

DAY PITNEY LLP
MEMORANDUM

Boston Connecticut Florida New Jersey New York Washington, DC

TO: Kathryn Emmett, Director of Legal Affairs and Corporation Counsel
Amy LiVolsi, Assistant Corporation Counsel

FROM: Chase T. Rogers

DATE: July 22, 2021

CLIENT-MATTER NO.: 186239-000040

RE: Investigation Report

INVESTIGATION REPORT
(REVISED SEPTEMBER 23, 2021)

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I. BACKGROUND

A. Scope of the Investigation

The Superintendent of Stamford Public Schools, Dr. Tamu Lucero, raised concerns on behalf of herself and members of her senior leadership team (herein, “Staff members,” together with the Superintendent, the “Administration”) to Corporation Counsel for the City of Stamford (the “City”) regarding conduct of certain members of the Stamford Board of Education (the “Board”) that may be creating a hostile or toxic work environment for the Administration.

The City retained Day Pitney LLP¹ to investigate the concerns raised and to determine whether the Stamford Board of Education has violated any policies, laws, and/or regulations governing its conduct. As part of the investigation, the Day Pitney team also reviewed the Board’s Bylaws to identify any ambiguities or contradictions that should be changed – whether through revision or the proposal of new policies – to address the concerns raised. The purpose of the investigation is to render legal advice to the City based on our findings, including recommendations to improve Board functioning and self-governance, and to foster a more collegial, professional, and collaborative environment between the Board and the Administration going forward.²

B. The March 14 E-mail

On March 14, 2021, Dr. Lucero e-mailed a list of concerns that she had previously expressed verbally to Corporation Counsel on behalf of herself and certain Staff members relating to the conduct of the Board (referred to herein as the “March 14 E-mail”).

First, the March 14 E-mail raises concerns that the Board and/or individual Board members “regularly and with perceived malice . . . ignore[] or repeatedly break the following [Board] Policies and Bylaws which consequently interferes, impede[s], and disrupts day to day work of the Stamford Public School District.” The March 14 E-mail enumerates several Board Bylaws that Dr. Lucero and/or Staff members contend that Board members have intentionally ignored or violated to the detriment of the operation of the Stamford Public School District. The specific policies identified in the March 14 E-mail are included in **Appendix 1** annexed to this report.³

¹ The Day Pitney team was led by Chase T. Rogers, retired Chief Justice of the Connecticut Supreme Court and current partner at Day Pitney LLP. The team also included Sara J. van Vliet, Senior Associate, and Matthew W. Austin and Lindsey A. Viscomi, Associates, of Day Pitney LLP.

² A summary of our recommendations begins at page 52 of this report.

³ **Appendix 1** is a list of District policies and regulations that are potentially applicable to the conduct at issue. The compilation includes each of the Board policies identified in the March 14 E-mail, as well as additional District policies we identified as potentially applicable to the

Second, the March 14 E-mail lists thirteen concerns that one or more Staff members have observed, expressed, and or/reported to the Superintendent regarding conduct of certain members of the Board. The concerns are as follows:

1. Encouraging a culture that fosters emotional distress for some or all members of the senior leadership team;
2. Creating an intimidating or bullying work environment for senior leadership;
3. Speaking to staff in an intimidating and demeaning manner;
4. When presenting information members of the [Board] often suggest that one or more members of senior leadership are giving false information without providing any evidence that the information is not true;
5. Regularly publicly criticize and/or admonish one or more members of the senior leadership team using false or unfounded information;
6. At public meetings, making false and/or inaccurate statements about implementation of curriculum and operations airing in the first instance at public meeting with no notice to Superintendent or staff with no evidence of truth or reckless disregard for truth;
7. Actions by [Board] members as a whole or individual that may ruin professional reputation of one or more of the senior leadership team;
8. Retaliatory actions towards one or more members of the senior leadership team;
9. Regular interference in the day-to-day operations of the school district;
10. Direct personal involvement [in] complaints [regarding] SPS [(Stamford Public Schools)], undermining chain of command in organization; airing in the first instance at public meeting with no notice to Superintendent or staff;
11. [Board] members regularly inspecting and assessing daily operations of schools, both physical structures and academic instruction to students with no basis or understanding of our processes and protocols;
12. Encouraging a culture of insubordination or complaint; and
13. Sarcastic commentary, explicit verbal attacks and/or criticism made publicly via e-mails between and among [Board] members or via social media.

concerns raised. Finally, the compilation includes select statutes and provisions from the Stamford Municipal Code of Ethics and Stamford City Charter.

For purposes of this report, the thirteen concerns are organized into two primary areas: (1) the Board's alleged creation of a hostile work environment⁴ for the Administration (*infra* Sections II.B and III.A); and (2) the Board's alleged improper interference in the operations of the Stamford Public School District (*infra* Sections II.C and III.B). As noted, the Fact and Analysis sections of this report are both organized into these two primary areas of concern.

In response to the March 14 E-mail, Corporation Counsel took prompt and immediate action.

First, Corporation Counsel engaged outside counsel to conduct an independent investigation of the concerns raised in the March 14 E-mail and to render legal advice to the City concerning the findings of the investigation and recommendations going forward.

Second, Corporation Counsel immediately recommended that, for at least the duration of the investigation, Staff members should no longer present information to the Board directly, but rather through the Superintendent. Dr. Lucero implemented this recommendation. As a result of that prompt remedial action, the Board's interactions with Staff members have been limited since the investigation commenced.

Third, Corporation Counsel met with the Board in executive session to advise the Board of the concerns raised regarding the Board's interactions with the Administration and alleged improper operational interference. Corporation Counsel informed the Board that it had engaged an independent outside investigator to make factual findings and recommendations going forward.

C. Evidence Reviewed and Witnesses Interviewed

We base our analysis and conclusions (*infra* Section III) on the totality of the evidence collected and reviewed, which was extensive. The Day Pitney team reviewed the following categories of documentary evidence as part of the investigation:

- District policies relevant to the conduct of the Board as set forth in the Board of Education Policy Book, including select policies set forth in the 2000s series entitled "Administration," the 3000s series entitled "Fiscal Management Support Services," the 4000s series entitled "Personnel," and the 9000s series entitled "Board Policies";
- Laws, rules, and regulations relevant to the conduct of the Board, including Connecticut General Statutes Chapter 10-220 *et seq.* (Duties of boards of education), the City of Stamford Code of Ethics, and the City of Stamford Charter;

⁴ Our use of the term "hostile work environment" throughout this report does not refer to the legal standard for a hostile work environment tort claim, but instead is used to refer generally to the conduct described in the March 14 E-mail.

- Select publicly-available video recordings of Board meetings dating from mid-2019 to the present;
- Select e-mails between and among the Administration and the Board, as provided by Corporation Counsel, as collected from witnesses interviewed, and as identified from searches of the Stamford e-mail domain collection for select Board member custodians from January 1, 2020 to the present;
- Social media posts on Facebook public community pages where individual Board members have posted content and discussion relating to Board business;
- Articles and opinion editorials published in the *Stamford Advocate* relevant to the conduct of the Board;
- Legal opinion letters authored by Board counsel, Kenneth Weinstock, Esq. of the law firm Kainen, Escalera & McHale, P.C.;
- Training materials presented to Board members as part of the Board's "onboarding" process for newly-elected or appointed Board members and in connection with special Board training;
- Select employee term sheets and employment contracts;
- Various written communications between Corporation Counsel and the Board; and
- Various documents collected from witnesses who were interviewed during the course of the investigation.

In addition to reviewing the extensive documentary record, the Day Pitney team interviewed every member of the Administration, which comprised eleven individuals. The Day Pitney team also requested to interview all Board members. Board members are publicly-elected officials and could not be compelled to participate in the interviews because they are not City employees. However, the Day Pitney team encouraged Board members to participate in order to respond to the concerns raised and provide any other pertinent information. We also advised Board members that their participation in the investigation is warranted by the dictates of their position as an elected Board member. The Board's mandate is to "improve the education of our children and to advocate for them and their best interests," which requires that "Board members must be working effectively together and with others in the community to effectively reach this goal." (Bylaw 9005.) In addition, district policy requires that Board members "shall establish, foster, support and maintain a no fault framework and promote a culture of trust," and makes clear that members "are accountable for compliance with the Board's Code of Ethics and applicable Board By-laws governing Board member conduct."⁵ (Reg. 1316.1R.) Four Board

⁵ All of the Board Bylaws and District Regulations cited herein have been adopted, with one possible exception: Board records do not conclusively establish whether the Appendix to

members voluntarily agreed to be interviewed as part of the investigation. Five Board members declined an interview.

Because of the public nature of the complained about conduct and the corroboration from multiple witnesses, Board member participation was not essential to the fact-finding process. Indeed, the majority of the conduct examined in this report is evidenced by publicly-available videos and other documentary records, such as e-mails and media articles, and/or corroborated by multiple witnesses, and is therefore not in dispute. (Any reports of conduct that could not be substantiated during our investigation are noted in this report.) Thus, the Day Pitney team was able to conduct a thorough and complete independent investigation notwithstanding that certain Board members declined to be interviewed.

II. FACTS

The factual findings of the investigation follow in three parts: *First*, we provide some factual background as necessary context for evaluating the complained-about conduct. *Second*, we examine the Board's alleged creation of a hostile work environment for the Administration based primarily on interactions at public Board meetings. *Third*, we examine the Board's alleged improper inference in the operations of the Stamford Public School District, either through the perceived disregard of Board Bylaws or through other conduct. The examples that follow are representative of the conduct identified, and are not exhaustive. However, we considered all of the evidence examined during the course of this investigation in formulating our conclusions and recommendations.

A. Background

Before turning to the concerns identified in the March 14 E-mail, there are five issues that provide necessary context for evaluating the complained-about conduct: (1) the Board's current composition; (2) the Board's role as defined by governing policies and regulations; (3) internal Board discord and factors distinguishing this board from prior boards, and the Board's most recent self-assessment acknowledging problems with board functioning; (4) the training Board members have received as part of the standard "on-boarding" process for new Board members, as well as special training to address problematic Board member conduct; and (5) two particular issues that have contributed to discord within the Board and between the Board and the Administration, namely, the COVID-19 pandemic and the ongoing mold remediation at certain Stamford public school buildings.

1. Board Composition

Board members are community citizens – not City employees – who devote countless volunteer hours in service of the school district. The Board is comprised of nine publicly-elected officials. In certain exigent circumstances, a Board member may be elected by the City's Board

Bylaw 9325 ("Meeting Norms") was formally adopted and incorporated into the Board's Bylaws. However, individuals interviewed in connection with this investigation universally confirmed their understanding that the Meeting Norms articulated in the Appendix to Bylaw 9325 are among the policies that Board Members are expected to follow.

of Representatives to fill a vacancy on the Board that arises in between election cycles. (*See* Stamford City Charter, Sec. C1, 80-2.) On the current Board, there are two members who were elected in this manner. In late 2019, one Board member was elected by the Board of Representatives to fill a vacancy created when a former member left the Board to serve on a different City board. In early 2020, another Board member was elected by the Board of Representatives to fill a vacancy created by the untimely death of a Board member.

Board members are elected to serve a three-year term on the Board and are eligible for an unlimited number of terms. Several members of the current Board have served multiple terms, whereas a few members are serving their first terms on the Board. Three Board members have terms expiring on November 30, 2021. Depending on whether those individuals seek and secure reelection, the composition and accordingly some of the dynamics of the Board may soon change with the possible election of up to three new Board members with terms commencing on December 1, 2021.

2. Board Role

In accordance with Article Eighth of the Connecticut Constitution, the mandates of the Connecticut General Statutes delineating the duties of boards of education (Conn. Gen. Stat. § 10-220 *et seq.*),⁶ and the Stamford City Charter,⁷ the Stamford Board of Education is “the agent of the state and the duly constituted authority of the City of Stamford in all matters relating to the organization and administration of the schools.” (Bylaw 9000.) The Board is a “legislative and appraisal body” that carries out its mandate by “delegating executive functions to the Superintendent of Schools and his/her Staff.” (Bylaw 9000.)

The Board has three primary areas of responsibility: 1) to establish policy; 2) to appoint and evaluate the Superintendent; and 3) to prepare and adopt a budget. (Bylaw 9000.) Consistent with that mandate, the Board “shall concern itself with broad questions of educational

⁶ The duties of boards of education as described in the General Statutes include: development of policies; hiring and evaluation of the superintendent of schools; budgetary matters; school facility matters; student discipline and school accommodations; creation of a shared vision for the school district; collective bargaining matters; and setting the school calendar. *See* Conn. Gen. Stat. § 10-220 *et seq.* Notwithstanding the broad powers conferred on boards by statute, “a local charter may limit the powers of the local board of education where its provisions are not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.” *Bd. of Educ. of City of New Haven v. City of New Haven*, 237 Conn. 169, 181 (1996) (quoting *Town of Cheshire v. McKenney*, 182 Conn. 253, 259 (1980)). Here, the Board’s Bylaws and the Stamford City Charter constitute “local charter[s]” delineating the specific authority and responsibility entrusted to the Board in this case.

⁷ The Stamford City Charter provides that the “Board of Education shall perform such duties and have such powers as are or may be imposed by the General Statutes upon Boards of Education unless superseded by Special Acts of the General Assembly applying to the Stamford Board of Education.” (City Charter, Sec. C6, 10-1.)

policy, and not with administrative details.” (Bylaw 9000; *see also* Bylaw 9040.2 (“Board members must understand that their primary responsibility is to establish policy.”); 9040.12 (“No individual member of the Board . . . shall exercise any administrative responsibility with respect to the schools”); Bylaw 9010 (same).) Indeed, the Board’s bylaws are clear that the Board’s responsibility is “not to ‘run the day-to-day operation of schools and the District’ . . . , but together with their fellow Board members, to ensure that the schools and the District are well-run through monitoring of effective policies.” (Bylaw 9271.8; *see* Reg. 2000.1R (The Board’s responsibility is “[t]o delegate to the superintendent responsibility for all administrative functions, except those specifically reserved to the board through board policy.”).) The Board’s authority rests with the Board as a whole. “Apart from their function as part of the unit, the Board member has no individual authority.” (Bylaw 9010.) Thus, an individual Board member generally does not have the authority to take action on behalf of the Board on a given matter unless authorized by the Board itself.

The Board has a responsibility to promote the mission of the Stamford Public Schools, which is “to provide an education that cultivates productive habits of mind, body and heart in every student.” (Policy 0000.) As the Board’s Bylaws recognize, “This very responsible and complex job requires that the Board blend its diverse opinion into a common purpose which will give direction to the school system. The success of the system depends on how well that role is carried out.” (Bylaw 9400.)

3. Internal Board Discord and Most Recent Self-Assessment

At the direction of Corporation Counsel, the investigation examined Board conduct beginning around late 2019, with a particular focus on conduct from spring 2020 to the present. During the time period examined, tensions between and among Board members escalated. We understand, however, that discord within the Stamford Board of Education (and boards of education generally⁸) is not uncommon and that the Board’s ability to function as a cohesive elected body has ebbed and flowed over time. However, there are certain characteristics that appear to distinguish this Board from prior boards that have experienced similar conflict. As described below, Board members acknowledged in their most recent self-assessment that this internal discord and related issues have adversely impacted the Board’s functioning.

Internal Board Discord and Factors Distinguishing This Board from Prior Boards.

A few examples illustrate the current discord within the Board:

⁸ In the most recent national study commissioned by the Education Commission of the States, a survey of 2,096 board of education presidents throughout the United States revealed that only 33% believed that their board worked well together “all” of the time, only 60% believed their board worked well together “most” of the time, and 30% reported that they would not run again for a board position. Additionally, 64% of board presidents reported turnover of three or more superintendents in the last ten years. (Education Commission of the States Survey, Thomas Glass, Univ. of Memphis) (2001).

September 17, 2019 Operations Committee Meeting. During this committee meeting, various Board members were embroiled in an argument concerning the agenda and proper speaking privileges at the committee meeting. One Board member was asked to leave the meeting by the Board President when efforts to curtail his inappropriate behavior failed. The Board member left the meeting. Our review of other publicly-available Board meeting videos revealed that similar disruptive and unproductive interactions between Board members were common.

February 13, 2020 Regular Board Meeting, as reported in February 15, 2020 Stamford Advocate article entitled “Shouting match ends school board meeting.” During this Board meeting to discuss and approve the proposed 2020-2021 school budget, a two-and-a-half minute shouting match between two Board members forced the Board into recess as the Board President declared both members out of order. As reported in the *Stamford Advocate*, the disagreement ensued when one Board member said that debating budget recommendations was a “waste of time,” to which another Board member responded, “Don’t disrespect us like that. If you don’t have the time, then leave.” The exchange revealed a lack of respect among Board members, with one member stating flatly: “I don’t have to respect you. Who are you?” The argument devolved into name-calling, with one Board member calling another an “inefficient Board member” and stating “you do nothing to help the Board . . . You’ve done nothing groundbreaking to help,” to which the Board member responded “shut up.” When a handful of Board members started to walk out of the meeting as the budget resolution vote was about to take place, another Board member stated, “so they won’t vote on the budget because they don’t have the guts to stay in here.” After the budget passed by a 6-3 vote, a Board member responded, “If you had ten percent of my guts, it would be a better world.”

October 2020 calls for then-President’s resignation, as reported in October 24, 2020 Stamford Advocate article entitled “5 city BOE members blast leader in secret meeting.” In October 2020, five Board members called for the resignation of the then-Board President just two months before the Board was set to elect new Board leadership in December. During a non-public Board retreat with a non-public agenda item described as “issues of bias and abuse of power by the Board President,” a letter calling for the President’s resignation, signed by five Board members, was read aloud to the Board. Although the authors of the letter refused to provide it to the Board President, a copy of the letter was provided to the *Stamford Advocate*. On October 24, 2020, the *Stamford Advocate* reported that the letter called out alleged “frequent instances of preferential treatment granted to certain members,” charging that “such favoritism has carved a deep divide amongst us as board members and polluted the climate and culture of this board.” Ultimately, the then-President served until the conclusion of his term and a new President was elected effective December 1, 2020.

