EXECUTIVE SUMMARY

The Board of Selectmen Board of Education Charter Revision Committee was charged to “at least make a recommendation on the proposal to expand the Board of Education membership from eight (8) to 10 members.”

The Committee was guided by four goals:

- **Competition:** To give voters the ability to select among all of the candidates presented, regardless of party or affiliation.
- **Choice:** To establish an election structure which would increase the number of candidates presented to voters.
- **Voter Engagement:** To give all voters, including unaffiliated voters, a larger say in the entire selection, vetting and election process.
- **Accountability:** To increase the accountability of the members of the Board of Education to the voters.

By a vote of 4-1-0, the Committee recommends that the Town of Greenwich modify the Town Charter to elect three Board of Education members in one municipal election cycle, and five Board of Education members in the other municipal election cycle. Further, the Committee recommends that the Town of Greenwich adopt provisions of the Connecticut General Statutes which allow each political party to nominate, and voters to vote for, the total number of candidates to be elected (i.e., three or five).

This structure allows the electorate to decide whether a balanced or unbalanced Board of Education best serves the Greenwich Public School system. It allows competition among the candidates of the two major parties and it will likely result in more candidates being presented for election. While it does not make the pathway to election easier for an unaffiliated candidate (which, in fact, none of the allowable and feasible alternatives does), it introduces no new hurdles for possible unaffiliated (“Petition”) candidates in comparison to the current situation. Through competition and choice, it will engage all voters, whether registered with a party or unaffiliated, and will allow for individuals and parties to be held accountable for their actions or inactions.
Committee Report

I. Charge and History
   a. Charge from Board of Selectmen

“The Committee was appointed by the Board of Selectmen following a request submitted by Mr. Barry Rickert and several other members of the Representative Town Meeting (RTM). Any recommendation made by the Committee will require the approval of the Board of Selectmen and then the RTM. This process will not affect the Town’s Home Rule under the Town Charter. It is expected that the Committee will at least make a recommendation on the proposal to expand the Board of Education membership from eight (8) to 10 members.” (Emphasis added - taken from minutes of Committee meeting 31 August 2016)

The election of Board of Education members is currently governed by Town Charter (Section 38) and Connecticut General Statutes (Sections 9-167a, 204, 204a, 204b, 205, 206, 206a and 414).

   b. History of previous charter changes

In June 1966, the Town Charter was changed to provide for the election of eight (8) members of the Board of Education (see Appendix d.). Previously there were six members.

“Resolved, that “The board of education shall consist of eight members, each of whom, except as hereinafter provide, shall serve for a term of four years. At the first biennial town election from and after the effective date hereof, two members shall be elected, each for a term of two years, and two members shall be elected, each for a term of four years. At each succeeding biennial town election thereafter four members shall be elected, each for a term of four years. Members shall serve until their successors shall be elected and shall be qualified. The board shall, not later than one month after the date on which the newly elected members take office, elect by ballot from its number a chairman and elect a secretary of such board and may prescribe their duties. If such officers are not chosen after one month because of a tie vote of the members, the selectmen shall choose such officers from the membership of the board. At all meetings of the board the chairman shall be entitled to vote, but in the event of a tie the chairman shall not have an additional vote.”

In June 1975, the Town Charter was changed to provide for the nomination by each political party of up to four candidates. Previously, each political party could only nominate two candidates.

In September 1996, the RTM considered a resolution which stated:

“Resolved, that the Town of Greenwich hereby adopts the provisions of Connecticut General Statutes Annotated Paragraph 9-204b as pertains to the Board of Education.” This paragraph provides for “Optional alternative system for towns with four-year terms for boards of education” and provides (in the case of an eight member Board) the ability for a majority, as defined in Section 9-167a, of seats to be held by one party. The resolution failed.

   c. Committee meetings
Committee meetings were held on:

31 August 2016, 2:00 PM – organizational meeting
13 September 2016, 6:00 PM
27 September 2016, 7:00 PM
4 October 2016, 7:00 PM
18 October 2016, 7:00 PM – meeting with current members of the Board of Education
25 October 2016, 7:00 PM – meeting with current chairs of Democratic and Republican Town Committees, and with representatives of PTA Council
1 November 2016, 7:00 PM – meeting with former chairs of the Board of Education
9 November 2016, 7:00 PM – public forum
15 November 2016, 7:00 PM
22 November 2016, 7:00 PM – meeting with current chair of the RTM Education Committee
29 November 2016, 7:00 PM – recap of discussion with Superintendent from another CT school district
7 December 2016, 7:00 PM
20 December 2016, 7:00 PM – recap of discussion with past and current Superintendent search firms
10 January 2017, 7:00 PM – meeting with Town of Greenwich Law Department representatives
19 January 2017, 7:00 PM
14 February 2017, 4:00 PM
1 March 2017, 7:00 PM

d. Committee Members

Joan Caldwell – chair
William Finger
Barry Rickert
Peter von Braun
Brian Peldunas - secretary
II. Committee Goals

Throughout its discussion and deliberation, the Committee attempted to gauge how any change to the charter would impact the election process relating to a variety of considerations: the number of candidates presented to voters, the provision of choice among the candidates, the appropriate representation of voters' wishes, and the ability of the election process to allow voters to hold Board of Education members accountable for student performance. In considering alternatives, the Committee found solutions to these considerations to be severely limited by state statute or local party by-laws.

