

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

**VERIFIED PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. On February 1, 2022, the West Hartford Board of Education (hereinafter the “Board of Education” or “Board”) passed two motions (the “Renaming Motions”) concerning the names used by interscholastic athletic teams at Frederick U. Conard High School (“Conard High School”) and William H. Hall High School (“Hall High School” collectively, the “High Schools”).

2. The Renaming Motions “discontinued” the use of the names “Chieftains” and “Warriors” at the High Schools and ordered the principals of the High Schools to “appoint a committee at their school...to develop a new name by June 7, 2022.”

3. On Tuesday, June 7, 2022, the Board is scheduled to vote to approve new team names for both Conard High School and Hall High School.

4. The Board’s purported justification for the Renaming Motions was the recent adoption of Public Act 21-2 by the Connecticut Legislature¹ and the Board’s Policy 1800 Educational Equity (“Policy 1800”). See Ex. 1.

¹ Public Acts, Spec. Sess., June, 2021, No, 21-2, § 63(l). This section provides that “...no municipality shall be paid a grant from the Mashantucket Pequot and Mohegan Fund, established pursuant to section 3-55i, if a school under the jurisdiction of the

5. The Board's process in passing the Renaming Motions contained numerous procedural and substantive flaws, and is therefore invalid.

6. In an effort to avoid this litigation, on May 16, 2022, Zweig sent a letter to the Board detailing the Board's failure to comply with specific Board policies, as well as state and federal law. See Ex. 2

7. Zweig's letter demanded that the Board nullify the Renaming Motions and cease all actions related to the renaming of the teams at the High Schools.

8. Given the substantial community interest in this issue², Zweig's letter also urged the Board "to engage in a comprehensive, transparent and unbiased process that complies with all Board policies and bylaws, as well as applicable state and federal law," if it chose to revisit this issue in the future.

9. On May 25, 2022, Corporation Counsel Dallas Dodge responded to Zweig's letter on behalf of the Board. However, the response failed to address the crux of Zweig's letter: how the Board's actions regarding the Renaming Motions complied with the referenced Board policies and due process. See Ex. 3.

10. Despite the important procedural and substantive issues underlying the Renaming Motions, the Board has not corrected its actions or sufficiently explained how its actions complied with specific Board policies or due process.

board of education for such municipality, or an intramural or interscholastic athletic team associated with such school, uses any name, symbol or image that depicts, refers to or is associated with a state or federally recognized Native American tribe or a Native American individual, custom or tradition, as a mascot, nickname, logo or team name." However, this section also provides an exemption for municipalities to continue to receive funding if they obtain written consent from a state or federally recognized Native American tribe in the area, and an additional one-year grace period for municipalities who intend to obtain such consent.

² A petition drafted by Petitioners pursuant to Section XI of the West Hartford Town Charter, which proposes that the team names for the High Schools "shall not be changed without a vote of the electors of the Town of West Hartford" is currently circulating and already has approximately 1,700 signatures of registered West Hartford voters.

11. With the Renaming Motions still in effect, the principals at the High Schools are scheduled to present new team names to the Board for approval on June 7, 2022.

12. If the Court allows the Renaming Motions to remain in effect, Petitioners will be irreparably harmed, because the team names of the High Schools will be changed, resulting in certain but undisclosed costs to taxpayers, based on a process that violated Board policies and due process of law. Time is of the essence.

JURISDICTION AND VENUE

13. Pursuant to General Statutes § 52-485, § 52-29 and § 52-471, this Court has jurisdiction to issue a writ of mandamus, declaratory and injunctive relief requested herein.

14. Venue is proper in Hartford County Superior Court because the parties are conducting business, and the acts complained of herein took place, in Hartford County.

15. Petitioners have no other adequate remedy at law.

PARTIES

16. Petitioner Scott Zweig is a resident of West Hartford, Connecticut who graduated from Hall High School.

17. Petitioner Mary (Haggerty) McGowan is a resident of West Hartford, Connecticut who graduated from Hall High School. McGowan is the mother of three Conard High School graduates, one current Conard High School student and one student who will enroll at Conard High School next year. In addition, three of McGowan's siblings graduated from Conard High School and four graduated from Hall High School.

18. West Hartford Board of Education (the "Board of Education" or "Board") is the governing body of the West Hartford Public Schools. The Board determines policies, rules and procedures for all public schools in the West Hartford, Connecticut.

19. West Hartford Public Schools (“WHPS”) is a local education agency in West Hartford, organized and existing under the Constitution and laws of the State of Connecticut.

20. Respondent Thomas Moore is the current Superintendent of WHPS. Mr. Moore will be leaving this position on June 30, 2022. Mr. Moore is sued only in his official capacity.

21. Respondent Andrew Morrow is the current Assistant Superintendent for administration for WHPS. Mr. Morrow will assume the role of interim Superintendent of WHPS on July 1, 2022. Mr. Morrow is sued only in his official capacity.

FACTUAL ALLEGATIONS

22. On March 25, 2015, the Board unanimously adopted Policy 1700 School Nicknames and Images (“Policy 1700”), which states “the use of mascots, symbols, images, or nicknames that are directly related to or commonly associated with any particular race or ethnicity is prohibited. Acknowledging the long-standing tradition that has developed around the use of the names “Chieftain” and “Warrior,” the terms “Chieftain” and “Warrior” are **expressly exempted from this prohibition.**” (emphasis added.) See Ex. 4.

23. Almost seven years later, during a Board meeting on December 7, 2021 (the “December Meeting”), Board member Jason Chang introduced a motion to “bring the district into compliance with Public Act 21-2 with a vote to discontinue the use of Chieftain and Warrior and create a process to adopt new mascots.”³

24. After some discussion, Chang amended his motion to “address Public Act 21-2 with a vote on the use of “Chieftain” and “Warrior” and create a process, if necessary, to adopt new measures on February 1, 2022.” See Ex. 5. The motion passed.

³ For reasons unknown to the Petitioners, the Board waited 159 days after enactment of Public Act 21-2 to raise this topic during a public meeting for the first time.

25. Neither Mr. Chang’s initial motion nor his revised motions were included on the agenda published prior to the December Meeting. See Ex. 6

26. In fact, the agenda published by the Board in advance of the December Meeting contained an inadequate and misleading agenda item, which stated only that the Board would “...review the continued use of “Chieftain” and “Warrior” in light of recent changes to CT legislation and BOE policy.” See Ex. 6.

27. This misleading agenda prevented interested residents from understanding the importance of the December Meeting, and either attending the meeting or seeking additional information from the Board.

28. West Hartford residents had no way of knowing that the Board’s “review” of the continued use of the names would merely consist of a brief discussion at the December Meeting, followed by a final vote only 56 days later.

29. Based on information and belief, the December Meeting was the first time since 2015 that the Board publicly addressed or discussed the topics of the team names used by the High Schools⁴.

30. While the Board passively “invited” community feedback on the subject, there was no agenda topic, discussion or debate on the subject during either of the next two public meetings held on December 21, 2021 and January 18, 2022.

31. Instead, at the conclusion of the December 21, 2021 meeting, Thomas-Farquharson provided a terse “update” regarding the process undertaken by the Board.

⁴ If the Board attempts to now claim that this subject matter was discussed at any regular or special meetings of the Board prior to the December Meeting, the Petitioners requests copies of the agenda and minutes from such meetings, pursuant to General Statutes § 1-225, which have not been previously disclosed to the public in violation of General Statutes § 1-200 through § 1-259.

32. During this update, Thomas-Farquharson revealed that the Thomas Moore, on behalf of the WHPS and the Board, sent letters dated October 20, 2021 to representatives from each of the five Native American Tribal Nations in Connecticut seeking input on the use of the team names used by the High Schools.

33. Based on information and belief, this was the first time that the Board publicly disclosed that they contacted the five Native American Tribal Nations in Connecticut regarding the team names used by the High Schools.

34. Based on information and belief, the existence of these letters was known to the Board for approximately two months but withheld from the public.