April 27, 2021 Regular Board Meeting. A key issue discussed at this Board meeting was implementation of a newly developed “Equity and Diversity Policy” to “establish a framework for the elimination of bias, particularly racism and cultural bias, as factors affecting student achievement and learning experiences, and to promote learning and work environments that welcome, respect and value diversity.” (Reg. 5000.1.) Tensions escalated when a Board member expressed disagreement with the policy for the first time, despite the fact that the policy had been debated and discussed on numerous prior occasions. The Board President addressed the situation as follows: “It is incumbent on chairs to read and understand what is going on in

their committees regardless of if they are there or not and I will say to all Board members that it is critically important for you to not just sit on information that you suspect or suppose or are not sure of, that is the opportunity to send an e-mail to ask a question to reach out to a chair. I too share an extreme disappointment with [another Board member] about this. We have worked very hard on this. This almost to me feels like sabotage.” The vote to adopt the policy was tabled at that meeting due to a community member expressing concern about whether the policy was legal. The policy ultimately passed by a Board vote of 5-3-1 at the following meeting.

There appear to be three characteristics that distinguish the conflict within this Board from prior boards that have contributed to the concerns investigated: (1) the perceived imbalance of political power and decision-making authority on the Board; (2) the carryover of Board member-to-Board member tensions into the Board’s interactions with the Administration; and (3) lack of certain Board member preparedness and understanding of the Board’s proper role and procedures surrounding critical Board functions.

First, the perceived imbalance of political power on the Board has fueled tensions between and among Board members. In prior years, Board membership was either fairly evenly split between Democrats and Republicans (although consistently Democratic majority), or the divergence of political affiliations was generally not a factor in the Board’s functioning. On the current Board, however, there are six Democratic members and three Republican members. The perceived imbalance of political power on the Board has given rise to a perception among members of the minority party (Republicans) that they are excluded from decision-making on the Board.⁹

For example, in an April 29, 2020 editorial published in the *Stamford Advocate*, the three Republican Board members wrote: “There is no balance of political power on the [Board]. Historically, the President and Vice President represented different political parties. Because both leaders are now from the same party,¹⁰ sideline meetings and caucuses are happening often behind closed doors and [Board] members at-large are left out of very important discussions.” (April 29, 2020, *Stamford Advocate*, “A progress report on superintendent” (cited as “April 29, 2020 Editorial”).)

A similar viewpoint was shared with the Day Pitney team by a Board member who expressed concern that “politics and micromanagement has blurred best practices as well as voices that need to be heard.” The Board member identified a perceived imbalance of political power within Board Committees – noting that four of five committees are chaired by Democrats and only one of five members on four Board committees are Republicans – and claimed that only the Board President and two prior Board Presidents (all Democrats), together with the

⁹ We note that one Board member strongly disagreed with the claim that the minority party is excluded from decision-making on the Board. This Board member also explained that members from both political parties have the same opportunity to seek election as Board officers.

¹⁰ When this editorial was published in April 2020, the President and Vice President were Democrats. Effective December 1, 2020 to the present date, the current President of the Board is a Democrat, while the Vice President of the Board is a Republican.

Superintendent, make decisions. That perception has appeared to harden the resolve of the minority members to act as a unified bloc to oppose certain decisions that had traditionally been made with bipartisan support in prior years.

Second, the tensions between and among Board members have carried over into the Board's interactions with the Administration in a manner not previously experienced with prior boards. Numerous Staff and Board members stated that while tensions *within* the Board have been commonplace historically, those tensions have not generally created issues *between the Board and the Administration*. These tensions reached a tipping point at the March 2, 2021 Board meeting convened to discuss the district's return to in-person learning for hybrid students that immediately preceded submission of the March 14 E-mail to Corporation Counsel, and counsel's recommendation that Staff members be excluded from Board meetings for at least the duration of the investigation. The Board's interactions with the Administration and the impact of those interactions – as described in the March 14 E-mail – are discussed more fully herein.

Third, at times there is an apparent lack of preparation and understanding of the Board's proper role and procedures that distinguishes this Board from boards in prior years. In regard to preparation, there was a shared perception among witnesses with historical Board experience that the current Board is the "least prepared" Board in recent memory. For instance, Board members are supposed to review the "Board packet" (*i.e.*, the materials compiled by the Administration and disseminated to the Board prior to each Board meeting) and to come to meetings prepared to discuss those materials. *See* Bylaw 9325 App'x ("Board members have a responsibility to attend meetings prepared for discussion by reading materials presented in the weekly packet and bringing appropriate materials."). However, Board members routinely demonstrate unfamiliarity with the Board Packet and ask questions at Board meetings that are already answered in those materials. As one example, a Board member stated at a Special Board Meeting that the Superintendent had cut teacher positions "across the district," when no such cuts were proposed in the budget disseminated to the Board prior to the meeting. As another example, a Board member inquired as to the purpose of a contract on the agenda for Board approval despite information in the Board Packet addressing the contract in detail. As one more example, the Board President has occasionally asked Board members to recite the district's mission (Bylaw 0000) – which is printed on each Board Packet cover – and Board members have been unable to do so because they did not bring the packet (*i.e.*, "appropriate materials") to the meeting. (Bylaw 9325 App'x.)

In regard to the Board's role and procedures, there was also a shared perception among several Board and Staff members interviewed that Board members do not understand the Board's mandate as a policy-making body that is not charged with the day-to-day administrative responsibilities of the district. (*See infra* Section III.B (discussing several examples of Board member overreach into day-to-day administrative responsibilities).) At times, Board members have also demonstrated unfamiliarity with the procedures surrounding critical Board functions, such as the budget approval process. Recently, at the May 18, 2021 Special Board Meeting, a Board member expressed his concerns about the budget cut of five coordinator positions, particularly the "Fine Arts Coordinator." The Board member sought to reallocate Board funding toward the creation of a "Fine Arts Coordinator" position, but the Board member did not understand or follow the proper motion procedure for budget reallocation (*i.e.*, identifying a specific dollar amount for the proposed budget item and a corresponding existing budget item

that should be cut to fund the proposed budget item, making a motion, getting a “second” on the motion, board discussion, and a vote). The discussion became contentious and the budget vote was postponed to the next meeting to give the Board member time to prepare the motion. However, the Board member ultimately withdrew the motion and the Board passed the budget without the coordinator positions a week later.

Board Self-Reflection Acknowledging Problems with Board Functioning.

Board members recognize that there are serious problems with the Board’s functioning and interactions with the Administration, as described above and throughout this report. Board policy mandates that the Board conduct an annual self-evaluation with full member participation. (Bylaw 9400; *see* also Reg. 2000.1R (Board responsibility “to conduct an annual self-evaluation of its own leadership, governance and teamwork”).) Among the areas for annual self-evaluation are “communicating with the public,” “working with the Superintendent, promoting good employee relations, setting expectations for Board member conduct, conducting the work of the Board, [and] Board member development.” (*Id.*)

At the Board’s retreat on January 5, 2021, Board members anonymously completed a self-reflection survey in order to “prompt discussion of agreed to, collective strategies that will build trust, empower the Team to work together, [and] surface areas that need clarification and shared understandings to ensure forward progress.”¹¹ The survey asked Board members to rate their individual perceptions of current practice on a number of areas on a three-tier scale, ranging from “We’ve got this in place,” to “Developing,” to “Low.” Eight Board members participated in the survey. The survey results were discussed in open session at the Board’s June 19, 2021 retreat.

The anonymous survey results underscore some of the areas of concern identified in the March 14 E-mail. Most tellingly, Board members unanimously assigned the lowest rating (“Low”) to the statement of whether the Board “leads as a unified team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.” Nearly all Board members also assigned the lowest rating to the following statements:

- “Our [Board] conducts board meetings that are efficient, effective and focus primarily on actionable items that require a board vote.”
- “Our [Board] is accountability driven, spending less time on operational issues and more time focused on policies and programs designed to improve student achievement.”

¹¹ The survey, entitled “Stamford Board of Education and Superintendent Collaborative Governance Performance Reflection Survey, A Prompt for Team Discussion,” was disseminated to Board members by facilitator Robert Villanova, a district leadership consultant for the organization Connecticut Center for School Change. The facilitator compiled the anonymous results to facilitate discussion with the Board.

- “Our [Board] regularly plans for and implements opportunities to reflect on and then take action on the effectiveness of the [Board] in moving the district toward the established mission and goals of the district.”

In regard to the Board’s collaboration with the Superintendent, Board members almost unanimously rated the following statement as “Low” or “Developing”: “The Board demonstrates support and respect for the Superintendent’s role as the chief executive officer of the district” and “The Board provides direction to the Superintendent as a whole, not from individual Board members.”

4. Board Training

The Board has received numerous trainings to facilitate improved interactions and to counsel Board members concerning their limited roles and responsibilities as defined by statute and Board policy. These “special” trainings have been undertaken in direct response to the above-described escalating Board tensions and the alleged misconduct described herein, separate and apart from the “onboarding” training that Board members receive when they join the Board as newly-elected Board members.

Board Member-Elect Orientation and “Onboarding” Training.

Board Bylaw 9230, “Orientation of Board Members,” specifies certain training methods to further the directive that the Board and administrative staff “assist each new Board member-elect to understand the Board of Education’s functions, policies and procedures and operation of the school system immediately upon election.” (Bylaw 9230.) Those methods include dissemination of selected materials, and invitations to participate in Board meeting discussion, to meet with school administrators, and to attend workshops for newly-elected Board members.

In addition, newly-elected Board members receive “onboarding” training conducted by the Assistant Corporation Counsel concerning the City’s Code of Ethics, the Freedom of Information Act (FOIA), and the Board’s Bylaws.¹² These “onboarding” trainings are generally conducted in January for newly-elected Board members (or when new Board members are appointed, as appropriate), but attendance by the entire Board as a “refresher” course is welcomed and encouraged (but not mandatory). All current Board members received this

¹² Code of Ethics training for Board members is mandated by Section 19-18 of the Stamford Code of Ethics, which provides in relevant part: “The Director of Human Resources is responsible for developing and delivering, or contracting with other entities to develop or deliver, training programs for all officers and employees of the City of Stamford, whether elected or appointed, paid or unpaid, concerning the requirements of ethical behavior, as encompassed in the Code of Ethics. Such training shall be required promptly following the initial appointment, election or hiring of any officer or employee of the City of Stamford” Board members are elected “officers” of the City. *Town of Cheshire v. McKenney*, 182 Conn. 253, 260 (1980) (“[M]embers of a local board of education are officers of the town they serve.”). Several years ago, Assistant Corporation Counsel offered to conduct the mandated ethics training and continues to provide that training to Board members.

“onboarding” training, with many members opting to participate in the training more than once. However, the two Board members who were elected to the Board by the City’s Board of Representatives in late 2019 and early 2020 inadvertently did not receive this training until mid-June 2020, several months after assuming their positions as Board members.

Special Board Trainings to Address Board Conduct.

Since publication of the April 29, 2020 Editorial purporting to be a “progress report on [the] superintendent,” the City arranged for the Board to receive special training concerning the Board’s role and responsibilities and how certain Board member conduct could potentially expose the Board and/or individual Board members to liability. The special training included numerous discussions in executive session with the Board’s attorney, as well as discussions in executive session and at non-public Board retreats with facilitators from education consultant groups, including the Connecticut Association of Boards of Education (“CABE”) and the Connecticut Center for School Change.

The special training was intended to identify and discuss problematic Board member conduct, and to identify recommendations to address that conduct. The training discussions underscored the Board’s role as a policy-making body that is not responsible for the day-to-day operations of the Stamford Public Schools, which is a responsibility that falls to the Administration. The discussions endeavored to highlight how certain Board member conduct creates challenging and difficult situations for the Administration and detracts from the Board’s and the Administration’s shared mission to promote the best interests of the district and its students. The facilitator-led meetings also aimed to resolve internal Board disagreements concerning the perceived imbalance of political power and lack of leadership roles and decision-making authority for the minority party (Republicans). In regard to internal Board relations, the special trainings also coached Board members regarding how to interact and communicate more effectively, including guidance on adhering more closely to parliamentary procedures.

5. Select Issues: Pandemic Response and Mold Crisis

There have been two primary issues that have also contributed to internal discord within the Board and contentious interactions between the Board and the Administration that precipitated some of the special training discussed above: (1) the response to the COVID-19 pandemic beginning in March 2020; and (2) ongoing mold remediation in certain Stamford public schools beginning in approximately October 2018. Disagreements between Board members and the Administration concerning these two central issues have persisted during the time period that was the focus of the investigation (spring 2020 to the present) notwithstanding special training aimed at curtailing those disagreements.

COVID-19 Pandemic Response.

Like all school districts across the country, the Stamford Public School district faced unprecedented challenges during the COVID-19 pandemic. Not surprisingly, these challenges created uncertainty surrounding the Board’s appropriate role in responding to the pandemic and tested the limits of the Board’s authority. Indeed, there were no specific policies to guide the Board or the Administration in confronting the once-in-a-lifetime pandemic.

On March 13, 2020, the school district closed on account of the pandemic and transitioned to remote distance learning. On May 3, 2020, it was announced that Stamford Public Schools would remain closed through the end of the school year, as was decided almost universally by school administrations throughout the State. On August 10, 2020, Dr. Lucero announced the comprehensive Stamford Public Schools Reopening Plan in accordance with the State's directive that school administrators develop comprehensive plans for remote, hybrid, and in-person learning. By the end of April 2021, all Stamford public school students returned to full-time in-person learning, with hybrid elementary school students returning on March 9, 2021, hybrid middle school students returning on March 17, 2021, and hybrid high school students returning on April 19, 2021.

It is undisputed and Board members agreed that decisions to close and reopen schools are the Superintendent's decisions to make. Nevertheless, Board members were often critical of Dr. Lucero's decisions and on occasion claimed they were the "last to know" about certain decisions. For example, at the March 2, 2021 Board Workshop Meeting, some Board members were upset and expressed frustration that they had heard about the reopening of the elementary schools "second-hand" after it was announced by another Board member at a Democratic Town Committee meeting. Also, despite the Board's acknowledgement of the Superintendent's authority, on March 23, 2021, the Board held an "advisory vote" recommending to Dr. Lucero that Stamford high schools should reopen by April 19, 2021. The circumstances around the March 23 "advisory vote" caused a great deal of confusion as it was unclear whether the Board was attempting to directly order the Superintendent to open by that date, regardless of whether a plan was in place to do so safely. (*See infra* Section IV.B (proposing recommendations to prevent recurrence of these issues).)

Ultimately, the pandemic not only exposed the Board's grappling with the extent of its authority, but it also exacerbated tensions within the Board and between the Board and the Administration by forcing Board meetings to be conducted by remote video rather than in person. There was a shared view among those interviewed that the lack of in-person communications throughout the pandemic created a difficult dynamic by curtailing opportunities for consensus-building and collaboration, and eliminating informal Board socializing that had previously contributed to developing positive relationships among Board members. The remote nature of Board meetings also made it more difficult to reign in disorderly or disrespectful communications than if the Board meetings had been in-person and individuals could be addressed face-to-face. The pandemic understandably also gave rise to more concerns and complaints from parents and teachers that frequently flowed directly to Board members. Those concerns and complaints were not always handled in accordance with Board policy as discussed in Section II.C.1 of this report.

The Mold Crisis.

Another contentious issue for the Board and the Administration has been the response to the mold crisis in the Stamford Public Schools. For nearly two decades, facilities management for the City's twenty-one public school buildings was outsourced to third-party management companies. During this period, certain school buildings fell into disrepair, including precipitation of a mold crisis in certain schools.

In late October 2018, the City created a Mold Task Force to oversee mold remediation in the affected school buildings. The Mold Task Force was comprised of Administration and City officials, including the City's engineer. City engineering plays a critical role in the mold remediation oversight and implementation because the physical school buildings are owned by the City, and thus the City's engineer, as the "owner's representative," is ultimately responsible for overseeing the mold remediation.

In July 2019, the Mold Task Force's scope was expanded after the third-party management company then engaged for facilities management (ABM) was terminated for incompetence and mismanagement. It was renamed the Stamford Asset Management Group (SAMG) and assumed "in-house" management responsibility for all twenty-one school buildings. The SAMG's primary objective became to serve as a working group where the City and Board could work collaboratively to manage the district's capital projects and maintenance issues. The SAMG is comprised of the Superintendent, the City engineer, the Mayor, and the Mayor's special assistant. In July 2019, the Board approved the hiring of a facilities manager whose responsibility was to oversee the facilities operations in the City's twenty-one school buildings – real estate that consists of approximately 3 million square feet – and to oversee the hundreds of facilities staff who carry out the day-to-day school facilities operations. In February 2021, two Director-level facilities positions were filled in the Administration (Director of Facilities (Operating) and Director of Facilities (Capital)) as the management-level positions for in-house facilities and capital projects oversight.

The Board's role in school facilities management is limited by Board Bylaws to policy-making and budgetary approval. (*See* footnote 6, *supra*.) The Board does not have any direct role in managing on-the-ground maintenance for the district's twenty-one school buildings. Indeed, school facilities management is the paradigmatic example of "day-to-day operations" that are outside the Board's purview and instead the responsibility of the Administration, in particular, the Director of Facilities (Operating). As noted, however, the Board does indirectly exercise some control over facilities management by virtue of its budgetary and policy-making authority. The line between where the Board's budgetary and policy-making function ends and where the Administration's handling of daily operations begins is difficult to draw with precision and there are no specific policies that draw this line. (*See infra* Section IV.B (recommending policy).) Accordingly, facilities management has been an area rife with tension and disagreement at the Board level, especially in regard to the Administration's and City's handling of the mold crisis.