An explanation of the endorsement and election process is warranted. Each party may endorse up to a maximum of four individuals. Non-endorsed individuals may petition onto the party ballot by meeting the requirements set forth by the state (in the case of the Republican Party) or by town party by-laws (in the case of the Democratic Party). If more than four individuals in one party are interested in competing for the four ballot spots for that party, a primary would be held. Unaffiliated individuals may petition onto the general election ballot by meeting the requirements set forth by the state (see appendix for examples of signature requirements).

Because of the version of the State of Connecticut minority representation statute that Greenwich adopted in its Town Charter, no party may have more than four seats on the eight-member Board of Education. Four members are elected every two years. In the event a party has more than two individuals on the ballot, a maximum of two can be seated. Voters can vote for four individuals, but because of the structure adopted by the Town, candidates are in reality only competing with individuals from the same party. This structure could lead, and has led, to the situation where, when one party has three or four individuals on the ballot, an individual who receives more votes than one or more candidates of the other party is not seated in lieu of the other party candidates.

a. Increased competition among candidates

A goal of the Committee was to give voters the ability to select among all of the candidates presented, regardless of party or affiliation, through increased competition.

As a result of the state statutes for minority representation adopted as part of the Town Charter, and unless there is an unaffiliated candidate, candidates are only competing against members of their own party, and not with candidates from the opposition party. This could limit voters' ability to select the most qualified candidates, regardless of party. In the five elections since 1991 where Republicans have had three or four candidates on the ballot, there have been four occasions where a Republican candidate gathered more votes than one or both of the seated Democratic candidates. It is not for the Committee to judge the qualifications of these candidates; however it can be argued that such judgment should be in the hands of the voters. More competition would likely lead to more scrutiny, public vetting, comparison of candidates, and open debate, resulting in better selection of Board of Education members.

The current structure may encourage intraparty strife, given that each party's candidates are competing only against each other. Adopting a structure which permits competition between the parties'
candidates may reduce this strife, given the reality that a candidate would be competing against all other candidates, not just those from his or her party. Inter-party competition may also encourage more candidates to run, as they would not be discouraged by seeming to run only against their own party members.

The current structure may limit desirable debate between the parties on education philosophy. If a candidate is only competing against a member of the same party, little debate is likely. The added competition would prompt wider debate amongst all of the candidates, providing for increased exposure of ideas for the voters.

b. Increased choice of candidates presented to voters

A goal of the Committee was to establish an election structure which would increase the number of candidates presented to voters.

A consistent issue raised by many voters has been the limited number of candidates from which to choose. Recent election cycles have seen more than the “minimum” of two candidates per party presented on five of six opportunities over the three cycles from 2011-2015. However, historically (1981-2009) the parties have provided a choice to the voters on only nine of the 30 opportunities (although at least one endorsed candidate has withdrawn prior to the election). In 2013, where there were more than two candidates on the ballot for each party, voter choice was a result of two candidates petitioning onto their respective party lines after failing to obtain an endorsement from their parties.

i. Party nominees

During the process leading up to the determination of the candidates for each party, the roughly 75 members of the Democratic Town Committee and the roughly 60 members of the Republican Town Committees (DTC and RTC, respectively) endorse from two up to a maximum of four individuals. As noted, if five or more individuals in one party are interested in competing for the four ballot spots, a primary would be held. Since 1991, there is no record of a primary being required for either party for the Board of Education election.

Given the desire of voters to have more candidates on the ballot, the Committee inquired into the reasons for the limited number of candidates. The reasons given include lack of interested individuals, the difficulty of obtaining a ballot position if not endorsed, and a desire on the part of each of the parties to eliminate the other party’s members’ ability to decide the individuals elected from their party. Since voters can cast votes for either parties’ candidates, the belief is that running more than two candidates would turn the general election into a primary, in which the other party’s voters could participate in the selection of opposition party winning candidates.

ii. Unaffiliated Petition candidates
The roster of unaffiliated voters has increased over time such that approximately 37% of the current registered voters are unaffiliated. In fact, unaffiliated voters now outnumber registered Democrats or Republicans in Greenwich. Yet, since at least 1981, there has not been an unaffiliated resident elected to the Board of Education, and only two residents have run as unaffiliated candidates (1995 and 2009). This may be a result of the structural and perceptual hurdles presented by the ballot itself. That is, an unaffiliated resident who obtains the required number of petition signatures to qualify for the ballot is listed as a “Petition” candidate, and is listed below the two parties’ slates of candidates. In addition, the parties represent a built-in support mechanism for their candidates, which an unaffiliated candidate would lack. The lack of unaffiliated candidates could also be from a belief that qualifying for a ballot position is difficult, although the number of signatures required would only be one percent of total voters in the previous like election (i.e., municipal election). Another potential reason no unaffiliated candidate has been elected is because unaffiliated voters turn out at about half the rate of, Republican voters, at least in municipal elections in Greenwich.

c. Improved engagement of all voters

A goal of the Committee was to give all voters, including unaffiliated voters, a larger say in the entire selection and election process.

