



Board of Education Regular Meeting Agenda  
501 Kings Highway East, 2<sup>nd</sup> Floor Board Conference Room  
August 28, 2018  
7:30 PM

1. Call to Order of the Regular Meeting of the Board of Education and Roll Call
2. Pledge of Allegiance
3. Public Comment\*
4. Old Business
  - A. Update: Graduation Policy 6146
  - B. Discussion of Structural Change Ideas  
(Enclosure No. 1)
  - C. Discussion of Board Goals  
(Enclosure No. 2)
5. New Business
  - A. Discussion: WFC Tuition, Mr. Mancusi  
(Enclosure No. 3)
  - B. Discussion: Facilities Plan and Waterfall Schedule, Mr. Cullen  
[http://cdn.fairfieldschools.org/business-services/facilities/Long\\_Range\\_Facilities\\_report\\_updatedrevby8-14-18.pdf](http://cdn.fairfieldschools.org/business-services/facilities/Long_Range_Facilities_report_updatedrevby8-14-18.pdf)  
[http://cdn.fairfieldschools.org/business-services/facilities/Capital\\_projectswwaterfall8-22-18.pdf](http://cdn.fairfieldschools.org/business-services/facilities/Capital_projectswwaterfall8-22-18.pdf)  
<http://cdn.fairfieldschools.org/business-services/facilities/SummarySheet8-22-18.pdf>
6. Approval of Minutes  
**Recommended Motion:** "that the Board of Education approve the *Special* Minutes of June 26, 2018 and the *Regular* Minutes of June 26, 2018"  
(Enclosure Nos. 4, 5)
7. Superintendent's Report
  - A. District Priorities  
(Enclosure Nos. 6)
  - B. Education Legislation Update  
(Enclosure No. 7)
  - C. Summer 2018 Work and Projects Update
8. Committee/Liaison Reports
9. Open Board Comment
10. Public Comment\*
11. Adjournment  
**Recommended Motion:** "that this Regular Meeting of the Board of Education adjourn"

*\*During this period the Board will accept public comment on items pertaining to this meeting's agenda from any citizen present at the meeting (per BOE By-Law, Article V, Section 6). Those wishing to videotape or take photographs must abide by CGS §1-226.*

CALENDAR OF EVENTS

|                                       |         |   |
|---------------------------------------|---------|---|
| September 11, 2018<br>Regular Meeting | 7:30 PM | 501 Kings Hwy East<br>2 <sup>nd</sup> Floor Board Conference Room |
|---------------------------------------|---------|---|

RELOCATION POLICY NOTICE

*The Fairfield Public Schools System provides services to ensure students, parents and other persons have access to meetings, programs and activities. The School System will relocate programs in order to ensure accessibility of programs and activities to disabled persons. To make arrangements, please contact the office of Special Education, 501 Kings Highway East, Fairfield, CT 06825, Telephone: (203) 255-8379.*



Enclosure 1  
August 28, 2018

**To:** Board of Education  
**From:** Philip Dwyer, Chairman  
**Re:** Continued Conversation on “Operational Effectiveness”  
**Date:** August 24, 2018

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The staff and board members of the Fairfield Public Schools continually search for ways to improve the educational quality of our schools, while at the same time seeking ways to operate the district in a more efficient and effective manner. The average budget increase of 2.99% over the last 10 years proves that goal was accomplished. However, the Board of Education and Central Office continue to explore avenues of operational effectiveness.

An Ad Hoc Committee was established in 2017 and two meetings were held to explore ideas. The firm of Milone and MacBroom was contracted to study different enrollment projections, as enrollment is the principal driver of district costs. A Special Meeting was held to further refine the areas the Board no longer wished to explore. At the June 26, 2018 Regular Board meeting, the Board further refined areas to study in 2018 – 2019:

**1. K – 2 and 3 – 5 Grade Reconfiguration:**

This was a principal topic for the Board and was discussed at length. The Board concluded that if grade reconfiguration were to be considered, it would be district-wide and not limited to two schools. Dr. Jones indicated that the delivery of curriculum and the quality of education remains the same for a variety of different grade reconfigurations used by local school districts.

Given actual 2017-2018 class section totals, the following pairing by feeder pattern would create a total of 189 sections with an average of 22.4 students in each class and would result in an overall *reduction* of 20 sections:

| Schools  | Holland Hill<br>Osborn Hill | Dwight<br>Mill Hill | Jennings<br>Stratfield | Riverfield<br>Sherman | Burr<br>North Stratfield | McKinley<br>As Magnet<br>Size 23/25 | Total |
|----------|-----------------------------|---------------------|------------------------|-----------------------|--------------------------|-------------------------------------|-------|
| Sections | 3                           | 5                   | 1                      | 7                     | 0                        | 4                                   | 20    |

*(Without the pairing option, there will be 209 sections, resulting in an average of 20.3 students per class.)*

Operational issues such as transportation and additional bus routes would need to be addressed. Impacts to CLC/CLC-s programs, student transitions, and the effects on the parent volunteer community were also considered. Following this discussion, the Board decided to confirm at its August meeting to eliminate grade reconfiguration as an option.

2. **Class Size Guidelines:** The Board also discussed adopting more flexible guidelines towards creating new sections in elementary school. For example, the current policy allows 30 students per class in grades 3-5, but administrative guidelines identify 25 as the desired limit. This means that when a 3-section school arrives at 25, 25, and 26, a 4<sup>th</sup> section is created. An idea was suggested that the split occur when all three sections arrive at 26, 26, 26, i.e. sections of 25, 26, 26 would be acceptable.

A review of the October 2018 projected enrollment shows 7 of 204 sections operating at the threshold of 23 or 25, each with an impending class addition. A change in practice could possibly result in hiring 3 fewer staff members. This would not change the 19-21 average class size, which compares favorably with surrounding districts.

The consensus of the Board was to maintain the policy and guidelines on class sizes that have been used for many years, to avoid risking a slow increase in average class sizes. Based on this discussion the Board decided to confirm at its August meeting to remove class size guidelines from further discussion.

3. **Committee of the Whole:** The Board agreed to use Regular and/or Special meetings to discuss remaining topics. This ensures all nine board members could offer ideas on best approaches to operational effectiveness. If a topic is moved forward, requiring detailed discussion on how best to implement it, the Board could decide at that point to have a small committee to further refine a proposal.
4. **2018 – 2019 Study Agenda:** Based on the June 26<sup>th</sup> BoE meeting discussion, the following issues will be scheduled for further exploration:

- A. [Magnet Program](#)

Various options could be explored both for the educational focus of a magnet program and its location. There were two ideas identified for a magnet program. Individual board members were encouraged to offer other ideas.

- *International Baccalaureate Program*, most often suggested for McKinley School as a good addition to our educational opportunities AND as a means of changing the racial balance of that school. Depending on the size of the program, some small adjustment to the McKinley attendance boundaries would be needed to make room for such a program.
- *STEAM Program* was also suggested as a magnet program to be located at McKinley.

Programs will initially be explored at separate meetings in September and October to understand the educational benefits and operational issues. The Board may then choose to prepare a formal proposal for the 2019-2020 and 2020-2021 budget cycles.

B. [ECC Facility Issues](#)

The ECC program was developed to provide required special education services to children ages 3 to 5. It has outgrown the space available at Fairfield Warde HS, with enrollment of 161. One ECC and one regular PK section opened at Stratfield and serves 24 students. ECC enrollment is expected to increase and must be addressed. Board members were encouraged to visit the main ECC facility AND the Stratfield ECC classroom in September or October. Following visits, this issue will be placed on a future agenda for discussion.

C. [WFC Facility Issues](#)

The WFC Alternative High School is a leased facility that has served between 32 and 50 students in any given year. The concern centers on whether the district should invest in a leased property. Board members were encouraged to attend a site visit, after which this issue will be placed on a future agenda for discussion. Identifying a new site for this program will take time; the lease currently ends in June 2019.

D. [Redistricting to Resolve Facility Utilization Concerns](#)

As shown in the Milone and MacBroom reports, the west side of town is lacking in classroom space for the ten-year future enrollment needs of elementary school children. For that reason, and to eliminate the existing five portable classrooms, maintain neighborhood-based schools and ensure small class sizes, the BoE has recommended an addition and renovation project creating 24 large classrooms and small specialized instruction spaces at Mill Hill School. Redistricting might include a comprehensive look at our elementary school attendance boundaries, a shift of specific schools to resolve facility utilization issues or small adjustments in specific schools to facilitate other planning needs.

E. [Racial Imbalance](#)

We have an approved plan that requires a final report to the state by spring 2019. The June 19, 2018 letter from CSDE to Dr. Jones, provided final numbers on McKinley and requested a written update on the Racial Imbalance Plan. The BoE received a copy of that report. Unless requested to do so, no further report will be due until spring 2019. By that time, the Town will have made its decision on Mill Hill School, magnet program options will have been studied, and the 2-year impact of continuing to offer Pre-K programs and Open Choice will have been determined. At that point, we will determine if redistricting will be adopted as part of our plan. We did see a slight change at McKinley that brought us closer to the 25% threshold. Currently we are within 3.39% of the 25% threshold. The BoE will review the status next spring and

determine what actions it wishes to take at that time. The shifts in balance are primarily due to shifts at the other ten schools:

| School           | 2015 Minority PCT | 2016 Minority PCT | 2017 Minority PCT | Year Difference<br>(2016 to 2017) |
|------------------|-------------------|-------------------|-------------------|-----------------------------------|
| Burr             | 19.86 (PK)        | 21.79 (PK)        | 27.16 (PK)        | +5.37                             |
| Dwight           | 14.33 (PK)        | 17.80 (PK)        | 14.01             | -3.79                             |
| Holland Hill     | 32.84             | 37.87             | 39.84             | +1.97                             |
| Jennings         | 20.00             | 20.50             | 25.26             | +4.76                             |
| McKinley         | 47.89             | 53.23             | 53.24             | +0.01                             |
| Mill Hill        | 15.71             | 18.75             | 20.17             | +1.42                             |
| North Stratfield | 20.48             | 24.69             | 24.21             | +0.48                             |
| Osborn Hill      | 14.52             | 15.28             | 18.91             | +3.63                             |
| Riverfield       | 12.50             | 13.88             | 15.25             | +1.37                             |
| Sherman          | 13.99             | 12.81             | 14.47             | +1.66                             |
| Stratfield       | 18.64             | 20.76             | 22.90 (PK)        | +2.14                             |
| <i>District</i>  | <i>20.71</i>      | <i>23.21</i>      | <i>24.85</i>      | <i>+1.64</i>                      |
| <i>PK</i>        | <i>21.38</i>      | <i>23.81</i>      | <i>25.38</i>      | <i>+1.57</i>                      |

F. [Board Goals](#)

In conjunction with adopting Board Goals for the 2018–2019 period, our best course of action may be to adopt Items 4A, 4B, 4C and 4D as one action plan goal, perhaps in conjunction with others, as a means of adopting the above as an official work plan.



Enclosure 2  
August 28, 2018

## Board Goal Subjects for Survey Monkey

July 2018

*Please See Numbered Goals Detail on pages 2-7*

1. *Board Development and Procedure*  
Number 1a-c, 11a-d, 16, 29, 32, 34, 36
2. *Board Advocacy*  
Number 2a, 2c-e, 33
3. *Student Achievement and Supports*  
Numbers 3a-e, 21, 22
4. *Curriculum Review and Revision*  
Numbers 4a-b, 12, 17
5. *Collaboration with Other Town Bodies*  
Numbers 5a-c, 18, 28
6. *Staff Support – Recruiting and Retention*  
Number 6a-b
7. *Facilities: Maintenance and Planning*  
Numbers 7a-c, 13, 14, 20, 25, 31b
8. *Fiscal Prudence and Budgeting*  
Numbers 8a-e, 16, 24, 26, 30
9. *District Policy and Goal Alignment*  
Numbers 2b, 9, 16, 17, 23, 29, 31a, 35
10. *Communication*  
Numbers 10a-c, 18, 19, 28, 33
11. *Comprehensive Redistricting Plan*  
Numbers 15, 27, 31c
12. *Security*  
Number 34

# Board Goals

## August 2018

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Board Goals Submitted by Jenn Jacobsen

July 25, 2018

### **1. Board Development:**

- a) Board members attend Board development opportunities as it relates to board responsibilities and duties.
- b) Board engages in the Board evaluation process two times per year
- c) Board considers the outcomes of said self-evaluation and make adjustments based on Board feedback and consensus as to the operation of the Board.