B. Alleged Creation of a Hostile Work Environment

Against the foregoing backdrop, the investigation examined allegations that the Board is creating a hostile work environment for the Administration. We identified several general categories of conduct including: (1) unprofessional and disrespectful communications; (2) public criticism and admonishment of the Administration; (3) assumption of bad intent and intentional falsehoods; (4) conduct that is perceived as retaliatory against senior leadership; and (5) conduct

that is perceived as animated by racial or gender biases. The factual findings of the investigation follow.¹³

1. Unprofessional and Disrespectful Communications

Our investigation identified a pattern of conduct by certain Board members whose communications demonstrate a lack of respect, professionalism and collegiality. Certain Board members routinely talk over fellow Board members and members of the Administration, and express questions or concerns in a manner that appears deliberately designed to attack or embarrass rather than to promote productive discourse on matters germane to Board business. Our review of publicly-available video recordings of Board meetings dating to late 2019, as well as e-mail communications, identified numerous examples of unprofessional and disrespectful communications.

As a general matter, the conduct displayed at the Board's Operations Committee meetings was particularly illustrative of the sort of unprofessional and disrespectful communications identified in our investigation. Certain Board members use condescending and rude tones when speaking to Staff members and City employees. For example, at the September 15, 2020, Operations Committee Meeting, two Board members chastised a Staff member for interjecting in the discussion to address concerns raised by Board members directed at her by name. One Board member in a condescending and mocking tone said, "I raise my hand when I want to speak." At that same meeting, a Board member accused the Superintendent of "getting mad" at him for using the word "manpower" and of "picking on her Board members" by taking issue with it. By way of background, at a prior Operations Committee Meeting, the Superintendent had taken issue with a Board member's use of the word "manpower" and asked that the Board member use a different word. Another Board member agreed with the Superintendent and said that he would prefer that the Board member use a different term. The Board President stepped in to reprimand the Board member that had accused the Superintendent of picking on her Board members by saying, "We don't need any more of that . . . you respect everybody else . . . and she will respect you." The Board member responded in a raised voice, "Okay I don't respect anybody, that's great. I always apologize when I'm wrong, I don't hear it from anybody else. This is not a retreat, this is an Operations Committee Meeting and I am making a statement." These interactions created a perceptibly tense and uneasy atmosphere for the meeting.

Staff members also reported that certain Board members frequently question Staff members presenting before the Board in an interrogation manner and with so-called "gotcha" questions. Our investigation revealed several instances where Board members would focus on a detail outside of the scope of the presentation and phrase questions in a leading or accusatory manner. For example, at an Operations Committee Meeting on October 16, 2019, a Board member asked a Staff member to explain an e-mail the Staff member had sent to the Board, and

¹³ Given the political dynamics at play (*see supra* Section II.A.3), we note that the conduct described in this report was attributable to both Republican and Democrat members of the Board. However, as noted throughout the report, the conduct was limited to certain Board members from both political parties, and did not involve the entire Board or all Board members.

walked him line-by-line through his e-mail, questioning each sentence. The Board member's questions were reproachful and he often interrupted the Staff member before he could fully answer the Board member's question. When the Staff member would answer the question and explain the situation, the Board member would refer him back to the e-mail and say, "is that what you meant there? . . . What is your intent when you say . . . ?" The perception by Staff members that reported this incident was that the Board member was trying to embarrass the Staff member at the meeting. The Board member also used interrogation-styled language such as, "if you want to answer the question" when a Staff member did not answer to his satisfaction.

As another example, at a Regular Board Meeting on August 25, 2020, a Board member asked a Staff member in an abrasive tone if she reviewed the data that was provided in the Board packet, implying that she had not. The Staff member offered to meet with the Board member along with the Superintendent to answer any specific questions. Instead, the Board member continued to question the Staff member by saying, "But if you're in charge of a program . . . last year I shared my concerns with you . . . before someone discloses the data on what goes on in Stamford public schools, is it not reviewed by Stamford Public Schools?" When the Staff member did not respond to the accusation, the Board member abruptly said, "You don't have to answer the question, I think I'm all done."

We also identified e-mails from certain Board members to Staff members which displayed similar unprofessional and disrespectful conduct. In general, rude and sarcastic comments were abundant in the e-mails between certain Board members and the Administration, often with their comments publicized gratuitously by the "reply-all" function. For example, on January 17, 2019, a Board member sarcastically started his e-mail to a Staff member – which he replied-all to the Board, several Staff Members and City employees – with, "At first, I did not think that your email deserved a response, but since you as a busy city employee, paid by my tax dollars, took the time out o[f] your busy schedule, and I as [a] Stamford Citizen with no other obligations other than running 3 businesses and a non-paid volunteer member of the Board of Education, [it] was my obligation to respond."

There were several instances where Board members expressed frustration about Staff member's timeliness in responding to parent concerns. One such example was an e-mail from a Board member to a Staff member on March 2, 2021, stating that it was "embarrassing" for the Staff member not to respond to a parent within twenty-four hours. On September 6, 2020, the same Board member admonished Staff members for purportedly not responding to a parent in a timely fashion. In that instance, the Board member forwarded an e-mail from a parent saying, "Can SOMEONE please respond to this parent." In these particular instances, our investigation was unable to credibly determine whether or not Staff members had timely responded to the parent concern. Our investigation did reveal that on a few occasions, however, Staff members were not timely in their responses to Board members and/or parents and confusion amongst Board and Staff members as to who should handle the communications resulted in neglect of parent's questions and concerns. For example, on May 4, 2021 a Board member e-mailed the Superintendent, other members of the Administration, and a City employee about reimbursement of a City Camp Fee for students that attend the summer school program. Receiving no response, the Board member followed up on May 26, 2021. A member of the Administration and a City employee then responded and instructed the Board member where to refer the parents to have their issues addressed. Instead, the Board member gave the Administration and City employee

the parent's contact information and asked them to contact the parent. On June 3, 2021, the Board member e-mailed again that no one had contacted the parent and stated "Why are we NOT following up with parent[s] this [is] embarrassing that we have [a] family struggling and no one helps. . . . It's been over a month." The Staff member and City employee responded again explaining where to refer parents with similar questions and also to notify the Board member that they contacted the parent that day to explain the process to them as well. The e-mails then devolved into both parties casting blame on the other.

Similar timeliness issues arose in connection with the Administration providing Board members information necessary for Board packets.¹⁴ On one occasion, a Staff member sent information to the Board secretary that did not make it into the Board packet on time, which required the submission of a revised packet. A Board member called the Superintendent accusing the Staff of "incompetence." In response to concerns about timeliness of providing information to the board, the Administration appears to have remedied this concern by meeting every Friday to go over the Board packet to prevent late submissions.

It is our perception that the problem is not so much that Board members express criticisms, but rather it is the way in which certain members express those criticisms. For instance, the criticisms observed about the delays in responses to parent complaints and the timeliness of Board packets are legitimate concerns. However, the tone certain Board members have used is accusatory and aggressive. Certain Board members have been quick to jump to conclusions and immediately accuse Staff members of dereliction of their duties.

It was also reported to us by multiple Staff members that they feel reluctant to present before the Board because of unprofessional and disrespectful conduct exhibited by certain Board members. Staff members have felt the need to overly prepare for Board meetings in an attempt to predict how they may be criticized by Board members. At the same time, it was reported that no matter their level of preparation, Staff members were regularly challenged with unanticipated "gotcha" questions or criticisms that appear designed to humiliate, demean, or intimidate. It is evident from our review of the Board meeting videos that this type of conduct created a tense meeting environment, deteriorated the productivity of Board meetings, and needlessly wasted time and resources that could have been spent more productively on Board and district business.

2. Public Criticism or Admonishment of the Administration

The Board is accountable for selecting and evaluating the Superintendent of Schools. (Bylaw 9011.) The Board's evaluation of the Superintendent occurs at the Board's annual retreat in June and by contract is discussed in executive session unless the Superintendent requires that

¹⁴ Relatedly, the Board is responsible for considering the "continuance" of programs, which requires information (disseminated in the Board packet) to evaluate the effectiveness of the programs. A Board member interviewed expressed her opinion that the Administration could disseminate this information earlier in the budget process to allow the Board adequate time to make informed decisions on whether to continue to fund certain programs. When asked about this during the investigation, the Superintendent expressed surprise about this concern and we did not see anything in Board meetings that reflected that this was a discussed issue.

such discussion be held in open session. (*See* Employment Contract for Superintendent of Schools Sec. 7. Evaluation (June 23, 2020).) Therefore, the Board’s evaluative comments and criticisms must be kept confidential in executive session unless the Superintendent elects to make them public. However, several Board members have authored editorials in the *Stamford Advocate* criticizing the Superintendent. The *Stamford Advocate* is a seven-day daily newspaper based in Stamford, Connecticut that circulates in Stamford and nearby Connecticut towns, with a significant online presence. Accordingly, editorials published in the *Stamford Advocate* are widely disseminated.

On April 29, 2020 – just weeks before the Board was scheduled to conduct its confidential evaluation of the Superintendent – three Board members authored an editorial entitled, “A progress report on superintendent.” The editorial states that “in preparing for [Dr. Lucero’s] official evaluation, some of the Board of Education (BOE) members need to set the record straight.” The article discusses the authors’ “ongoing concerns with Dr. Lucero’s lack of leadership” and blames Dr. Lucero for several issues, including a perceived imbalance of political power on the Board. After setting forth its criticisms, the editorial concludes that “[a]s the BOE prepares for Dr. Lucero’s evaluation in May, we feel it is important to inform you, the community, of these communication and transparency issues.”¹⁵

The April 2020 editorial was not the first public appraisal of Dr. Lucero’s leadership by Board members. One month prior, on March 19, 2020, a Board member authored another *Stamford Advocate* editorial entitled, “Silent majority and BOE budget concerns.” In that article, the Board member publicly criticized the Superintendent’s performance:

It is clear that Superintendent of Schools Tamu Lucer[o] could be more conscientious about the Stamford economy and the hardship a 6.5 percent BOE budget increase would mean for all taxpayers and our community. She also has made several decisions that have and continue to cost us more money as taxpayers

...

* * *

I’m not sure Dr. Lucer[o] understands this as a first-year superintendent. I would ask as taxpayers and as the silent majority, that we begin to hold her much more accountable and expect more from her as one of the highest paid superintendents in the state.

Our investigation also revealed many instances of Board members publicly criticizing and admonishing Staff members. At public meetings, Board members often made accusatory statements without notice and with no apparent evidence to substantiate their assertions.

For example, at an Emergency Board Meeting on September 4, 2020, a Board member accused the Superintendent of not having a timeline in place to reopen schools during the COVID-19 pandemic and of not “walking” the school buildings, suggesting that the

¹⁵ On May 6, 2020, five Board members authored an editorial entitled, “Support for Lucero,” which repudiates the claims in the April 29, 2020 editorial, calling the accusations “baseless and confused.”

Superintendent was not adequately “present” in the district’s schools. However, we received credible reports that the Superintendent and her Staff regularly visit schools. Additionally, other Board members at the meeting did not appear to agree with the Board member that had an issue with the Superintendent’s timeline to reopen schools. The Board member’s accusatory tone was persistent despite the lack of other Board member support for the criticism and credible evidence that the Superintendent did, in fact, have a timeline in place to reopen schools (as required by state directive, *see supra* Section II.A.5.).

Board members have also criticized the Administration in e-mail communications with teachers and parents. In one e-mail to a teacher, a Board member said, “sadly due to poor leadership, we now have bigger issues. . . . This sup[er]intendent and her team are about to see what happens when planning is not done well. I’m so sorry that you and your colleagues are even having to deal with these details.” This was one of many e-mails the Board member sent with similar language blaming the Administration, and promising that they are going to “see what happens.” As another example, a Board member wrote to a Stamford Public School media specialist whose role was under consideration for elimination, “It is a real shame this BOE and superintendent and associate superintendents don’t understand what an essential gift this has been in my lifetime!!!” referring to the media specialist role in the school system. We also identified Board member e-mail communications criticizing the Administration that went to parents and members of the general public. (*See infra* Section II.C.1.)

3. Assumption of Bad Intent and Intentional Falsehood

Our investigation revealed a general climate of distrust between certain Board members and the Administration. When Staff members present information at public meetings, certain Board members often suggest – without evidence – that the Administration is providing false information to the Board. Based on our review of the evidence, including Board meeting videos and various witness interviews, there appears to be no basis for this assumption of bad intent and intentional falsehood. Indeed, we did not find any information suggesting that Staff members disseminated false information to the Board, much less intentionally so.

Additionally, there is the perception among Staff members that certain Board members are deliberately asking “gotcha” questions to try to provoke the Administration into saying something inaccurate on account of not being prepared to address the question. We heard from multiple witnesses that the answers to Board member questions are often complicated and require additional research and follow-up. However, Board members routinely insist on immediate answers that are not feasible to provide because there is no simple answer. This often leads to conflict and aggravates the climate of distrust.

One meeting that particularly demonstrated this distrust was the Regular Board Meeting on September 24, 2019. During a discussion of the summer school program, Board members made various comments directed at the Administration such as:

Board Member 1: Our suggestions are never taken into account. Never. And it’s disappointing to me. . . . Our opinions go in one ear and out the other. . . . It’s like the wool is pulled over our eyes.

Board Member 2: Maybe if we got the facts correctly. . . . Bottom line is what I have been saying for the past couple months, is the information should be coming to us at the 30,000 foot level basically the way it should be, unedited, unbiased. . . . Bottom line is, give us the right information and we will make the right answer.

The response to COVID-19 has been a particularly contentious topic between the Board and the Administration. (*See supra* Section II.A.5.) Although the Board does have a legitimate role in examining and discussing this issue in the context of their policy-making and budgetary functions, Board members frequently raise their concerns by impugning the integrity and forthrightness of the Administration without basis. Board members often received complaints from teachers and would blame the Administration at public Board meetings without fact-checking or giving the Administration an opportunity to address the issue. For example, at the Special Operations Committee Meeting on May 5, 2020, a Board member said that she was “surprised that our leaders would put our staff at risk like that” in reference to opening the buildings during COVID-19. Later, at an Emergency Board Meeting on September 04, 2020, the same Board member accused the Superintendent of lying about the personal protective equipment (PPE) in the schools. The Board member used the complaints from teachers to definitively state that, “PPE is not in all of these buildings.” We found no evidence to substantiate the Board member’s assertions that Dr. Lucero deliberately misrepresented the availability of PPE in the schools. While we were unable to determine whether there may have been PPE shortages in certain school buildings at certain times (which would be unsurprising on occasion given the nationwide shortages of PPE during the pandemic), we did determine that the school district had a weekly delivery system and process in place for teachers to request more PPE from their principals or custodians. During the meeting, other Board members intervened and reprimanded the Board member for accusing the Superintendent of lying. The Board member, however, continued to accuse the Superintendent by saying, “We were led to believe that everything was ready. . . . I feel we have been given half-baked answers. . . . We shouldn’t have been told half-truths.”

4. Conduct That Is Perceived as Retaliatory Against the Administration

Our investigation revealed several accounts of antagonistic relationships between individual Board members and individual Staff members. These situations then gave rise to certain conduct by Board members that was perceived by Staff members as retaliatory.

For example, in late 2019, a Staff member made a Human Resources complaint against a Board member. Since the investigation of the complaint concluded, the Board member refuses to address his questions and comments to this Staff member directly and instead exclusively speaks through the Committee Chair or Board President. Although this conduct could be considered well-intentioned to avoid misunderstanding that might prompt another complaint, it is done in a way that seems inauthentic and disrespectful because of the Board member’s tone and demeanor. Additionally, shortly after the Human Resources complaint investigation concluded, this Board member approached the Superintendent to discuss cutting an Associate Superintendent position. While the timing suggested that the Board member was trying to have that particular Staff member’s position eliminated, this was not corroborated by any other evidence in our investigation and no action was ultimately taken.

There were also reports of an interaction between an individual and a Staff member that led to a perception of retaliatory actions against the Staff member by a Board member familiar with the interaction. Soon after the interaction, at an Operations Committee Meeting on August 20, 2019, the Board member asked the City Engineer pointed and sarcastic questions clearly alluding to the interaction between the individual and the Staff member. In the Board meeting videos reviewed since this interaction, the Board member routinely asked interrogation-styled questions of the Staff member with a generally aggressive demeanor.

In November 2020, the same Board member attempted to interfere in the hiring process for a Cabinet-level position for which the same Staff member was a candidate. Board members have a limited role in the hiring of Cabinet-level positions. The Superintendent is responsible for identifying candidates for hiring and promotion to such positions, subject to a final interview and approval vote by the Board. The Board does not write job descriptions – those are written by the Human Resources Department and later approved by the Board. On this occasion, a Board member sent an e-mail to members of the interview committee for that Staff member to suggest qualifications and credentials for the position. The Board member particularly emphasized qualifications which would exclude the Staff member. However, the job description and Board approval was already completed and candidate interviews were underway. In the e-mail, the Board member also stated, “for the sake of the city and the schools, choose an individual not because of your personal relationship with that person, but because it’s the right person for the job.” This message implicitly referenced the Staff member who had a “relationship” with the Administration as a current employee. Not only was the e-mail an inappropriate interference in a confidential interview process (as noted by another Board member in her response to that e-mail), but it was also targeted at the Staff member involved in the above-described incident.