The selection of party endorsed candidates has been and will likely continue to be a closed process, limited to party members and controlled by the town political committees. There is nothing that the Town Charter can mandate that will change this process, but there are several areas in which the Committee would like to encourage a different view of the respective party processes in order to provide greater choice to voters. These areas are detailed in the recommendations section below.

Under the current Board structure, if the parties choose to endorse only two candidates, and unless one or more unaffiliated or party candidates petition onto the ballot, unaffiliated voters are severely limited in the input they have in the election process. While this may be a consequence of the unaffiliated voter’s decision to be unaffiliated, an election process which allows candidates to not have to engage all voters, regardless of affiliation or lack thereof, will tend to produce suboptimal results. The pool of unaffiliated voters should be engaged in the candidate selection process, and in the election process. The former can be done through encouraging more unaffiliated candidates (see the recommendation section below); the latter can be done by providing an increase in the number of candidates, and/or more inter-party competition among candidates.

A structure which permits competition among all candidates and requires engagement by all candidates provides a greater opportunity for the will of the people to be heard. In addition, such a structure would force all candidates to engage with unaffiliated voters, thereby allowing for greater access to the election process by these voters.

d. Increased accountability of Board of Education members
A goal of the Committee was to increase the accountability of the members of the Board of Education to the voters.

A basic tenant of our democracy is that all elected officials should be accountable to the voters who elect and re-elect them. This accountability extends to the officials’ actions and statements, and to the actions and statements of their parties, if applicable. The election process for the Board of Education falls significantly short of accomplishing this basic accountability. If the parties place only two individuals each on the ballot and there are no Petition candidates, there is only accountability to the roughly 135 individuals who make up the DTC and the RTC, not to the voters of Greenwich.

In the current situation where the Board is split evenly as dictated by state statutes and Town Charter and, where there is no competition between parties and (historically) minimal competition within parties, there is also limited accountability. Accountability can be encouraged by providing choice and competition in the election process for incumbents. In the case where a party has the majority of seats, that party and its members as a whole should be held accountable for the success or failure of the students in their charge. This would drive a deeper examination of the platform of each party (perhaps even encourage each party to develop a local version of their national education platform, something neither has done to date), and would open the beliefs of the candidates and of the parties to more scrutiny. In summary, the Committee recognizes that nothing it can do will directly improve the education being received by students. Nor is it the function of the Committee to judge the effectiveness of the Board of Education, its members, or the school district itself. However, by eliminating constraints and perceptions which might limit the pool of possible candidates, by enabling the engagement of more voters, and by enabling scrutiny of and competition among all of these candidates, a better sense of the Town’s desires for its students would be reflected in those elected to the Board of Education. This better representation could lead to more effective policies and practices in the governance of the Superintendent, and by extension, the entire Greenwich Public Schools. The Committee believes that achieving the four goals above will lead to the improved education of students.
III. Determination of possible structures
   a. Current BoE sizes and structures in Connecticut

Based on data provided by the Connecticut Association of Boards of Education, the 166 Boards of Education in Connecticut break down by size as follows:

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>NUMBER of BOARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>43</td>
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<tr>
<td>8</td>
<td>11</td>
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<tr>
<td>9</td>
<td>85</td>
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<tr>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>13</td>
<td>1                (Region 5 combined district)</td>
</tr>
</tbody>
</table>

State statute provides for Board sizes from 3 to 12. The Board for Region 5 Public Schools is a multi-district Board providing middle school and high school to Bethany, Orange and Woodbridge. There is only one non-partisan Board in Connecticut (Berlin Public Schools). This structure was grandfathered in before the current state statutes governing Boards of Education went into effect in 1966. Berlin had a referendum in November 2016 (which was defeated) to eliminate the non-partisan Board. As far as can be determined, no other town has attempted to convert to a non-partisan Board.

The majority of the Boards (134 of 166) have an odd number of members, possibly reflecting the preference to avoid tie votes (see recap of discussions with CT Superintendent and Superintendent Search Firms).

b. Variables: number of members, term, method of rotation

As permitted under the charge, i.e., "It is expected that the Committee will at least (emphasis added) make a recommendation on the proposal" (that is, the proposal is the same as the charge), the Committee took the approach that it would consider a wide slate of possibilities for change to the size and structure of the Board of Education, before narrowing the possibilities based on the limitations in place and based on the feasibility of the specific possibility. The variables considered were (1) number of members (state statutes allow for three to twelve member Boards), (2) term (state statutes allow for
two, three, four, or six year terms), and (3) method of rotation (i.e., how many members are elected in each cycle). CGS Sec. 9-206a (Optional number of members and terms of boards of election) provides the leeway to consider the range of alternatives.