35. In February 2015, based on significant community interest, the Board held a public forum on the issue of the team names and images used by the High Schools. The purpose of the forum was to allow interested members of the community to share their thoughts and opinions on the topic. According to media reports, over 250 people attended the forum and approximately 50 speakers offered public comment.⁵

36. The outcome of the Board's review, which included the public forum, was a unanimous decision to retain the names "Chieftain" and "Warrior" at the High Schools and retire their former Native American imagery. As part of that unanimous decision, the Board adopted Policy 1700, explicitly permitting the continued use of "Chieftain" and "Warrior."

37. A public forum, like the one held in 2015 was proposed by the Petitioners and other members of the community, but the proposal was rejected by the Board.

⁵ <https://we-ha.com/west-hartfords-native-american-mascot-debate-takes-center-stage-community-forum/>

38. Instead, during a surge in the COVID-19 pandemic and the weeks leading up to and following the Winter holidays, the Board simply stated that they would like to hear feedback from the students and the community.

39. Unlike the towns of Canton and Watertown, whose boards of education established formal committees in 2020 and 2021 to review a potential name/mascot change, the Board formed no such committee.

40. Unlike the towns of Canton and Watertown whose committees convened for approximately 5 months (Canton) and 1 year (Watertown) before providing detailed reports and recommendations to their boards of education prior to any decision, the Board undertook no such effort.

41. Prior to the final vote during the February 1, 2022 meeting, student representatives from both High Schools shared the results of their student surveys regarding the continued use of the names “Chieftain” and “Warrior” at the High Schools.

42. According to Avery Woods Weber, the student representative from Hall High School, approximately 62% of the students who responded to her survey indicated a desire to keep the Warrior name. Only 32% of the students who responded supported a change.

43. According to Andrew Maglio, the student representative from Conard High School, the results of his survey of Conard students were “generally very consistent” with the results of the survey conducted at Hall High School, with approximately 82% of students who responded indicating that they were in favor of keeping the names.

44. Maglio also referenced a historical survey conducted by the Conard High School newspaper in January 2015, which revealed that approximately 60% of students supported keeping the Chieftain name and only 32% in favor of change.

45. Based on information and belief, hundreds of interested members of the community, including current students, parents and alumni, shared their positions on the proposed change with the Board via email in the weeks leading up to the vote.

46. Based on information and belief, over two-thirds of those communications opposed changing the names.

47. Based on information and belief, the community overwhelmingly supported keeping the team names used by the High Schools.

48. However, on February 1, 2022, despite overwhelming support from the community to retain the team names, the Board voted to “discontinue” the use of “Chieftain” and “Warrior” by passing the Renaming Motions.

49. In taking this action, the Board violated its own written policies, as well as the due process rights of the residents of West Hartford.

50. The Board violated Policy 1700 by voting to discontinue the use of the names “Chieftain” and “Warrior” despite express language in Policy 1700 permitting their continued use. Policy 1700 has not been amended or repealed and remains in full effect today.

51. The Board violated Policy 1800 by applying unequal criteria in reaching its decision to change only the team names at the High Schools. Several members of the Board cited the following language from Policy 1800 as the basis for their decision to discontinue the names: “We made a solemn promise to identify and dismantle all elements of systemic racism and historical inequities. We vow to clear paths, with a relentless duty to those in traditionally marginalized groups.”

52. However, in considering only a change to the team names at the High Schools, the Board failed to conduct any reasonable analysis or review of King Phillip Middle School. This

school, which is also under their jurisdiction, is named after Metacomet, a Native American chief of the Wampanoag tribe. The Board failed to take this necessary action despite the middle school's name falling squarely within the language of Public Act 21-2, which the Board claims its actions in passing the Renaming Motions are designed to comply with.

53. Based on information and belief, West Hartford will be prohibited from receiving a grant from the Mashantucket Pequot and Mohegan Fund because King Phillip Middle School uses a "name, symbol or image that depicts, refers to or is associated with a state or federally recognized Native American tribe or a Native American individual, custom or tradition, as a mascot, nickname, logo or team name." (Public Acts, Spec. Sess., June, 2021, No, 21-2, § 63(1).)

54. The Board violated Policy 8310 Formulation, Adoption, Amendment of Policies and Bylaws ("Policy 8310") by failing to hold two readings at public meetings of the Board, prior to any vote to substantively amend an existing Board policy.

55. Policy 8310 states in relevant part that "...substantive amendments of policies and bylaws shall be made only after a second public reading of the proposed change." See Ex. 7

56. By voting to change the High School team names which are already explicitly permitted under Policy 1700, without revising or repealing Policy 1700, the Board effectively approved a substantive amendment to Policy 1700 without satisfying the necessary public notice requirements or holding a vote.

57. By comparison, the Board has a documented history of revising existing written policies, but only after a properly noticed second reading at a public meeting and a public vote, as required by Policy 8310.

58. On February 21, 2018, the Board held a properly noticed second reading and public vote on revisions to the following three policies, as revised by the Board Policy Subcommittee:

4040 Nepotism; Employment of Relatives (provides additional guidance, rules and restrictions on the hiring and employment of family members within the school system), 4160 Publication or Creation of Materials, Copyrights and Patents (expands the school system's legal rights to materials created by employees "on the job" with school funds) and 5720 Search and Seizure (permits the use of breathalyzers and other alcohol screening devices only with the express authorization of the Superintendent)⁶.

59. On February 20, 2019, the Board held a properly noticed second reading and public vote on revisions to Policy 6310 Graduation Requirements (modifying graduation requirements), as revised by the Board Policy Subcommittee⁷.

60. On September 17, 2019, the Board held a properly noticed second reading and public vote on revisions to Policy 5610 Administration of Medication by School Personnel (expanded the rights of students to self-carry and self-administer certain medication, removed immunity for ordinary negligence), as revised by the Board Policy Subcommittee⁸.

61. Considering its past practices and course of conduct concerning compliance with Policy 8310, the Board cannot justify its actions with respect to the Renaming Motions, which clearly violate Policy 8310.

62. Despite Petitioners' request, the Board has provided no reasonable explanation for why it was exempted from compliance with the notice requirements outlined in Policy 8310 in the present matter.

⁶ See West Hartford Public Schools Board of Education Regular Board Meeting Minutes for February 21, 2018 (https://westhartford.finalsite.com/uploaded/BOE/BOE_Minutes/2017-18/official_minutes_Feb_21_2018.pdf)

⁷ See West Hartford Public Schools Board of Education Regular Board Meeting Minutes for February 20, 2019 (<https://resources.finalsite.net/images/v1554228424/westhartford/kvxcjcowrrs4go142pc/OfficialMinutesFebruary202019meeting.pdf>)

⁸ See West Hartford Public Schools Board of Education Regular Board Meeting Minutes for September 17, 2019 (https://drive.google.com/file/d/0B0zswKjYBhO_ekFDUHdKa25wOE9QV1ZMXzBxUm00R0tiMmNz/view?resourcekey=0-KdkDSXXuCOMFZ09CHqZguA)

63. The Board's blatant disregard for its own written policies and its impact on the residents of West Hartford must be addressed by the Court.

64. If the Board, which is comprised of elected officials, is permitted to ignore or disregard its own written policies when it chooses, the public's faith in the Board and its ability to perform its duties will erode.

65. The Board violated Policy 8120 Limits of Authority ("Policy 8120") by exceeding its authority in directing the principals at the High Schools to "appoint a committee at their school...to develop a new name by June 7, 2022." See Ex. 11.

66. Such action by the Board is clearly prohibited by the plain language of Policy 8120, which states "Board members, either as a whole or individually, shall not...command the service of any school district employee..."