### **2. Board Advocacy:**

- a) Board advocates on the local and state level on policy and financing which supports our public schools, students and staff.
- b) Board provides input on policy and budget proposals that impacts our district, staff and students.
- c) The Board creates position statements on matters before the town or state that may impact the district.
- d) Potentially revise Vice Chair Role, or create Legislative liaison. Dr. Jones as mentioned she has had legislative liaisons in previous districts and although I wouldn't want to create a new job for this it could be a role within the Board. While CAFE does advocate in Hartford we are not necessarily informed ahead of time of that advocacy or its details. VC could also keep abreast of CAFE advocacy and report to the Board.
- e) Board considers a review of unfunded mandates and their effectiveness towards student achievement and provides suggested amendments/advocacy where appropriate.

### **3. Student Achievement:**

- a) Board provides breadth of learning opportunities and the necessary supports for all students
- b) Board supports programming and staffing needs to allow for the achievement of all learners
- c) Board monitors and updates the District Improvement Plan as it supports the District Mission and Goals, including any curricular, budgetary and human resources components
- d) Board supports the services and programming needs of our diverse learners of all levels.
- e) Board supports extracurricular opportunities and programs within the district that engage our students and provide learning and leadership opportunities for students.



**4. Curriculum:**

- a) The Board is abreast of curricular reviews and revisions, as determined by the Curriculum review schedule.
- b) The Board, with administration, supports the curriculum review, adoption and implementation process, on time with adequate resources.

**5. Collaboration with Other Town Bodies:**

- a) The Board collaborates with other town bodies on issues related to their impact on district function, facilities and finance.
- b) The Board identifies areas of collaboration with other town bodies for areas of joint efficiencies, where appropriate.
- c) The Board continues to appoint liaisons to appropriate town entities to stay informed on matters before town bodies that may impact the district.

**6. Staff:**

- a) Board supports the administration in its efforts to recruit and retain highly qualified staff in all areas of administration, teaching and specialized instruction.
- b) Board ensures staff have adequate resources to meet course/initiative objectives.

**7. Facilities:**

- a) Board takes steps to ensure well maintained facilities
- b) Board will monitor, revise and update as needed the Long Range Facilities and Waterfall plans
- c) Board considers security updates and policy as recommended by staff and municipal security professionals.

**8. Finance:**

- a) The Board advocates for the passage of the BOE budget as approved by the Board
- b) The Board engages in the process to identify fiscal efficiencies that support the continual improvement of the district and achievement of our students
- c) The Board seeks to identify potential additional revenue to the district
- d) The Board provides input to administration on the District Budget which supports the needs of our facilitates, staff and students
- e) Board considers a review of unfunded mandates and their effectiveness towards student achievement and provides suggested amendments/advocacy where appropriate.

**9. District Plans and Programming Evaluation:**

The Board evaluates the effectiveness of district plans and programming and considers adjustments towards goal alignment via feedback and data analysis.

**10. Communications:**

- a) Board continues to provide district communications via various mediums to community members and parents
- b) All board members have the necessary information to make timely decisions.
- c) Board continues to make school site-based visits, tours of facilities and provide ample opportunity for community and parent input on matters of the Board.

**11. Governance:**

- a) The Chair considers ideas and feedback of all Board members for items pertaining to the agenda and timing of discussions.
- b) The Board shall hold regular and special meetings and executive sessions per statute and as needed for effective oversight and timeliness of Board topics.
- c) The Board maintains committees deemed necessary to conduct the business of the Board in an efficient and transparent manner.
- d) Consider revision of the role of the Vice Chair. Right now the Chair and the Secretary have detailed responsibilities. The Vice Chair does not have official duties other than if the Chair is absent. I could see the Vice Chair having positive impact and am open to ideas of other board members on this role but some ideas could be:
  - o To bring attention to the full board of proposed state matters that may impact the district
  - o Coordinate position statements the board may wish to advocate on at the state level
  - o With board consensus, inform other town bodies of education related matters at the state level that could impact the town.
  - o Keep the Board abreast of CAFE advocacy/opportunities and resources.
  - o Ideas from others on how this role could be expanded or better utilized.

Board Goals Submitted by Phil Dwyer

July 26, 2018

- 12. Explore Magnet Programs: International Baccalaureate Program and STEAM Program.
- 13. Research ECC Facility Issues
- 14. Research WFC Facility Issues
- 15. Research a Comprehensive Redistricting Plan to Resolve Facility Utilization Concerns.

#### Board Goals Submitted by Christine Vitale

July 27, 2018

16. Hold one special “working” meeting per quarter to discuss such items as new program initiatives, school climate, facilities utilization, budget.
17. Approve new high school graduation requirements by end of September, and support programming that will further Vision of the Graduate.
18. Develop stronger relationship with the Fairfield Board of Realtors so they can more effectively convey accurate information about the Fairfield Public Schools to potential home owners.
19. Reevaluate past suggestions made by Board’s Communication Committee and identify new ways to better engage the community at large.
20. Tour the Walter Fitzgerald Campus and ECC by December 2018 so that all Board members are well informed prior to making any decisions about the future location of these programs.
21. Address how the BoE can help reduce vaping and juuling in our secondary schools.

#### Board Goals Submitted by Trisha Pytko

July 31, 2018

22. The Board of Education goal should include- continuous improvement in curriculum, instruction and assessment. As a school district, we should be fostering the growth our students and staff.
23. BOE goal- Maintain appropriate board policies that are aligned with educational goals and sound educational practice.
24. BOE goal- manage the schools in an efficient and cost effective manner while maintaining and improving the quality of educational programs.
25. BOE goal- manage the schools facilities and ongoing facilities plans to ensure adequate capacity for function of all educational programs in our school district.

#### Board Goals Submitted by Jessica Gerber

July 31, 2018

26. Discuss and work with administration to develop an RFP for a district-wide audit of FPS, as the last one took place almost 10 years ago, and with new/different Board members and staff, as well as new and continued concerns regarding financial issues at the district, town, state and national levels, looking at ways to save money and improve the running of the district could be helpful.
27. Discuss and work with administration to either a) have FPS staff develop one or more redistricting plans that will better utilize our school buildings; or b) hire a firm to develop one or more redistricting plans that will better utilize our school buildings; as many members of the other town bodies and some members of the FPS community have expressed the belief that a district-wide redistricting needs to take place to balance our facilities from a capacity perspective, and help with the racial imbalance situation.
28. Continue to work with the other town bodies and members of the Fairfield community to better communicate the goals, budgets, accomplishments and issues surrounding FPS.

#### Board Goals Submitted by Nick Aysseh

August 1, 2018

#### **29. Board Organization**

Board will commit to hearing recommendations from Administration for Board action and act upon those recommendations in a timely manner. The expectation should be to hear a proposal in one meeting, and vote on it at the next meeting. While there are situations where more information is needed then;

Upon hearing recommendations from Administration for Board action the Board will give clear input and direction to Administration when requesting further information for making a decision.

The ultimate expectation would be that upon hearing a recommendation from Administration, and the Board giving feedback on the recommendation, an action item would be placed on the earliest available agenda for a vote in an expedited fashion.

#### **30. Budget Development**

The Board shall direct the Superintendent to begin budget development with a zero based budget, not a roll forward budget. During budget development, the Board shall provide appropriate and timely feedback to the Superintendent, as the costs of any new initiatives are made available. In other words, it should be a goal of this Board to direct this Superintendent to find cost savings wherever possible while striving to meet district education goals.

### 31. Policy Goals

- a) The Board shall adopt the terms for a policy on the vision of a graduate/new graduation requirements by XXXX date (open to board discussion on a date, but we should vote on achieving this goal on a specific date).
- b) The Board shall review and revise as necessary the Long Range Facilities Planning Principals on a parallel timeframe with the work being done by Mill Hill Building Committee.
- c) By our first meeting in October, in the absence of an agreement by the majority of the Board to reject the need for a racial imbalance plan, the Board shall direct the Superintendent to seek a request for proposals to hire a consulting firm to assist with a district wide redistricting plan to solve overcrowding and racial imbalance.

#### Board Goals Submitted by Jeff Peterson

August 1, 2018

- 32. The Board should streamline its debate and decision-making processes to be able to conduct its business more efficiently. A discussion on this topic could touch on whether the current schedule of meetings is sufficient, encouraging pre-meeting questions of central office, reevaluating subcommittee roles, and the like.
- 33. The Board should aim to increase community engagement with its educational and budget policy. Discussions could cover the possibility of an official social-network presence, expansion/retooling of our town hall meetings, and member appearances outside established PTA visits (e.g., at the senior center).
- 34. The Board should receive a security briefing on a regular basis (perhaps annually/semiannually) rather than limiting these discussions to crisis points or when debating budgetary issues. These briefings could include a recap of recent improvements/repairs, a listing of recent threats/resolutions, and guidance about anything we should be looking for on the horizon.
- 35. The Board should direct the creation of a compilation of our Policy manual into a single, searchable, downloadable PDF.

#### Board Goals Submitted by Jennifer Leeper

August 1, 2018

- 36. I think the board should separate action-oriented agenda items from discussion-oriented agenda items such that one of the Regular meetings a month is a traditional meeting format focused on action items and one Regular meeting a month is formatted as a "work session" to help facilitate open discussion on the agenda topics. Both meeting formats are Regular Meetings under the law and are noticed and posted in advance as has historically been done.



Toni Jones, Ed.D.  
Superintendent of Schools

## Superintendent Memorandum

**To:** Board of Education Members  
**Date:** August 28, 2018  
**Re:** Walter Fitzgerald Campus Tuition Program - UPDATE

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This memo serves as an update to the original June 2016 memo, as approved by the BOE.

Fairfield Public Schools has become a recognized leader in alternative education for those students unable to succeed in the traditional high school setting. Local area districts without an alternative educational program have expressed potential interest in sending their students to the Walter Fitzgerald Campus program on a tuition basis. As discussed at the June 7, 2016 Board of Education Meeting, with today's fiscal climate, this arrangement could prove beneficial for Fairfield as well as for students in other school districts. The Walter Fitzgerald Campus is currently in a position to accept up to 5 out-of-district tuition-paying students. Should the Board of Education approve this option, the following stipulations would apply:

### Old Paragraph from June 2016:

Tuition would be aligned with Cooperative Educational Services (CES) on an annual basis (\$57,892 per student for the 2016-17 school year). Related services (speech and language, OT, PT, nursing, etc.) will be charged on an individual basis equal to the hourly rate paid to Rehabilitation Associates (\$71.50 per hour).

### New Paragraph:

Tuition would be set at \$35,000 for 2018-2019 with no related services. IMPACT and other special education or Section 504 related services will be billed at the Fairfield Public Schools' rate, similar to the billing done for Open Choice students.

- Districts enrolling students for less than a full year will be charged tuition on a pro-rated basis.
- Up to five tuition students will be accepted.
- The sending district is responsible for all student transportation costs.
- Fairfield Public Schools has sole discretion of student acceptance.
- The sending district is responsible for all legal costs that may be incurred in the event of a due process hearing or other special education, **Section 504 or other non-disability related process.**

- Students are subject to dismissal if their presence in the program disrupts the learning environment of other students (after reasonable attempts at intervention).
- Students are subject to Fairfield Public Schools' code of conduct.
- Fairfield Public Schools' resident students will not be denied access to the Walter Fitzgerald Campus program due to the acceptance of appropriate out-of-district tuition students.