At a Special Board Meeting on July 1, 2020, a Board member proposed to eliminate an Associate Superintendent position in order to fund a non-Cabinet level position. In order to suggest new positions in the budget, Board members have to find funding for that position by recommending cuts or reallocations of other items, which the Board member properly did in making this budget proposal. However, several Staff members perceived this specific reallocation as retaliatory toward the Administration, because in context, the Board member that proposed cutting an Associate Superintendent position was the same Board member that authored the March 19, 2020 editorial in the *Stamford Advocate* discussing the “oversized team of administrators at central office” and the lack of “an experienced secondary central office administrator.” This perception was furthered by the comments the Board member made at the meeting about why she wanted to reallocate funding, including: “I don’t think this district needs a top-heavy central office”; “I believe the foundation is crumbling, and we don’t need more people at central office”; “This district is going to start to crumble, I can guarantee it”; and “I believe our Associate Superintendents, as wonderful as they are, I don’t believe they have that depth and knowledge that we need to get us through this time period.” This perceived retaliation against the Administration added even more animus to the general unprofessional and distrustful relationship between the Board and Staff members.¹⁶

¹⁶ We are not suggesting that the Board member acted improperly by making a budget reallocation proposal, or by expressing her opinion about the central office. We highlight this issue only because the Board member’s proposal to eliminate an Associate Superintendent

5. Conduct That Is Perceived as Animated by Racial or Gender Biases

The City of Stamford is among the most ethnically diverse cities in America. The Stamford Public Schools, as one of the largest employers in the city, has an extremely diverse staff and student body. Roughly seventy percent of the Stamford Public School population is comprised of minority students, with Hispanic students making up the largest racial/ethnic group representing roughly forty-six percent of the current enrollment.¹⁷

There is a perception shared by Staff members that individuals are treated differently at Board meetings on account of their race and/or gender. Generally, there is the feeling that the same presentation by a white male would not get the same scrutiny as a presentation of identical material by women generally, or women of color. For example, when a female Staff member gave a presentation on Advanced Placement (AP) course elimination, she received heavy questioning and criticism and Board members were unreceptive. However, when a male principal conveyed the same information, there was no questioning or criticism and Board members were receptive. Additionally, one female Staff member of color – who frequently presented to the Board on outreach and intervention programs – was routinely scrutinized with critical comments from Board members in a manner not generally seen in response to presentations by other non-minority and/or male Staff members.

On the other hand, it was noted that many of the female and minority Staff members are responsible for historically controversial subject matters such as summer school, outreach and intervention programs (*e.g.*, DOMUS and Family Advocate), and school discipline programs. Therefore, the perceived disparate treatment could be attributed to the message, and not the messenger.

One Board member in particular has made several comments regarding race, ethnicity, and gender that have been perceived by Staff and Board members as inappropriate. We in no way question that individual Board members have First Amendment rights and are entitled to their opinions. However, we are highlighting the way the other hostile and unprofessional conduct, previously discussed in this report, has led to a climate of distrust and a perception of bias when these statements are made. For example, at a Teaching and Learning Committee Meeting on February 9, 2021, the Board discussed the new Bilingual Program. The Board member, in expressing her concern over who would fund the program stated, “Is this coming out of our taxpayer dollars? . . . Because you open the gates and get all of Central American, Southern American, and South America in here, who is going to pay for it?” Other Board members shook their heads in disapproval, and one Board member immediately rebuked the comment by saying that it did not matter where their students were from. In response, the Board

position within the context of the other conduct observed in the investigation was perceived as retaliatory against certain Staff members (although we found that concern to be not substantiated, *see infra* Section III.A.4.).

¹⁷ This data is from the October 1, 2020 Enrollment Report, available at https://www.stamfordpublicschools.org/sites/g/files/vyhlf3841/f/uploads/memo_october_1_enrollment_report.pdf.

member stated, “Well, let’s at least put it out there . . . it’s the taxpayer that ends up paying for it.”

By way of further example, at a Regular Board Meeting on February 23, 2021, in discussing the new Transgender Policy, the same Board member expressed her concern that non-transgender students may feel uncomfortable with the policy. Her statements included:

Students who may feel uncomfortable with the bathroom or locker room situation, is there an option for them to opt-out so that they do not have to feel uncomfortable? . . . I’m not talking about those who are declaring that they are trans. . . . My concern is you can declare it, but we may still be dealing with situations that are very awkward for students using bathrooms or locker rooms. . . . A majority of people aren’t trans. . . . I just want to make sure that the majority students still have their rights . . . so that they don’t have to feel uncomfortable in a situation. . . . Being an athlete myself . . . I would not feel comfortable personally . . . I would want to be in a separate situation. . . . It is one thing giving them rights, but what about for the majority?

A Board member tried to clarify what the Board member who expressed her concerns meant and said, “Who is *them*? They are *all* our students.” Another Board member had to also remind the Board member that the Policy at issue was specific to transgender, non-binary, and gender non-conforming youth, not to everyone, and that they should focus on what the policy is meant to address.

That same Board member also has made comments reflecting concerns over “reverse racism.” For example, in discussing the CREC Teacher Residency Program, a diverse teacher hiring initiative, the Board member asked whether individuals would be able to interview even if they were not a person of color, and indicated that they should be able to get the most qualified candidates. The Staff member had to re-explain to the Board member that the purpose of the program was to increase minority hiring, and that there were qualified minority applicants.

Prompted in part by these comments, the Board has started implicit bias training in conjunction with the Board’s new Equity and Diversity Policy (*see supra* Section II.A.3.). The first workshop happened on May 4, 2021, and the second on June 1, 2021. The workshops are facilitated by the Connecticut Center for School Change. All the Board members attended and participated in the first workshop, including by discussing each other’s experiences with implicit biases. Only one Board member missed the second workshop, but the other Board members maintained active participation in the session.

C. Alleged Improper Operational Interference

The investigation also examined allegations that the Board is interfering in the operations of the district by engaging in a range of conduct in alleged violation of Board policies, including alleged: (1) inappropriate involvement in parent and teacher complaints outside the established “chain of command”; (2) unauthorized visits to school facilities; (3) inappropriate requests for data from Staff members by individual Board members; (4) inappropriate use of social media by

Board members; and (5) improper interference in day-to-day operational responsibilities. The factual findings of the investigation follow.

1. Disregard for Proper Chain of Command

The Board's policies reference a "chain of command" that should be used in all cases of complaints or inquiries made to individual Board members. For example, the policies require Board members to "[r]efer all complaints through the proper chain of command within the system." (Bylaw 9271.18.) Policy further requires that "[c]onstituent inquiries about a child must not be answered by individual Board members. Inquiries about a policy or practice must be referred to the 'chain of command.'" (Bylaw 9271.19.)

The Board's bylaws require the use of the "chain of command" to streamline communications and avoid confusion when resolving concerns from parents, teachers, and district employees. Unfortunately, the Board's written policies do not establish the "chain of command" with precision. As a matter of practice, however, our interviews with Board and Staff members indicated that complaints from teachers and parents alike were supposed to be directed to the responsible member of the Administration, usually the Associate Superintendent with responsibility over the subject matter of the complaint.¹⁸ The Staff member receiving the complaint is responsible for delegating the tasks required to resolve the issue and follow up with the complainant. Our investigation identified numerous instances in which that practice was not followed.

Board Member Intervention in Teacher & District Employee Complaints.

The investigation revealed numerous instances in which Board members received complaints directly from Stamford Public Schools teachers and district employees. In many of those instances, the Board member receiving the complaint would attempt to intervene directly to address the complaint, rather than referring the complaint through the proper chain of command. For example:

After the onset of the COVID-19 pandemic, a Board member who received a complaint from teachers about a lack of PPE in schools (*i.e.*, face masks and disinfectants) intervened personally to address the complaint. Specifically, the Board member e-mailed Staff members to ask where she could go to pick up masks and hand them out to teachers herself. To address the Board member's concerns, a Staff member spent several hours showing the Board member the warehouse of PPE and cleaning supplies maintained by the district and describing the weekly delivery system and process in place for teachers to request more PPE from their principals or custodians.

Certain Board members appeared to encourage complaints from district teachers and employees. For example, a review of a Board member's City-domain e-mail showed that a

¹⁸ This process of complaint resolution, through which Board members are expected to forward complaints directly to the Associate Superintendents in the first instance, was informally encouraged by the Superintendent early in her term to encourage open lines of communication between the Board and the Administration.

kindergarten teacher e-mailed that Board member “in confidence” to tell her that the Administration’s statements about elementary school readiness were allegedly “not true.” As discussed above, the Board member promised the teacher that “[t]his superintendent and her team are about to see what happens when planning is not done well. I’m so sorry that you and your colleagues are even having to deal with these details,” implying that the Board member intended to resolve the complaint directly with the Administration on the teacher’s behalf. In a separate communication to the same Board member, another teacher complained about the Administration’s decision not to establish fully remote learning. The Board member asked the teacher to “please call me” and added “I have some ideas!,” implying that the Board member intended to directly intervene to resolve the teacher’s concerns.

That same Board member’s outspoken conduct at meetings appears to have inspired other teachers and district employees to come forward with complaints about the district’s decisions with respect to COVID-19 control in the fall of 2020. For example, a teacher reached out by e-mail to “confide” in this particular Board member specifically because “I like the questions you ask and the statements you make.” These statements were followed by a lengthy complaint regarding the teacher’s concerns about the district’s COVID-19 policies and doubts about the district’s leadership. As discussed below, this has become a common pattern of behavior as teachers appear to perceive that complaining to certain Board members will result in Board members taking action to resolve the complaint with the Administration directly.

Board Member Intervention in Parent Complaints.

Our investigation identified that Board members routinely intervene to try to resolve the complaints of individual parents without regard to the “chain of command.” To be clear, it is not against policy for Board members to communicate with parents, and to assist with addressing parent concerns. Indeed, the public expects that their elected officials are accountable and responsive to their questions and complaints. However, Board members are expected to refer parent complaints to the chain of command for the Administration to handle, rather than involve themselves directly in the resolution of those complaints. For example:

A parent of a Westhill High School student wrote a detailed message to a Board member expressing displeasure about the suspension of that school’s principal during the onset of the COVID-19 crisis. The Board member responded that “those on the BOE who are here to represent you need your help” and asked the parent to “please call me about details this evening,” but did not refer the concerns to a Staff member or the Superintendent despite the parent’s message being detailed enough to permit such a referral.

Parents frequently reached out to Board members to express concerns with their children’s assignments to hybrid and/or distance learning – an understandably contentious issue during the pandemic. Certain Board members frequently intervened directly to address the concerns, rather than referring them through the proper channels. For example, a Board member intervened at the request of a parent by directly e-mailing the district employee responsible for the assignments (rather than the Associate Superintendent to whom that district employee reported), asking the district employee how the decisions are made to transfer from hybrid to distance learning and “[w]hat are some of the reasons we deny parents requests.” In response,

the district employee transferred the student to the virtual learning program per the parent's request.

In another instance, a Board member who was copied on an e-mail chain between a parent and several Board and Staff members (and the Superintendent) replied to the parent's concern by directing the Administration to "[l]et the child return five days a week," because, in her opinion, failure to do so "could be looked at like a denial of FAPE," a reference to compliance with special education laws.¹⁹ The Board member in that e-mail further admonished the Staff member, asking, "Why didn't anyone respond to this parent? This is embarrassing." The same Board member, on another occasion, repeated the sentiment that the Administration's conduct was "embarrassing" on an e-mail addressed to the Superintendent and several Staff members because the Administration's response to the Board member about a parent inquiry about summer camp fee refunds was delayed (*see supra* Section II.B.2.).

Our investigation also revealed instances in which other Board members did refer complaints through the appropriate chain of command. For example, a Board member received an e-mail from a parent concerned about the plans for hybrid learning, and promptly informed the parent that the appropriate Associate Superintendent had been notified. Another Board member received notice that a family was having trouble accessing the EBT benefits provided by the district, and notified the responsible Associate Superintendent. Thus, it appears that certain Board members make an effort to abide by the spirit of the applicable policies regarding the "chain of command" for parent complaints.

Board members encouraging a culture of insubordination or complaint.

The above-discussed practice of teachers and district employees bringing complaints directly to Board members appears to arise in part out of expectations created through Board member conduct. For example, a Board member boasted of being the "voice" of classroom teachers during public Board meetings, in an apparent reference to her frequent communications with teachers and district employees concerning their personal complaints. Our investigation confirmed several instances of teachers and district employees reporting to this Board member in confidence and without the knowledge of the Administration, apparently believing this Board member to be their "voice." Members of the Administration reported that during visits to schools (*see infra* Section II.C.2), they were told that Board members would directly question school principals on whether they felt "supported" by the Administration and also asked whether they had concerns. Because of concerns about the confidentiality of the investigation while it was ongoing, we were unable to independently corroborate whether these incidents occurred.

A Staff member also reported that a Board member routinely solicited and received complaints from disgruntled custodians and teachers regarding the physical condition of school buildings, especially in those buildings where mold was present. Although that same Board

¹⁹ "FAPE" refers to the "free appropriate public education" under Section 504 of the Rehabilitation Act of 1973, which requires a school district to provide "free appropriate public education" to each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. 29 U.S.C. § 794.

member frequently visited schools and, at public Board meetings, referenced complaints he received from custodians and teachers to imply that Staff members responsible for district facilities were not adequately performing their duties, we were unable to independently corroborate the assertion that the Board member solicited the complaints in the first instance. We also received several credible reports and reviewed documents corroborating that certain Board members personally intervened regarding a formal complaint against the district regarding a teacher's exposure to COVID-19, which the teacher alleged took place in the classroom.

2. School Visits by Individual Board Members

In general, Board members do not have special privileges to visit or inspect the district's public schools. Board policy provides that members must "make arrangements for visitations through the administrators of the various schools" and that "[s]uch visits shall be regarded as informal expressions of interest in school affairs and not as 'inspections' or visits for supervisory or administrative purposes." Such a policy is intended to reduce the disruption to school operations that may result when Board members make unscheduled visits. Furthermore, "[o]fficial visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the Superintendent, building administrators and other supervisors." (Bylaw 9030.)

Our investigation revealed multiple instances of this policy on school visits not being followed. Departures from this policy occurred primarily by a handful of Board members who repeatedly visited school grounds without authorization. For example:

A Board member at a public meeting stated that she performed a three-hour walkthrough of Westhill High School and "was highly disappointed" in the shape that she saw the school. At the same meeting, another Board member stated that he was at the same school building the previous weekend, and the HVAC conditions seemed "stuffy" to him. We did not find evidence of "Board authorization" and "the full knowledge of staff, including the Superintendent, building administrators and other supervisors" prior to these school visits by Board members.

The same Board member who performed a three-hour walkthrough also posted on social media (specifically, a Facebook group called "Stamford Community Supporters for Students, Teachers, Families & Schools") that she intended to visit every school, and identified in those posts two other Board members who were making school visits around the same time in the fall of 2020. On another occasion, that Board member posted to Facebook that a second Board member would be "visiting schools with a ruler next week," and that parents should "contact him regarding 6 feet, 3 feet, and no space." The Board member further stated "I'll bring my white glove and check on the cleanliness," evidently demonstrating an intent to inspect the compliance with COVID-19 cleanliness and distancing standards.

In addition to the visits by Board members themselves, one Board member at a public meeting threatened a Staff member that he would use his "connections" to have the City do "random inspections" of the fire alarms for which that Staff member was responsible. Our investigation did not identify whether or not any such inspections occurred.

During the above-described school visits, principals of the visited buildings would have to spend significant time escorting the Board members and addressing their concerns. On one occasion, a school security officer notified the police that an unauthorized visitor – a Board member who the officer did not recognize – was trespassing on school grounds. This incident prompted the Board President to remind all Board members of the policy on school visits, including the importance of arranging the visit with school administrators in advance.

3. Requests for Data or Information by Individual Board Members

Board policy provides that Board member requests for information “should be made directly to the Superintendent or his/her designee” and if the information already exists or can be easily gathered, the Superintendent will provide the information to all Board members. (Bylaw 9325.5.) But if an individual Board member requests information that does not already exist and/or is “difficult to obtain” and the “Superintendent determine[s] that the value of the information to the District [is] insufficient to justify the time or cost of obtaining it,” the Superintendent “shall bring the request to the Board, with an estimate of the time/cost of responding to the Board member’s request.” Once an estimate has been provided by the Superintendent, “the Board will direct the Superintendent to provide, or not provide, the requested information.” (Bylaw 9325.5.) Recognizing the potential for inefficiency and confusion that would result if the Board and Administration were to share overlapping authority over detailed administrative work, the Board’s bylaws further provide that the Board is to “concern itself with broad questions of educational policy, and not with administrative details.” (Bylaw 9000; *see also* Bylaw 9040.2, 9040.12.)

Our investigation identified multiple instances in which the Board’s policy on information requests was not followed, and Board members attempted to monitor administrative details through data requests. One particular Board member accounted for the vast majority of such requests. That Board member frequently insisted on obtaining detailed data reports from individual Staff members on obscure and difficult to obtain topics, at times requesting that the information be provided for the Board member’s individual use rather than disseminated to the entire Board in the Board packet. The Administration frequently provided the requested information without referring the request to the Superintendent or obtaining the approval of the full Board, at considerable costs in terms of time and resource commitment. For example:

One Board member made repeated requests for data from specialized student performance reporting software,²⁰ apparently due to her dissatisfaction with the Superintendent’s high-level summaries of student performance data, and the Board member’s apparent deeply-held belief that she could use very granular level data (*e.g.*, data reported out at the classroom level) to identify areas of deficient student performance.

Our investigation identified several Board meetings and e-mail chains in which the appropriateness of such requests were discussed. In general, the Administration appeared to struggle with providing such data and informed the requesting Board member that the level of

²⁰ The reports sought by this Board member came from commercially available software programs known as “Dibels,” “Symphony Math,” and “Lexia.”

detail required would take time (*e.g.*, for one such request, up to an entire day of research time by a member of the district’s research staff). The Board member was generally unsympathetic to the significant effort required to obtain the data requested. On at least one occasion, the Board Steering Committee denied the Board member’s request for Dibels, Lexia, and Symphony Math data due to doubts about whether the full day of staff research time required to fulfill the request would have been an effective use of district resources.²¹

Aside from the recurring requests for software reports from that particular Board member, other Board members on occasion made extremely detailed requests for data from the Administration. Our investigation identified one occasion in the fall of 2019 when a Board member showed a particularly strong interest in a program known as “Spring Board,” which involved weekly parent workshops. That Board member asked the Superintendent personally to provide copies of sign-in sheets for the weekly workshops, in an apparent attempt to corroborate the attendance data reported by the Superintendent at Board meetings. The Board member requested further data on student attendance at the individual classroom level, and cost information “down to the penny,” including vouchers, purchase orders, and other supplemental documentation to substantiate the costs of the program. The Board member did not provide any specific reason for requesting such detailed information. Our investigation determined that the Administration expended significant effort in obtaining this highly granular information at the behest of the requesting Board member.