In considering the possible combinations of the first two variables, the Committee found the discussion with current and former Board of Education members persuasive in their guidance to keep the size (eight members) and the term (four years) of the Board of Education the same. The main reasons cited for maintaining an eight member Board were (1) to not increase the number of members to whom the Superintendent would report, (2) to minimize change during the current Superintendent search process, and (3) to maintain a balanced Board.

Other interested parties (Superintendent of another district, Superintendent search firms) offered additional and slightly varying input. The Superintendent and the search firm indicated a preference for an odd number of members, to prevent tie votes, and both opined that smaller was better. The search firm feedback was that a good candidate would not be dissuaded by the size and possible change to the Board structure.

Consideration was given to seven or nine member Boards. Although this would eliminate in most cases the possibility of a tie vote, it would also force the Board into an unbalanced partisan situation (if there were no unaffiliated or minor party members). A nine member Board would provide additional resources to carry out the work of the Board, but would increase the number of interactions for the Superintendent; a seven member Board would achieve the opposite of the previous two impacts (fewer resources, but fewer interactions).

In regard to the term of service, there was discussion about the impact of turnover on the Board’s relationship with the Superintendent, but there was no support voiced for extending the term to six years. Based on discussions with current Board of Education members, four years appeared to provide adequate length of service for new members to come up to speed and contribute, while smoothing out the impact of potential new members every two years.

Each town can, according to CGS Sec. 9-206a “provide in an ordinance or charter provision for method of rotation.” This allows flexibility in the number of Board members elected in each biennial cycle. The Committee considered the status quo (four members elected in each cycle), as well as what became known as the “Glastonbury model” (after Glastonbury, CT where this structure is in place) of alternating between electing three and electing five in each biennial cycle.

c. Requirements of state statutes

The most significant requirement imposed by state statute is not on number of members or term, but on the requirement for minority representation (Sec. 9-167a) on the Board of Education. Depending on the number of candidates to be elected, no more than one-half can be from the same political party (if the number to be elected is even) or no more than a bare majority can be from the same political party (if the number to be elected is odd). In the case of an eight member Board, one political party could
have four members or five members, depending on the method of rotation selected (i.e., four members elected in each cycle, or alternating three and five).

Two other related requirements of state statutes warrant discussion: the number of permitted candidates from each political party, and the number of candidates a voter may vote for in the election. Sections 9-203, 9-205, and 9-206a ("option 1") all limit the number of candidates from a political party, and the number of candidates a voter can vote for, to one half of the total number to be elected (if the number to be elected is even) or no more than a bare majority of the total number to be elected (if the number to be elected is odd). In contrast, Sections 9-204a and 9-204b ("option 2") allow a political party to nominate, and a voter to vote for, as many candidates as the total number to be elected.

The current Greenwich election system allows a political party to nominate, and a voter to vote for, four candidates (option 2). The current system also limits a political party to four Board members. The combination of these three elements has caused confusion in the past, as a candidate with a higher vote totals may not be seated because of the limitation that the Board of Education have no more than four members of the same political party. This may come about if one party (the first party) nominates three or four candidates, and those three or four candidates earn more votes than candidates from the other party (the second party). Under the current system only the two highest vote getters from the first party will be seated, along with the two highest vote getters from the second party, even if the third and/or fourth candidates from the first party earn more votes than the two highest vote getters from the second party. While this feature of the current election system may be confusing to some and may be considered unfair by others, it does provide the opportunity for more candidates to be presented to the voting public. If option 1 is adopted, the Committee recognizes that it lends itself to simplicity, but also limits the choice presented to the voting public.

d. Partisan (balanced), Non-partisan, Partisan (unbalanced)

Partisan (balanced): The current Board of Education is partisan, with equal representation from the Democratic Party and from the Republican Party among its eight members. There are many arguments in favor of a balanced Board, the foremost of which is that it removes politics from the Board’s deliberations by providing equal power to each of the parties. Any decision made by the Board must have the support of five members, including at least one of the other party. It has been noted that very few tie votes have been recorded in recent history, other than those relating to Board officers, and that voting on significant issues (school start time, racial balance) has not been strictly along party lines.

Non-partisan: The desirability of a non-partisan Board of Education was raised repeatedly in meetings with interested parties, and during the public forum. As noted above, only one Board of Education in Connecticut is non-partisan (Berlin). The Committee in general felt that a non-partisan Board merited detailed investigation, for a variety of reasons: why only one existed in Connecticut, what was the process to convert to such a structure, why no other towns had taken that step, why legislative action had not provided for the structure, and whether Greenwich should pursue such a change.
Partisan (unbalanced): Given that the large majority of Boards of Education in Connecticut have an odd number of members, one can conclude that a similar majority are unbalanced in nature. Lacking unaffiliated members, only Boards with even number of members could be balanced, and even those of size six or ten members could be unbalanced, given normal election rotations.