Board of Education Policy 3230 states, "Tuition students are not accepted in the Fairfield Public Schools except as may be required by Connecticut State Statutes." While the intent of this Policy is to prevent individual non-resident families from enrolling students, the Board of Education has previously accepted tuition students for specialized programs.

As we discussed, this tuition program has the potential to benefit students in Fairfield County and, at the same time, provide a revenue stream to enable us to weather challenging fiscal times.

*TJ/mb*

**Special Meeting Notes  
Fairfield BoE; June 26, 2018**

**Call to order of the Special Meeting of the Board of Education and Roll Call**

Chairman Philip Dwyer called the Special meeting to order at 6:31PM. Present were members Trisha Pytko, Jennifer Leeper, Christine Vitale, Jessica Gerber, Philip Dwyer, Jennifer Jacobsen, Jennifer Maxon-Kennelly, Nick Aysseh and Jeff Peterson. Also present was Superintendent Dr. Toni Jones.

***Board Discussion, Collective Bargaining***

Mrs. Maxon-Kennelly moved/Mr. Peterson seconded the recommended motion "that the Board of Education hereby moves to enter into Executive Session to discuss a) superintendent employment and performance in accordance with Connecticut General Statute CGS 1-200(6)(A); and b) records, reports and statements of strategy or negotiations with respect to collective bargaining in accordance with Connecticut General Statutes CGS 1-210(b)(9)" Motion passed 9-0.

The Board came out of Executive Session at 7:34PM

**Adjournment**

Mr. Aysseh moved/Ms. Leeper seconded the recommended motion "that this Special Meeting of the Board of Education adjourn." Motion passed 9-0. Meeting adjourned at 7:34PM.



**Regular Meeting Minutes  
Fairfield BoE, June 26, 2018**

**NOTICE:** A full meeting recording can be obtained from Fairfield Public Schools. Please call 203-255-8371 for more information and/or see the FPS website (under Board Meeting Minutes) for a link to FAIRTV.

## **Voting Summary**

### Call to order of the Regular Meeting of the Board of Education and Roll Call

Chairman Philip Dwyer called the Regular meeting to order at 7:41PM. Present were members Trisha Pytko, Jennifer Leeper, Christine Vitale, Jessica Gerber, Philip Dwyer, Jennifer Jacobsen, Nick Aysseh, Jennifer Maxon-Kennelly and Jeff Peterson. Others present were Superintendent Dr. Toni Jones, members of the central office leadership team, and approximately 15 members of the public.

Chairman Dwyer asked the Board for unanimous consent to move item 6B to the beginning of the meeting, which the Board agreed to.

### New Business

#### *Approval of the Holland Hill FF & E Plans and Specifications*

Mrs. Gerber moved/Mr. Aysseh seconded the recommended motion “that the Board of Education approve the plans and specifications for the Holland Hill FF & E” Motion passed 9-0.

### Old Business

#### *Approval of FPS Educator Evaluation Plan Revisions*

Mrs. Gerber moved/Mr. Aysseh seconded the recommended motion “that the Board of Education approve the FPS Educator Evaluation Plan Revisions dated June 2018.” Motion passed 9-0.

Mr. Aysseh moved/Ms. Pytko seconded to add an item to the agenda regarding K-2/3-5 grade reconfiguration. Motion failed 4-5 (Ms. Pytko, Mrs. Jacobsen, Mr. Aysseh, Mr. Peterson in favor; Ms. Leeper, Mrs. Vitale, Mrs. Gerber, Mr. Dwyer, Mrs. Maxon-Kennelly against)

### New Business

#### *Financial Report and Approval of Budget Transfers for the 2017-2018 School Year*

Mrs. Gerber moved/Mr. Aysseh seconded the recommended motion “that the Board of Education approve the line item transfers for the 2017-2018 fiscal year as detailed in the Financial Statement per Enclosure No 2” Motion passed 9-0.

### Approval of Minutes

Mrs. Gerber moved/Ms. Pytko seconded the recommended motion “that the Board of Education approve the *Special* Minutes of June 7, 2018 and June 12, 2018, and the *Regular* Minutes of June 12, 2018” Motion passed 9-0

Mrs. Maxon-Kennelly moved/Mrs. Vitale seconded to suspend the rules and extend the meeting to 11:10PM. Motion passed 9-0.

### Adjournment

Mrs. Gerber moved/Ms. Pytko seconded the recommended motion “that this Regular Meeting of the Board of Education adjourn.” Motion passed 9-0. Meeting adjourned at 10:57PM.

## Detailed Minutes

Mr. Dwyer requested and received unanimous consent to move agenda item 6B (Holland Hill FF&E) ahead of item 4 (CABE E-Meeting Presentation).

### New Business

#### *Approval of the Holland Hill FF & E Plans and Specifications*

Mrs. Gerber moved, Mr. Aysseh seconded that the Board of Education approve the plans and specifications for the Holland Hill FF & E.

Holland Hill Building Committee Chairman, Mr. Quinn, reported that Holland Hill is on schedule and within target for the FF&E budget. FF&E was projected at \$200K, and is currently at \$202.4K. Future savings are expected to be an offset.

Mrs. Gerber explained that the approval is a technicality required by CSDE. Mr. Aysseh thanked Mr. Quinn and the building committee for an outstanding job.

### **Motion Passed : 9-0**

#### *Presentation: CABE E-Meeting*

Ms. Leeper and Mr. Aysseh said the E-Meeting presentation is a result of the Finance Committee's exploration of a paperless environment for Board agendas and minutes; not only in keeping with 21<sup>st</sup> century learning, but also to reduce costs.

Ms. Lisa Steimer/CABE presented the E-Meeting software, a web-based service to assist the Board with a paperless and searchable environment for Board agendas, attachments and minutes. Developed by the Kentucky School Board, 21 Connecticut districts use the program. CABE offers the program at \$3K for the first year, followed by \$1.5K each year thereafter. A demo of the software showed both a Board and public view. Listings of meetings, agendas and minutes would be completely searchable and could be grouped according to Board Goals. Board access to agendas, enclosures and minutes would be managed online by district staff, and published to the website when ready for public view. Personal or district-assigned tablets/devices could be used. A print function is available throughout the program and data is backed up by 2 servers. If approved, E-Meeting could be prepared for FPS use by the beginning of the school year.

Mr. Aysseh said the Board by-laws may have to be updated due to the advances in technology, and accessibility on the website. For example, agenda distribution to newspapers and libraries no longer happens. Also, copies intended for the public are often left untouched and thrown away.

Dr. Jones said the FPS Technology Department is currently working on migrating the FPS website to an ADA-compliant site, necessitating a change in the way Board materials are posted. Ms. Leeper added that other similar programs are more expensive, and this is a cost-effective solution. When requested, paper copies could be provided.

Mr. Dwyer asked each Board member to comment on using this program. All expressed interest but some requested follow up prior to making a decision:

- Mrs. Maxon-Kennelly said she was missing the piece on why a program was needed at all – why not just continue the current method, and not print?
- Mrs. Jacobsen asked how prior year data and information would be archived and who would the contact be for tech support?
- Ms. Pytko said she would require a district assigned tablet or device, but prefers paper.
- Mr. Peterson requested a more detailed explanation of ADA compliance.

This item will be on the August agenda.

## Old Business

### *Approval of FPS Educator Evaluation Plan Revisions*

Mrs. Gerber moved, Mr. Aysseh seconded that the Board of Education approve the FPS Educator Evaluation Plan Revisions dated June 2018.

Mrs. Maxon-Kennelly expressed a sincere hope that this represents meaningful change to assist the district with instructional improvement and evaluations. Mr. Dwyer agreed but added that it must still comply with the state requirements.

### **Motion Passed: 9-0**

### *Discussion of Board Goals*

Mr. Dwyer requested input from Board members on Board goals. All goals will be considered without filter and should be submitted in writing to Mrs. Brown and Mr. Dwyer by August 1. Board members will rank the compiled list, helping to frame the August discussion. Mrs. Gerber will provide an example of Board goals by circulating the previous 2 sets of adopted Board goals. The Board will receive an email reminder within the next few days.

Mrs. Vitale said she would like to revisit the goal of communicating with the public.

Mrs. Jacobsen will submit several, but mentioned that she would like to collaborate more with other town bodies such as Planning and Zoning.

### *Discussion of Structural Change Ideas*

Mr. Dwyer said Enclosure No. 1 is a summary document and includes his understanding of structural change items (many of which are interconnected) that are still under consideration to set a pathway for next spring. The Board has a responsibility to enhance education while improving the efficiency and operation of the district. Ms. Jacobsen said all ideas listed in the memo can be looked at through various lenses including logistical and financial, but the primary lens should be educational value.

### **Item 1: K-2 and 3-5 Grade Configuration Model**

Mrs. Gerber and Mrs. Maxon-Kennelly had previously requested more information on the grade reconfiguration and have multiple questions including expected costs, impacts to the feeder pattern, consideration of the smaller McKinley class sizes and impacts on CLC classes. It would also be helpful to know about successful and/or unsuccessful implementation of this model in other districts. Dr. Jones said there is no difference in educational quality between this model or a K-5; it is a matter of preference and opinion – each one has pros and cons. Mr. Aysseh said this being a CSBE forced solution to racial imbalance makes it an invalid option. He proposed adding this item to the agenda so the Board could vote to remove it from consideration.

Mr. Aysseh moved, Ms. Pytko seconded to add an item to the agenda regarding K-2/3-5 grade reconfiguration.

### **Motion Failed: 4-5**

*Favor: Ms. Pytko, Mrs. Jacobsen, Mr. Aysseh, Mr. Peterson*

*Oppose: Ms. Leeper, Mrs. Vitale, Mrs. Gerber, Mr. Dwyer, Mrs. Maxon-Kennelly*

Mrs. Maxon-Kennelly felt the motion was inappropriate; the public did not have proper notice. Her vote was not an expression of support for the idea, rather she would form an opinion after a listening to what the district had to say about it.

Discussion continued on this item as being implemented district-wide as opposed to limiting it to 2 schools - McKinley and Jennings. Dr. Jones said this was never intended or suggested as a district-wide option, and was only a response to Racial Imbalance.

Mr. Dwyer said this model was previously looked at with a reported \$1.2M in savings. Dr. Jones said staff would not be able to provide the district-wide data the Board is looking for on this model, and requested the Board's clear direction on whether to hire a consultant. An experienced consultant to research this model would cost approximately \$20K - \$25K. For the 2-school model, much of the logistical work has been done already by Milone and MacBroom, and staff could prepare rough estimates on transportation costs.

Mr. Aysseh requested the 2-school option be removed completely and wanted it noted in the minutes. Mr. Dwyer agreed that the Board's discussion indicated the 2-school option would not be considered and would be removed as an option. He also noted Board consensus that further discussion of this item as a district-wide model is not supported and will not be discussed further.

### Item 2: Magnet Program

Mr. Dwyer said the Board never intended to have a magnet school. The correct term is magnet program – in which an existing school would house 50-70 students from other schools. The idea is that a magnet program would bring in more students to improve the racial imbalance ratio.

Dr. Jones added that the only reason a magnet program is being considered is to solve racial imbalance. Survey results showed 70% were interested in a STEAM magnet. If the Board chooses to implement a magnet program, considerable community input will be required; choosing to implement a magnet school for its educational value is a completely different question.

Board members requested more information on this item and would appreciate knowing more about what IB is and the costs involved. Ms. Pytko suggested researching a STEAM magnet program as an option. Several board members questioned whether there was space available at McKinley to house this program.

