

**Response to Chester Telegraph
Complaint dated January 9, 2018
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1.17.18**

Under Title 16 Section 706(g) GMUSD was designated as a union school district with “all the powers incident to such a district as herein provided.” The GMUSD Board and respective Committees are legally obligated to plan and prepare to be fully operational by July 1, 2018. The Board is legally obligated to the employees of the existing schools and on July 1 the Board will be inheriting all contractual employees and their collective bargaining agreements unless otherwise negotiated. The Board must make decisions about staffing and issues related to staffing and stands in the same position as any other school district regarding staffing decisions and related contractual obligations for the year beginning July 1, 2018.

There was no intentional violation of the Open Meeting Law on November 14 or November 29 due to the GMUSD’s contractual obligations to several categories of employees and employees who could potentially be laid off. Title 16 Section 1802 references the transition of employees to a newly created employer. In our situation the current Master Agreements with Teachers and Support Staff are in effect until new agreements are negotiated. The motion to enter Executive Session should have been more explicit with its purpose and made the express finding “that premature public knowledge would clearly place the public body or a person involved at a substantial disadvantage.”

This complaint does highlight the need for us to improve in two areas, warning for public comment and being more descriptive as to why the Board is entering into Executive Session. At times the Public Comment item has been left off the agenda (as it was for tonight’s Finance Committee meeting). It was clear it was intended to be there because we went from item II to item IV on the agenda. Also, our Board Chairs typically recognize the public throughout our meetings but we need to make sure Public Comment is on every warned meeting.

In regards to Executive Session-Typically we warn for a personnel or student matter to go into Executive Session. The Chester Telegraph is correct; we need to provide a more detailed explanation for the Executive Session, recognizing that “personnel” does not sufficiently meet the requirements of the statute. Additionally, if the purpose of the Executive Session requires the Board or Committee to make a specific finding “that premature public knowledge would clearly place the public body or a person involved at a substantial disadvantage”, the Board will comply with this provision of section 313. For instance, if the Executive Session is to discuss the contractual consequences and ramifications of a potential RIF we will need to warn the session as “Discussion pertaining to a potential Reduction in Force in support staff or teaching staff.”

To summarize, there was no intentional violation of the Open Meeting Law. The Board or one of its Committees is legally empowered to enter an Executive Session so long as it is for one of the legally recognized purposes and there is adherence to legal requirements and procedures. However, we do need to improve in two areas; always warning for Public Comment on our meeting agendas and providing more detail for Executive Sessions.