67. The lack of transparency and respect for its ministerial duties that the Board has exhibited throughout the current process has harmed alumni, residents, current students and other members of the community who have positive, closely-held emotional associations with the High Schools and their teams. There exists a tremendous amount of goodwill and intangible sentimental value for the team names among West Hartford residents of all generations. Countless graduates of the High Schools, including Petitioners, proudly call themselves Chieftains and Warriors because for many of them, it is an important part of their identity. By labeling these team names systemically racist and offensive, the Board has severely harmed the athletic and academic reputation of the High Schools, its students and alumni, including Petitioners.

68. Despite numerous requests, the Board and Moore have been intentionally vague or non-responsive to requests for reasonable estimates of the costs associated with removing the existing team names from school equipment, apparel, signage, and other paraphernalia. These costs likely

exceed the estimated \$27,820 that the town of West Hartford is scheduled to receive from the Mashantucket Pequot and Mohegan Fund next fiscal year, provided it complies with Public Act 21-2. As a result, residents of West Hartford are being forced to incur the unknown financial burden of the Renaming Motions which resulted from the unlawful actions of the Board.

69. By contrast, in 2015, Superintendent Moore was quoted as saying that replacing the schools' imagery would cost more than \$50,000 and replacing the team names and the imagery would cost \$97,000, excluding signage outside of the buildings.⁹

70. Critically, since passage of the Renaming Motions, the Schaghticoke Tribal Nation, one of Connecticut's five recognized Native American Tribal Nations, adopted Tribal Council Schaghticoke Tribal Nation Resolution # SNA-022 (dated March 15, 2022), which approves the respectful use of names, images and symbols that recognize the history and culture of Native Americans. This resolution allows West Hartford to comply with Public Act 21-2 and still receive the funding from the Mashantucket Pequot and Mohegan Fund.

FIRST CAUSE OF ACTION

(WRIT OF MANDAMUS (CONN. GEN. STAT. §52-485) – VIOLATIONS OF MINISTERIAL DUTIES)

71. Petitioners incorporate by reference the allegations contained in each paragraph above, as if those allegations were fully set forth in this cause of action.

72. Respondents have a clear, present and ministerial duty to comply with the law and their own Board policies.

73. Respondents failed to comply with their duties under Policy 1700 by passing the Renaming Motions which directly conflict with the language of Policy 1700.

⁹ <https://we-ha.com/west-hartfords-native-american-mascot-debate-takes-center-stage-community-forum/>

74. Respondents failed to comply with their duties under Policy 1800 by applying unequal criteria in reaching its decision to change only the team names at the High Schools.

75. Respondents failed to comply with their duties under Policy 8120 by directing principals at the High Schools to appoint committees to develop new names by a date certain. This action exceeded the Board's authority.

76. Respondents failed to comply with their duties under Policy 8310 by failing to hold two public readings at public meetings of the Board prior to any vote to substantively amend an existing Board policy. The Board held no public readings regarding revisions to Policy 1700, nor did the Board hold a formal vote to amend Policy 1700.

77. Accordingly, Respondents have breached and continue to breach their legal duties under their own Board policies governing their affairs.

78. Petitioners have a general, direct, and beneficial interest in ensuring that the WHPS and the Board fulfill their legal obligations.

79. Petitioners have no other adequate remedy at law. Petitioners only legal means of redress is the relief being requested by this Court.

80. If the Court allows the Renaming Motions to remain in effect, Petitioners will be irreparably harmed, because the interscholastic athletic teams at the High Schools will be changed, resulting in certain but undisclosed costs to taxpayers, based on a process that violated the Board's own policies and due process of law.

SECOND CAUSE OF ACTION

DECLARATORY RELIEF (CONN. GEN. STAT. §52-471)

81. Petitioners incorporate by reference the allegations contained in each paragraph above, as if those allegations were fully set forth in this cause of action.

82. An actual controversy exists between the Petitioners and the Board as to whether the Board should repeal the Renaming Motions. Petitioners have requested the Board to take such action, but the Board has declined.

83. Petitioners request a judicial determination that the Board's February 1, 2022 vote, the corresponding Renaming Motions and all related actions are null and void.

84. This determination is necessary and proper because the Board is refusing to abide by the procedures required by the Board's own policies.

THIRD CAUSE OF ACTION

VIOLATIONS OF DUE PROCESS

(U.S. Constitution 14th Amendment; CONN. CONST., art. I, §4, §5, §8)

85. Petitioners incorporate by reference the allegations contained in each paragraph above, as if those allegations were fully set forth in this cause of action.

86. Respondents violated Petitioners' rights under the Fourteenth Amendment of the U.S. Constitution and under Article I, §8 of the Connecticut Constitution ("Due Process Rights"), by taking arbitrary and capricious action to rename the interscholastic athletic teams at Hall High School and Conard High School without conducting a comprehensive, transparent and fact-based review, and permitting adequate public comment by interested members of the general public regarding the potential renaming of the teams at each particular school.

87. Respondents violated Petitioners' Due Process Rights by proposing a vote on the team names during a nationwide surge in the Omicron COVID-19 variant and providing only 56 days for interested members of the general public to provide public comment, when there was no urgent legally recognized need to proceed with the vote under such conditions.

88. Respondents violated Petitioners' Due Process Rights by failing to consider in good

faith all options for compliance with § 63 of Public Act 21-2, including the right to seek written consent to continue using the names Chieftain and Warrior from any of the five Native American Tribes recognized by the State of Connecticut, or the right to seek a one-year extension.

89. Respondents violated Petitioners' Due Process Rights by rejecting a proposal to delay the vote on the Renaming Motions until March 1, 2022 so that additional information could be gathered, additional interested members of the general public could be made aware of and have an opportunity to provide feedback on the proposed team name changes for each particular school, and consent could be obtained from one of Connecticut's five Native American Tribes.

90. Respondents violated Petitioners' Due Process Rights by proceeding with their vote on the Renaming Motions when, due to a rising surge in the COVID-19 pandemic (Omicron variant), the general public was not permitted to organize and prepare to provide public comment on the proposed Renaming Motions, when there was no urgent legally recognized need for the vote to proceed under such circumstances when robust debate would be limited and where participation by interested persons (e.g. lower income, elderly people) would also be limited due to their lack of access to, or their ability to use the technology needed to attend the meeting and or provide comments to the Board.

91. Respondents violated Petitioners' Due Process Rights by arbitrarily and without adequate justification injuring the liberty, property, and dignity interests of current and former students, teachers, coaches, alumni and employees of the High Schools insofar as such persons and their families associate with, take pride in, benefit emotionally and financially from, and identify personally with the historically established team names used by the schools from which they graduated, played interscholastic sports, or otherwise closely associated with¹⁰.

¹⁰ Hall High School has used the name "Warrior" since approximately 1952. Conard High School has used the name "Chieftain" since approximately 1957.

92. Respondents violated Petitioners' Due Process Rights by failing to publicly disclose any reasonable financial estimate of the total cost that WHPS (and the taxpayers) will incur as a result of the Renaming Motions.

93. Respondents violated Petitioners' rights under the Fourteenth Amendment of the U.S. Constitution and under Article I, §§4 & 5 of the Connecticut Constitution ("Freedom of Speech and Association Rights"), by arbitrarily and without adequate justification abridging the expressive and associational interests of current and former students, teachers, coaches, and alumni of the High Schools insofar as such persons and their families associate, express themselves through, and associate and identify themselves with, the team names of their alma mater.

Wherefore, Petitioners pray for judgment as follows:

1. For a writ of mandamus to be issued under Conn. Gen. Stat. § 52-485, ordering Respondents to rescind the votes taken on February 1, 2022, and repeal the Renaming Motions, or show cause before the Court at a time and place specified by the Court why they have not done so, and why a peremptory writ should not issue;
2. On return of the writ of mandamus and hearing on the order to show cause, for a peremptory writ of mandamus to be issued by this Court ordering the Respondents to rescind the votes taken on February 1, 2022 and repeal the Renaming Motions;
3. For a declaration that the votes taken by the Board on February 1, 2022, the corresponding Renaming Motions and all related actions are null and void, due to the Board's violations of the First and Fourteenth Amendments of the U.S. Constitutions, Article I, §§ 4, 5 and 8 of the Connecticut Constitution, and Board Policies 1700, 1800, 8120 and 8310;
4. For a stay, and temporary and permanent injunctions, enjoining the Board and WHPS and its

agents, employees, officers and representatives from undertaking any activity to implement the actions called for in the Renaming Motions and from approving new team names for the High Schools;

5. For costs of suit;
6. For such other and future equitable relief as the Court deems just and proper.

Dated this 6th day of June, 2022.