### Item 3: Redistricting & Item 5: Racial Imbalance Plan

A majority of the Board felt a redistricting conversation at this time would be premature, given the unknown size determination of the Mill Hill project. Mrs. Gerber said that neither Burr nor FWMS had a redistricting plan in place when those projects were first approved. Mrs. Jacobsen reiterated that the size of Mill Hill must first be decided prior to any conversation about redistricting. If the Board wishes to change how redistricting is addressed in the Racial Imbalance Plan, an amendment should be submitted.

Mr. Aysseh said redistricting should be discussed as an option that will be pursued. Otherwise, the Plan should be amended. All options should be explored to show due diligence to the state, even though some options may not be popular with the public. Mrs. Maxon-Kennelly agreed with having robust discussion on items stipulated in the Plan's timeline, but disagreed with the assertion that redistricting will be the solution - the Plan's timeline makes it clear that redistricting is premature until Mill Hill's completion. McKinley's racial imbalance numbers improved this year and the trend may continue; our past practice has been to request more time to make more progress.

Mr. Dwyer said he told the CT State Board of Education (CSBE) that Fairfield BOE wants to consider all options and considers redistricting a last resort. CSBE understands that committing to a redistricting plan in 2019 does not mean that it will be implemented at that time. The CSBE understands that construction for Holland Hill and Mill Hill will have to be complete with 504 seats and 24 classrooms in each school. That said, CSBE may press the issue on racial imbalance for McKinley, as it has been ongoing since 2007.

Mrs. Vitale said redistricting is in the Racial Imbalance Plan. We as a community need to be more open and transparent. The reason to redistrict would be to solve racial imbalance, respond to facility utilization and solve other issues. It is important to notice the public that redistricting is being considered.

Dr. Jones said the commitment to discuss redistricting is in the Racial Imbalance Plan. She must appear in person before the CSBE and report on the discussion. The district is in a different place than previous years, because CSBE

is frustrated. A possible concern is one line in the state budget, which talks about construction funding and racial imbalance – this has never before been in the budget. At some point, will the state tie construction reimbursement to non-compliance?

Ms. Pytko said the former Redistricting Committee reported a preference that students remain in neighborhood schools. Mr. Dwyer agreed but said things have changed since that committee, including the installation of a new Board.

#### Item 4: WFC/ECC Facility Issues

Ms. Pytko said ECC outgrowing its facility is the most pressing issue.

Mrs. Gerber was unaware of any concerns at WFC. Mr. Dwyer said WFC is a leased facility and the concerns center on its maintenance. The staff do a great job delivering quality service; the idea is to find a permanent space. Dr. Jones added that the facility is leased and the district is not investing in it – the students there do not have an equitable facility.

#### Item 5: Class Size Guidelines

A majority of the Board did not support increasing class size guidelines and felt there was no need to discuss any further.

After a roundtable discussion on how to proceed with these topics, Mr. Peterson said the Board needed to refocus and schedule Special Meetings that include the entire Board. The purpose of the memo was to get structure for further discussion. Dr. Jones asked for direction regarding timing; her draft schedule of meetings for 18-19 was not well-received, and no one offered a new schedule or additional comment. Staff need advance notice to respond and/or present appropriately.

In terms of racial imbalance, Mr. Aysseh, Mr. Peterson and Ms. Pytko indicated their interest in investigating the ramifications of not complying with CSBE.

#### New Business

##### *Financial Report and Approval of Budget Transfers for the 2017-2018 School Year*

Mrs. Gerber moved, Mr. Aysseh seconded that the Board of Education approve the line item transfers for the 2017-2018 fiscal year as detailed in the Financial Statement per Enclosure No 2.

Mrs. Munsell said projected balances continue to be estimates until expenditures are finalized and the fiscal year is officially closed in August. Improvements in several areas including substitutes, wage and benefit, transportation, electricity and legal expenses resulted in a more positive outcome than originally projected and Dr. Jones distributed that funding; it is included in each category where it will be spent, and can be seen in the \$40K balance and transfer sheet.

Dr. Jones thanked and congratulated Ms. Munsell for managing the budget in a most challenging budget year; starting the year without a state budget and navigating through all the moving targets. She also thanked the Executive Team for tightening their budgets all year long. Initial projections for SPED showed a \$2.1M deficit and that improved significantly. The hope is that next year the number won't be as large. The Board was kept apprised of what was frozen and what was returned. The maintenance and technology funds were restored. The 10% allocation was returned to the principals for school use. Both high schools are adding innovation spaces, middle schools are taking advantage of flexible furniture and innovative spaces, and elementary schools are adding STEAM related items.

**Motion Passed: 9-0**

#### Approval of Minutes

Mrs. Gerber moved, Ms. Pytko seconded that the Board of Education approve the *Special* Minutes of June 7, 2018 and June 12, 2018, and the *Regular* Minutes of June 12, 2018”

#### **Motion Passed: 9-0**

Mrs. Maxon-Kennelly moved, Mrs. Vitale seconded to suspend the rules and extend the meeting to 11:10PM.

#### **Motion Passed: 9-0**

#### Committee/Liaison Reports

*Mr. Peterson* reported for the BOF: The Town Debt Issuance Policy was placed at Board seats. It is a long-standing practice that is now in writing.

*Mrs. Maxon-Kennelly* reported for the Policy Committee: Thanked Dr. Jones for notifying the Board that the graduation policy would be addressed at a future meeting. There is no need to rush it and staff can move forward with some planning. Mr. Dwyer added that he and Mr. Aysseh plan to meet with the Superintendent over the summer to discuss community work in regards to graduation requirements.

*Mrs. Gerber* reported for FLHSBC: The windows project starts up again next week.

*Mrs. Gerber* reported for the Mill Hill Building Committee: The RTM approved the Mill Hill Building Committee and a meeting schedule will be distributed shortly.

*Mrs. Vitale* reported for the Sherman Building Committee: The committee is up and running.

#### Open Board Comment

*Mr. Peterson* took a moment of personal privilege to recognize former FWHS Freshman English teacher Mrs. Kolaric, who recently passed away.

#### Public Comment

*Robert Lamonica*, Woodridge Avenue: Request Board consideration of not complying with racial imbalance law and using community pro-bono attorneys.

#### Adjournment

Mrs. Gerber moved, Ms. Pytko seconded that this Regular Meeting of the Board of Education adjourn.

#### **Motion Passed: 9-0**

Meeting adjourned at 10:57PM.

*Respectfully submitted by*  
*Jessica Gerber*  
*Fairfield Board of Education, Secretary*

Fairfield Public Schools  
District Improvement Plan  
*Continue the Work 2018-2020*

## Mission

The mission of the Fairfield Public Schools, in partnership with families and community, is to ensure that every student acquires the knowledge and skills needed to be a lifelong learner, responsible citizen, and successful participant in an ever-changing global society through a comprehensive educational program.

## Long Term Goal

Fairfield Public Schools will ensure that every student is engaged in a rigorous learning experience that recognizes and values the individual and challenges each student to achieve academic progress including expressive, personal, physical, civic, and social development. Students will be respectful, ethical, and responsible citizens with an appreciation and understanding of global issues. Student achievement and performance shall rank among the best in the state and the nation.

## Educational Goals

Fairfield Public School students will:

- achieve and exemplify mastery of the FPS Academic Expectations
- perform at high levels in regards to Social and Civic Expectations
- develop into responsible citizens who exhibit ethical behavior;
- acknowledge, explore, and value the importance of diversity;
- develop a healthy personal identity and self-reliance;
- demonstrate strong motivational persistence to learn;
- exhibit an inquisitive attitude, open mind, and curiosity;
- acquire an understanding and appreciation of other cultures;
- understand international issues and demonstrate the skills needed to participate in a global society; and
- acquire knowledge of the following areas of study: science; technology; mathematics; language arts; social studies; literary, visual, and performing arts; world language; unified arts; health and physical education.

# Fairfield Vision of a Graduate

What do we want our students to know and be able to do when they graduate from Fairfield Public Schools?



The fulfillment of the mission, for all students, PK-12+, demands our ongoing commitment to realize the Vision of a Graduate.

## All students will be:

Innovators

Communicators

Collaborators

Critical Thinkers

Responsible Citizens

Goal Directed- Resilient Learners



## How will our students demonstrate they met our FPS Vision of a Graduate?

### I. Academic Expectations PK-12+

Critical and Creative Thinking

Exploring and Understanding

Synthesizing and Evaluating

Creating and Constructing

Communicating and Collaborating

Convey Ideas

Using Communication (Media) Tools

Collaborating Strategically

### II. Social and Civic Expectations PK-12+

School site-specific focus on producing responsible citizens in an ever-changing global society

The **Work** going forward are the initiatives and supports our teachers and students need to accomplish the Fairfield Vision of a Graduate.

#### Guided by Learning Principles

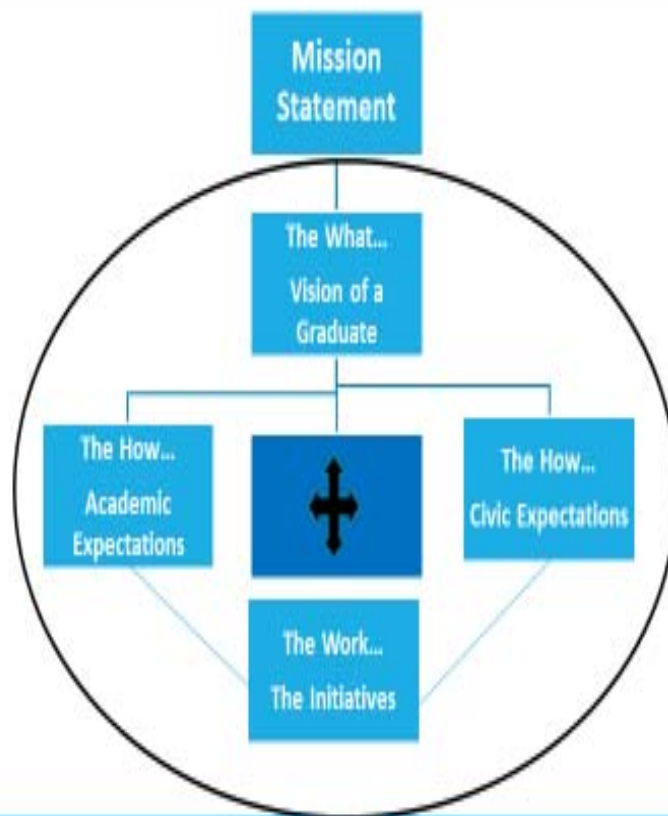
In order to achieve the Mission of the Fairfield Public Schools and fulfill for every student the Vision of the Graduate, the educators are committed to the following **Learning Principles** –

- Learning involves teachers and students who are passionate learners.
- Learning celebrates the belief that all learners are capable of success and growth.
- Learning explores the creation of meaning and the extension of knowledge through its application to relatable real world conditions.
- Learning encourages academic and social risk taking and open communication in a safe community.
- Learning inspires self-assessment, reflection, and continuous adjustment and adaptation.

When learners develop this mindset of belief in their own capacity and in the significance and value of their work, then they are more able to overcome challenges, solve problems, thrive and celebrate growth.

