve the minutes of November 18, 2020, as presented.

In favor of approving the minutes of November 18, 2020, as presented: Mrs. Booth, Mr. Hicks, Mr. Moore, Mr. Roraback and Mr. Yamartino. Motion passed unanimously.

Policy Review

A. Retention of Electronic Records and Information

Dr. Friedrich was shocked at the idea of destroying records after two or three years and Mr. Pietrasko explained that the board would choose the actual retention period. Dr. Friedrich explained that they were required to keep student records at the medical school for six or seven years. He felt that student records would include any emails exchanged about those students.

Mr. Yamartino noted that the policy itself doesn't specify any time frames, but does say that the district has to be in compliance with state statutes. Section 3 of the administrative regulations speaks to the email

classifications and their retention. He did question how emails would be handled with employees that have left the district.

Peter Maher, from Shipman and Goodwin, explained that the most recent guidance from the Records Administrator is from 2009 and he wishes it was more up to date. Mr. Maher explained that there are three categories of emails: (1) spam and unsolicited emails which can be deleted at will; (2) transitory emails which don't have much value administratively which can be deleted at will; and (3) routine correspondence which does not fall into a records retention schedule. Student records have their own records retention schedule from the Office of the Public Record Administrator and many are required to be kept for six years after the student leaves the district. Some records, such as permanent transcripts, are required to be kept for 50 years. Board of Education policy manuals are required to be kept in perpetuity.

Attorney Maher explained that the policy is to help organize the decision-making process for emails and how to categorize them, both technically and administratively. He does feel that most emails will fall into the transitory category.

Mr. Moore gave an example of emails about contract negotiations with the unions and Attorney Maher felt that the contract themselves would be permanent and attorney-client privilege communication would probably be routine or may need to be kept longer. It may be advisable to retain legal opinions for longer periods. He felt that it would depend on the nature of the subject.

Mr. Yamartino summarized that they were going to leave it to the individual to save or archive emails and emails would be scrubbed every two years to save space. Mr. Pietrasko explained that emails fall under the same policy as paper as it is the content that makes the difference. He felt that the email server is not a permanent home for records, however if the email server auto-deletes emails that would still not take the onus off of the recipient, per state law, to handle those records appropriately. This is also why he believes that the policy for auto-deletion would not go into effect right away to allow people to take care of their emails. Mr. Pietrasko gave the example of a Microsoft Exchange server that was eliminated and Mr. Yamartino asked if there was anything special done with student records from that server. Mr. Pietrasko explained that there was no way for him to know what was in each email and that is why the laws say that records retention is the responsibility of the recipient. He did, however, explain that they did get permission from the state to eliminate the server. Attorney Maher added that, because the records were so old, customary practice was not to have the email be the sole medium of storage.

Dr. Friedrich asked if the information contained in emails is replicated somewhere else because he believes that this new policy will result in emails being deleted that have not been preserved in some other way. He felt it was an impossible task to ask teachers to go through all of their emails to pull out anything that needs to be preserved. His concern was that if the district adopts a policy that can clearly not succeed, the district would be at risk.

Mr. Roraback also added that school personnel are mandated reporters. Mrs. Caramanello had the same concerns as Dr. Friedrich and would not want to see this become the teachers' responsibility. She wondered if the secretarial staff or administration could take care of saving the appropriate emails.

Attorney Maher would defer to the board as to how these practices would actually work, but does acknowledge that the ramping-up period will be a challenge and help will be required. He does feel that it's very important for the district to train people to categorize emails.

Mr. Yamartino added that he works in a regulated industry and their email server is backed up frequently and information is archived for up to two years. If he needs to go back further, there is a different way to access the archives. He wondered if there was something along those lines that the district could do and felt that data storage is readily available at a fairly low cost. Mr. Yamartino also asked if there was any way to flag emails as student-related, contractual, etc. Mr. Pietrasko explained that that type of archiving would be extremely expensive and is almost exclusive to lawyers and finance. He did say that he could research to see if Google has anything available for that and agreed that they could certainly set up “keep” folders for everyone, however they would still have to rely on individuals going through the emails. Mr. Pietrasko stressed that employees will need to be adequately trained.

Mr. Yamartino asked Attorney Maher if the district deleting records that should have been retained or retaining records would carry the higher risk for the district. Attorney Maher stated that, in a perfect world, he would love to see that the district doesn’t keep anything they don’t need. He noted that that would take time to get to that. There is certainly risk if student records are not kept appropriately. It would also be an issue if the district is not able to produce something that is requested because they can’t find it. He summarized that the district needs to keep things that are required and not keep the things that are not required to be kept, both from an efficiency standpoint and an exposure standpoint.