Respectfully Submitted,

By: Scott Zweig
Scott Zweig, Esq

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,)	SUPERIOR COURT
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vs.)	J.D. OF HARTFORD
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WEST HARTFORD BOARD OF)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
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Respondents.)	
)	June 6, 2022

VERIFICATION

Scott Zweig, being duly sworn, deposes and says that I am a Petitioner in the above-entitled action. I have read the foregoing Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief and know the contents thereof; and that the same are true to the best of my knowledge and belief.

By: *Scott Zweig*
 Scott Zweig

Personally appeared Scott Zweig who made oath to the truth of the matters contained in the foregoing Verified Petition and Complaint before me on this 6th day of June, 2022

 Kyle Zelazny
Kyle Zelazny, Esq.
Commissioner of the Superior Court

EXHIBIT 1

1800 Educational Equity

Mission of the WHPS

To inspire and prepare all students to realize their potential and enhance our global community.

Equity and Anti-Racism Vision

We, the members of the WHPS, dedicate ourselves to the pursuit of equity. Equitable schools are those that value and honor ALL in our community as unique individuals capable of maximizing their true potential. We make a solemn promise to identify and dismantle all elements of systemic racism and historical inequities. We vow to clear paths, with a relentless duty to those in traditionally marginalized groups. We pledge to partner with ALL families in the service of the success of each child. -- Adopted 2020

Every student in the West Hartford Public Schools (WHPS) has the right to access opportunities and educational programs or activities that cultivate their unique gifts, talents, and interests, regardless of race, color, religion, age, sex, sexual orientation, national origin, alienage, ancestry, disability, gender identity or expression, or any other basis protected by State or Federal law. Every student has the right to an authentic feeling of belonging and safety. We acknowledge that current and historical systems of racism, privilege, and oppression impede student progress. Therefore, it is our moral imperative and statutory charge to identify and eliminate barriers and inequitable practices that perpetuate disparities across student groups. As an anti-racist organization, it is our collective responsibility to ensure full, safe, and equitable participation for all students, in every area of our educational programs. As a Board of Education, we have a statutory duty to implement the State's educational interest, which includes the duty to reduce racial, ethnic, and economic isolation of our students. We strive to reach these goals in the following ways:

Budget and Resource Allocation

WHPS will strive to allocate resources and funds to meet the needs of all students, while directly targeting interventions and supports that address identified inequities and help maintain school cultures that support our mission to enhance our global community.

Recruitment and Retention

WHPS will utilize innovative approaches and strive to recruit and retain high qualified, certified staff across all areas and leadership levels who reflect the diversity of our community and share our commitment to antiracism and antibias. Deliberate investment strategies will be vital to recruit, support, and retain educators and support staff, especially those from underrepresented racial, ethnic, gender, and linguistic backgrounds.

High-Quality Curriculum, Instruction, and Opportunities

Academics, Co-Curricular, and Extracurricular/Enrichment

WHPS will commission resources to ensure the narratives, lived experiences, and perspectives of students from a wide variety of backgrounds are reflected in the curriculum and provide an authentic voice to reflect diversity and inclusion. In order for under-represented students to access the full curriculum, including in the areas of arts and computer science education, students must see the value of these fields of study as central to society. Special care will be taken to ensure that students have ongoing opportunities to see their identities represented positively in the curriculum. Curriculum review teams will include educators from historically or traditionally marginalized groups.

Professional Development

WHPS will design professional learning, training, and support to foster understanding of human biases, as well as the historical and systemic root causes of inequity, and offer research-based means of intentionally countering trends of predictable disparity and disproportionality.

Family and Community Partnership

Engagement, Balance/Representation

WHPS will create and maintain ongoing opportunities for communication among parent/ caregiver, school, and community partnerships that honor and celebrate the strengths and assets of diverse identities and experiences to support student wellness and success. A balanced representation of home/school partnerships will help inform, identify, and address challenges encountered.

Environment/Climate

WHPS will strive to ensure that students, staff, and families are valued, respected, and heard. We recognize the ongoing need for antibias education to support the healthy development of each of our students. Discrimination, bias, or harassment toward any individual or group will not be tolerated, and we commit to our work in this area. We will encourage all members of the school community

to develop a feeling of individual ownership of this responsibility to ensure safe and nurturing learning environments.

Accountability

Structures, Systems, and Data Analysis

WHPS, through a process of continuous quality improvement, will delineate structures, accountability systems, and metrics that enable the identification and analysis of inequities in access, opportunities, and outcomes for all students, and in particular those groups that have been traditionally and historically marginalized. WHPS will collect data using equity-conscious measures to support clear reporting on goals and outcomes.

Adopted: June 1, 2021

EXHIBIT 2

Scott Zweig
19 Claybar Drive
West Hartford, CT 06117

Sent via electronic mail and personal delivery

Dr. Lorna Thomas-Farquharson, Chair
Ms. Deb Polun, Vice Chairperson
Dr. Ari Steinberg, Secretary
Dr. Jason Chang
Clare Nesoralla
Ethan Goldman
Dr. Gayle Harris
West Hartford Board of Education
50 South Main Street
West Hartford, CT 06107

May 16, 2022

Re: Rescission of February 1, 2022 Votes Regarding High School Team Names

Dear Dr. Thomas-Farquharson and Members of the West Hartford Board of Education,

I write this letter to formally demand that the West Hartford Board of Education (the "Board") rescind the votes taken on February 1, 2022 regarding the Hall and Conard high school team names. These votes must be rescinded, and the corresponding motions nullified because the actions of the Board lacked due process and constitute unlawful violations of Board policies.

During its consideration of, and ultimate decision to change the team names at Hall and Conard high schools, the Board violated at least four different Board policies. Specifically, the Board violated Policies 1700, 1800, 8310 and 8120 as detailed below.

Policy 1700 – School Nicknames and Images

The Board violated Policy 1700 by voting to discontinue the use of the names "Chieftain" and "Warrior" despite express language in Policy 1700 permitting their continued use. As of the date of this letter, Policy 1700 has not been amended or repealed, and remains in full effect.

Policy 1800 – Educational Equity

The Board violated Policy 1800 by applying unequal criteria in reaching its decision to change only the team names at Hall and Conard high schools. The Board concluded that the names "Chieftain" and "Warrior" were systemically racist and warranted removal. However, the Board failed to conduct any reasonable analysis or review of King Phillip Middle School, which is named after a Native American chief. The Board failed to take this necessary action despite the school's name falling squarely within the language of Public Act 21-2, which the Board claims its actions are designed to comply with.

Policy 8310 – Formulation, Adoption, Amendment of Policies and Bylaws

The Board violated Policy 8310 by failing to hold two readings at public meetings of the Board, prior to any vote to substantively amend an existing Board policy. By voting to change the high school team names already permitted under Policy 1700, the Board effectively allowed a substantive amendment to Policy 1700 without satisfying the necessary notice requirements or holding a vote.

Scott Zweig
19 Claybar Drive
West Hartford, CT 06117

Policy 8120 – Limits of Authority

The Board violated Policy 8120 by exceeding its authority in directing the principals at Hall and Conard to “appoint a committee at their school...to develop a new name by June 7, 2022.” Such action by the Board is prohibited by the language of Policy 8210, which states the Board “shall not...command the service of any school district employee...”

In addition to the above violations, the Board also violated the rights of students, teachers, coaches, parents, alumni, and other interested parties by deciding to rename the team names without due process. Given the Board’s numerous breaches of its legal and ethical duties, the decision to change the team names cannot stand.