## District Improvement Plan

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# Fairfield Staff Work Plan

The work for 2018-2020, which will support the fulfillment of our promise to each student, are:

## **Instructional Program 16 Key Implementations**

### **Communicators and Collaborators**

- Implement Newcomer Academy Kindergarten -5<sup>th</sup> Grades (June 2019)
- Implement Newcomer English Language Academy in Grades 6-12 (June 2019)
- Implement 'Innovative Learning' initiative for technology integration Grades 6-8, and 9-12 (June 2020)
- Explore k-2 options for World Language with possible implementation (June 2019)

### **Critical Thinkers and Innovators**

- Implement STEAM program in grades 3-5 (June 2019)
- Revise and approve the Science Curriculum Grades PK-8 (June 2019)
- Revise and approve the Music Curriculum Grades 6-12 (June 2019)
- Implement STEAM program in grades K-2 (June 2020)
- Implement Hybrid Learning 9-12 (June 2020)

### **Responsible Citizens and Goal Directed- Resilient Learners**

- Complete Year 2 of literacy SRBI at the elementary level (June 2019)
- Develop plans including benchmarks, interventions, and training for implementation of numeracy and behavior SRBI at the elementary level (June 2020)
- Implement CLC-S at Riverfield (June 2019)
- Implement DBT module "Mind Up" across all 11 elementary schools (June 2020)

### **Responsible Citizens and Goal Directed- Resilient Learners Continued**

- Implement behavior SRBI for Grades 6-12 (June 2019)
- Continuation and refinement of literacy SRBI at Grades 6-12 (June 2020)
- Implement Academic Expectations in all courses (June 2019)
- Continue DBT program for students in need of support and enhance general education supports through DBT in Grades 9-12 (June 2020)
- Continue DBT program for students in need of support and begin small group supports through DBT in Grades 6-8 (June 2020)
- Implement IMPACT Program for Grades 9-12 (June 2019)

### **School and Team Improvement 9 Key Implementations**

- Complete training for all certified staff in student work protocols (June 2019)
- Use student work protocols in grade and team meetings and seek evidence of the planning in observations of classroom practice (June 2019)
- Develop common performance assessment for core Grades 5 and 9 (June 2019)
- Provide administrator training in evaluating for content area literacy instruction, across all curricular areas and support implementation through classroom walkthroughs and professional learning experiences (June 2019)
- Establish a Fairfield Planning Factor Guiding Document for assisting with staffing decisions in PK-12+ Special Education (November 2018)
- Train all Elementary Program Facilitators in PPT facilitation and IEP implementation (October 2018)
- Train all District Leadership Team members in the tenants of DBT (September 2018)
- Complete Academic Expectations for elementary and middle school with implementations on Grades 5 and 8 to complete the continuum PK-12+ (June 2020)
- Define Social and Civic Expectations for all 17 schools sites and ECC in regards to how they will be taught across PK-12+ (June 2020)
- Restructure the Secondary PPT process for more team consistency and efficiency (June 2020)

### **Leadership Capacity 4 Key Implementations**

- Provide administrator support for feedback on school use of student work protocols (June 2019)
- Provide a mentor for all new administrators on the District Leadership Team and provide training in: grade level expectations, curriculum, district initiatives, and SRBI support (June 2019)
- Implement the new Elementary Program Facilitator position across all 11 elementary schools (June 2019)
- Continue the New Teacher Academy program and add teacher based facilitator leadership (June 2019)

### **Resources 8 Key Implementations**

- Complete a technology wireless project for better accessibility in Gr 6-12 (September 2018)
- Complete the Voice Over IP Project for enhanced telephone service (June 2020)
- Complete e-mail conversion for a seamless user experience (June 2020)
- Support Maker-Space and Innovation Space development K-12 to provide equity and access across the district (June 2020)
- Examine and study the 6 Day Rotation in elementary to make adjustments or refine for 2019-2020 (June 2019)
- Study and refine the middle school schedule (June 2020)
- Enhance district communication across K-5 for consistency in on-going communication (June 2019)
- Implement new FPS website which is ADA compliant (December 2018)

### **Facilities 4 Key Implementations**

- Support the principal, staff, and students at Holland Hill through the construction phase (December 2020)
- Work with the Building Committee at Mill Hill to complete the planning phase (June 2019)
- Work with the Building Committee at Sherman to support the principal, staff and students through the Phase III Construction (June 2020)
- Update the FPS Waterfall Schedule (December 2018)

### **Safety and Security 5 Key Implementations**

- Find a solution to enhance building entry security PK-12 (June 2019)
- Complete all building window safety glazing (November 2018)
- Complete 60% duct cleaning at FLHS (September 2018)
- Complete 40% duct cleaning at FLHS (June 2019)
- Practice relocation methods with at least 3 schools sites (June 2019)
- Implement solutions for all door strike plates which provide options for locked doors at all times (September 2018)

**Student Performance Indicators   8 Key Measures**

- 4 Year Graduation Rate- Cohort
- AP Test Performance and Enrollment
- Smarter Balanced Assessments
- SAT
- Academic Expectations Rubric
- NGSS (2019-20)
- School Climate (2019)
- STAR Growth



## 2018 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2018 regular session, the General Assembly made a number of changes in the statutes that affect public education in Connecticut. This summary is intended to give you a brief overview of some of the more significant changes that were made this year in the area of education. In addition, for more information about new legislation affecting employers in general, please see our Employment Legislation Summary at: [http://www.shipmangoodwin.com/files/45944\\_empl.leg.sum.summer2018.pdf](http://www.shipmangoodwin.com/files/45944_empl.leg.sum.summer2018.pdf).*

### STATUTORY CHANGES AFFECTING STUDENTS:

#### Restraint, Seclusion and Exclusionary Time Out

Section 4 of Public Act 18-51 [<https://www.cga.ct.gov/2018/ACT/pa/2018PA-00051-R00SB-00183-PA.htm>], effective July 1, 2018, makes several important revisions to the physical restraint and seclusion law for students. First, the Act clarifies that the use of seclusion as a planned intervention in a student's behavioral intervention plan, individualized education program, or 504 plan is prohibited as of July 1, 2018. There was significant confusion about this issue when the restraint and seclusion law was passed in 2015 as Public Act 15-141. With this revision, it is now clear that seclusion, like physical restraint, may only be used as an emergency intervention to prevent immediate or imminent injury to the student or others.

Second, the Act modifies the definitions of seclusion and physical restraint. The Act clarifies that seclusion involves the involuntary confinement of a student in a room from which a student is *physically* prevented from leaving. The Act also modifies the definition of physical restraint to clarify that it includes, among other things, "carrying or forcibly moving a person from one location to another."

Third, the Act adds a new definition for "exclusionary time out," which is distinct from "seclusion" and is not prohibited as a planned intervention. The Act defines an exclusionary time out as: *a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.* The Act expressly excludes exclusionary time out from the definitions of both physical restraint and seclusion. Further, boards of education must adopt a policy no later than January 1, 2019 regarding the use of exclusionary time outs. Such policy must require, at a minimum, that: (1) exclusionary time outs may not be used as a form of discipline, (2) at least one school employee must remain with the student, or be in close enough proximity to communicate verbally with the student, throughout, (3) the space used is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior, (4) the exclusionary time out period must terminate as soon as possible, and (5) if such student is a child requiring special education, or a child being evaluated for special education, such student's planning and placement team shall convene as soon as is practicable if interventions or strategies are unsuccessful in addressing such student's

needs, in order to determine alternative interventions or strategies. In addition to developing a policy regarding the use of exclusionary time outs, boards of education should review and revise their policies and procedures regarding physical restraint and seclusion to ensure they are consistent with these new statutory revisions.

## Student Data Privacy

**Public Act 18-125** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00125-R00HB-05444-PA.pdf>] establishes new requirements and exceptions to the existing student data privacy laws affecting boards of education.

Importantly, the Act does not eliminate the requirement under Conn. Gen. Stat. 10-234bb(a) that boards of education enter into a written agreement with a contractor any time such boards share student records, student information, or student-generated content (collectively, “student data”) with a contractor. Further, the Act retains the requirement that such contracts must contain ten specific provisions set forth in Conn. Gen. Stat. § 10-234bb(a).

However, Section 1 of the Act requires the Commission for Educational Technology (“CET”) to create a uniform student data privacy terms-of-service addendum for use by boards of education and contractors that conforms to the legal requirements for student data privacy. The addendum created by CET is intended to be an option for boards but not a requirement, as the Act does not require the use of such addendum to be in conformance with Conn. Gen. Stat. 10-234bb(a). CET released the **Model Terms of Service Addendum** [[http://www.ct.gov/ctedtech/lib/ctedtech/CT\\_Model\\_TOS\\_Addendum.pdf](http://www.ct.gov/ctedtech/lib/ctedtech/CT_Model_TOS_Addendum.pdf)] in June 2018 for use by boards of education and contractors. We recommend that boards consider whether to use the CET Model Terms of Service Addendum in consultation with legal counsel, as boards may want to pursue data privacy protections

that extend beyond those addressed in the CET Model Terms of Service Addendum or have concerns that are not addressed in the CET Model Terms of Service Addendum.

The Act further clarifies that any contract that involves student data entered into between a board and a contractor on or after July 1, 2018 that does not contain either: all of the required contractual provisions under Conn. Gen. Stat. 10-234bb(a) regarding student data, or the CET addendum, is void if a board has given the contractor adequate notice and the contractor fails to amend the contract to include the required contractual provisions or the CET addendum.

Section 2 of the Act, effective July 1, 2018, clarifies the data privacy contract notice provisions. Section 2 amends Conn. Gen. Stat. 10-234bb(g) to provide that boards of education may provide notice to families of the contracts into which such boards have entered by: (1) posting a notice and the copies of the contracts on such boards’ internet websites, and (2) providing parents with annual notification of the address of such websites on or before September 1 of each school year. Previously, Conn. Gen. Stat. 10-234bb(g) was unclear as to whether, in addition to the posting requirements above, boards had to also provide separate electronic notice to families each time boards entered into a contract under Conn. Gen. Stat. § 10-234bb(a). Section 2 of the Act makes clear that separate electronic notice is not required.

Section 2 also creates a new, narrow exception to the student data privacy contracting requirements of Conn. Gen. Stat. § 10-234bb(a) related to students with special needs. A local or regional board of education is not required to enter into a contract pursuant to Conn. Gen. Stat. § 10-234bb(a) for the use of an internet website, online service or mobile application that cannot meet the requirements of such section when the following, restrictive, set



of criteria are met: (1) an internet website, online service or mobile application is unique and necessary to implement a student's individualized education program or 504 plan and the contractor is unable to comply with the student data privacy contracting requirements; (2) such internet website, online service or mobile application is FERPA and HIPAA compliant; (3) the board provides evidence upon request that it attempted to enter into a contract for the use of such technology and find equivalent technology operated by a contractor that complies with the student data privacy requirements; (4) the contractor complies with the student data privacy law's requirements related to the security, maintenance, use and disclosure of student data pursuant to Conn. Gen. Stat. § 10-234cc (see more below); and (5) the parent or guardian and, for students receiving special education services, a member of the planning and placement team, sign an agreement that: (a) acknowledges that the parent or guardian is aware the technology does not comply with the student data privacy contracting requirements and (b) authorizes the use of such technology. Beginning with the 2018-2019 school year, section 6 of the Act requires boards of education to submit a report to the CET annually indicating whether the district is using any internet websites, online services or mobile applications without a contract pursuant to this exception. Boards are required to list any such internet websites, online services or mobile applications in this report.

Section 2 also amends Conn. Gen. Stat. § 10-234bb, which contains the student data privacy protections that are required to be in board contracts that provide a contractor access to student data. That statute requires such contracts to include a means for a board to request deletion of student data in possession of the contractor. Section 2 adds exceptions to the board's ability to request such deletion of student data when (1) deletion is otherwise prohibited by state or federal law or (2) the data is stored as a copy as part of a disaster recovery storage system that is inaccessible to the public and

that the contractor is unable to use in the normal course of business, unless the data has already been used by the contractor for this purpose.

Conn. Gen. Stat. § 10-234bb(a)(7) requires contracts to include a statement regarding access to student data after services have been rendered. The law previously provided that student data could not be retained or available to a contractor upon the completion of work, unless a student, parent or guardian chose to have an account with the contractor to store data. The Act clarifies that student data may not be retained or available to the contractor after the *expiration* of the contract, except where a student, parent or guardian chooses to *independently* have an account with such contractor after the expiration of the contract.