Members of the Board’s Operations Committee also contributed to the above-discussed issues regarding information requests. The Operations Committee oversees various operational functions of the district, such as transportation, security, food service, and information technology. Most significantly, the Operations Committee oversees policies and budgetary decisions regarding the physical facilities of the district’s schools. However, certain members of the Operations Committee appeared to conflate the Committee’s policy and budgetary oversight over school facilities with *operational* control over those facilities – as reflected in those members’ repeated requests for detailed data on the day-to-day maintenance of the district’s facilities. For example, our investigation identified several instances in which an Operations Committee member requested detailed reports of comprehensive lists of maintenance projects from district facilities managers. In practice, such reports were not used for any productive purpose at Board meetings, despite the significant time commitment required to compile the requested data on each ongoing project. Certain Operations Committee members were particularly interested in the above-discussed mold issues, and often demanded highly detailed reports on the humidity levels in school buildings (including those with no known humidity problem). The lack of any clear policies expressly setting forth the Operations Committee’s role appeared to contribute to the misperception that the Operations Committee controls school day-to-day facilities management.

²¹ That Board member’s enthusiasm for detailed data appeared to be encouraged by her interactions with certain parents and members of the public. For example, the member maintained an e-mail correspondence with a parent regarding the “Lexia” program in which the parent promised that the program would allow her to “collect daily and weekly data on every student in the district” if adopted district-wide. This apparently led to an effort by the individual Board member to persuade district teaching and learning staff to use Lexia for data reports.

The Operations Committee did have several areas of legitimate concern that may have contributed to the above-discussed conduct. For example, Board and Staff members reported that the district had invested over \$24 million to renovate Westover Elementary School, only to find that the renovation failed to remediate the mold problem that prompted the renovation project. Lacking a formal policy setting forth the guidelines for the policy-making and budgetary role of the Operations Committee, certain Board members appear to have responded to the renovation setbacks by attempting to exert closer operational control over facilities management.

4. Board Member Communications via Social Media or Mobile Device

There is no Board policy expressly regulating the use of social media by Board members. However, there are policies that require individual Board members to support the decisions of the Board, and implicitly prohibit members from speaking out in circumstances that could be construed as speaking for the whole Board. Board members “shall not lend the impression that we are speaking on the Board’s behalf unless that authority has been so delegated.” (Bylaw 9005.) Board members are also responsible for working with the Superintendent to “conduct an active and comprehensive program throughout the school district and community for the prompt dissemination of information about decisions made at all Board meetings.” (Bylaw 9020.) Board policy sets forth several channels of approved communications, including “[p]ress releases, action reports posted with the City Clerk, the SPS website, Parent Link and meeting videos.” (*Id.*) Notably, social media is not listed as an approved method of communication.

Our investigation identified two Board members who appear to frequently use social media, specifically Facebook, to communicate directly with Stamford parents and discuss district business. For example, a Board member in August 2020 posted to the “Stamford Community Supporters for Students, Teachers, Families & Schools” public Facebook group on multiple occasions to comment on the re-opening of schools, and would hold informal “pop up” Facebook sessions with parents regarding relevant topics such as the reopening of schools and approval of annual budgets. Those posts by the Board member generally did not expressly criticize Board decisions or the Administration, but some were critical of Board decisions or processes. Posts by parents and community members critical of the Board and Superintendent occasionally appeared in the same message threads in response to the member’s comments.

On several occasions in and around September 2020, that Board member would post to the “Stamford Community Supporters” Facebook group to announce that she would be visiting school buildings, promising that she would visit all schools. On another occasion in the fall of 2020, that Board member made a post that expressly stated that Board members “were not asked or assigned schools to visit,” and that her visits were “by choice.” That same Board member made another Facebook post tagging a second Board member, promising that the second member would be “visiting schools with a ruler,” in an apparent reference to the 6-foot social distancing requirements implemented in school buildings. In the same post, the Board member promised to “bring my white glove and check on the cleanliness.” (*See supra* Section II.C.2.)

Numerous Staff and Board members also reported that certain Board members communicate in “real time” via text message with members of the public during Board meetings. Additionally, multiple Staff members expressed concern that certain Board members have

repeated – without verification – claims from parents or teachers allegedly received via text message during Board meetings. We were unable to corroborate the assertion that certain Board members publicized allegedly false information from members of the public received via text message during Board meetings.

III. ANALYSIS AND RECOMMENDATIONS

The conclusions and select recommendations drawn from the foregoing factual findings follow. *First*, we examine whether the Board through certain of its members has created a hostile work environment for the Administration. *Second*, we examine whether the Board has improperly interfered with the operational responsibilities of the Administration.

As set forth below, the factual findings of our investigation largely substantiate the two principal areas of concern raised in the March 14 E-mail: certain members of the Board have created a hostile work environment for certain members of the Administration, and certain members of the Board have improperly interfered with the operational responsibilities of the Administration. In so doing, Board members violated several of the Board’s Bylaws with which they are required to comply. (Reg. 1316.1R (“Board members are accountable for compliance with . . . applicable Board Bylaws governing Board member conduct.”).)

A. Alleged Creation of a Hostile Work Environment

Our investigation identified multiple examples of conduct that violates Board Bylaws and substantiates the concerns raised in the March 14 E-mail relating to certain Board members creating a hostile work environment. In the following sections, we have grouped policy violations and concerns raised in the March 14 E-mail under the same general fact headings as previously discussed. We then apply the foregoing factual findings to determine any violations of Board policy and whether each concern raised in the March 14 E-mail has been substantiated.

1. Unprofessional and Disrespectful Communications

Certain individual Board members’ conduct and communications at Board meetings and via e-mail violate Bylaws 9010, 9325.3, and the Appendix to Bylaw 9325 and substantiate several concerns raised in the March 14 E-mail as discussed below.

Bylaw 9010 provides in relevant part that “[n]o individual members of the Board of Education may give orders, reprimand, threaten or intimidate any school employee.” We identified several violations of this policy by Board Members. For instance, the Board members that chastised a Staff member for interjecting to address concerns that were directed at her by name and condescendingly said, “I raise my hand when I want to speak,” were reprimanding that Staff member. As another example, the Board Member that said that he would talk to his “connection” to do “random inspections” of the fire alarm system was threatening and intimidating the Staff member responsible for the system.

Bylaw 9325.3 sets forth the formal parliamentary procedure to which the Board adheres. It provides that the “deliberations of the Board shall be regulated by the rules of parliamentary practice in accordance with Robert’s Rules of Order, unless otherwise provided by these bylaws.” Robert’s Rules is a codification of general parliamentary law. When adopted by an

organization, the rules within it are binding upon the body and constitute that body's rules of order. However, it is apparent that several Board members remain unfamiliar with Robert's Rules despite some training, or simply disregard them. The February 13, 2020 Regular Board Meeting (*see supra* Section II.A.3) exemplifies how meetings have deteriorated because of a lack of adherence to Robert's Rules and general parliamentary procedure. For instance, one particular rule provides that, "[w]hen a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but he must avoid personalities, and under no circumstances can he attack or question the motives of another member." (Robert's Rules of Order, Section 43 Rules Governing Debate.) The shouting match between two Board members that resulted in direct, personal accusations and immature retorts at the February 13, 2020 Regular Board Meeting is only one of numerous examples where the Board violated this specific Rule and, thereby, Board policy.

In addition to following Robert's Rules of Order, there are several prescribed "norms" for Board meetings listed in the Appendix to Bylaw 9325. Several "norms" are consistently not followed, including "[d]on't step on others' talk," "respect the opinion of others," and "[n]on-verbal communications (facial and body language) among and between board members and/or staff must be respectful." (Bylaw 9325 App'x.) Board members routinely talking over others or interrupting presentations or discussion is common throughout the Board Meetings we reviewed, particularly at Operations Committee meetings. Several altercations between Board members and/or with Staff members involve disrespectful facial and body language such as rolling eyes, heavy sighs, or throwing their hands up in the air.

Furthermore, our investigation identified a pattern of Board behavior that demonstrates a lack of professionalism, disrespect, and disregard for societal norms pertaining to decency and collegiality apart from any potential violations of Board policy. Therefore, the following conduct by certain Board members substantiated several March 14 E-mail concerns pertaining to unprofessional and disrespectful communications:

Speaking to staff in an intimidating and demeaning manner. The examples of conduct violating Bylaw 9010 and the Appendix to Bylaw 9325 support this concern. In addition, Board member comments about raising hands to speak, accusing the Superintendent of "picking on her Board members," and saying that it is "embarrassing" that Staff were not responding to parents in a timely fashion were all directed at Staff in a demeaning manner. (*See supra* Section II.B.1.) Even if the criticisms about the Administration's timeliness in responding to parent concerns was legitimate, the e-mails communicating that criticism were aggressive and accusatory. Further, Board members' use of deliberate "gotcha" questions or criticisms appear only designed to intimidate and demean Staff members. This concern is **substantiated**.

Creating an intimidating or bullying work environment for senior leadership. Similar to the concern discussed above, the examples of conduct violating Bylaw 9010 and the Appendix to Bylaw 9325 support this concern. Moreover, the tone of the e-mail communications from Board members admonishing Staff members to respond to parents, the threats to "inspect" work performed by Staff members, and the overall use of interrogation-styled questioning at public meetings has resulted in a bullying work environment for Staff members. This concern is **substantiated**.

Encouraging a culture that fosters emotional distress for some or all members of the senior leadership team. It is evident that the environment Board members create for Staff members who present in front of the Board is distressing to them. We received numerous reports that Staff members dread having to present, that they feel the need to over-prepare for meetings and second-guess their own presentations, and have been brought to tears from the treatment they received at Board meetings. This conduct prompted Corporation Counsel's recommendation that the Superintendent take over Staff members' presentation responsibilities. It was reported that Staff members are generally relieved and grateful to not have to present in front of the Board.²² This concern is **substantiated**.

Accordingly, we find that the conduct of certain Board members has violated Bylaws 9010, 9325.3, and the Appendix to Bylaw 9325 and substantiated the March 14 E-mail concerns listed above.

RECOMMENDATION: In order to improve the Board Meeting environment for both Board members and Staff members, we recommend implementing a formal training on standards of respect and the Parliamentary Process as delineated in Bylaw 9325.3, and the related Appendix to Bylaw 9325. Currently, the Board receives no formal training on Robert's Rules of Order, although parliamentary procedures have been generally discussed as part of the special Board training the City arranged to be conducted by the Board's attorney following publication of the April 29, 2020 Editorial. It is apparent from our review of Board meetings that many Board members do not understand or choose not to adhere to Robert's Rules and do not respect other Board member's authority when they try to explain the Rules. Also, several of the altercations between Board members start, in part, with a violation or misunderstanding of the Rules. Therefore, a comprehensive training for Board members on Robert's Rules of Order would work to preempt many of the pitfalls that happen in Board meetings and that ultimately result in unprofessional and disrespectful conduct. Because of the internal dynamics, we note that this may not be sufficient to change the conduct of this particular Board. Some individual Board members on this Board have expressed a general lack of consideration and respect for fellow Board members and the Administration. Board members frequently do not heed the President's authority to curtail disagreements between Board members. (*See* Bylaw 9271 ("Personal disagreements or disputes between Board members (as opposed to policy disagreements) should be addressed immediately by both members. If they cannot be resolved directly by the parties, the Board President should be called in to help.")) Therefore, we also recommend that, at least for one year, the Board engage a CABA Facilitator or neutral third-party Parliamentarian to attend all Board meetings to regulate conduct. Members of this Board might be more likely to respect the authority of a designated third-party whose sole role is to ensure adherence to Board Bylaws and standards of respect. If, after a year, the conduct improves and a CABA Facilitator or neutral third party no longer appears necessary, we recommend designating a Board member as the "Parliamentarian" of the Board. The Parliamentarian would be the point person on parliamentary procedure and be responsible for advising the Board on those procedures. The

²² At the same time, however, it was also reported that excluding Staff members from Board meetings is not sustainable due to the burdens involved in preparing the Superintendent to present on behalf of her Staff and the risk of marginalizing Staff or minimizing their contributions to the district's operations. (*See infra* Section IV.B.)

designated Parliamentarian should receive additional training on parliamentary procedures and Robert's Rules of Order.

2. Public Criticism or Admonishment of the Administration

The Editorials in the *Stamford Advocate* (*see supra* Section II.B.2.) violated Bylaws 9005, 9030, 9040 and Regulation 2000.1R. The Editorials and other instances of Board members admonishing Staff members at Board meetings and through e-mail communications also substantiate several March 14 E-mail concerns as discussed below.

The formal evaluation of the Superintendent is a primary role and function of the Board of Education. *See* Bylaw 9011. The formal evaluation must take place in executive session, unless the Superintendent requests that it be made public. However, the April 29, 2020 Editorial was published weeks before the official evaluation was to take place and purported to be “[a] progress report on [the] superintendent.” Most directly, the April 29, 2020 Editorial violates Bylaw 9030, which states that “Board of Education members are expected to avoid discussion of: A. Matters that are, or have the potential of becoming, the subject of an executive session.” Further, Bylaw 9040 sets the guidelines that govern the activities of the Board and requires that “Board Members will respect the confidentiality of executive session.” Since the evaluation of the Superintendent is a matter of executive session (unless requested otherwise), and executive sessions are confidential, the April 29, 2020 Editorial directly violates these Bylaws by making public evaluative comments about the Superintendent in a “progress report.”

Additionally, Bylaw 9005 states that the Board will “[i]nsist on regular and impartial evaluation of all staff.” Bylaw 9040 further instructs that “Board members will . . . [not] take any private action which may compromise the Board.” Public evaluations of the Superintendent compromise the Board's impartiality by, among other things, suggesting that individual Board Members have already formed an opinion about a pending evaluation. Further, Bylaw 9005 also provides that “Board members shall not lend the impression that [they] are speaking on the Board's behalf unless that authority has been so delegated.” Although the byline of the April 29, 2020 Editorial states that the authors “intend these comments as personal observations, and not reflective of their status as members of the Board,” the editorial states that “some of the Board of Education (BOE) members need to set the record straight” and “lends the impression” that the authors are speaking on the Board's behalf. At a minimum, the disclaimer was insufficient because other Board members felt compelled to respond with an editorial expressing support for Dr. Lucero. Finally, Regulation 2000.1R (Board-Superintendent Relations) lists the Board of Education's responsibilities, including “[t]o hire, *support*, and conduct an annual formal evaluation of the superintendent of schools” (emphasis added). Generally, the Board should be *supporting* the Superintendent. If a Board member does not think the Superintendent is adequately performing her job, the Board member can express those concerns at the formal evaluation in executive session and ultimately vote to not renew the Superintendent's employment contract. Despite certain Board members making several public evaluative statements critical of the Superintendent's performance in the lead up to the 2020 evaluation process, those criticisms were not reflected in the Board's formal evaluation of Dr. Lucero. Instead, the Board's evaluation was overwhelmingly positive and the Board unanimously voted to renew Dr. Lucero's employment contract.

We also found that the Editorials and other instances of Board Members admonishing Staff members substantiated the following concerns raised in the March 14 E-mail:

Actions by BOE members as a whole or individual that may ruin professional reputation of one or more of the senior leadership team. The March 19 and April 29, 2020 Editorials (*see supra* Section II.B.2.) criticized and accused the Superintendent of a “lack of leadership” and called for accountability since she is “the highest paid superintendent[] in the state.” The Editorials are publicly available and may follow Dr. Lucero throughout her career. Therefore, the Editorials alone substantiate this concern. Additionally, Board members have used “evaluative language” to criticize Dr. Lucero’s leadership in public Board meetings (*e.g.*, criticizing Dr. Lucero for “lack of leadership,” stating that an effective leader would “have a plan,” and accusing Dr. Lucero of “failing to communicate”), despite being counseled in special training sessions not to utilize such language. The Board (not individual Board Members) has the authority to evaluate the Superintendent, but only according to the mandates of Board policy and the Superintendent’s contract. (*See* Employment Contract for Superintendent of Schools Sec. 7. Evaluation (June 23, 2020); Bylaw 9010 (“Apart from their function as part of the unit, the Board member has no individual authority.”).) Criticism in both Editorials and public Board meetings has the potential to impact the Superintendent’s ability to obtain future employment.²³ Furthermore, although we did not identify explicit statements or actions about other individual Staff members, we identified numerous general statements about the Administration’s lack of competency that could be attributed to individual Staff members. (*See supra* Section II.B.4.) The *Stamford Advocate* editorials, comments at public meetings, and disparaging e-mails regarding the Superintendent and Staff to members of the public can have far-reaching negative consequences for the Superintendent and Staff members. The Superintendent and her Staff are all in the education profession. Many associate superintendents aspire to eventually become a superintendent. These public criticisms or admonishments may follow Staff members throughout their careers and may impact their marketability for other positions in other school districts. This concern is **substantiated**.

At public meetings make false and/or inaccurate statements about implementation of curriculum and operations airing in the first instance at public meeting with no notice to Superintendent or staff with no evidence of truth or reckless disregard for truth. Board members frequently raise concerns at public meetings without prior notice to the appropriate administrator or Committee Chair. These concerns could have, and should have, been communicated to the Board President, Committee Chair, and/or the appropriate Administrator in advance of the meeting. *See* Bylaw 9130 (“Significant questions or concerns should be communicated to the Committee Chair and the appropriate administrator in advance of the meeting so a response will be available at the meeting.”). Instead, some Board members appear to deliberately wait until public meetings to raise concerns that are often premised on inaccurate information. For instance, at the September 4, 2020 Emergency Board Meeting (*see supra* Section II.B.2.), a

²³ This concern is perhaps especially pronounced in the case of superintendents of schools given the historically high turnover rate of that position. *See generally* Thomas Glass et al., *The Superintendent Shortage: Findings from Research on School Board Presidents*, 13 JOURNAL OF SCHOOL LEADERSHIP 264 (2003) (reporting turnover of three or more superintendents over a ten year period at 64% of schools surveyed).