In the interest of resolving this issue amicably and without litigation, I encourage you to act immediately and rescind the unlawful votes, nullify the invalid motions, and cease all actions related to the renaming of the team names at Hall and Conard high schools, which the Board initiated without proper authority.

As you are aware, this issue is of great interest to the residents of West Hartford and alumni at both schools. These individuals expect and demand that you will act in accordance with your stated policies, as well as state and federal law. If the Board chooses to revisit this issue in the future, you will be required to engage in a comprehensive, transparent, and unbiased process that complies with all Board policies and bylaws, as well as applicable state and federal law.

Should you have any questions about the points raised herein, please refer this letter to Corporation Counsel to review the points set forth above and issue an opinion, so that the Board will fully understand the need to reverse its course of action. I look forward to your prompt response. Thank you.

Sincerely,



Scott Zweig

CC:

Thomas Moore, Superintendent – West Hartford Public Schools (via electronic mail & personal delivery)
Dr. Andrew Morrow, Assistant Superintendent – West Hartford Public Schools (via electronic mail)
Dan Zittoun, Principal – Hall High School (via electronic mail)
Jamahl Hines, Principal – Conard High School (via electronic mail)

EXHIBIT 3



Scott Zweig
19 Claybar Drive
West Hartford, CT 06117

May 25, 2022

VIA EMAIL ONLY

Dear Attorney Zweig:

I am writing to you at the request of Lorna Thomas-Farquharson, Chair of the West Hartford Board of Education, in response to your May 17, 2022 email to the Board of Education with the subject “Notice of Violations and Demand for Rescission of February 1, 2022 Votes Regarding High School Team Names” and the letter attached to your email dated May 16, 2022, captioned “Rescission of February 1, 2022 Votes Regarding High School Team Names.”

In your letter, you argue that the votes taken by the West Hartford Board of Education (the “Board”) on February 1, 2022 to discontinue the use of the Chieftain and Warrior names at West Hartford’s two public high schools “must be rescinded, and the corresponding motions nullified because the actions of the Board lacked due process and constitute unlawful violations of Board policies.”

Please be advised that the actions taken by the Board followed proper procedure and are consistent with federal, state and local educational policies concerning diversity, equity and inclusion.

A more detailed explanation is provided below.

Under state statute, local boards of education have the following mandate:

Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district. Conn. Gen. Stat. § 10-220 (a).

Generally speaking, boards of education have responsibility for prescribing rules, policies, and procedures for the “management, studies, classification and discipline of the public schools.” Conn. Gen. Stat. § 10-221 (a). In carrying out this responsibility, boards of education are given broad discretion to determine their own form of governance and adopt rules and procedures for accomplishing these tasks.

In West Hartford, our Board of Education governs itself under a set of bylaws. You are correct that section 8310 of the Board’s bylaws provides that the Board shall “formulate and adopt ***general policies*** for the operation and improvement of the schools” and that such policies may only be adopted or substantively amended after two readings. (Emphasis added).

The Board, however, routinely makes decisions and acts upon proposals that are not general policies. Per the tradition of the Board, such decisions and actions may be accomplished by simple motion and upon a majority vote – provided that the matter being acted upon is within the Board’s authority and there is no conflict with Board policies or state or federal law.

This is necessary for the basic functioning of the Board, lest every decision and action concerning the management of schools become needlessly bogged down by process. The decision to discontinue the use of the Chieftain and Warrior names constitutes the type of action that is not a general policy, but a more routine matter of school management. As such, it was entirely appropriate for the Board to approve the decision to discontinue the use of the Chieftain and Warrior names by a simple majority vote at a properly noticed public meeting.

You go on to argue that the decision of the Board conflicts with existing Board policies.

Your arguments in this regard are specious, and it is not worthwhile to engage in a point by point rebuttal. Suffice to say, there is no existing Board policy that requires the use of the name Chieftain or Warrior at either public high school. In point of fact, under Policy 1800, the Board is committed to “[identifying and dismantling] all elements of systemic racism and historical inequities” and “a relentless duty to those in traditionally marginalized groups.”

I further note that the decision of the Board is consistent with state and federal policies concerning the use of Native American names, images and likenesses in public schools.

As you are well aware, in 2021 the General Assembly adopted Public Act 21-2, which prohibits municipalities from receiving certain state grants if a public school or associated athletic team under its school board’s jurisdiction uses Native American names, symbols, or images without tribal consent. Likewise, the U.S. Commission on Civil Rights has long held that the use of Native American nicknames and imagery for sports teams and in schools is offensive, as it mocks and trivializes Native American culture.

I certainly respect your right to disagree with the decision of the Board to discontinue the use of the Warrior and Chieftain names. You are simply incorrect, however, with regard to your assertion that the decision was unlawful or procedurally improper.

Regards,



Dallas C. Dodge
Corporation Counsel

Cc: West Hartford Board of Education
Tom Moore, Superintendent of Schools
Andy Morrow, Assistant Superintendent for Administration

EXHIBIT 4

1700 School Nicknames and Images

All school-sanctioned and school-funded mascots, symbols, images, and nicknames shall respect and be sensitive to diverse cultural values and the importance of inclusion.

Therefore, the use of mascots, symbols, images, or nicknames that are directly related to or commonly associated with any particular race or ethnicity is prohibited.

Acknowledging the long-standing tradition that has developed around the use of the names "Chieftain" and "Warrior," the terms "Chieftain" and "Warrior" are expressly exempted from this prohibition.

The prohibition shall apply, however, to mascots, symbols, and images used in connection with the names "Chieftain" and "Warrior." It shall also apply to ALL other names or nicknames, including but not limited to school-sanctioned clubs, organizations, or activities.

The use of such mascots, symbols, images, or nicknames by independent, non-school-sanctioned clubs and organizations is strongly discouraged.

The Superintendent of Schools will develop and ensure the teaching of a curriculum that enhances understanding of Native American cultures.

Adopted: March 25, 2015

EXHIBIT 5

West Hartford Public Schools
Board of Education
Regular Board Meeting
December 7, 2021

Present: Dr. Chang, Mr. Goldman, Dr. Harris, Ms. Nesoralla, Ms. Polun,
Dr. Steinberg, Dr. Thomas-Farquharson, Superintendent Tom Moore,
Student Representatives Avery Woods Weber and Andrew Maglio

The meeting was called to order at 7:00 pm.

*Roll Call/ Pledge of
Allegiance*

No revision to the agenda order.

Revision to the agenda order

Mr. Russell Gardner, 8 Willow Lane, West Hartford, spoke on mental health, mask wearing, and communication.

Public Communication

Mr. Keith Kucinski, 6 Pioneer Drive, West Hartford, spoke on curriculum.

Ms. Kate Kappes, 50 Maplewood Road, West Hartford, spoke on the SEL curriculum.

Patty Flemming, 34 Linwold Drive, West Hartford, spoke on curriculum.

Mr. Jacob Werblow, 27 Howland Road, West Hartford, spoke on middle school policies.

Jeanne Wiggins, 6 Middlebrook Road, West Hartford, spoke Covid and also coordinating a public forum.

There is no unfinished business at this time.

Unfinished Business

The open motion regarding the new legislation update on school mascots did not get approved. A new recommendation on the motion is as follows.

New Business

Dr. Chang moved and Dr. Steinberg seconded:

THAT the Board of Education address Public Act 21-2 with a vote on the use of “Chieftain” and “Warrior” and create a process, if necessary, to adopt new measures on February 1, 2022.

Motion passed.

Dr. Steinberg moved and Ms. Nesoralla seconded:

THAT the Board of Education approve a modification to the 2021-2022 school calendar to make Thursday, December 23, 2021 an early dismissal/Wednesday release.

West Hartford Public Schools
Board of Education
Regular Board Meeting
December 7, 2021

Motion passed.