Conn. Gen. Stat. § 10-234cc (referenced above) requires an operator of an internet website, online service or mobile application that is designed or marketed for school purposes to (1) meet or exceed industry standards designed for the protection of student data and (2) delete student data within a reasonable amount of time if a student, parent, guardian or board of education that controls such data requests that it be deleted. Effective July 1, 2018, section 3 of the Act amends this requirement to provide that the operator need not delete such student data if (1) deletion is otherwise prohibited by state or federal law or (2) the data is stored as a copy as part of a disaster recovery storage system that is inaccessible to the public and that the operator is unable to use in the normal course of business, unless the data has already been used by the operator for this purpose.

Conn. Gen. Stat. § 10-234ee requires the State Department of Education ("SDE") to provide guidance to local and regional boards of education regarding the student data privacy requirements contained in Conn. Gen. Stat. §§ 10-234aa through 10-234dd. Section 4 of the Act amends this section to require

SDE to collaborate with the CET in developing written guidance for school districts regarding the student data privacy laws. It also specifies that such written guidance must include (1) a plain language explanation of how to implement such laws, (2) information about the uniform terms-of-service addendum the CET is required to create pursuant to section 1 of the Act, and (3) how to incorporate such addendum into contracts entered into pursuant to Conn. Gen. Stat. § 10-234bb.

Finally, section 5 of the Act adds the executive director of the Connecticut Association of Schools, or a designee, to a task force created by Public Act 16-189, and amended by Public Act 17-200, to study issues related to student data privacy. The Act also pushes back the date such task force is required to report findings and recommendations to January 1, 2019.

## Educational Continuity for Detained Youth

Public Act 18-31 [<https://www.cga.ct.gov/2018/ACT/pa/2018PA-00031-R00HB-05041-PA.htm>] makes various changes to current law intended to minimize disruption to the education of youth involved in the justice system. Under current law, pursuant to Conn. Gen. Stat. §10-253, unchanged by this Act, the local or regional board of education for the school district in which a juvenile detention facility is located is responsible for providing general and special education and related services to children detained in such facility. Effective August 1, 2018, Section 3 of the Act requires that a child who is enrolled in a school district at the time when such child is placed in a juvenile detention facility shall remain enrolled in that district during such period of detention unless the child voluntarily terminates his or her enrollment. The Act also provides that a detained child shall have the right to return to such school district immediately upon discharge from a juvenile detention facility.

Current law provides that, when a student is not enrolled in a school district when placed in a juvenile detention facility, the student shall be reenrolled in the child's nexus district. If no nexus district is identifiable, the student shall be enrolled in the district where the detention facility is located. Section 3 of the Act requires that such enrollment now occur within three business days of the district receiving notification from the educational service provider at the detention facility that the student is in custody. Section 3 further requires that, when an education service provider learns that a child is going to be discharged, the provider must immediately notify the jurisdiction that will be providing the child's education upon discharge.

Beginning August 1, 2018, section 4 of the Act requires school districts that enrolled at least six thousand students during the 2016-2017 school year to designate at least one employee as a liaison to facilitate any student transitions between the school district and the juvenile and criminal justice systems ("justice liaison"). Such school districts must provide the Court Support Services Division of the Judicial Branch ("CSSD") with an annual written notice of the name, title and contact information for the district's justice liaison on or before August 1st. Justice liaisons are responsible for assisting the school district, the CSSD and any relevant educational service providers to ensure that:

- All persons under twenty-two years of age in justice system custody are promptly evaluated for eligibility for special education services, when deemed necessary by the review conducted pursuant to section 17a-65 and any other applicable law;
- Students in custody and returning to the community from custody are promptly enrolled in school, pursuant to Conn. Gen. Stat. §§ 10-253 and 10-186;
- Students in custody and returning to the community from custody receive appropriate credit for school work completed while in custody, pursuant to Conn. Gen. Stat. §§ 10-253 or 10-220h;

- All relevant school records for students who enter custody and who return to the community from custody are promptly transferred to the appropriate school district or educational service provider, pursuant to Conn. Gen. Stat. § 10-220h.

Section 5 of the Act requires the superintendent and board of the technical high school system to develop and submit a plan by January 1, 2019 to address vocational, technical, and technological education, training, and work experience for children in post-conviction justice system custody. The plan must ensure that, at a minimum, each child has the opportunity to earn at least one credit to meet high school graduation requirements.

Section 6 of the Act requires SDE to develop and implement a plan, by January 1, 2020, to incentivize and support school district participation in a statewide information technology platform that allows real-time sharing of educational records among schools and school districts. The Commissioner of Education is required to report to the education committee of the General Assembly and the Juvenile Justice Policy and Oversight Committee (“JJPOC”) by February 1, 2019 on the progress of developing such plan.

Section 7 of the Act also requires the Department of Correction and CSSD to report annually to the JJPOC, no later than January 1, 2019, on compliance with Conn. Gen. Stat. § 46b-126a, which prohibits out-of-school suspensions for children in custody in a state facility. The agencies must also report on compliance at facilities managed by private providers pursuant to a contract with the state, including data on children under eighteen years old who were removed from an educational setting as a result of behavior that occurred in such setting. Section 7 of the Act requires the JJPOC to convene a subcommittee to develop a plan for the coordination, supervision, and direction of all education services and programs for children in custody and for education-related transition services for children returning to the community from custody. The

subcommittee will consist of individuals designated by the Commissioner of Education, the Executive Director of CSSD, the Bridgeport and Hartford school districts, the Commissioner of Correction, the Secretary of the Office of Policy and Management, the JJPOC chairpersons, and the executive director of an organization in the state that advocates for vulnerable children. The subcommittee is to be convened by July 1, 2018 and is required to submit the plan to the Education Committee no later than January 1, 2020.

## Guidelines for Life-Threatening Food Allergies and Glycogen Storage Disease and Administration of Epinephrine

To address continuing safety concerns regarding students with life-threatening food allergies **Public Act 18-185** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00185-R00HB-05452-PA.pdf>] makes several changes to the law intended to improve such students’ access to medication in an emergency situation. SDE, in conjunction with the Department of Public Health (“DPH”), were statutorily required to develop guidelines for the management of students with life-threatening food allergies and glycogen storage disease in 2012. The existing requirement under Conn. Gen. Stat. §10-212c also required local and regional boards of education to implement a plan based on these guidelines no later than August 15, 2012, make such plan available on the district’s website, provide annual notice of such plan to parents and annually attest compliance with such plan to SDE.

Section 1 of the Act requires SDE, in consultation with DPH, to revise its management guidelines no later than January 1, 2020, to include training for the identification and evaluation of such students and protocols that comply with the protections and accommodations under Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, and the Americans with Disabilities Act. Section 1 further requires SDE to

review such guidelines with DPH biennially, make any changes deemed necessary, and make such changes available to local and regional boards of education.

Section 2 of the Act requires SDE, no later than January 1, 2020, to (1) update the department's Healthy and Balanced Living Curriculum Framework to include life-threatening food allergies, (2) update any culinary arts programs or curriculum standards related to the National Family and Consumer Sciences Standards adopted by the State Board of Education ("SBE") to include dietary restrictions, cross-contamination and allergen identification, and (3) apply, in consultation with DPH, for any available federal or private funding for the promotion of public awareness and education about food allergies.

Section 3 of the Act, effective July 1, 2018, includes new obligations for "carriers" relative to the administration of epinephrine to students. "Carrier" is defined as (1) any local or regional school district, any educational institution providing elementary or secondary education or any person, firm or corporation under contract to such district or institution engaged in the business of transporting students, or (B) any person, firm or corporation engaged in the business of transporting primarily persons under the age of twenty-one years for compensation. The Act, in this regard, requires carriers to provide training to school bus drivers employed by such carrier concerning the administration of epinephrine. Such training must include the following: (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction. The Act allows such training to be completed online. Carriers must provide such training to all of their school bus drivers by June 30, 2019. Beginning July 1, 2019, carriers must provide such training for existing employed drivers following the issuance or renewal of a driver's public passenger endorsement

or upon the hire of a driver if the driver has not already received the training following his or her most recent renewal of such endorsement.

Section 4 of the Act, effective July 1, 2018, authorizes local and regional boards of education to allow students to carry medicine, including asthmatic inhalers, EpiPens or other automatic injectable equipment, pursuant to written policies and procedures approved by the school medical advisor or other qualified licensed physician and that are in accordance with SBE regulations. The previous version of the statute referred only to a student's self-administration, but not possession, of such medication.

Current SBE regulations specify conditions for a student to self-administer medication and for a student with an allergic condition to possess an inhaler or automatic cartridge injector for administering such medication at all times. Reflecting the statutory clarification above regarding a student's ability to possess his or her medication under certain circumstances, section 5 of the Act, effective July 1, 2018, requires the SBE, in consultation with the Commissioner of Public Health, to update its regulations to specify conditions for students to possess medication and for students with an allergic condition to possess an EpiPen at all times, including while receiving school transportation services.

Section 6 of the Act expressly authorizes a student with a diagnosed life-threatening allergic condition to possess and self-administer medication, on or after July 1, 2018, with the written authorization of the student's parent or guardian and a written order of a qualified medical professional.

Section 7 of the Act, effective July 1, 2018, provides immunity from liability for ordinary negligence to a school bus driver who administers an EpiPen to a student on or near a school bus who is in need of emergency care due to a medically diagnosed allergic



condition. This immunity does not extend to acts or omissions by a bus driver that constitute gross, willful or wanton negligence.

## New Curriculum Requirements

There are several new curriculum requirements that are in effect for the 2018-2019 school year. **Public Act 18-24** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00024-R00SB-00452-PA.pdf>] requires that Holocaust and genocide education and awareness be included as part of mandated social studies instruction. In developing and implementing this requirement, the law specifically allows boards to use existing and appropriate public or private materials, personnel and other resources and to accept gifts, grants, and donations, including in-kind donations.

Section 2 of **Public Act 18-182** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf>] requires boards to include instruction relating to opioid use and related disorders as part of the substance abuse curriculum in health and safety classes. Section 2 also requires the SBE to make curriculum relating to the Safe Haven Act available to local and regional boards of education and, within available resources, to assist and encourage such boards to implement related curriculum. The Safe Haven Act is codified in Conn. Gen. Stat. §§ 17a-57 to 17a-61 of the Connecticut General Statutes. This law allows a parent to voluntarily surrender physical custody of an infant who is no more than 30 days old to any member of the nursing staff of an emergency room, without being subject to arrest for abandonment. Section 13 requires the Department of Children and Families (“DCF”) to provide instructional materials related to the Safe Haven Act to local and regional boards of education upon request and to the SBE to be made available to boards no later than October 1, 2018.

Finally, section 8 of **Public Act 18-181** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00181-R00HB-05360-PA.pdf>] allows, but does not require, boards of education to include, as part of the mandated science instruction, a climate change curriculum that is consistent with the Next Generation Science Standards. These standards were developed by the National Research Council in 2012 and published as *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas*, Washington, DC: The National Academies Press. The SBE adopted the standards in 2015 with the intent of implementing them over a five-year period. The SBE is now required to make such materials available to assist local boards of education in developing related instructional materials. This law also requires the Department of Energy and Environmental Protection to be available to boards of education for the development of such curriculum.

**STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATION:**

## Special Education Service Provider Agreements

### Special Education Service Provider Agreements

Legislation passed in 2015 directed the Auditors of Public Accounts (APA) to audit private providers that receive state or local funds to provide special education services to students. **Public Act 18-183** **Public Act 18-183** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00183-R00HB-05447-PA.pdf>] adopts recommendations from the APA resulting from those audits. One of the findings of the APA was that special education services are often provided pursuant to an agreement between a school district and a private provider that is not captured in a formal contract. **Auditor’s Report: Private Providers of Special Education 2015 - 2016, Auditors of Public Accounts, February 22, 2018** [[https://www.cga.ct.gov/apareports/performance/PERFORMANCE\\_Private%20Providers%20of%20Special%20Education\\_20180222\\_CY2015,2016.pdf](https://www.cga.ct.gov/apareports/performance/PERFORMANCE_Private%20Providers%20of%20Special%20Education_20180222_CY2015,2016.pdf)].

As a result of this finding, Public Act 18-183 requires that, beginning July 1, 2019, boards of education must have a written contract, as opposed to merely an agreement, with any private provider of special education services in order to be eligible for excess cost reimbursement. The Act clarifies that a student's individualized education program (IEP) will not be considered a contract for the purpose of determining eligibility for reimbursement.

Though boards may continue to use agreements until July 1, 2019, any agreement entered into after July 1, 2018 but before July 1, 2019, and then subsequently any contract entered into or amended on or after July 1, 2019, between a board of education and a private provider of special education services must include an explanation of how the tuition or costs for the special education services will be calculated. In addition, Section 6 of the Act also extends this requirement to include an explanation of how the provider calculates tuition and costs in any agreement or contract a board enters into with any other provider of special education services, such as other boards of education, private schools or public or private agencies or institutions.

Section 4 of the Act requires SDE to develop standards and a process to document the provision of services by a private provider. The standards and process must include a means to document the scope, type and number of services provided on a daily, weekly and monthly basis, including the name of the student receiving services; the date and length of time each service was provided and the name and signature of the person providing the service. In addition, the standards and process must include either standard forms or an electronic reporting system for a private provider to use. Notably, while this section is effective July 1, 2018, the Act does not specify a date by which such standards must be completed and does not expressly require a private provider to use the form or reporting system developed by the department in order for the school

districts to be eligible for excess cost reimbursement.

Finally, beginning July 1, 2018, if a private provider of special education services is providing services pursuant to an agreement or contract with a school district, it must submit its operating budget to the SDE on an annual basis, on or before October 1 of the school year in which such services are provided.

## Oral Health Assessments

Effective July 1, 2018, Section 80 of [Public Act 18-168](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00168-R00HB-05163-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00168-R00HB-05163-PA.pdf] requires boards of education to request that students enrolled or seeking enrollment in the public schools receive oral health assessments prior to enrollment and in grades six or seven and nine or ten. Importantly, however, boards may not deny a child enrollment or continued attendance for failing to obtain such an assessment. Under the Act, an oral health assessment includes a dental examination by a dentist or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant or advanced practice registered nurse.

Students are currently required to receive a gross dental screening as part of the health assessment mandated prior to enrollment in public schools and while enrolled in grades six or seven and nine or ten, pursuant to Conn. Gen. Stat. 10-206. Therefore, if such mandated health assessment is performed by a qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant, that provider could also conduct a visual screening and risk assessment for oral health conditions during such examination to constitute an oral health assessment. A dental examination, however, would need to be conducted by a dentist to qualify as an oral health assessment under the Act. SDE is currently amending the Health Assessment Record form to include oral health assessment information.

The Act prohibits boards of education from providing an oral health assessment of a student unless the parent/guardian consents to such assessment and the parent/guardian or a school employee is present. Parents/guardians must receive prior written notice of any oral health assessment being provided by a board and must be given a reasonable opportunity to opt out of the assessment, be present during the assessment or assume responsibility for providing such assessment to the school. However, the Act also provides that boards may host free oral health assessment events for providers to perform oral health assessments of students. If a board hosts such an event, it must notify parents/guardians in advance and parents/guardians must have the opportunity to opt their child out of the event. Students whose parents/guardians do not opt them out would then receive an oral health assessment free of charge. However, in such cases, a student may not receive actual dental treatment as part of the oral health assessment event unless the student's parent provides informed consent for such treatment.

As with the mandated health assessment, if a student receives an oral health assessment, school health personnel must review the results of such assessment and determine if a student is in need of further testing or treatment. The superintendent must provide the parent or guardian with written notice of such need and make reasonable efforts to assure further testing or treatment is provided.

## Changes to Mandated Reporting Requirements

Effective July 1, 2018, **Public Act 18-17** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00017-R00SB-00244-PA.pdf>] adds licensed behavior analysts to the list of individuals mandated to report to the Commissioner of Children and Families any suspected abuse or neglect of a child, pursuant to Conn. Gen. Stat. §17a-101. Any person, including a

licensed behavior analyst, who provides services to or on behalf of students in a public or private school in the state is already considered a school employee, as defined in Conn. Gen. Stat. § 53a-65, and therefore subject to mandated reporting requirements for suspected child abuse or neglect. This Act therefore extends such mandated reporting obligations to licensed behavior analysts working outside of schools.

**Public Act 18-96** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00096-R00HB-05257-PA.pdf>], effective July 1, 2018, similarly adds licensed behavior analysts to the list of individuals mandated to report to the Commissioner of Social Services, pursuant to Conn. Gen. Stat. § 46a-11b, suspected abuse or neglect of a person with intellectual disabilities who is at least eighteen years of age and unable to protect him or herself from abuse, or any person who receives funding or services from the Department of Social Services' Division of Autism Spectrum Disorder Services. Importantly, the Act also reduces from seventy-two hours to forty-eight hours the time anyone mandated to report such suspected abuse or neglect has to make an initial report. The Act provides that unsuccessful attempts to make such initial reports after business hours or on holidays or weekends will not be considered a violation of the requirement to report, so long as reasonable attempts to make the report are made as soon as practicable.

**Public Act 18-67** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00067-R00SB-00315-PA.pdf>] allows DCF to run a pilot program between July 1, 2018 and September 30, 2019 to allow certain categories of initial reports of suspected abuse or neglect to be made electronically. The Act provides that, beginning October 1, 2019, all initial reports of suspected abuse or neglect shall be made either orally or electronically. It further provides that a mandated reporter who makes an electronic report shall respond to inquiries from DCF within twenty-four hours of such report.

## Requests for Personnel or Medical Records

Public Act 18-93 [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00093-R00HB-05177-PA.pdf>], effective October 1, 2018, clarifies a public agency's responsibilities when responding to requests for employee personnel or medical records under the Connecticut Freedom of Information Act. Under current law, pursuant to Conn. Gen. Stat. § 1-214, when such a request is made and the public employer believes it would be an invasion of privacy to disclose such records, the employer must first immediately notify the employee and the employee's collective bargaining representative, if applicable, to provide an opportunity to object to the disclosure. The Act provides that, when a public employer does not believe it would legally constitute an invasion of privacy to disclose such records, the employer must first disclose the records to the requestor. Subsequently, within a reasonable time after disclosure, the employer must then make a reasonable attempt to send a written or electronic copy or brief description of such request to the employee concerned, and any applicable collective bargaining representative.

The Connecticut Supreme Court has articulated a test for determining whether the disclosure of a record pursuant to Conn. Gen. Stat. § 1-214 would legally constitute an invasion of privacy. In Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993), the Court held that disclosure of such records shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

## Harassing and Vexatious Requestors under the Freedom of Information Act

Effective October 1, 2018, Public Act 18-95 [[https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00095-](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00095-R00HB-05175-PA.pdf)

[R00HB-05175-PA.pdf](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00095-R00HB-05175-PA.pdf)] expands the factors the Freedom of Information Commission must consider when determining if an individual appealing to the FOIC is doing so frivolously and for the purpose of harassing the public agency, including among other factors whether the request or appeal is repetitious or cumulative. The Act also establishes a procedure under which public agencies may petition the FOIC for relief from "vexatious requesters." Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year.

## Background Checks

Effective July 1, 2018, section 9 of Public Act 18-51 [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00051-R00SB-00183-PA.pdf>] amends Conn. Gen. Stat. § 10-221d to exempt any teacher employed by a local or regional board of education to teach a noncredit adult class or adult education activity, and who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. §10-67, from the requirement for a criminal history and child abuse and registry background checks.

## Reemployed Teacher Exemption

Public Act 18-42 [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00042-R00HB-05574-PA.pdf>] extends from June 30, 2018 to June 30, 2020 an exemption from the requirement that reemployed teachers receiving retirement benefits may only receive forty-five percent of the maximum salary level for the assigned position. The exemption, which began on July 1, 2016, applies to teachers whose retirement benefit is based on thirty-four years of service or more, and is reemployed by an Alliance district where such teacher was employed on July 1, 2015.



## Medicaid Provider Exemption

Sections 15 of [Public Act 18-182](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf), [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf] effective from passage, amends the recently added requirement in Conn. Gen. Stat. § 10-76d for a local and regional board of education to (1) enroll as a Medicaid provider, (2) participate in the Medicaid School Based Child Health Program administered by DSS, and (C) submit billable service information.

The Act now allows districts with fewer than one thousand students to conduct a cost benefit analysis to determine whether the cost to participate in the medical assistance program exceeds the revenue that would be generated. The Act provides that the analysis must be done on a form prescribed by DSS and that a district must conduct and resubmit such analysis every three years to remain exempt. The Act requires the Commissioner of Social Services to create the cost benefit model by September 1, 2018. The commissioner is also required to determine the feasibility of directly certifying students as eligible for Medicaid benefits on behalf of local and regional boards of education.

## Enrollment in Vo-Ag Programs

Section 16 of [Public Act 18-182](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf] prohibits a board of education from disallowing a student to enroll in an agricultural science and technology education center for the 2018-2019 school year. This prohibition only applies to a student who (1) was enrolled in such a program during the 2017-2018 school year or (2) received a notice on or before April 1, 2018, that he or she was admitted for enrollment in such program for the 2018-2019 school year. Each center serves a multi-town region of districts that send students who are interested in agricultural science.

## Technical High School System

[Public Act 18-182](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf] delays until July 1, 2020 the transition of the Technical Education and Career System (“TECS”) to an independent agency. Currently the Commissioner of Education has the authority to hire and terminate the TECS superintendent and SDE provides administrative support to the system. The transition includes the creation of an executive director as the agency head, elimination of SBE as the oversight authority, and the creation of a new TECS board. The Act requires SDE to provide two additional years of training to TECS central office and administrative staff and extends the period SDE has to hire a consultant to assist the TECS board with transitioning the system.

## MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS:

### Teacher Certification

[Public Act 18-51](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00051-R00SB-00183-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00051-R00SB-00183-PA.pdf], effective July 1, 2018, makes various changes to the teacher certification statutes. Section 5 of the Act now allows the SBE to suspend a teacher’s certificate, permit or authorization (“credentials”) or to place a teacher’s credentials on probation under the same conditions it may revoke such credentials. Under current law, the SBE may only revoke a teacher’s credentials. A person whose credentials have been revoked may not be employed by a school district during the period of revocation. The Act provides that a teacher whose credentials have been denied or suspended may also not be employed by a school district during such period of denial or suspension. Under the Act, if SBE places a teacher’s credentials on probation, the teacher may be employed by a school district during the period of probation subject to conditions set by the commissioner.

Section 6 of the Act authorizes the Commissioner of Education, upon the request of a superintendent, to permit a teacher who holds an endorsement to teach elementary education grades one to six, issued on or after July 1, 2017, to teach kindergarten for one school year. The commissioner may only permit such teacher to teach kindergarten for one additional year under such endorsement if the teacher can demonstrate that he or she is enrolled in a program to meet the requirements for an endorsement to teach kindergarten.

Section 7 of the Act extends the one-year, nonrenewable temporary teaching certificate to three years for all categories, eliminating the two-year extension for a certification endorsement of bilingual instruction. Section 7 also removes eligibility for a temporary certificate for someone who resided in another state the year before and taught for one year in another state under a current teacher certificate issued in another state. Under the Act, a person who applies for a temporary certificate having taught under an appropriate certificate issued by another state for two or more years must now have taught for two or more years within the ten years immediately preceding the date of application.