Board member continued to accuse the Superintendent and her Staff of not “walking the building” and of not having a reopening timeline in place during the COVID-19 pandemic despite being presented with evidence to the contrary. This demonstrates that the Board member did not fact-check the accusations before they were made and that they were made to criticize the Administration, not to productively improve the situation. This concern is **substantiated**.

Regularly publicly criticize and/or admonish one or more members of the senior leadership team using false or unfounded information. Board members are permitted to voice legitimate criticisms, such as some of the criticisms observed about the Administration’s delays in responses to parent complaints. (*See supra* Section II.B.1.) However, the way in which certain Board members have addressed these criticisms, such as the use of “gotcha” questions and accusing Staff members of falsehoods before fact-checking, is concerning and in part substantiates this concern. This concern is in part **substantiated**.

Accordingly, we find that the conduct of certain Board Members has violated Bylaws 9005, 9030, 9040, and Regulation 2000.1R and substantiated the concerns listed above.

RECOMMENDATION: In order to adhere to the Board’s Bylaws, Board members should not publicly evaluate the Superintendent outside of executive session. Additionally, the importance of maintaining the confidentiality of executive session should be emphasized during Board training. We note that the Bylaws regarding evaluation of the Superintendent and Staff are clear that they must be conducted in executive session and the confidentiality of executive session must be respected. Engaging a CAFE Facilitator or third-party parliamentarian (*see supra* Section III.A.1.) to moderate Board meetings might also help to combat improper public admonishment and criticism and regulate comments that violate the confidentiality of executive session.

3. Assumption of Bad Intent and Intentional Falsehood

Certain individual Board Members’ communications at Board meetings and via e-mail violates Regulation 1316.1R and substantiates concerns raised in the March 14 E-mail.

Regulation 1316.1R requires that “[t]he Board shall establish, foster, support and maintain a ‘no fault’ framework and promote a culture of trust.” However, we found several instances of Board members blaming the Administration and accusing the Superintendent and her Staff of dishonesty. For instance, Board members using general complaints about a lack of PPE to make unconfirmed assertions that “PPE is not in all of [the school] buildings” demonstrates the lack of trust and assumption of bad intent.

When presenting information members of the BOE often suggest that one or more members of senior leadership are giving false information without providing any evidence that the information is not true. We found that certain Board members have suggested – without evidence – that the Superintendent and her Staff are lying. Board members have insinuated, “It’s like the wool is pulled over our eyes,” and “Maybe if we got the facts correctly,” and “We shouldn’t have been told half-truths.” Our investigation did not find any evidence that Staff members deliberately presented false information to the Board, and the Board members interviewed denied having any concern about the veracity of information that the Administration

provides to the Board.²⁴ This conduct oversteps the Board’s appropriate role in holding administrators accountable by instead seeking to damage credibility. This concern is **substantiated**.

Accordingly, we find that the conduct of certain individual Board Members violates Regulation 1316.1R and substantiates the concern discussed above.

RECOMMENDATION: The pervasive climate of distrust and assumption of ill-will is highly disruptive to Board meetings. Gratuitous accusations of falsehoods not only waste time and detract from the Board’s productivity, but they also palpably escalate tensions between Board and Staff further deteriorating those relationships. To be sure, the Stamford Board of Education is one of numerous school boards nationwide that have experienced conflict recently. As school boards across the country grapple with the effects of the global pandemic, board meetings have become battlegrounds where today’s heightened political, social, and economic tensions take center stage, to the potential detriment of educational missions.²⁵ The Stamford Board of Education now has an opportunity to repudiate this trend and develop a collaborative culture that prioritizes the wellbeing of Stamford’s students ahead of personal agendas. To achieve this objective, which is a clear goal of the Board’s current policies, Board members should assume positive intent rather than jumping to conclusions that Staff members are intentionally seeking to mislead. When Board members voice concerns in a tone and manner that needlessly impugns the integrity and competence of Staff members, those communications detract from the potential legitimacy of the concerns raised. Indeed, Board members that assume bad intent are more likely to accuse and interrogate Staff instead of working with Staff to get answers and improve. Questions and concerns would be better received and addressed if they were phrased in a less accusatory and more collaborative light. Additionally, Board members should be encouraged to reach out to the Committee Chair, Superintendent, and/or Staff member liaison for that topic before Board meetings to resolve issues and reach a consensus. This would change the perception that the Staff is “hiding” something and preempt any public “gotcha” questions. This

²⁴ The individual Board members who have publicly suggested, without providing any evidence at the time of making the assertions, that the Administration is deliberately misleading the Board refused to be interviewed as part of this investigation. Therefore, any evidence those individual Board members may have had to substantiate their assertions of falsehood was not provided to us. Because we did not find any independent evidence of falsehoods by the Administration, and the individual Board members did not provide any evidence to substantiate their assertions of falsehood during the public Board meetings, we deem it appropriate to conclude on the basis of our investigation that those assertions were unwarranted.

²⁵ See, e.g., Stephen Groves, *Tears, Politics and Money: School Boards Become Battle Zones*. HUFFPOST (July 10, 2021), https://www.huffpost.com/entry/tears-politics-and-money-school-boards-become-battle-zones_n_60e9e54de4b0e9726ba3048a (discussing examples from school boards in Virginia, South Dakota, Montana, South Carolina, and Pennsylvania where board meetings have devolved into partisan conflicts over issues such as mask mandates and the teaching of critical race theory).

practice would be consistent with the Board's mandate to work collaboratively to "improve the education of our children and to advocate for them and their best interests." (Bylaw 9005.)

4. Conduct That Is Perceived as Retaliatory Against the Administration

Our investigation did not find any facts that would substantiate the following concern raised in the March 14 E-mail:

Retaliatory actions towards one or more members of the senior leadership team. We examined whether the Board, individually or collectively, had taken any retaliatory action against the Administration. Although it was not unreasonable for Staff members to believe they have been retaliated against by certain individual Board members given the timing around the concerning conduct and the tone of voice used at Board meetings, we did not find support for a claim of retaliation.

In regard to the Human Resources complaint by a Staff member against a Board member, we found that the Board member used a disrespectful tone and dismissive demeanor towards several Staff members, not just the Staff member who made the complaint. And although that same Board member approached the Superintendent to discuss eliminating an Associate Superintendent position shortly after the complaint investigation concluded, there was no discussion of eliminating the *specific* Staff member's position and no such action was ultimately taken. Similarly, the other Board member who proposed to eliminate an Associate Superintendent position in the budget reallocation process did not appear to be targeting any one individual member of the Staff with an impermissible retaliatory purpose. Instead, the Board member was trying to reallocate funds to create a new Cabinet-level position. Additionally, the conduct between the Board member and Staff member that resulted from the incident involving another individual (*see supra* Section II.B.4.) further substantiates the creation of an intimidating and bullying work environment, but does not substantiate an allegation of retaliation. Even though it appears that the Board member attempted to interfere with the Staff member's candidacy for a Cabinet-level position, we again were unable to confirm any improper motivations. The Staff member could have suggested increased qualifications for the Cabinet-level position (itself an improper overreach into the hiring process given that the job description had already been approved by the Board, *see supra* Section II.B.4.) for other reasons besides attempting to exclude the Staff member from consideration for the position. Therefore, we were unable to substantiate the concern regarding purported retaliatory actions towards members of the senior leadership. This concern is **not substantiated**.

RECOMMENDATION: We recommend the adoption and implementation of a formal complaint procedure and an anti-retaliation policy in the Board's Bylaws.²⁶ The Board should adopt a procedure for complaints regarding Board member conduct by Board or Staff members,

²⁶ The Board should consider using CABE's Policy Services to assist in implementing the policy revisions recommended throughout this report. CABE has extensive experience developing model policies used by school districts throughout the state of Connecticut and offers several Policy Services including a Customized Policy Service, Policy Update Service, and Policy Audit Service.

such as the e-mail that prompted this investigation. The City of Stamford's Sexual Harassment Policy (as amended February 27, 2008) has a comprehensive complaint procedure that could be adapted and should be considered as a potential model for the structure for handling complaints and investigations of Board member conduct. Any such complaints regarding Board member conduct could follow a similar approach, and be directed to Corporation Counsel. It would then be Corporation Counsel's responsibility to determine whether to handle the complaint internally or hire outside counsel to investigate. The complaint procedure should include anti-retaliation protections for complainants that would expressly prohibit retaliation against Staff or Board members that file complaints about the Board's conduct.²⁷

5. Conduct That Is Perceived as Animated by Racial or Gender Biases

Certain Board member conduct and comments at public Board meetings potentially violates Bylaws 9010, 9271, and 9040.

Several Board Bylaws state broadly that the Board represents the entire school community as a whole, rather than "a factional segment of the community" or "partisan political groups." See Bylaws 9010, 9271, and 9040. However, in discussing the Bilingual Program, Transgender Policy, and a diverse teacher hiring initiative, one Board member made comments that were perceived by Staff members as insensitive and were of concern to other Board members. In full recognition that Board members have a right to express opinions, the comments have negatively impacted the Board/Staff relationship, not because of the underlying opinion expressed (*e.g.*, how or whether City tax dollars should be spent) but rather because the language used is perceived as insensitive, biased, and/or discriminatory.

RECOMMENDATION: Board members have a right to express their opinions and do not check their First Amendment rights at the theoretical boardroom door. Accordingly, we are not suggesting that Board members do not have a right to express their opinions and views. However, the words that Board members use to express those opinions matter. Certain comments have been perceived by Staff and Board members alike as insensitive or even racist. Those perceptions adversely impact the relationship between and among Board members and the Administration. Encouraging candid discussion around issues of unconscious bias and how "words matter" might help to address this concern. Although the Board has already started implicit bias training, (*see supra* Section II.B.5.), we recommend continuing the implicit bias training and incorporating a similar training during the onboarding and orientation process for new Board members. Implicit bias training can be very productive, but it will be an ongoing

²⁷ There are currently no express protections against retaliation in the Board's Bylaws for complaints of Board member conduct. Policy 4113-R prohibits retaliation against employees reporting abuse or neglect of children and Policy 5001 prohibits retaliation against students reporting sexual harassment. However, these policies do not extend to reports of inappropriate Board conduct by Board or Staff members. The Stamford Municipal Code of Ethics provides sample anti-retaliation language to consider: "No person shall take or threaten to take official action against an individual in retaliation for such individual's good faith ethics complaint or disclosure of information to the Board of Ethics under the provisions of this Code of Ethics." STAMFORD, CONN., ORDINANCES ch. 19 § 19-14 (2014).

learning process that requires respect and listening on the part of Board members, and an experienced facilitator to guide the Board throughout the training process.

B. Alleged Improper Operational Interference

In addition to substantiating concerns that conduct of certain members of the Board has created a hostile work environment for the Administration, our factual findings also substantiate several concerns raised in the March 14 E-mail regarding certain Board member's interference in the day-to-day operations of the district. Specifically, the activities and communications of several individual Board members violated Bylaws 9000, 9040.12, 9271.8, and 9010.

Bylaw 9000 provides in relevant part that "[t]he Board shall concern itself with broad questions of educational policy, and not with administrative details." Bylaw 9040.12 further provides that "[n]o individual member of the Board . . . shall exercise any administrative responsibility with respect to the schools, nor as an individual command the services of any school employee." Finally, Bylaw 9271.8 requires that Board members "[r]ecognize that their responsibility is not to run the day-to-day operation of schools and the District."

Our investigation determined that certain Board members routinely violate these principles. Contrary to the Board's mandate as a policymaking body, Board members often attempted to exert control over detailed administrative and operational work, directing the activities of Staff members and encroaching on the operational responsibility of the Administration. Indeed, the investigation identified numerous examples of conduct that substantiates concerns raised that Board members regularly interfered in the day-to-day operations of the school district, as discussed in detail in the following sections:

1. Disregard for Proper Chain of Command

Certain conduct by individual Board members violated Bylaws 9271.18, 9030, 9030.2, and Regulation 2001.R. Their routine failure to follow the established chain of command substantiates several concerns raised in the March 14 E-mail.

Bylaw 9271.18 requires Board members to "[r]efer all complaints through the proper chain of command within the system." Regulation 2000.1R similarly makes clear that the Board has responsibility "[t]o refer administrative communications, including questions, complaints, and personnel inquiries to the Superintendent, as appropriate, and follow the board-established chain of command." Bylaw 9030 further provides in relevant part that "the basic line of communication for administrative matters shall be through the Superintendent." Bylaw 9030.2 further clarifies that "all communications . . . will be communicated to staff members through the Superintendent." We learned of several instances in which these policies were not followed. Board members often attempted to intervene directly to try to resolve perceived concerns about the operations of the district, and would invite further dialogue with complaining parents and teachers notwithstanding Board policies requiring such complaints to be forwarded to the Administration for resolution. The interfering behavior became more common after the onset of the COVID-19 crisis. This practice appeared to have been partially encouraged by the Superintendent early in her term as part of an overall strategy of encouraging open lines of communication between the Board and Administration.

The disregard for the chain of command was evident in certain Board members' handling of complaints from teachers, district employees, and parents. Our investigation revealed a pattern of violation of these Bylaws by a handful of individual Board members who attempted to intervene directly in the resolution process for complaints. Complaints from teachers, district employees, and parents to those Board members often resulted in the Board member taking matters into their own hands instead of referring complaints to the appropriate Staff member.

We thus found that the following concerns raised in the March 14 E-mail were substantiated:

Direct personal involvement [in] complaints [regarding] SPS, undermining chain of command in organization; airing in the first instance at public meeting with no notice to Superintendent or staff. Certain Board members repeatedly bypassed the chain of command to intervene personally on behalf of teachers, district employees, and parents who raised complaints to those Board members. In several instances, Board members would invite further dialogue with complaining parents and teachers rather than refer the complaint to the Administration. In several instances, one Board member in particular would frequently respond to teacher complaints with open criticism of the Superintendent. Board members would take a personal interest in the complaints of individual parents and would pressure district employees to seek redress on behalf of individual parents, usually for issues involving student placement in hybrid or distance learning programs per the district's COVID-19 plans. Those Board members who violated this policy were also the ones most likely to announce complaints for the first time at public meetings, having given no prior notice to the Administration. This concern is **substantiated**.

Encourages a culture of insubordination or complaint. One Board member held herself out in public meetings and private e-mails as the "voice" of Stamford teachers, due to her experience as a career educator. That Board member repeatedly and openly criticized the Administration in her responses to e-mails from teachers and district employees. Certain teachers and district employees approached this Board member to share their complaints about district management specifically because of the Board member's outspoken criticism of the Administration. Certain Board members encouraged teachers to bypass their chain of command and bring complaints directly to them to be discussed for the first time at public meetings. In one example (*see supra* Section II.C.1.), certain Board members intervened directly regarding a teacher's confidential complaint alleging COVID-19 exposure in the classroom. Individual Board members have no individual authority and should not be taking action to personally resolve complaints, particularly complaints that are formally channeled to the district's Human Resources department (as in the case of a teacher's alleged COVID-19 exposure in the classroom). It was also reported that during unscheduled school visits, certain Board members asked questions that were perceived as attempts to solicit criticism of the Administration from school administrators.²⁸ The cumulative effect of this behavior was the cultivation of an attitude

²⁸ It is not improper for Board members to solicit feedback from school administrators regarding the Administration during a school visit, provided that the school visit is properly authorized in accordance with Board policy. To avoid the perception that certain Board

of insubordination among some teachers and staff, who felt empowered to complain directly to Board members in derogation of their local management. This concern is **substantiated**.

RECOMMENDATION: In order to ensure compliance with the Board's Bylaws, Board members must refrain from personally intervening in the resolution of issues raised by teachers and district employees who bring complaints to their attention. Board members should refer all such complaints to the appropriate chain of command for the concerned teacher or employee. The policies setting forth the chain of command have to be revised to clarify the precise reporting chain for issues reported by teachers and district employees, and set expectations for the prompt resolution of complaints through the chain of command.

Parent complaints should be handled differently from teacher and employee complaints, due to the unique role of Board members as elected public officials. It does not violate policy for Board members to advocate on behalf of parents through proper channels. Indeed, we observed some occasions in which Board member intervention was necessary to address apparent breakdowns in the Administration's chain of command, resulting in an extended delay in response to a parent's complaint or request for assistance. On such occasions, the Board member intervention was understandable and likely warranted. However, those instances often resulted in disrespectful communications from Board members to the Administration. (*See supra* Section II.B.1.) No matter the legitimacy of potential Board member follow-up on complaints referred through proper channels, Board members should keep all communications professional. The Board should ensure that policy revisions regarding the resolution of parent complaints include provisions for ensuring that the Administration timely follows up on such complaints, to eliminate the need for Board members to personally intervene.

Finally, the current Board bylaws leave substantial ambiguity as to the process for following up on parent complaints. Those policies should also be revised to make clear that Board members are expected to promptly forward all complaints received from parents and members of the public directly to the Superintendent, who is responsible for delegating the resolution of those issues.

2. School Visits by Individual Board Members

Certain Board members violated Bylaw 9030.3 by visiting schools in a manner contrary to Board policy.

Bylaw 9030.3 provides that school visits by Board members "shall be regarded as informal expressions of interest in school affairs and not as 'inspections' or visits for supervisory or administrative purposes." Board members are further reminded by Bylaw 9030 that "[o]fficial visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the Superintendent, building administrators and other supervisors." Board members routinely flout these guidelines.

members are encouraging a culture of insubordination or complaint, however, Board members should solicit feedback objectively; they should not overtly or exclusively solicit criticism.

Our investigation substantiated reports from Staff members that unannounced and unauthorized visits by Board members disrupt school operations. We identified numerous instances in which Board members appeared unauthorized at school buildings and proceeded to perform inspections of the physical premises. Board member's demands varied according to their personal interests. One Board member was interested in outdoor facilities such as playgrounds, and at least two Board members visited buildings for the purpose of assessing humidity conditions. While these visits were often unannounced to school administrators, on several occasions, Board members announced their intentions to visit schools to a parent group on Facebook, clearly implying that the purpose of the visit was to inspect the property and hold the Administration accountable. On several occasions, Board members reported the "results" of their unauthorized inspections during public meetings. On one occasion, the Stamford police were called when a school security officer did not recognize the Board member walking around the school property. We found that this conduct substantiated the following concerns raised in the March 14 E-mail:

BOE members regularly inspecting and assessing daily operations of schools, both physical structures and academic instruction to students with no basis or understanding of our processes and protocols. It is evident that certain Board members routinely visit schools in an unauthorized manner. We received numerous reports of visits that were far from "informal expressions of interest"; instead, those visits amounted to snap inspections by Board members. Often, Board members would cite their in-person observations to contest the assertions made by the Administration at Board meetings. It was credibly reported by multiple Staff members that Board members often demonstrated unfamiliarity with the subject matter of their inspections (e.g., the environmental conditions that result in mold infestation), which caused confusion when their lay observations conflicted with the reports of the Staff members and City employees tasked with maintenance and repair of the district's physical infrastructure. This concern is **substantiated**.

RECOMMENDATION: In order to improve compliance with the policies regarding school visits, we recommend implementing more training on the standards of conduct regarding school visits. The Board should consider revising Bylaw 9030 to clarify guidelines for what constitutes an impermissible "inspection" during a visit and what constitutes an "official visit" requiring full Board authorization and notification to the Administration. (*See infra* Section VI.B (recommending policy revision).)

3. Requests for Data or Information by Individual Board Members

Certain Board members' requests for data and/or information from Staff members did not follow the procedure set forth in Bylaws 9325.5 and 9010, which is intended to minimize excessive or unnecessary data requests by individual Board members. Such conduct resulted in operational disruption that led to further violations of Bylaws 9000, 9040.2, and 9040.12

Bylaw 9325.5 provides that "[s]hould the information [requested by a Board member] not exist and/or be difficult to obtain, and should the Superintendent determine that the value of the information to the district be insufficient to justify the time or cost of obtaining it... the Board will direct the Superintendent to provide, or not provide the requested information." Bylaw 9010 further clarifies that "[a]part from their function as part of the unit, the Board member has no

individual authority.” These Bylaws are designed to ensure that the Superintendent and full Board participate in the decision to commit scarce resources to complex data requests, and deny any requests that do not help the Board accomplish its mission. The Board’s bylaws further provide that the Board’s role concerns “broad questions of educational policy,” not the day-to-day operations of the school district. (See Bylaws 9000; 9040.2; 9040.12.)

Our investigation identified several instances, most of which attributable to one individual, in which a Board member attempted to obtain highly detailed data requests for her sole individual use, in an apparent effort to conduct her own personal assessments of school performance. That Board member repeatedly attempted to enlist district teaching and learning staff in running reports from Lexia and Dibels, two assessment tools used primarily by teachers and principals to assess classroom performance. On at least one occasion, a request was escalated to the Board pursuant to its Bylaws – the Board subsequently denied the request. This instance was the exception: in most cases identified in this investigation, Staff members appeared to respond directly to the Board member making the request rather than refer the request to the Superintendent.

Our investigation further identified several instances of Board members attempting to exert operational control through their repeated requests for granular data pertaining to the district’s day-to-day operations, particularly in regard to the Board’s Operations Committee. This overreach was most egregious in the case of facilities issues, such as the mold problems faced by certain school buildings.

The investigation substantiated reports from Staff members that responding to individual Board member requests for data and information requires a significant time commitment that detracts from the Staff member’s other responsibilities. Staff members routinely sought to comply with Board member requests for data, even when the usefulness of that data to Board functions and responsibilities was not apparent. Given the positional dynamics at play – including, principally, the fact that Board members control and approve the budget for Staff member positions – it is not surprising that Staff members chose to accommodate Board member requests rather than refer the request to the Superintendent. Staff members did not want to appear as though they were “hiding the ball” or unresponsive to Board member requests, or risk confrontation with a Board member by referring requests to the Superintendent. As noted, the Superintendent encouraged the free flow of information early in her term as part of an overall strategy of promoting transparency and open communication between the Board and Administration. Indeed, our investigation revealed that information requests were rarely referred to the Superintendent and, ultimately, to the Board for approval. This pattern of conduct substantiated the following concern raised in the March 14 E-mail:

Regular interference in the day to day operations of the school district. Our investigation did not identify any nexus between monitoring highly detailed classroom-level performance data and the Board’s mandate to set policy for Stamford Public Schools. We observed that a Board member repeatedly made demands for highly detailed data that, in practice, is only useful for day-to-day performance monitoring by teachers and principals and not relevant to high-level policymaking. The fact that the Board member routinely made the requests outside the established protocols such that information was disseminated only to her individually and not to *the entire* Board, and on occasion even specified that the information should *not* be provided to

the full Board, underscores that the information requested was not essential to the Board's mandate. Similarly, Board members who held themselves out as having specialized knowledge in construction trades and requested detailed data regarding school facilities also did not utilize data for any apparent policy-making or budgetary purpose. At the same time, Staff members receiving those requests did not refer the requests to the Superintendent for approval by the Board in accordance with Board policy. Had such referral taken place, it is likely that district resources could have been conserved, as the data requested appeared to have little relevance to the Board's mission. This concern is **substantiated**.

RECOMMENDATION: Some of the above-discussed conduct – including, in particular, individual Board members going directly to Staff members for information rather than bringing those requests to the Superintendent or committee chair – may be attributable to confusion around the appropriate lines of communication between individual Board members and the Administration. As noted, the Superintendent encouraged open communication between Board members and Staff early in her term. There is nothing inherently wrong with maintaining open lines of communication, but the processes for communicating requests for data between the Board and the Administration should be formalized to avoid future confusion and conflict. We therefore recommend revisions to Board bylaws regarding Board member access to data to formalize the approval process for data requests, and clarify responsibilities of individual Staff members who receive information requests from individual Board members. In particular, Board members and Staff should be trained to refer all such requests to the appropriate person (*e.g.*, the Superintendent) rather than commit resources to accommodating data requests in the first instance. In addition, the approval authority for all such requests should be formally established in the Board's policies.

With respect to the Operations Committee, the Board should adopt a policy formally establishing the roles and responsibilities of the Committee. Such a policy should set forth with particularity the Committee's responsibility (or lack thereof) over routine building maintenance. For example, the policy could expressly define example *maintenance* tasks over which the Administration has operational responsibility, versus *policy* tasks over which the Board has responsibility. This policy should also make clear that requests for data regarding facilities maintenance (or other day-to-day tasks) are subject to the same approval requirements as described in the general data request policy described above (Bylaw 9325.5).

4. Board Member Communications via Social Media or Mobile Device

Certain Board member conduct violated Bylaws 9005, 9020, and the Appendix to Bylaw 9325 regarding appropriate communications by Board members in their individual capacities.

Bylaw 9005 provides that "Board members shall not lend the impression that we are speaking on the Board's behalf unless that authority has been so delegated." Bylaw 9020 further enumerates a list of approved methods of communication of information to the community on behalf of the Board – social media and private text/phone conversations with the public are not among those approved methods. The Appendix to Bylaw 9325 sets forth meeting "norms," including the expectation that "[n]o cell phone use or texting is allowed" during Board meetings.

Our investigation determined that certain Board members routinely used social media to discuss Board business with members of the public. One Board member in particular was a regular user of a popular Facebook group for Stamford Public School parents. That Board member would regularly post in the group soliciting concerns, answering questions, announcing upcoming school visits (*see supra* Section II.C.4) and commenting on recent Board votes. Despite those communications being made outside of official channels, we did not see any evidence that social media was used by any Board member to publicly criticize the Administration. Rather, the social media criticism we observed was primarily targeted at the Board itself. While one Board member did on occasion criticize the Board for some votes with which she disagreed, the criticism remained at the policy level and did not approach the type of public criticism of individuals as seen in the previously-discussed *Stamford Advocate* editorials.

By contrast, we did identify several instances in which one Board member publicly criticized the Administration in e-mails to teachers, staff, and parents. Such criticism echoed that Board member's public condemnation of the Superintendent's performance in the *Stamford Advocate* editorials, including the member's criticism of the Superintendent's alleged "poor performance" and promises by that Board member that the Superintendent would "see what happens when planning is not done well." Such statements, made to parents and teachers by an individual Board member, amounted to criticism of the Superintendent to members of the public. In addition to private e-mails with complaining teachers and parents, certain Board members would maintain text message contact with members of the public during Board meetings.

Staff and Board members alike credibly reported that the use of social media by certain individual Board members as discussed above has at times caused confusion among parents and teachers. Specifically, there have been occasions when parents and teachers have interpreted comments by Board members on unofficial Facebook groups as representing official communications and/or decisions of the Board. Notably, the home page of the public Facebook group discussed above used an official logo for one of Stamford's high schools, thus potentially lending to an impression that communications on that forum are sanctioned by the district and/or the Board. Additionally, the tone and phrasing of some of the Board members' posts on parent groups reflected that those Board members were disagreeing with Board decisions that had already been made in a public forum. (*See* Bylaw 9005 ("Support all decisions by the Board to the community once a decision has been reached.")) We therefore find the following concern raised in the March 14 E-mail to be partially substantiated:

Sarcastic commentary, explicit verbal attacks and/or criticism made publicly via e-mails between and among BOE members or via social media. This concern is substantiated with respect to the e-mails between individual Board members and parents and teachers containing express criticism of the Superintendent. It is not substantiated with respect to the use of social media by certain Board members. There is no policy expressly regulating the use of social media by the Board or its individual members. The Board's bylaws provide no guidance for the conduct of its members on any internet platform. Thus, while the behavior of certain Board members on Facebook may be outside the scope of the Board's current communications policies, it does not violate existing policy. This concern is **substantiated in part, not substantiated in part.**

RECOMMENDATION: The Board should develop and adopt a comprehensive social media policy to educate Board members on the appropriate use of these online platforms. Such a policy would aim to limit communications that might be perceived by the public as official district and/or Board communications. With regard to texting the public during Board meetings – which violates Appendix to Policy 9325 (“[n]o cell phone use or texting is allowed” during meetings)) – there needs to be more immediate and consistent enforcement of the Board’s meeting standards. The Bylaws contemplate that the Board President or Committee Chair presiding over a meeting will enforce these standards. (Bylaw 9325.) However, given the apparent disregard for the authority of Board leadership, a third-party CABE facilitator or designated parliamentarian might be helpful to ensure compliance with the Board’s meeting standards.²⁹

IV. SUMMARY AND ADDITIONAL RECOMMENDATIONS

Board members recognize that the current climate among Board members and between the Board and the Administration is dysfunctional and that there are areas for improvement. We developed a number of recommendations to improve Board functioning and self-governance, and to foster a more collegial, professional, and collaborative environment between the Board and the Administration. We developed these recommendations mindful of the fact that Board members are publicly-elected officials, not City employees, and therefore the degree of control the City exerts over them is limited.

The recommendations set forth in the foregoing Analysis are briefly summarized below, followed by some additional recommendations developed in the course of the investigation.

²⁹ Based on the totality of the evidence, we also examined whether the factual findings of the investigation give rise to a violation of the Stamford Municipal Code of Ethics (“Code of Ethics”), or constitute grounds for removal of a Board member under the Stamford Municipal Charter (“City Charter”). We determined that neither a Code of Ethics violation nor grounds for removal of a Board member under the City Charter is supported by the facts. *First*, the general principle recognized in the Code of Ethics is that “[p]ublic service is a public trust” which requires that all “city officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public.” STAMFORD, CONN., ORDINANCES ch. 19 § 19-2 (2013). Violations of the Code of Ethics include conflicts of interest, several prohibited uses of influence and information, and prohibited gifts. The standard for finding a violation of the Code of Ethics is clear and convincing evidence. *Id.* § 19-14. Based on the narrow conduct that would constitute an ethics violation and high standard for proving violations, our investigation did not reveal any colorable basis for violations of the Code of Ethics in this case. *Second*, the City Charter provides, “Any elective officer may be removed from office for cause by a vote of three-quarters (3/4) of the entire membership of the Board of Representatives.” (City Charter, Sec. C1, 90-1.) Grounds for removal include “neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity to perform official duties or some delinquency materially affecting that person’s general character or fitness for office.” *Id.* We do not believe that the conduct identified in this investigation would meet the high bar for removal “for cause” by a three-quarter vote of the membership of the Board of Representatives.

A. Summary of Recommendations from Analysis

Improved Training. We recommend that Board members receive additional training in a number of areas. Despite the regular and special training received to date (*see supra* Section II.A.4), Board members remain unfamiliar with and/or ignore the Board's limited role and the policies that govern Board conduct. Additional training as described below is a worthwhile step towards educating Board members in these and other areas where conduct needs improvement, notwithstanding that prior training has generally been unsuccessful. At a minimum, the training outlined herein would educate newly-elected and appointed Board members on standards and expectations that should prevent recurring improper conduct, even if the training may be unsuccessful in changing the conduct of any current members of this particular Board.

Accordingly, we recommend that Board members receive additional training in the following areas: (i) standards of respect and professionalism;³⁰ (ii) the Board's role as policy-making body that is not responsible for the district's day-to-day operations; (iii) the Parliamentary process and Robert's Rules; (iv) the confidentiality of executive session and the procedures governing the Board's evaluation of the Superintendent; (v) implicit or unconscious bias; and (vi) procedures governing informal school visits and requesting information from the Administration.

We also recommend that Staff members receive training regarding responding to both complaints directed up the chain-of-command by Board members and requests for information from Board members.

Improved Policies. In order for the Board to be effectively guided by its governing policies, those policies must be clear and unambiguous and address the issues that routinely arise in the course of the Board's execution of its mandate. Therefore, as part of the investigation, the Day Pitney team reviewed the Board's Bylaws to identify ambiguities or contradictions that should be changed, and considered areas where new policies might address some of the concerns raised.

In light of the findings of our investigation, we recommend that the Board develop and adopt the following new policies: (i) a formal complaint procedure for Board or Staff members to report concerning Board member (such as the conduct that prompted this investigation), including an anti-retaliation policy pertaining to such complaints; and (ii) a comprehensive social media policy to educate Board members on the appropriate use of online platforms like Facebook. We also recommend that the Board clarify existing policies as follows: (i) clarify the precise reporting chain for issues reported by teachers, parents, and district employees to Board members, set expectations for the prompt resolution of complaints referred through the chain-of-command, and develop procedures for Board members to follow-up on complaints to ensure and confirm timely resolution; (ii) clarify school visit procedures, namely, what constitutes an "informal expression of interest" as a permissible basis for a school visit and what amounts to an

³⁰ One point of emphasis in this training would be for Board members to assume positive intent and avoid unsubstantiated accusations of falsehood, which would help to improve the effectiveness of communications between Board members and the Administration.

“official visit” requiring Board authorization and advanced notice to school administrators; and (iii) formalize the process for information requests, including in particular the circumstances and process for full-Board action to request that information be provided, as well as the responsibilities of individual Board members who seek to use district resources to obtain information or data.

Accountability and Enforcement. The Board is a self-governing body. Accountability and enforcement measures are thus imperative to ensure compliance with the policies and standards governing Board member conduct. Indeed, improved accountability and enforcement around Board member conduct was the most common recommendation we heard throughout the investigation. One recommendation for improved accountability and enforcement is engagement of a CABE facilitator or neutral third-party parliamentarian to attend all Board meetings and regulate conduct, for at least one year. We also recommend that after a CABE facilitator is no longer necessary, a Board member should be trained to serve as Board “Parliamentarian” to similarly regulate conduct.

B. Additional Recommendations

In addition to the foregoing, we also make the following recommendations to improve Board training, enhance Board member accountability and enforcement, and improve Board policies.

Improved Training

Enhanced Board Member Orientation. There is very little formal training for newly-elected or newly-appointed Board members. Currently, new Board members are provided selected materials (e.g., a “Board Guidebook” with bylaws, protocols, organizational charts, the Board calendar and other guidance on the function of the Board and school system), invited to participate in Board discussion and to meet with school administrators, and encouraged to attend workshops for newly-elected Board members hosted by organizations like CABE. (See Bylaw 9230.) We recommend a few measures to enhance orientation for new Board members.

First, a new Board member (whether elected or appointed) should be required (not just encouraged) to attend a workshop for new Board members or a similar conference or convention held by State or National School Boards Associations designed to familiarize the new Board member with public school issues, governance, and legislation and to develop the skills necessary to serve as a member of a policy-making body.³¹ (See Bylaw 9240.) *Second*, a new Board member should be required (not just encouraged) to meet with the Superintendent and other administrative personnel to discuss their role with respect to the Board. (Bylaw 9230.) *Third*, a Board member having at least two-years of Board experience should be designated to provide training to new Board members regarding the Board’s functions, policies, and procedures and the operation of the school system. *Finally*, the Board President should assign a mentor from the current Board to each new Board member. Although the current Board

³¹ The costs of attending such workshop, conference, or convention should be reimbursed in accordance with Bylaw 9250.

Calendar states that Board members-elect are “assigned a mentor from current Board by President” in November, no such mentors have been assigned in recent years. (Reg. 9324.1R.) This practice should be resumed and adhered to consistently going forward, and should be expanded to include assigning a mentor to newly appointed Board members (not just newly elected Board members), as well.

