

Principles clash in complaint case

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Wheeler, or any other citizen, has the right to stand up during the public comment section of any meeting and make allegations against officials, LaVoie said.

But if the Board of Education takes the school superintendent's advice, the only place Wheeler will be voicing her complaint is in a private executive session.

Michaud said he will recommend to Winsted Board of Education Chairman Thomas M. Condon that Wheeler not be allowed to present her grievances in public and that an executive session for that purpose be scheduled sometime in the near future.

The disagreement has left Wheeler frustrated.

"I feel like I am being bamboozled, like he (Michaud) is trying to put a muzzle on me," she said recently. "I think the superintendent is using the Board of Education as a force to stop me from speaking."

Michaud maintained last Tuesday night that it was not his intention to stop anyone from speaking but it was "inappropriate" for Wheeler's accusations to be made in public.

A recitation of the Freedom of Information laws by the community lawyer at a recent school board meeting appeared to have convinced Michaud that his position was incorrect and the board planned to hear Wheeler state her complaint in public.

But last Wednesday, after a

consultation with Patrice McCarthy, a lawyer for the Connecticut Association for Boards of Education, Michaud stood behind his original position. He said that Wheeler could be denied the right to speak out on a personnel matter during the public comment section of a board meeting.

According to McCarthy, the board has every right to deny anyone the right to speak publicly at its meetings.

"It is their meeting, their time, and they have the right to conduct it as they see fit," she said.

If someone wants to say something that the board would rather not hear, they have two choices, McCarthy said.

First, they can simply not hold a public hearing. Without a public hearing no one from the public is allowed to speak unless called upon, she said.

Second, the board can hold a public hearing and if things start being said that they "feel are inappropriate" for a public session the hearing can be concluded or the speaker asked to stop, she said.

McCarthy said that it is not only in the board's best interest to stop the discussion of complaints against personnel in a public meeting, it is its responsibility.

"If they allow a parent to get up and literally attack a member of the staff, they basically are allowing something to occur that should not occur in a public session," she said. "The board po-

tentially leaves itself open for a suit from a staff member."

The proper forum for discussions concerning personnel is behind closed doors in executive session, she said. That is where Michaud said he believes Wheeler's complaint should be made and heard by the board.

Laws in the state statutes guiding executive sessions allow the board to ask questions about personnel provided that the person who is the subject of the complaint has been notified that they will be spoken about. In a public session the board is prohibited by law from discussing a personnel complaint, although there appears to be no law prohibiting complaints from being made.

LaVoie said that by recommending to the board that Wheeler not be allowed to speak in public, Michaud is calling for a "closed and secretive" board.

Although LaVoie agrees with McCarthy that the board is not obligated to hold a public session she believes that it is illegal for the board to pick and choose who they will allow to speak based on what issue the speaker wants to raise.

According to LaVoie, the board's bylaws state that at each regular meeting a public hearing will be held. She said there is nothing in the rules that limit commentary during that session. Therefore, she said, the board has no grounds to limit Wheeler's comments.