An attempt was made to determine if district performance (as per the State Department of Education 2014-15 Next Generation Accountability report - http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=334346) could be correlated to the size or partisan nature of a town's Board of Education. Of the 30 districts in DRG A (e.g., Darien, New Canaan) and DRG B (e.g., Greenwich, Fairfield, West Hartford), 24 have seven, eight or nine member Boards. The average Accountability Index for the seven member Board districts was 88.8 (8 districts), for the eight member Board districts was 89.2 (4 districts) and for the nine member Board districts was 89.6 (12 districts). Although there appears to be a trend of improved performance with increased Board size (at least up until ten Board members), there was no statistical difference among the three groups (i.e., seven, eight, and nine members). Greenwich had an index of 89.3.

Assuming that the odd number sized Boards are unbalanced, there is also no statistical difference in performance among the seven (partisan), eight (balanced partisan likely, although this group does include Glastonbury), and nine (partisan) member towns.

<table>
<thead>
<tr>
<th>Number of Board Members</th>
<th>Average Acct Index</th>
<th>Standard Deviation Acct Index</th>
<th>Number of Towns</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>87.0</td>
<td>2.6</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>88.8</td>
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<td>89.6</td>
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<td>10</td>
<td>86.9</td>
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</tr>
<tr>
<td>13</td>
<td>83.6</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Of the top ten districts from DRG A and B by number of students, five had seven member Boards, two (including Greenwich, at third largest) had eight member Boards, and three had nine member Boards.
IV. Input and Guidance from Public, Interested Parties, Town Officials and State Officials

The Committee conducted one public forum and invited comments from those in attendance at most of its other meetings. Guidance was also sought from Town of Greenwich officials, and from the Connecticut Secretary of State’s office. While it is impossible to capture all of the nuances of the points raised, the minutes of the meetings attempt to reflect the input of interested parties (as defined below), and the summarized opinions expressed at the public forum. The minutes of the meetings are attached in the appendix, and cross-referenced below by date.

a. Public Input

A public forum was held 9 November 2016. “By count of the Secretary, approximately 65-70 people attended the session, and 25 people spoke. Ten individuals were in favor of expanding the Board, ten were against, and five did not express a view either way. Nine people discussed a non-partisan Board, and seven discussed unaffiliated voters.” (Taken from the minutes of the 9 November 2016 meeting).

In addition, members of the public (not associated with an interested party) spoke at other meetings, including 1 November, 15 November, 22 November, 7 December.

b. Interested Party Input

The Committee invited a number of interested parties to specific meetings.

i. Political parties

The chairs of the Democratic Town Committee and the Republican Town Committee addressed the Committee on 25 October 2016, and provided written comments (see appendix). In addition, both chairs provided input at and/or attended other meetings (4 October, 1 November, 15 November, 7 December, 20 December, 10 January, 19 January), as did other officers and members of the Town Committees.

ii. Current Board of Education members

The current members of the Board of Education addressed the Committee on 18 October 2016. In addition, members provided input at and/or attended other meetings (31 August, 27 September, 25 October, 7 December, 10 January).

iii. Past Board of Education members

Former chairs and other former members of the Board of Education addressed the Committee on 1 November 2016. In addition, members provided input at and/or attended other meetings (25 October, 7 December, 20 December, 10 January, 19 January).

iv. Superintendent Search Firms
Members (Finger, Rickert) of the Committee spoke with individuals from the search firm currently conducting the search for a new Greenwich Public Schools Superintendent, and with the search firm which conducted the previous search. Summaries of the discussions were presented to the Committee on 20 December 2015.

v. Superintendent

A member (Peldunas) of the Committee spoke with a Superintendent for another Connecticut school district. A summary of the discussion was presented to the Committee on 29 November 2016.

vi. PTA Council

PTA Council President spoke to the Committee on 25 October 2016. Several other members of PTAC were also present. In addition, members provided input at and/or attended other meetings (25 October, 7 December, 20 December, 10 January, 19 January).

vii. RTM Education Committee

The Chair of the RTM Education Committee, Josh Brown, presented his personal views (not necessarily representative of the Education Committee or the RTM) at a meeting with the Committee on 22 November 2016.

viii. Town Elected Official

Peter Tesei, Drew Marzullo, John Toner, John Blankley, Leslie Moriarty, and Tod Laudonia, as well as several RTM members, provided input at and/or attended various meetings (31 August, 13 September, 18 October, 1 November, 15 November, 20 December, 10 January, 19 January). Town Registrars of Voters Sharon Vecchiolla and Fred DeCaro provided responses to questions raised by the Committee via e-mail (see minutes of 27 September meeting).

c. Town of Greenwich Law Department and Registrar of Voters Guidance

The Town of Greenwich Registrars of Voters Sharon Vecchiolla and Fred DeCaro provided responses to questions raised by the Committee via e-mail (see minutes of 27 September meeting). Where one or both were unsure of the answer, a note is included (e.g., “Speculation by Fred”).