Superintendent Tom Moore reported that vaccine clinics continue at Charter Oak School and Whiting Lane School for second COVID shots for students. Mr. Moore thanked Mr. Melian and Ms. Kukish and the other administrators for all of their work. Approximately 50% of students aged 5 - 11 have been vaccinated with their first shot. There has been a surge in COVID cases after the Thanksgiving break, however, mitigation strategies are working. A booster clinic is being held at Conard High School on December 10th from 3:00 - 6:00 pm and on December 11th from 10:00 - 3:00 pm. On December 16th, the State is hosting a webinar from 5:00 - 6:00 pm on “Staying in School Safely with Covid,” an evening with Connecticut medical experts for parents and families. Jamahl Hines, Assistant Principal at Conard High School, has been named Assistant Principal of the Year for 2022.

Mr. Paul Vicinus, Assistant Superintendent of Curriculum and Instruction and Ms. Roszena Haskins, Director of Equity Advancement spoke on gender equity which is part of the SEL (Social Emotional Learning) curriculum and they gave clarification on the subject. Mr. Vicinus spoke on how there have been inquiries to the Board of Education, schools, and district office about the treatment of gender equity. The media has misrepresented part of WHPS’s goals as to what is in the curriculum.

Dr. Haskins spoke about the curriculum. Presentations were made during the September 9th and October 19th Board meetings and they are available on the district website. Board recordings are also available on WHC interactive. Dr. Haskins spoke on the elementary SEL Civics framework which is based on the CT Social Studies Standards and it is aligned with the CASEL framework. The CASEL framework is a research-based set of competencies that parents and educators can teach and model for students to develop social emotional academic skills. All of the skills come together in a morning meeting structure in a program called Second Step. The progression of the lessons are adapted for learning for justice, an anti-bias social justice framework. There are 80 - 100 lessons per grade per year. There is one lesson per grade level per week and there are one to two civics lessons per week. The majority of the questions that have been received focus on one lesson per year on gender equity. That is framed under the civics, social justice, identity domain.

Mr. Vicinus spoke on some of the misrepresentations and concerns that have been received and both he and Dr. Haskins addressed some of those misrepresentations and concerns. Mr. Vicinus reviewed the Board of Education Policies of WHPS. He also spoke about students who are gender non-conforming, gender questioning, or exhibiting preferences for nontraditional gender. They are aware there are different opinions. The goal is to ensure that every child feels safe, welcomed, valued, respected, and accepted. Dr. Haskins spoke about learning targets at the different grade levels. Mr.

*Staff Communications and
Reports
Superintendent’s Report*

West Hartford Public Schools
Board of Education
Regular Board Meeting
December 7, 2021

Vicinus then spoke about how the approach of identity and diversity is taught in an age appropriate and developmentally appropriate way.

The Board thanked Mr. Vicinus and Dr. Haskins for the clarification. Questions by the Board included communication and how that can be improved.

Ms. Paul Vicinus, Assistant Superintendent of Curriculum and Instruction and Ms. Anne McKernan, Director of Secondary Education, reported on the 2021 SAT Results. The SAT's were taken in March of 2021. Students needed to physically go to school to take the SAT. WHPS had a 91.2% participation rate which was down from a typical 99% participation rate. When the State desegregated the results they broke it into the following categories. Full attendance was being at school 75% or more of the time, hybrid was being at school 25-75% of the time, and remote was being at school less than 75% of the time. The literacy benchmark is 480 and the mathematics benchmark is 530. Literacy results were very stable despite the pandemic; essentially equal to the previous four-year average and within two percentage points of the record high score. In mathematics, the percentage of students at or above the CCR benchmark for 2020-2021 was 58.7% and the previous four year average was 60.4%. The State mathematics score was 36.4% for 2020 - 2021 For literacy, the percentage of students at or above the CCR benchmark for 2020-2021 was 79.6% and the previous four year average was 79.4%. The State literacy score was 58.5%.

The High Needs groups which defines students as economically disadvantaged, students with disabilities, and English language learners. For 2020-2021, the High Needs percentage of students at or above the college benchmark for literacy was 53.6% down from 2018-2019 at 55.0%. For 2020-2021, the High Needs percentage of students at or above the college benchmark for mathematics was 31.6% down from 2018-2019 at 35.1%. The benchmark achievement rates for the High Needs group at the state level were 34.2% for literacy and 15.0% for mathematics.

Students of Color include Black, Hispanic, and two or more races in comparison to the All Students group. For 2020 - 2021, the percentage of students of color at or above the college benchmark for literacy was 60.1% and in 2018-2019, it was 57.5%. In mathematics, the percentage of students of color at or above the college benchmark was 33.5% and for 2018-2019 it was 37.3%. The State achievement rates were 35% and 15% respectively.

Questions from the Board of Education included why there was a 6% increase in mathematics in the 2018-2019 year, research being completed on the school formats, i.e., full-time, hybrid, remote. Questions also included WHPS's objectives and goals, percentage of Hall versus Conard falling into the high needs group of test results, an

West Hartford Public Schools
Board of Education
Regular Board Meeting
December 7, 2021

overlap in high needs and students of color, on-line format of the SAT, and the population that does not take the SAT.

Mr. Goldman moved and Dr. Chang seconded:

THAT the Board of Education approve the Financial Report for the period October 31, 2021.

Motion passed.

Ms. Polun moved and Dr. Steinberg seconded:

THAT the Board of Education approved the minutes of the Regular Board of Education meeting of November 16, 2021.

Motion passed.

Hall High School Representative Avery Woods Weber reported that Hall High School Fall sports have finished. The boys' varsity finished second in the league and boys varsity soccer finished first. The Hall Jewish Student Union is hosting a Chanukah Party to celebrate Chanukah. Indian students in Hall's service community organized a Seva Diwali Food Drive for the West Hartford Food Pantry. On December 10th, Hall is having PJ day to benefit CCMC. Also on December 10th, the Hall Choral Project, The E Sports Club and Hall Robotics are partnering to host the Super Smash Brothers Tournament with proceeds to benefit the CCMC Extra Life Charity. Homecoming is being held on Saturday December 11th. Fall PSAT scores are being released by the College Board. Hall's theatre production, Almost, Maine, opens on December 16, 2021 and runs through December 18, 2021.

Conard High School Representative Andrew Maglio reported that the Winter Sports season is beginning. During Chinese classes a Kung Fu Master came to Conard to teach Kung Fu. Conard hosted its first hackathon where students worked together after school to brainstorm and to design ideas for apps used for social good in school. Pink out day will be held on December 10th. PJ day to benefit CCMC will be held on December 17th. The first issue of the Conard newspaper has come out. The yearbook staff is working on the yearbook. Homecoming is being held on December 10th.

Announcement of Future Meeting Dates:

1. Tuesday, December 21, 2021, Regular Board of Education meeting, 7:00 p.m. Legislative Chamber, room 314.

*Routine Matters
Approval of the Financial
Report*

Approval of the Minutes

*Information and Reports
Board Members:
Communication and Reports*

*Future Business:
Announcement of Meeting
Dates*

West Hartford Public Schools
Board of Education
Regular Board Meeting
December 7, 2021

2. Tuesday, January 18, 2022 Regular Board of Education meeting, Presentation of the CIP, 7:00 p.m., Legislative Chamber, room 314

Dr. Thomas-Farquharson moved and Ms. Polun seconded:

THAT during the December 21, 2021 Board Meeting the Mayor and delegation present a Proclamation to the Superintendent.

Motion passed.

No Comments from Visitors at this time.

No Executive Session at this time.

Dr. Steinberg moved and Dr. Chang seconded:

THAT the Board of Education adjourn.

Motion passed.

Meeting adjourned at 10:00 pm.

ATTEST:

Dr. Lorna Thomas-Farquharson, Chairperson

Dr. Ari Steinberg, Secretary

Respectfully submitted: Ms. Charlotte Flanagan, Clerk of the Board

*Request for future Agenda
Items*

Comments from Visitors

Executive Session

Adjournment

EXHIBIT 6

Agenda

West Hartford Public Schools Board of Education

Regular Meeting

Tuesday, December 7, 2021, 7:00 p.m.