Enhanced Board Member “Onboarding” and Annual Trainings. Currently, new Board members receive “onboarding” training when they join the Board. The training is conducted by Assistant Corporation Counsel and concerns the Stamford Code of Ethics, the Freedom of Information Act, and the Board’s Bylaws. We recommend that this training be expanded in the following ways:

First, the “onboarding” training concerning the Board’s Bylaws should be supplemented to include additional training on the roles and responsibilities of Board members.³² Ideally, this training would be conducted by a CAFE facilitator experienced in counseling Board members on these topics. *Second*, the “onboarding” training should be mandatory on an annual basis as a “refresher” course for all Board members, not just newly-elected members. *Finally*, Board members should be required to attend on a yearly basis at least one professional development workshop, conference, or convention; these events are currently optional, but many Board members do not make the effort to attend them. Because they are reportedly worthwhile opportunities, we recommend that Board members be expected to attend such an event on an annual basis. (Bylaw 9240.)

It is imperative that the above-described Board member orientation and “onboarding” training take place *promptly* after the new Board member is elected or appointed to the Board. If Board members assume Board responsibilities before they are properly trained regarding the Board’s functions, policies, and procedures, and other relevant issues and legislation governing policy-making bodies like the Board of Education, then it is more likely there will be recurring concerns like the ones examined in this investigation.

Board President Training. The Board President plays a critical role as the Board’s leader. The President presides over Board meetings “to maintain order [and] enforce the rules of the Board,” and addresses “[p]ersonal disagreements or disputes between Board members,” as necessary. (Reg. 9121R; Bylaw 9271.) The President is responsible for “ensuring the effective functioning of the governance team”:

³² The training contemplated would reinforce selected topics from the training materials disseminated by the Board’s attorney dated July 14, 2020 in connection with the “special” training convened to address Board member conduct described in this report. Specifically, the training should discuss the traits of an effective Board member (*e.g.*, ability to listen and hear opinions of others, and the ability to disagree without being disrespectful) and reinforce some important Board Bylaws (*e.g.*, Bylaws 9000 & 9005 (role of the Board and its members); 9010 (limits of authority); 9030 (Board-staff communication, school visits, social interaction); 9040 (duties of the board); and 9271 (conduct for Board members).)

The President serves as the liaison between the board and the superintendent. . . . The President has a responsibility to ensure that the superintendent can do his/her job without undue outside interference. The President must also ensure that board members understand their roles and responsibilities, not only in terms of the board/superintendent relationship, but also as the board relates to students, community, staff, government agencies and others affected by the board. Understanding that board members are individuals, with different opinions and agendas, the board President still has the responsibility, to the extent possible, for keeping everyone “on the same page.” In particular, the President must make every effort to ensure that once district policy has been properly established, the board speaks “in one voice” as the superintendent implements that policy.

(Reg. 2000.1R.) Meeting these responsibilities within the dynamic of an elected policymaking body with diverse personalities, opinions, and agendas requires exceptional interpersonal management and leadership skills. In order to maintain order and enforce the rules of the Board, the Board President must also have a strong command of parliamentary rules (including Robert’s Rules of Order). Here, two Presidents have led the Board through the challenging period examined in our investigation. Each has a different leadership style and – despite best efforts – encountered considerable difficulty in addressing the conduct that prompted the investigation. Although individual Board members are responsible for their own actions, the Board President has a role to play in aligning Board members towards a common purpose. We recommend that the Board President receive special leadership and parliamentary training so that they are best positioned to fulfill their many critical responsibilities as the Board’s leader. Such training should, to the extent possible, be conducted by an experienced CABE facilitator. It is evident that, with this Board in particular, a strong Board leader will play a critical role in promoting better order and adherence to Board policy going forward. In this regard, we again recommend that the Board engage a CABE facilitator to attend Board meetings and model techniques for encouraging accountability and enforcement of Board norms and expectations, such that the President will be well positioned to appoint a Board member as “Parliamentarian” once a CABE facilitator is no longer necessary.

Accountability and Enforcement

Strong Leadership Role for Board President and Committee Chairs. The Board President presides over general Board meetings and is expected to maintain order and enforce rules. (Reg. 9121R.) Similarly, Committee Chairs preside over Committee meetings and are expected to ensure adherence to the time allotted for agenda items and “avoid unnecessary repetition or topic drift.” (Bylaw 9130; *see also* Policy 9325 App’x (“The length and productivity of meetings should be monitored by the Chair, . . . It is the responsibility of the Chair to summarize discussion and move to end discussion, either by a vote, by identifying next steps, or by moving to the next item on the agenda. . . . Chairing a meeting is an administrative task. The Chair should not be hesitant to use his/her authority, and Board members should respect that authority.”).) The Board President and Committee Chairs are responsible for more than just condemning improper conduct when it arises (which has been generally ineffective with this particular Board because not all members respect the President’s or Committee Chair’s authority). Instead, a Board President or Committee Chair can proactively prevent improper conduct in several ways:

Agenda setting. The President and Committee Chairs – in coordination with the Administration – exert significant control over the Board’s agendas. (See Bylaw 9323 (Superintendent and President prepare agenda for each regular and special meeting); Bylaw 9130.2 (Committee Chair and designated administrator prepare agenda for committee meetings).) Although any Board member can submit an item for the agenda, the President and Committee Chairs largely control what is placed on the agenda. (A written request of three Board members is necessary to *require* that an item be placed on an agenda. Bylaw 9323.)

One area for improvement in agenda setting is, to the extent possible, to limit agenda items to actionable resolutions rather than discussion items. Our investigation determined that well-functioning committees (*e.g.*, Fiscal) tended to have agendas with exclusively resolution items, not discussion items. By contrast, less well-functioning committees where improper conduct arose more regularly (*e.g.*, Operations) tended to have agendas with exclusively discussion items, not resolutions. Discussion items that are not tied to an actionable resolution often give rise to contentious, repetitive, and inefficient discussions. (For instance, an Operations Committee agenda at one of the contentious meetings described in this report listed “update on Westover School,” without reference to a particular policy or resolution for Board action.) Consideration should be given to not having a meeting if there is no actionable agenda item to be decided.

A second area for improvement in regard to Committee agendas, specifically, is to revise the applicable Board policy to require that the Committee Chair meet with the assigned administrator at least *two weeks* in advance of the month’s committee meeting to review the committee agenda. Currently, the policy requires that the Committee Chair meet with the administrator just *one week* prior to the month’s committee meeting. (Bylaw 9130.3.) We heard from one Board member, however, that one week is not sufficient time to ensure finalization of the agenda and to resolve any outstanding issues before the scheduled meeting.

Committee assignments. The President decides whom to appoint as Committee Chair and whom to assign to the Board’s various committees. To the extent that Committee Chairs or members are not carrying out their assigned responsibilities (including to keep Committee meetings on schedule and avoid “topic drift”), the President is within their authority to remove that individual from their committee assignment or committee chair role. The President can do so at any time. Short of removing individuals from Committees, the President can “coach” Committee Chairs on best practices for ensuring that Committee meetings are run effectively and efficiently. (The President has reportedly engaged in informal “coaching” sessions with Committee Chairs with limited tangible results.) But if these measures fail, the President should consider all available options, up to and including removal of committee leadership or members.

Consensus building and parliamentary measures. The President and Committee Chairs can influence meeting conduct by encouraging consensus building prior to meetings and utilizing parliamentary measures at meetings to prevent unwelcome conduct. As for consensus building, we understand that as a matter of best practice, Committee Chairs are expected to reach out to committee members before meetings to try to resolve potential disagreements that might otherwise give rise to conflict at a Board meeting. Board Policy also requires that “significant questions or concerns” be communicated to the Committee Chair before meetings “so a response will be available at the meeting.” (Bylaw 9130.7.) As for parliamentary measures, the President

and Chair can reign in improper conduct by limiting the time for debate and discussion, or by determining not to recognize certain members to speak. In addition, the President and Chair can ensure that Board members understand that “advisory votes” (also referred to as “sense of the Board” votes) do not carry the operational force of a Board resolution. Encouraging better understanding around this procedure should prevent recurrence of the sort of conflict and confusion generated when these measures were used in connection with the COVID-19 pandemic response (*see supra* Section II.A.5).

Censure/Removal of Officer. The Board Bylaws provide for the censure or reprimand of a Board member and the removal of a Board officer (from being an officer, not removal from the Board) by a two-thirds vote of the voting membership of the whole Board. (Bylaw 9222.) However, the Bylaws do not specify the circumstances warranting censure, reprimand, or removal of an officer. We recommend that the Censure/Removal provision of the Bylaws be revised to incorporate the CABA standard for this provision to educate Board members on conduct that may give rise to censure, reprimand, or removal from being an officer. (The CABA standard provision 9222 is annexed hereto as **Appendix 2.**)

Board Self-Evaluation and Regular Check-Ins. One important way for the Board to self-govern is to ensure regular and timely self-evaluations, as mandated by Board policy. (Bylaw 9400; *see also* Reg. 2000.1R (Board responsibility “to conduct an annual self-evaluation of its own leadership, governance and teamwork”).) Among the areas for annual self-evaluation are “communicating with the public,” “working with the Superintendent, promoting good employee relations, setting expectations for Board member conduct, conducting the work of the Board, [and] Board member development.” (*Id.*) Our investigation determined that the Board has not consistently conducted its annual self-evaluation. As demonstrated by the observations gleaned from the Board’s most recent self-reflection survey in January 2021 and discussed at the Board’s June 19, 2021 retreat (*see supra* Section II.A.3), the self-evaluation encourages candid reflection, discussion, and expectation setting that can improve Board functioning and accountability. It is thus critical that the Board adhere to the policy mandating that it conduct an annual self-evaluation.

We also recommend that the Board conduct more regular informal “check-ins” to discuss what is working well and what may be areas for improvement. (A Board member explained that the Board has at times conducted these informal check-ins, but discontinued the practice approximately one year ago.) These “check-ins” are not only for evaluating shortcomings, but also for celebrating the Board’s many accomplishments. One Board member expressed an opinion that the Board focuses too narrowly on setbacks and shortcomings, and does not sufficiently celebrate the Board’s and district’s successes. This is a missed opportunity to boost morale and find common ground. We thus recommend that Board leadership encourage a practice of regular informal check-ins among Board members.

Exclusion of Staff Members from Board Meetings. As noted, Corporation Counsel recommended that for at least the duration of the investigation, Staff members no longer present information to the Board directly, but rather through the Superintendent. In mid-March, Dr. Lucero implemented this recommendation. Since that time, several Staff members reported that the dynamics in Board meetings improved dramatically; generally, the shared observation was that meetings are more efficient, less confrontational, and there is an improved tone and tenor to

Board member communications generally. Several Staff members also reported that they feel a weight is lifted from their shoulders in not having to present in front of the Board. However, several of those same Staff members expressed concern that this practice marginalizes Staff members from meetings and creates an unsustainable burden on the Superintendent to prepare and present at meetings on behalf of Staff members. Some Staff members also reported feeling like their work is not visible to the Board, which may lead the Board and/or the public to question the need for their continued role in the Administration. Other Staff members felt that their exclusion from Board meetings is unfair to the Superintendent because they believe that Staff members should be there to support her and answer questions from Board members. The practice may also be unsustainable because of the amount of additional work it creates for the Superintendent.

We recommend that Corporation Counsel have an ongoing dialogue with the Superintendent regarding the above-described benefits and drawbacks of continuing the Staff members' exclusion from speaking at Board meetings. A decision on whether to continue to exclude Staff members should in part depend on whether the recommendations developed and implemented in connection with this investigation help to resolve the many substantiated concerns raised in the March 14 E-mail. It may be that a phased re-introduction of Staff members to Board meetings is appropriate as the re-introduction of even a few Staff members will lighten the burden placed on the Superintendent. A phased re-introduction will also give the City an opportunity to evaluate the effectiveness of our other recommendations on Board member conduct.

Improved Policies

In addition to the general policy recommendations described in Section III *supra*, we further recommend the following specific revisions to existing policies:

Data and Information Requests. The current policies applicable to requests for information from the Administration by Board members should be de-conflicted. Currently, there are two parallel "paths" for requesting data. Bylaw 9325.5 provides a general policy that "[a]ll Board member requests for documents or information should be made directly to the Superintendent or his/her designee." When such request is made the Superintendent may, if she "determine[s] that the value of the information to the District [is] insufficient to justify the time or cost of obtaining it . . . bring the request to the Board." When such determination is made, the Board, not the requesting member, authorizes the commitment of district resources to obtain the requested data.

A separate procedure for requesting data exists within each Board Committee. Bylaw 9130.3 provides that a Committee Chair "may request information" from a designated administrator "without going through the Superintendent or Board President." Furthermore, a "committee member may request information through the Committee Chair from that administrator." Thus, the cost-benefit analysis set forth in Bylaw 9325.5 is largely nullified by Bylaw 9130, because a significant portion of data requests occur in the course of committee work. The Staff members assigned to committees have no recourse to the Board or Superintendent to evaluate the utility of burdensome requests.

To address this contradiction, we recommend that the Board amend its policies to eliminate the committee-specific procedure for data requests, and thus provide only one uniform standard that presents the opportunity for Superintendent review of all potentially burdensome data requests, whether or not such requests originate in a committee. The amended policies should also make clear that it is contrary to the Board's educational mission for individual Board members to use FOIA requests to bypass the Board's bylaws regarding requests for information, which are in place in part to allow staff to handle their primary responsibilities to "help create and foster an environment of excellence in which students can learn most effectively."³³ (Reg. 2010.) By eliminating the inconsistencies between the data request procedures within and outside of committee work, the Board can set uniform standards for the use of district resources to gather data on behalf of the Board.

Role of Operations Committee. As discussed above, the effectiveness of the Operations Committee has been negatively affected due to the lack of a clear policy setting the parameters of the Committee's responsibilities and authority. As a result, much of the Committee's business boils down to micromanagement of facilities maintenance, despite the fact that the Committee has a much broader scope, including information technology, transportation, food service, and other vital support functions.

Bylaw 9130 in its current form sets forth the general responsibilities of Committees, but does not establish with specificity the mission of each Committee. We recommend that policy be expanded to describe the areas of responsibility of each Board Committee, and the expectations of the Board members that sit on each Committee. Such expectations should make clear how the Board's overall policy-making and budgetary roles translate to service on that particular Committee. For example, in the context of the Operations Committee, the policy should provide examples of tasks which are normally left to the discretion of the Administration (*e.g.*, decisions on day-to-day facilities maintenance), versus those tasks over which the Committee exercises supervisory authority (*e.g.* approval of budget items over a certain amount).

School Visits. Bylaw 9030.3 describes two types of school visits by Board members: "official" visits and "informal" visits. The policy should be expanded to make clear the situations where each type of visit is appropriate. As it is currently written, "[o]fficial visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the Superintendent, building administrators, and other supervisors." Those formalities are not necessary if the visit is an "informal expression[] of interest in school affairs" by the Board member. Our investigation did not identify any occasion where an "official" visit was requested by any Board members. However, several of the unannounced inspections by Board members that we identified in the course of the investigation were for inspection purposes, which is implied to be within the scope of "official" visits in the current policy. We recommend that the Board amend Bylaw 9030.3 to expressly state that inspections, audits, or other types of

³³ In most cases, FOIA requests would be an ineffective alternative means to obtain reports from the Administration because FOIA does not require a government agency to create new documents – it only requires production of existing documents. *See Albright-Lazzari v. Murphy*, No. CV105014984S, 2011 WL 1886878, at *2 (Conn. Super. Ct. Apr. 21, 2011); *Jolley v. Bragdon*, No. CV075012256, 2008 WL 2039066, at *4 (Conn. Super. Ct. Apr. 22, 2008).

detailed review of school facilities require an “official” visit to be authorized by the Board. Such amendment should also ensure that Bylaw 9030.3 is reviewed for conflict with Policy 1250. We further recommend that the policy include a provision that, should a Board member observe a situation or condition which causes concern during an “informal” visit, the Board member should discuss that situation first with the Superintendent before raising it at a Board meeting. The observance of such conditions should not convert an otherwise unofficial visit into an official visit from the Board.

Chain of command for parent, teacher, and district employee complaints. Bylaw 9271.18 sets forth the general expectation that Board members “[r]efer all complaints through the proper chain of command within the system.” However, the “chain of command” is not defined in that Bylaw, contributing to the above-discussed observed conduct where the chain of command was disregarded altogether by Board members. We recommend that the Board expand this Bylaw to describe with particularity the appropriate chain of command depending on the complainant and the subject matter of the complaint. For example, questions or concerns from parents received by Board members should probably be referred to the Superintendent for delegation to the appropriate Staff member in order to make sure there is not confusion about who will respond. Board members should not avoid or discourage complaints from parents, but they should rely on the Superintendent to appropriately delegate the resolution of parents’ concerns in the first instance. On the other hand, complaints from teachers and district employees should probably be routed to, for example, building-level leadership, human resources, or other management depending on the subject matter.

Pandemic response. The COVID-19 pandemic created an unprecedented challenge for the Board and the Administration. Board members agreed that the Superintendent had the authority to close schools to respond to the public health emergency, but decisions on closure and reopening were often fraught with tension and disagreement, because originally there was no policy in place expressly conferring that authority. It is our understanding that Building Use Policy 1330 has since been amended to include that “[i]n the event a pandemic, epidemic, and/or state of emergency is declared . . . the Superintendent or designee shall have the authority to limit or deny access to any school facility or property without further action by this Board . . . until such time as the Superintendent or designee, in consultation with appropriate health and government authorities, deems it in the best interests of the district and its students to reopen said facilities and property.” This amendment makes clear that the Superintendent, not the Board, has the operational authority over the closure and reopening of schools during a pandemic situation. Going forward, the Board should continue to acknowledge the Superintendent’s unambiguous authority over school closures and re-openings, and refrain from any attempt to exercise control over such decisions.

* * *

The Board’s “very responsible and complex job requires that the Board blend its diverse opinion into a common purpose which will give direction to the school system. The success of the system depends on how well that role is carried out.” (Bylaw 9400.) It is our hope that the foregoing recommendations will improve Board functioning and self-governance and foster a more collaborative environment between the Board and the Administration so that both can

achieve their shared objective of promoting the best interests of Stamford Public Schools students.