The Town of Greenwich Law Department (“Law Department) responded to questions posed by the Committee via e-mail, in phone conversations and in person (see minutes of 31 August, 27 September, 4 October, 15 November, 29 November, 20 December, 10 January).

d. State of Connecticut Secretary of State Guidance

The Committee corresponded via e-mail with Mr. Ted Bromley of the Connecticut Secretary of State’s office (see minutes of 27 September, 18 October and 25 October). Responses from Mr. Bromley are dated 17 October, 31 October, and 30 November 2016, and are include in the appendix.
V. Alternatives

The Committee’s approach was to consider all alternatives, then to filter out those which were not allowable under Connecticut state law, then to eliminate those which were possible by not feasible, then to narrow the alternatives to those which might achieve the goals of the Committee, and then to recommend one alternative which accomplished most or all of the goals. Table 1 presents all of the alternatives considered (first column), with the above filters applied and reflected in the second to fourth columns. Additional detail is provided in the sections following, where indicated.

Whether an alternative is allowed or not is a function of state statutes (see discussion of impact of state statutes in Section III.c). Whether an alternative is feasible or not was a judgment by the Committee, based on input from the Law Department, interested parties and the public.

<table>
<thead>
<tr>
<th>Discussed Options</th>
<th>Allowable</th>
<th>Feasible</th>
<th>Recommend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status quo (eight members, 4 and 4 elected)</td>
<td>yes</td>
<td>yes</td>
<td>no - see discussion</td>
</tr>
<tr>
<td>Charge: expand from 8 to 10 members (5 and 5 elected)</td>
<td>yes</td>
<td>yes</td>
<td>no - see discussion</td>
</tr>
<tr>
<td>Nine members</td>
<td>yes</td>
<td>yes</td>
<td>no - see discussion</td>
</tr>
<tr>
<td>Seven members</td>
<td>yes</td>
<td>yes</td>
<td>no - see discussion</td>
</tr>
<tr>
<td>Eight members (3 and 5 elected)</td>
<td>yes</td>
<td>yes</td>
<td>yes - see discussion</td>
</tr>
<tr>
<td>Eight members with chair having tie break vote</td>
<td>yes</td>
<td>yes</td>
<td>no - see discussion</td>
</tr>
<tr>
<td>Encourage RTC to lower petition signature requirement</td>
<td>yes</td>
<td>yes</td>
<td>yes - see discussion</td>
</tr>
<tr>
<td>Encourage Town Committees to nominate three-four candidates each</td>
<td>yes</td>
<td>yes</td>
<td>yes - see discussion</td>
</tr>
<tr>
<td>Encourage unaffiliated voters to run for the BOE</td>
<td>yes</td>
<td>yes</td>
<td>yes - see discussion</td>
</tr>
<tr>
<td>Encourage education of possible candidates</td>
<td>yes</td>
<td>yes</td>
<td>yes – see discussion</td>
</tr>
<tr>
<td>District representation (e.g., 12 members)</td>
<td>yes</td>
<td>no - see discussion</td>
<td></td>
</tr>
<tr>
<td>Six member Board (3 and 3 elected)</td>
<td>yes</td>
<td>no - see discussion</td>
<td></td>
</tr>
<tr>
<td>Board size of 5, 11, 12</td>
<td>yes</td>
<td>no - see discussion</td>
<td></td>
</tr>
<tr>
<td>Non-partisan Board of Education</td>
<td>no - see discussion</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Change election cycle</td>
<td>no - see discussion</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Reserve seat for unaffiliated voter</td>
<td>no</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Force Town Committees to nominate maximum number of candidates each</td>
<td>no</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Not list party on ballot</td>
<td>no</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Call Petition Candidate something else</td>
<td>no</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>
a. Options which were Not Allowable

   i. Non-partisan Board of Education

As noted above, the Committee felt that a non-partisan Board of Education merited consideration, because it potentially satisfied several of the goals of the Committee: increased choice of candidates, increased competition among candidates, and improved representation of voter input. The non-partisan structure is not addressed in the various statutes (specifically, sections 9-167a, 9-203, 9-204, 9-204a, 9-204b, 9-205, 9-206, 9-206a).

The Committee inquiry (response received 17 October) to the Secretary of State’s office indicated that the only potential path to a non-partisan Board was via a Special Act of the Legislature. Communications with the Law Department called this path into question (meeting minutes of 29 November 2016), and subsequent communications (response received 30 November) with the Secretary of State’s office indicated their belief the Law Department was correct. The Committee voted (20 December 2016) to request a second opinion from outside counsel. After further due diligence discussions with the Law Department (public meeting held 10 January 2017), the Committee concluded unanimously that a change to a non-partisan Board was not currently possible, and that there was no reason to pursue a second opinion. Lending further support to this conclusion is the fact that no other town had converted to a non-partisan Board in the approximately forty-seven years since the Connecticut Constitution Article 10 Section 1 disallowed special legislation pertaining to “organization ... of government of any single town.”

   ii. Change election cycle

The Committee discussed the possibility of changing the election cycle from the current municipal election cycle in odd years, to the presidential/congressional election cycle in even years. The main reason for this change would be to allow the normal larger turnout of voters to select the Board of Education, hence improved representation of voter input.

The response from the Law Department indicated that this change would not be allowed under statute section 9-164 which “states specifically that municipal elections will be held on the first Monday of May or the Tuesday after the first Monday of November of the odd numbered years.” (meeting minutes of 29 November 2016).

b. Options which were Allowable but Not Feasible

   i. District representation (e.g., 12 members)

The Committee requested guidance from the Secretary of State’s office and the Law Department about the possibility of changing the Board structure to a geographic or district representation format, whether coinciding with the current twelve districts or by elementary school districts; as apparently permitted under statute section 167-a(2). The Secretary of State’s office indicated that this structure was not specifically prohibited, but suggested seeking guidance from the municipal attorney. The Law
Department responded that the structure was not practical, given the “Town districts are of different size... It would be impractical to have multiple districts set up for different municipal offices.” While this did not immediately eliminate the structure from consideration, the indication from the Law Department that the structure, relying on unequally sized districts, would “call into question the concept of one man one vote” did rule it out. Although the response from the Law Department focused on the twelve districts now in place in Greenwich, it is obvious that a similar line of reasoning would apply to a structure based on elementary school districts.

ii. Six member Board

The Committee deemed a six member Board as not feasible for two reasons primarily because it was the structure in place prior to the current eight-member Board. Given the discussions with members of the current Board of Education regarding work load, it was felt that a reduction in size was not feasible.

iii. Five, eleven or twelve member Board

For reasons similar to those cited above for a six member Board, a five member Board was not considered. Based on input from members of the current Board of Education and former chairs regarding the impact a larger number of Board of Education members would have on the superintendent (i.e., additional reporting, additional demand for information), the Committee also deemed an eleven or twelve member Board to be not feasible.

c. Allowable and Feasible Options

The Committee had several goals (discussed above) against which it measured each of the options raised, in relation to the current Board of Education structure (referred to below as the Status Quo).

Four of the options considered provide improvement over the Status Quo when judged by the goals of the Committee. Each of the four has positive aspects relating to the goals, but other factors contributed to the Committee’s recommendation, as detailed below.

i. Status quo (eight members, 4 and 4 elected)

In comparison to the four following alternatives, the Status Quo does not provide for inter-party competition, does not require the engagement of voters, including unaffiliated voters, when there is no competition within the party’s nominees, and does not open the incumbents to being held accountable by all voters. It does lend itself to bi-partisan action, since any action of the Board must be approved by at least five members. However, this forced balance is a result of state statutes, not necessarily the desire of the voters of Greenwich. The Committee does not recommend the continued use of this structure (vote 1-4-0).

ii. Charge (expand from 8 to 10 members, 5 and 5 elected)

The original charge to the Committee was to evaluate the impact of an expansion of the Board of Education to ten members, which would allow for a balanced partisan Board or an unbalanced partisan
Board, at the discretion of the voting public. This alternative achieves the goals set by the Committee, providing increased competition, choice, engagement, and accountability. However, the Committee, including the original proponent of the proposal, does not recommend this option (vote 0-5-0). The primary reasons for rejecting this option were the adverse impact a ten member Board would have on the relationship with and management of the Superintendent (based on input from sitting Board of Education members) and possible impact on the on-going selection process for a new Superintendent.

iii. Nine members

The Committee considered a Board of nine members. This structure meets the goals of the Committee, providing increased competition, choice, engagement, and accountability. This alternative is clearly preferable to the Status Quo when measured against the goals of the Committee, and was the second choice of the Committee, albeit by a non-majority vote (vote 2-3-0). However, the Committee does not recommend this structure for two reasons. First, while it would result in an additional member to carry the workload, it would also result in an additional member to ask questions and place work on the Superintendent and administrators. Second, it would likely rule out the possibility of a balanced Board, unless there was an unaffiliated or minor party member. The recommended alternative is simply better when balancing all of the considerations.

iv. Seven members

The Committee considered a Board of seven members. This structure meets most of the goals of the Committee, providing increased competition, engagement, and accountability, but likely reduced choice. While this alternative is also preferable to the Status Quo, it did not garner much support from the Committee (vote 1-4-0). Similar to the nine member Board, the Committee does not recommend this structure for two reasons. While it would reduce the burden on the Superintendent, it would increase the workload on the members of the Board. As with the nine member Board, this structure would likely rule out the possibility of a balanced partisan Board.

v. Eight members with chair having tie break vote

This alternative was considered, putting the Board of Education on similar footing with the Board of Estimates and Taxation. However, the Committee does not recommend this option (vote 0-5-0), as it does not achieve most of the goals set forth.
VI. Recommendations

Eight members (3 and 5 elected)

The Committee (vote 4-1-0) recommends that the Town of Greenwich modify the Town Charter to elect three Board of Education members in one municipal election cycle, and five Board of Education members in the other municipal election cycle. Further, the Committee recommends that the Town of Greenwich adopt provisions of the Connecticut General Statutes which allow political parties to nominate, and voters to vote for, the total number of candidates to be elected (i.e., three or five), not just the number that could be elected from each party.

This structure allows the electorate to decide whether a balanced or unbalanced Board of Education best serves the Greenwich Public School system. It allows competition among the candidates of the two major parties and it will likely result in more candidates being presented for election. While it does not make the pathway to election easier for an unaffiliated candidate (which, in fact, none of the allowable and feasible alternatives does), it introduces no new hurdles for possible unaffiliated (“Petition”) candidates in comparison to the current situation. Through competition and choice, it will engage all voters, whether registered with a party or unaffiliated, and will allow for individuals and parties to be held accountable for their actions or inactions. In light of the current search for a Superintendent, it will create minimal disruption given that the size of the Board of Education will not change.

The committee recognizes that by recommending that parties be able to nominate, and voters be able to vote for, the total number of candidates to be elected, it continues the somewhat confusing process now in place. However, the Committee believes that the benefit of providing more choice to voters outweighs the benefits of simplicity that would result from the alternative. Candidates will still be seated according to their popular vote, up to the limit set by State statute which provides for minority representation.

Recognizing that the following recommendations cannot be backed by force of law or charter, the Committee recommends and encourages:

   a. The Republican Town Committee to lower the petition signature percentage requirement

In order to petition onto the Republican line on the general election ballot, a potential candidate must collect valid signatures from five percent of the number of Republicans casting ballots in the previous like election (we need to verify this). This percentage is set by state statute but the party, at its discretion, can lower the figure. The Committee believes it would potentially increase the number of candidates presented to the voters if the percentage was decreased.

   b. The Democratic and Republican Town Committees to recruit and nominate more than the minimum eligible for election

The Committee recognizes that each party has every right to nominate any number of qualified candidates it feels is appropriate, up to the limit specified by statutes and Town Charter provisions. However, throughout the discussions surrounding this proposal, the Committee has searched for means
to increase the number of candidates presented to the voters in the belief that competition, or increased competition, will be beneficial to the Town, the Greenwich Public Schools and to the students.

c. Unaffiliated voters to run for the BOE

In the same vein, the Committee encourages unaffiliated and minor party residents to consider running for the Board of Education. Wisdom and caring are not confined to those with a major party label. The Committee also encourages the residents of Greenwich to search out potential candidates, and to support these candidates during the petition process with their signatures, and during the election process with their donations. Additionally, although parties cannot formally nominate unaffiliated candidates, there is nothing preventing them from supporting qualified unaffiliated candidates.

d. Continuing education of voters and potential candidates

Finally, the Committee would like to encourage the League of Women Voters and the PTA Council to provide education and encouragement to voters, and especially to those considering running for the Board of Education (while remaining true to their state, federal and by law limitations).
Appendix

a. Written submissions (attached)
b. Meeting minutes – meeting minutes are available online at:
   http://www.greenwichct.org/government/boards/board_of_selectmen/selectmen-s-board-
of-education-charter-revision-committee/

c. Secretary of State e-mail – 17 October 2016, 31 October 2016, 30 November 2016
   (attached)
d. RTM resolution June 1966 (attached)
e. Example petition requirements by affiliation (below)

Any registered voter petitioning onto the general election ballot as a “Petition Candidate” requires signatures amounting to one percent (1%) of the total voters casting ballots in the previous like (Board of Education) election. The total voters casting ballots in November 2015 were 11299. An unaffiliated, Republican, Democrat, or minor party registered voter would require 113 valid signature from registered Greenwich voters in order to appear on the general election ballot as a non-party aligned “Petition Candidate.”

A Democratic Party member petitioning for their party nomination as a Democrat is seeking to activate a Democratic primary. In Greenwich, per Democratic Town Committee rules, this requires signatures amounting to one percent (1%) of total registered Democrats. Total Democratic Party members are currently 9809. A Democratic Party member would require 98 valid signatures from Greenwich Democrats to qualify for a primary. If the number of qualified (either through petition or party endorsement) candidates is less than or equal to four (under current rules), no primary would be required and all such candidates would appear on the general election ballot on the Democratic Party line.

A Republican Party member petitioning for their party nomination as a Republican is seeking to activate a Republican primary. In Greenwich, per state statutes, this requires signatures amounting to five percent (5%) of total registered Republicans. Total Republican Party members are currently 13369. A Republican Party member would require 668 valid signatures from Greenwich Republicans to qualify for a primary. If the number of qualified (either through petition or party endorsement) candidates is less than or equal to four (under current rules), no primary would be required and all such candidates would appear on the general election ballot on the Republican Party line.
The Committee would like to thank all members of the public and all interested parties for sharing their thoughts and ideas. The Committee would especially like to thank Barbara Heins for her support of the effort.