Mr. Moore felt that this shouldn’t be a big challenge going forward if they set up the proper criteria and provide appropriate training. He suggested that they could hire a contractor to go through all of the prior emails. Mr. Yamartino felt that if they are diligent in deleting superfluous emails, there would be no harm in keeping the rest for a longer period. He felt that they could approve the policy as the actual process is more of an administrative regulation. Mr. Roraback suggested having teachers clean up their emails on a professional development day.

Dr. Friedrich read the part of the policy about maintaining information in folders marked to be kept and stated that he would have no problem approving that, but he would have a problem with not having a process to keep the stuff that needs to be kept. He felt that the real question is about procedures and practices.

Attorney Maher felt that teachers would be willing to classify their communications as they know how important student records are. Mr. Pietrasko gave examples of the difficulties of using initials when searching for records.

Dr. Friedrich felt that the board should not be making decisions about implementation, but they do have the responsibility to be sure that the program is successful. He would like to know what the plan is and how they can be sure it works.

Mr. Yamartino agreed with Dr. Friedrich and asked if everyone was comfortable moving this policy forward to the full board with the above-noted concerns. Mr. Hicks understood Dr. Friedrich’s concerns, but did not think it was the board’s job to police it. He felt that it was the superintendent’s job. Dr. Friedrich suggested that the board discuss what they want to know and when they want to know it. Mrs. Booth agreed with Mr. Hicks in that it is the board’s job to create policy, but it is the superintendent’s job to be sure the policy is followed.

Dr. Friedrich asked Attorney Maher if he, as a board member, has any legal exposure in this and Attorney Maher explained that, in general, board members, as all employees of the district, are indemnified as long as they are not acting willfully, wantonly or recklessly.

At this point, the committee agreed to move this policy to the full board.

B. Policy 6156 Program Choice

Mr. Yamartino reviewed that there had been a request to move the date that was specified in the policy as people cannot come in to visit the schools, but it was also asked if the policy is even relevant if there is no choice of program.

Mrs. Booth asked if the entire policy can be removed from the policy manual and Mr. Hicks stated that that would be allowed. Mrs. Caramanello noted that this policy had been established when enrollment was much higher and it was necessary to make choices early. Mrs. Booth felt that this was not just about kindergarten and stated that she still sees John Lyman as being a little bit of a different program if they maintain multi-aged classrooms. She felt that the principals need to have parents make a decision about where they will send their child for kindergarten by a certain date, but it's not really a programmatic choice.

Mr. Hicks noted that a lot of this had been about building capacity as well but there is no need for the policy as there is no more program choice. He does feel that students may need to be moved, should capacity become an issue. Dr. Schuch added that he has heard from staff that there have been capacity issues, but he also felt that the policy was obsolete at this point. The principals just wanted to be able to give parents some guidelines and move the date into mid-March. Mr. Hicks didn't feel that capacity is really an issue in these days of declining enrollment.

Mr. Yamartino summarized that the committee can either modify the policy to include a date of March 15th instead of February 1st or strike the policy in its entirety. He asked for everyone's preference and there was a consensus to strike the policy. Dr. Friedrich asked if it needed to be stated that parents' choice has to be consistent with available space. Dr. Schuch felt that that has been prevailing practice over the years and the policy is not necessary. Mrs. Booth felt that if they were worried about capacity, they should create a new policy about building choice, not program choice. She also mentioned that the ultimate plan is that all kindergarten classes will be at Brewster when John Lyman closes, so the issue will be moot.

Mr. Hicks made a motion, seconded by Mrs. Booth, to recommend to the full board to strike policy 6156.

In favor of recommending to the full board to strike policy 6156: Mrs. Booth, Mrs. Caramanello, Mr. Hicks, Mr. Moore, Mr. Roraback and Mr. Yamartino. Motion passed unanimously.

Mr. Moore asked if Dr. Schuch needed the board to take action before February 2nd and Dr. Schuch explained that that wouldn't be necessary as he had told the principals to begin developing their processes.

New Business

A. Pension Fund Investment Policy discussion

Mr. Yamartino explained that he had asked to have this discussion and explained that the district manages the retirement pension funds for certain employees and there had been some discussion about moving to a higher percentage of equities and a lower percentage of bonds, but that puts the district right at the edge of the policy with a 60/40 equity/bond split. He felt that the Policy Committee may want to review this policy in consult with the investment advisors. He would like the committee members to think about it so that they can discuss it at a future meeting.

Public Comment

None.

Adjournment

Mr. Hicks made a motion, seconded by Mr. Yamartino, to adjourn the meeting.

In favor of adjourning the meeting: Mrs. Booth, Mrs. Caramanello, Mr. Hicks, Mr. Moore, Mr. Roraback and Mr. Yamartino. Motion passed unanimously.

The meeting was adjourned at 7:20 PM.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First