Town Hall, 50 South Main Street

Legislative Chamber - Room 314

Also aired on West Hartford Community Television – Channel 5 or online at whctv.org

I. Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Revision to Agenda Order

II. Public Communications: Comments on topics of interest from the public. Board members do not respond to comments (3 minutes per individual, 21 minutes per subject matter).

III. Unfinished Business

IV. New Business

- A. [New Legislation Update \(School Mascots\)](#)

Recommendation: THAT the Board of Education review the continued use of “Chieftain” and “Warrior” in light of recent changes to CT legislation and BOE policy

- A. Modification to the 2021-2022 School Calendar

Recommendation: THAT the Board of Education approve a modification to the 2021-2022 school calendar to make Thursday, December 23, 2021 an early dismissal/Wednesday release.

V. Staff Communications and Reports

- A. Superintendent’s Report
- B. Staff Reports and Board Discussions
 - 1. [2021 School-Day SAT Results](#)

Background: Mr. Paul Vicinus and Ms. Anne McKernan will report.

VI. Routine Matters

- A. [Financial Report](#)
 - 1. Approval of the [Financial Report for the Period Ending October 31, 2021](#)

Recommendation: THAT the Board of Education approve the Financial Report for the period ending October 31, 2021

- A. Approval of Minutes
 - 1. Approval of the Minutes from the November 16, 2021 Regular Board of Education meeting

Recommendation: THAT the Board of Education approve the minutes of the Regular Board of Education meeting of November 16, 2021

VII. **Information and Reports**

- A. Board Members: Communications and Reports
 - 1. Reports from Other Boards and Organizations
 - 2. Other Information and Discussions
- B. Non-Staff Communications and Report
 - 1. Reports from Student Board Representatives

VIII. **Future Business**

- A. Announcement of Future Meeting Dates
 - 1. Tuesday, December 21, 2021, Regular Board of Education meeting, 7:00 p.m., Town Hall, 50 South Main Street, Legislative Chamber, room 314
 - 2. Tuesday, January 18, 2022, Regular Board of Education meeting, Presentation of the CIP, 7:00 p.m., Town Hall, 50 South Main Street, Legislative Chamber, room 314
- B. Request for Future Agenda Items

IX. **Comments from Visitors** – 3 minutes per individual, 21 minutes per subject matter

X. **Executive Session**

XI. **Adjournment**

EXHIBIT 7

8310 Formulation, Adoption, Amendment of Policies and Bylaws

The Board of Education shall formulate and adopt general policies for the operation and improvement of the schools.

New policies and bylaws will require two readings at public sessions of the Board of Education. Non-substantive amendments of said policies and bylaws may be made after one public reading of the proposed change, while substantive amendments of policies and bylaws shall be made only after a second public reading of the proposed change. Policies and bylaws shall be effective when adopted unless otherwise required by statute.

Bylaw 8310 adopted: October 5, 1987

Bylaw 8310 revised: November 22, 2005

Bylaw 8320 adopted: October 19, 1987

Bylaws 8310 & 8320 combined and revised: February 27, 2013

EXHIBIT 11

8120 Limits of Authority

The Board of Education shall act as a committee of the whole. No individual board member may make a commitment on behalf of the Board, except when expressly permitted to do so when executing an assignment requested by the Board.

Board members, either as a whole or individually, shall not:

- exercise any administrative responsibility with respect to the schools or the district,
- command the services of any school district employee, or
- perform any routine or clerical duties which may be assigned to an employee.

Adopted: October 5, 1987

Revised: June 3, 2014

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

ORDER TO SHOW CAUSE

WHEREAS, the foregoing Application seeking a temporary order of mandamus and order for a temporary injunction, and Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief with prayer, has been presented to the Court, and

WHEREAS, upon application of the Petitioners, it appears that an order should be issued directing the Respondents in this action to appear before the Court to show cause why a temporary order of mandamus and a temporary injunction should not issue.

NOW THEREFORE, IT IS HEREBY ORDERED:

That the Respondents, West Hartford Board of Education, West Hartford Public Schools, Thomas Moore in his official capacity, Andrew Morrow in his official capacity, be summoned to appear at a hearing before the Superior Court for the Judicial District of Hartford at Hartford in court room _____ in the Superior Court House at 95 Washington Street, Hartford, Connecticut 06106, on the _____ day of _____, 2022, then and there to show cause why a temporary order of mandamus and a temporary injunction should not be issued as prayed for in the foregoing Application for Temporary Order of Mandamus, Temporary Injunction and Order to Show Cause, and Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief.

Service in accordance with law on or before the _____ day of _____, 2022, and due return make.

Dated at Hartford, Connecticut, this _____ day of _____, 2022.

BY THE COURT

Judge/Clerk

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

**APPLICATION FOR TEMPORARY ORDER OF MANDAMUS, TEMPORARY
INJUNCTION AND ORDER TO SHOW CAUSE**

Petitioners, Scott Zweig and Mary McGowan, hereby make application for a temporary order of mandamus and for a temporary injunction without bond pursuant to Conn. Gen. Stat. §§ 52-472 and 52-473 against Respondents West Hartford Board of Education, West Hartford Public Schools, Thomas Moore in his official capacity and Andrew Morrow in his official capacity (collectively the “Respondents”), in accordance with the accompanying Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief (“Verified Petition”) and the prayer for relief contained therein, for the following reasons:

1. On February 1, 2022, the West Hartford Board of Education (hereinafter the “Board of Education” or “Board”) passed two motions (the “Renaming Motions”) concerning the names used by interscholastic athletic teams at Frederick U. Conard High School (“Conard High School”) and William H. Hall High School (“Hall High School” collectively, the “High Schools”).

2. The Renaming Motions “discontinued” the use of the names “Chieftains” and “Warriors” at the High Schools and ordered the principals of the High Schools to “appoint a committee at their school...to develop a new name by June 7, 2022.”

3. On Tuesday, June 7, 2022, the Board is scheduled to vote to approve new team names for both Conard High School and Hall High School.

4. The Board's process in passing the Renaming Motions contained numerous procedural and substantive flaws, and is therefore invalid.

5. Specifically, the Board violated the following policies: Policy 1700 School Nicknames and Images ("Policy 1700"), Policy 1800 Educational Equity ("Policy 1800"), Policy 8120 Limits of Authority ("Policy 8120") and Policy 8310 Formulation, Adoption, Amendment of Policies and Bylaws ("Policy 8310").

6. These policies were adopted by the Board under Conn. Gen. Stat. § 10-221(a).

7. The Board failed to comply with their duties under Policy 1700 by passing the Renaming Motions which directly conflict with the language of Policy 1700.

8. The Board failed to comply with their duties under Policy 1800 by applying unequal criteria in reaching its decision to change only the team names at the High Schools.

9. The Board failed to comply with their duties under Policy 8120 by directing principals at the High Schools to appoint committees to develop new names by a date certain. This action exceeded the Board's authority.

10. Respondents failed to comply with their duties under Policy 8310 by failing to hold two public readings at public meetings of the Board prior to any vote to substantively amend an existing Board policy. The Board held no public readings regarding revisions to Policy 1700, nor did the Board hold a formal vote to amend Policy 1700.

11. Accordingly, the Respondents have breached and continues to breach their legal duties under the policies governing their affairs.

12. Furthermore, the Board's violation of these policies constitutes a material failure of their obligations under Conn. Gen. Stat. § 10-221(a).

13. Petitioners have a general, direct, and beneficial interest in ensuring that the WHPS and the Board fulfill their legal obligations.

14. Petitioners have requested that the Board nullify the Renaming Motions and cease all actions related to the renaming of the teams at the High Schools.

15. The Board has refused.

16. Petitioners have no other adequate remedy at law. Petitioners only legal means of redress is the relief being requested by this Court.