## Minimum Budget Requirement

By act passed in 2017, towns not designated as alliance districts were allowed to reduce their adopted education appropriation for fiscal year 2018 if the town experienced a reduction in Education Cost Share funding. After the act's passage, there was debate regarding the amount of the allowable reduction. **Public Act 18-1** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00001-R00HB-05592-PA.pdf>] prohibits the SBE from penalizing any town that reduced its educational appropriation based on the amount of ECS funding the town actually received in fiscal year 2018. To ensure that any such reduction did not carry over and suppress municipal education appropriations in fiscal year 2019, the Act

also provides that a town appropriation for education in fiscal year 2019 must be at least as much as the town appropriated the previous year *prior to* making any allowable reductions, plus any increase in ECS in fiscal year 2019.

The Act also changes the definition of aid increase to account for such mid-year reductions. For purposes of the 2019 minimum budget requirement, the Act defines the aid increase as the difference between the town's fiscal year 2019 ECS grant and the amount the town was eligible to receive in 2018 *prior to* any mid-year reductions. The Act maintains the minimum budget requirement for the upcoming fiscal year and the allowable reductions to an education appropriation already included in Conn. Gen. Stat. § 10-262j.

## Magnet School Grants

The state distributes interdistrict magnet school grants in two payments. The latter payment, distributed in May, is adjusted to reflect the actual number of students attending each magnet school as of October 1st of that school year. Section 1 of **Public Act 18-51** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00051-R00SB-00183-PA.pdf>], effective July 1, 2018, moves up the date when the October 1st data is finalized from March 1st to January 31st.

Section 2 of the Act, effective July 1, 2018, modifies Conn. Gen. Stat. § 10-264l, which limits a grant from exceeding a school's reasonable operating budget (less revenue from other sources), to apply, in the aggregate, to the reasonable operating budgets of all of an operator's magnet schools.

Section 3 of the Act, effective July 1, 2018, extends the Commissioner of Education's authority to make magnet transportation grant payments this fiscal year to school districts participating in interdistrict programs that are part of the State's effort to alleviate racial isolation of Hartford resident minority students,

pursuant to Sheff v. O'Neill, 238 Conn. 1 (1996). The Act also extends the commissioner's authority to make supplemental transportation grants to such districts for the transportation of students last fiscal year.

## Midyear Reductions in State Aid

In fiscal year 2018, many municipalities experienced a reduction in the education equalization aid grant (otherwise known as "ECS") midway through the year. Any non-alliance district was then authorized to reduce its education appropriation if the town had already passed a budget that assumed a higher ECS grant. For fiscal year 2019, section 10 of **Public Act 18-81** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00081-R00SB-00543-PA.pdf>] prohibits the Secretary of the Office of Policy and Management from making reductions to municipal aid grants, including ECS. Public Act 18-35 would have prohibited such reductions indefinitely, but the Act was vetoed by the governor, and the veto was sustained by the General Assembly. The authority to make reductions to municipal aid may be another provision that the General Assembly considers for renewal on an annual basis, similar to the MBR, priority school district grants, and magnet school transportation and supplemental transportation grants, among others, based on the constraints on the state budget from year to year.

## Minority Teacher Recruitment and Retention

**Public Act 18-34** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00034-R00SB-00455-PA.pdf>] codifies and builds upon the work that SDE's Minority Teacher Recruitment Oversight Council has engaged in with the minority teacher recruitment task force in recent years to increase minority teacher recruitment and retention.

Directly relevant to board of education responsibilities, under current law, boards of education must develop and implement a written plan for minority staff recruitment so that students interact with teachers from other racial, ethnic, and economic backgrounds to reduce racial, ethnic, and economic isolation. Section 7 of the Act, effective July 1, 2018, limits the scope of the required recruitment plan to include only educators rather than all staff.

To address teacher shortage areas, section 8 of the Act creates an automatic issuance of cross-endorsement in a relevant certification endorsement area that corresponds to a teacher shortage area for any individual who holds an initial, provisional or professional educator certificate on or after July 1, 2018 and achieves a satisfactory evaluation on the appropriate SBE approved subject area assessment.

Section 8 also exempts individuals from having to achieve a satisfactory evaluation on a competency examination or subject area assessment required for educator certification pursuant to Conn. Gen. Stat. § 10-145f who have achieved a satisfactory evaluation on an evaluation or assessment in another state. The exemption only applies if the SBE determines that such other state has requirements that are at least equivalent to the requirements prescribed by the SBE for achieving competency on such an evaluation or assessment.

## "Connecticut Grown" Products and Aquaculture

The Connecticut farm-to-school program established pursuant to Conn. Gen. Stat. § 22-38d, encourages the use of Connecticut-grown farm products in schools. The program is administered by the Department of Agriculture, in consultation with SDE, to promote and facilitate the sale of Connecticut-grown farm products by farms to school districts, individual schools, and other educational institutions under SDE's jurisdiction.

Public Act 18-73 [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00073-R00SB-00106-PA.pdf>], effective October 1, 2018, requires anyone who sells a Connecticut-grown farm product through the Connecticut farm-to-school program to offer evidence to the school district, school, or educational institution buying the product that it was produced in Connecticut. The proof must include the name of the person or business that produced the product and the name and address of the farm where it was produced. The Act also allows the agriculture commissioner to designate one or more suitable shellfish parcels for use by one or more nonprofit education or conservation organizations to develop an aquaculture site for an environmental education curriculum.

## School Counselors

SDE no longer issues guidance counselor endorsements, and instead now issues school counselor special services certificate endorsements. To conform statutes with this practice, **Public Act 18-15** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00015-R00SB-00186-PA.pdf>], effective July 1, 2018, adds the term “school counselor” to every statute that references “guidance counselor”. The Act does not remove reference to guidance counselors and SDE still recognizes the guidance counselor endorsement.

## Funding of Youth Service Bureaus

Youth service bureaus coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths and their families, referred to them by schools, police, juvenile courts, and others. Section 1 of **Public Act 18-182** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf>] extends funding eligibility for fiscal year 2019 for youth service bureaus that applied for funding in fiscal year 2018 to receive funding from SDE.

## Truancy Intervention Models

Public Act 16-147 removed truancy and defiance of school rules as grounds for Family with Service Needs (“FWSN”) referrals to juvenile court as of August 15, 2017. The Act also required SDE to identify effective truancy intervention models that boards of education may implement. SDE published a [Catalogue of Truancy Intervention Models](https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf?la=en) [[https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog\\_FINAL.pdf?la=en](https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf?la=en)] in March of this year. To expand on the truancy interventions already identified, section 4 of **Public Act 18-182** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf>] requires SDE to include truancy intervention models that specifically address the needs of students with disabilities by August 15, 2018.

## Task Force on Interscholastic Athletic Programs

Sections 14 of **Public Act 18-182** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00182-R00HB-05446-PA.pdf>], effective from passage, creates a twelve-member task force to study the governance, financing, general conduct, and role of high school interscholastic athletic programs in Connecticut. The task force is required to examine and report findings and recommendations to the General Assembly no later than January 1, 2019 on topics including (1) barriers to participation in sanctioned interscholastic athletic activities; (2) the impact of nonsanctioned activities on interscholastic sports participation; (3) financing of interscholastic athletic teams; (4) policies regarding performance reviews of interscholastic athletics by school districts; (5) the length of the athletic season for specific sports and restrictions on participation in interscholastic athletics; (6) academic requirements for participation in interscholastic athletics; (7) safety and sportsmanship of participants and spectators; and (8) issues relating

to the participation of students enrolled in nonpublic schools and schools of choice.

Members of the task force include six members appointed by the legislative leaders as well as representatives from the Connecticut Interscholastic Athletic Conference, Connecticut High School Coaches Association, Connecticut Athletic Directors Association, Connecticut Association of Boards of Education, Connecticut Association of Public School Superintendents and Connecticut Parent Teacher Association.

## Volunteers and Municipal Collective Bargaining Agreements

Section 59 of **Public Act 18-81** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00081-R00SB-00543-PA.pdf>], effective July 1, 2018, prohibits any collective bargaining agreement entered into between a municipality and the exclusive bargaining representative of the municipality's employees to limit the use of voluntary services for the maintenance of buildings and grounds, so long as there is no impact on wages and working conditions of the represented employees.

## Study of the Search and Seizure of Students' Personal Electronic Devices

Effective on passage, **Special Act 18-28** [<https://www.cga.ct.gov/2018/ACT/sa/pdf/2018SA-00028-R00HB-05170-SA.pdf>] establishes a working group to study and make recommendations related to the search and seizure of students' personal electronic devices. The working group is required to submit a report on its findings and recommendations to the General Assembly no later than January 1, 2019.

## Study of Reforms to the Teachers' Retirement System

Section 58 of **Public Act 18-81** [<https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00081-R00SB-00543-PA.pdf>], effective from passage, establishes a panel to study the proposal made by the Commission on Fiscal Stability and Economic Growth regarding reforms to the Teachers' Retirement System. The study must consider such options as (1) contribution of lottery proceeds to the Teachers' Retirement Fund, (2) future re-amortization of remaining fund liabilities when current bonds obligations are satisfied, and (3) creation of a hybrid defined benefit/contribution plan for new teachers with risk sharing on investment returns. The results of the study must be reported to the General Assembly no later than January 1, 2019, with any recommendations for reform and corresponding legislation. The commission members are appointed by the six legislative leaders and must each be an expert in one of the following areas: public pensions, finance, bonding, defined benefit plans or defined contribution plans.

## Task Force to Study the Processing and Fingerprint Records and Criminal History Records for Educators

Effective from passage, **Special Act 18-25** [<https://www.cga.ct.gov/2018/ACT/sa/pdf/2018SA-00025-R00SB-00459-SA.pdf>] created a task force to study the fingerprinting and processing of state and federal background checks for educators required by Conn. Gen. Stat. § 10-221d. Members of the task force include the commissioners of Education and Emergency Services and Public Protection, or their designees, and one representative each from the Alliance of Regional Educational Service Centers, the Connecticut Association of Public School Superintendents, the Connecticut Association of Boards of Education, the Connecticut Association of Schools, the Connecticut Education Association, and the American Federation of Teachers-Connecticut. The task force is required



to report its findings and recommendations to the General Assembly by January 1, 2019.

## School Governance Council Members

Effective July 1, 2018, section 8 of [Public Act 18-42](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00042-R00HB-05574-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00042-R00HB-05574-PA.pdf] clarifies that a public official is not precluded from serving as any one of the seven members of a school governance council who are the parent or guardian of a student at the school.

## Fiscal Considerations

[Public Act 18-81](https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00081-R00SB-00543-PA.pdf) [https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00081-R00SB-00543-PA.pdf] makes a number of additional changes to state education funding not previously mentioned. Section 15 of the Act designates a one and a half million dollar (\$1.5M) appropriation for Talent Development to support the teacher education and mentoring program known as TEAM. Section 19 of the Act appropriates \$400,000 to SDE to support bilingual education programs. Section 22 of the Act transfers money from the Budget Reserve Fund to the teachers' health insurance premium account, bringing the total contribution to the teacher's retiree health plan for the year up

to about 33% of the estimated expenditure for the teachers' retiree health basic plan for fiscal year 2019, as reported by the Office of Fiscal Analysis. Section 37 of the Act provides that any remaining education equalization aid grant funds remaining after the formula distribution will go to school districts that received students displaced by Hurricane Maria during the 2017-2018 school year. The distribution of such funds are reflected in the [municipal aid distribution estimates released by the Office of Fiscal Analysis](https://www.cga.ct.gov/ofa/Documents/year/GT/2018GT-20180509_Estimates%20of%20Statutory%20Formula%20Grants%20to%20Towns%20Revised%20FY%202019.pdf) [https://www.cga.ct.gov/ofa/Documents/year/GT/2018GT-20180509\_Estimates%20of%20Statutory%20Formula%20Grants%20to%20Towns%20Revised%20FY%202019.pdf].

The following accounts that support education-related programs received reductions in the modified budget for fiscal year 2019:

- Regional Education Service Centers - approximately \$90,000
- Excess Cost Grants - approximately \$1.5 million
- Interdistrict Cooperative Grants - approximately \$1.5 million
- Priority School District Grants - approximately \$1 million

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