17. If the Renaming Motions are permitted to remain in effect, Petitioner will be irreparably harmed, because the team names of the High Schools will be permanently changed, resulting in certain but undisclosed costs to taxpayers, based on a flawed process that violated Board policies and due process of law.

18. Once public funds are utilized to replace the team names at the High Schools, it will be impractical to reverse the change. Now is the time to prevent the unlawful change.

19. As evidenced by the public outcry regarding the Board's actions, there is a significant beneficial interest among the Petitioners and other members of the community in the long-standing team names used by the High Schools they attended, their children attend (or will attend), or their parents and grandparents attended before them. There exists a tremendous amount of goodwill and intangible sentimental value for the team names among West Hartford residents of all generations. Countless graduates of the High Schools, including the Petitioners, proudly call themselves Chieftains and Warriors because for many of them, it is an important part of their identity. By labeling these team names systemically racist and offensive, and ordering their removal, the Board

has severely harmed the athletic and academic reputation of the High Schools, its students and alumni, including the Petitioners.

20. If the Renaming Motions are permitted to remain in effect, the Petitioners, as well as countless current and former students, teachers, coaches, alumni, residents and other members of the community who have positive, closely held emotional associations with the High Schools and their teams will suffer irreparably injury because they will suffer harm to the foregoing interests but not be able to recover damages for the Board's clear violations of policy, law and due process.

21. A temporary injunction is necessary and proper to preserve the status quo and protect Petitioners from further irreparable harm, pending the full adjudication of the rights of the parties.

22. The probability exists that the Petitioners will succeed on the merits after a full hearing, and no harm or injury will inure to the Board or any of the Respondents by issuance of temporary injunctive relief a sought herein.

23. Good cause has been shown that a temporary injunction out to issue without a bond, pursuant to Conn. Gen. Stat. § 52-472, inasmuch as the pending issues can be quickly resolved upon a full hearing on the merits by the Court, and the Board and the Respondents will not be unduly harmed prior to such a full hearing, inasmuch as the injunctive relief requested in appropriately limited to the respective rights of the parties and to preserve the status quo. Moreover, the Court may consolidate the hearing on this application with the order of mandamus and permanent injunction prayed for by Petitioner in the Verified Petition, without harm of prejudice to Respondents.

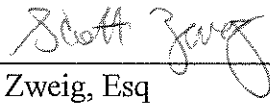
Wherefore, the Petitioners pray that:

1. a temporary writ of mandamus issue under Conn. Gen. Stat. § 52-485, ordering Respondents to rescind the votes taken on February 1, 2022, and repeal the Renaming

- Motions, or show cause why a peremptory writ should not issue for them to do so;
2. a temporary injunction issue without the giving of a bond by the Petitioners, enjoining the Respondents and their agents, employees, officers and representatives from undertaking any activity to implement the actions called for in the Renaming Motions and from approving new team names for the High Schools;
 3. an order be issued directing Respondents to appear on a date certain to show cause why this Application for Temporary Order of Mandamus, Temporary Injunction and Order to Show Cause should not be granted.
 4. such other and future equitable relief as the Court deems just and proper.

Dated this 6th day of June, 2022.

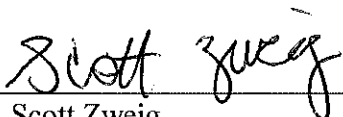
Respectfully Submitted,

By: 
Scott Zweig, Esq

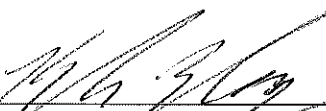
SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

VERIFICATION

Scott Zweig, being duly sworn, deposes and says that I am a petitioner in the above-entitled action. I have read the foregoing Application for Temporary Order of Mandamus, Temporary Injunction and Order to Show Cause and the annexed Verified Petition and Complaint and know the contents thereof; and that the same are true to the best of my knowledge and belief.

By: 
Scott Zweig

Personally appeared Scott Zweig who made oath to the truth of the matters contained in the foregoing Application for Temporary Order of Mandamus, Temporary Injunction and Order to Show Cause before me on this 6th day of June, 2022


Kyle Zelazny, Esq.
Commissioner of the Superior Court

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

ORDER FOR TEMPORARY MANDAMUS AND TEMPORARY INJUNCTION

WHEREAS, the Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief (“Verified Petition”), and the Application for Temporary Mandamus and Temporary Injunction and Order to Show Cause (“Application”) of the Petitioners, Scott Zweig and Mary McGowan, having come before the Court, and the Court having examined the Application, the Verified Petition of the Petitioner, and a hearing having been held thereon at which all parties had an opportunity to appear and be heard; and

WHEREAS, the Court having found good cause for the issuance of a temporary order of mandamus without bond;

WHEREAS, the Court having found good cause for the issuance of a temporary injunction without bond;

NOW, THEREFORE, it is hereby ORDERED:

1. A temporary writ of mandamus issue under Connecticut General Statutes § 52-485, ordering Respondents to rescind the votes taken on February 1, 2022 and repeal the Renaming Motions;
2. A temporary injunction issue without the giving of a bond by the Petitioner, enjoining the

Respondents and their agents, employees, officers and representatives from undertaking any activity to implement the actions called for in the Renaming Motions and from approving new team names for the High Schools;

3. For such other and future relief as the Court deems just and proper.

BY THE COURT:

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

SUMMONS

TO ANY PROPER OFFICER:

BY THE AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to summon the Respondents in the foregoing action to appear at a hearing before the Superior Court at the courthouse for the Judicial District of Hartford at Hartford in court room _____ in the Superior Court House at 95 Washington Street, Hartford, Connecticut 06106, on the _____ day of _____, 2022, then and there to show cause why a temporary injunction should not be issued and a temporary order of mandamus should not be issued, as prayed for in the Petitioners' Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief ("Verified Petition") and Application for Temporary Order of Mandamus, Temporary Injunction and Order to Show Cause ("Application"), by serving thereon in the manner prescribed by statute for the service of process, a true and attested copy of the foregoing Application, Verified Petition, Order to Shown Cause and this summons on the Respondents, not later than the _____ day of _____, 2022.

HEREOF fail not, but due service and return make.

Dated at Hartford, Connecticut on this _____ day of June, 2022.

Commissioner of the Superior Court

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

CERTIFICATION INTO COURT

The accompanying Application made to me in the above-captioned matter and proceedings thereon had before are hereby certified into this Court.

Dated at Hartford, Connecticut on this ____ day of June, 2022.

Judge of the Superior Court

SCOTT ZWEIG; MARY MCGOWAN)	
)	
Petitioners,	)	SUPERIOR COURT
)	
vs.	)	J.D. OF HARTFORD
)	
WEST HARTFORD BOARD OF	)	AT HARTFORD
EDUCATION; WEST HARTFORD PUBLIC)	
SCHOOLS; THOMAS MOORE, in his official)	
capacity; ANDREW MORROW in his official)	
capacity;)	
)	
Respondents.)	
	)	June 6, 2022

ORDER FOR WRIT OF MANDAMUS AND PERMANENT INJUNCTION

WHEREAS, the Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief (“Verified Petition”) of the Petitioners, Scott Zweig and Mary McGowan, having come before the Court, and the Court having examined the Verified Petition of the Petitioners, and a hearing having been held thereon at which all parties had an opportunity to appear and be heard; and

WHEREAS, the Petitioners have no other adequate remedy at law, and will suffer irreparable harm unless this application is granted;

WHEREAS, the Court having found good cause for the issuance of an order of mandamus;

WHEREAS, the Court having found good cause for the issuance of a permanent injunction;

NOW, THEREFORE, it is hereby **ORDERED:**

1. A writ of mandamus issue under Connecticut General Statutes § 52-485, ordering Respondents to rescind the votes taken on February 1, 2022 and repeal the Renaming Motions;

2. A permanent injunction issue, enjoining the Respondents and their agents, employees, officers and representatives from undertaking any activity to implement the actions called for in the Renaming Motions and from approving new team names for the High Schools;

IT IS SO ORDERED

BY THE COURT:
