

**Brooklyn Board of Education
Meeting Agenda
Virtual & Central Office Community Room**

September 27, 2023

6:00 PM*

Please click the link [HERE](#) to join the webinar:

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Mission: The Brooklyn Schools will foster a drive for learning within each student to reach his/her greatest potential. To achieve this mission, the school will continually improve its educational programs and services to meet this community's expectations for a quality education for all.

To support public participation the documents will be posted on the [Town of Brooklyn Website](#) as well as the [Brooklyn Public Schools Website](#). You are encouraged to send questions or comments to buell@brooklynschools.org prior to the meeting.

1. Attendance, Establishment of a Quorum, Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Approval of Minutes*
 - a. August 23, 2023
5. Correspondence and Communication
 - a. Upcoming events:
 - i. 9/28/2023: Soccer - Boys at Woodstock 3:30PM
 - ii. 9/28/2023: Soccer - Girls v. Woodstock at BMS 3:45PM
 - iii. 9/28/2023: Cross Country - Away at Woodstock 3:45PM
 - iv. 10/3/2023: Soccer - Girls v. Away at Wheeler 3:30PM
 - v. 10/4/2023: Soccer - Boys v. Wheeler at BMS 3:45PM
 - vi. 10/5/2023: Soccer - Boys at Griswold 3:30PM
 - vii. 10/5/2023: Soccer - Girls v. Griswold at BMS 3:45PM
 - viii. 10/5/2023: Cross Country - Away at Killingly 3:45PM
6. Administrative Reports
 - a. FY23 Financial Reports
 - b. Enrollment Report
 - c. Brooklyn's Best
7. Board of Education Committee Reports
8. Board Representatives to other Committees
9. Old Business
 - a. Review Board Attorney Proposals
 - i. Shipman & Goodwin, LLP
 - ii. Kainen, Escalera & McHale, PC

- iii. Pullman & Comley
- iv. Bercham Moses, PC
- v. Deborah G. Stevenson Law Firm

10. New Business

- a. District Advancement Plan
- b. SBAC scores

11. Public Comment

12. Adjournment

*Action Item

The Board of Education

Town of Brooklyn
119 Gorman Road
Brooklyn, CT 06234

Mae Lyons, Board Chair
Justin Phaiah, Secretary
Isaias Sostre

Melissa Perkins-Banas, Vice-Chair
Kayla Burgess
Rick Ives

Mission: The Brooklyn Schools will foster a drive for learning within each student to reach his/her greatest potential. To achieve this mission, the school will continually improve its educational programs and services to meet this community's expectations for a quality education for all.

The Brooklyn Board of Education held a meeting in the Central Office Community Room and virtually on August 23, 2023 via Zoom. In attendance were Mrs. Lyons, Dr. Perkins-Banas, Mr. Phaiah, Mrs. Burgess, and Mr. Ives and Mr. Sostre. Mrs. Buell, Superintendent was also present.

To support public participation the documents will be posted on the Town of Brooklyn Website as well as the Brooklyn Public Schools Website. You are encouraged to send questions or comments to buell@brooklynschools.org prior to the meeting.

1. Attendance, Establishment of a Quorum, Call to Order

Mrs. Lyons stated that a Quorum has been established. Board members that were present: Melissa Perkins-Banas, Justin Phaiah, Kayla Burgess, Richard Ives, Isaias Sostre and herself, Mae Lyons.

Mrs. Lyons called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

3. Public Comment

Dr Perkins-Banas wanted to acknowledge Mrs. Buell's nomination for superintendent of the year award.

4. Approval of Minutes

- July 26, 2023 BOE Regular Meeting Minutes

Dr. Perkins-Banas made the motion to approve the Regular Meeting Minutes for July 26, 2023.
(Perkins-Banas/Burgess)
No discussion

Vote Count: 6, 0
Unanimous vote to approve.

5. Correspondence and Communication

- Discussion with Administrators regarding Homework Policy
 - Mr. Weaver had explained that the current BES handbook has some outdated policies.
 - Mr. Weaver and Mrs. Graef had suggested that Brooklyn Elementary should be practicing reading either independently or with an adult, board games, practicing snap words, counting money, making a recipe which involves work with fractions, school provided programs such as MobyMax along with other ideas that involve children learning.
 - Mrs. Tamsin had confirmed that the current BMS handbook also contains outdated policies.
 - Mrs. Tamsin has proposed that teachers communicate within their groups to have no more than 5% of a workload on students.
 - Mrs. Tamsin stated that teachers give a week for homework assignments so students can learn how to use time management on accomplishing their workload.
 - Mrs. Tamsin also suggested picking one day that all teachers cannot give homework.
 - Mrs. Buell has suggested administrators implement their ideas and open the communication with parents by having parent teacher conference or surveys to see how their ideas regarding homework have worked for families

- Upcoming events
 - August 24 - August 27 - Brooklyn Fair
 - August 24 - Kindergarten Camp
 - August 28 - Convocation/ Professional Development
 - August 29 - Professional Development
 - August 30 - First day of school (Kindergarten - Grade 8)
 - August 31 - Preschool's First day of school
 - September 1 - Early dismissal from school
 - September 4 - Labor Day - No School
 - September 7 - PTO Welcome Back BBQ, BES/BMS Open House
 - September 23 - Grand Opening of Brooklyn Cares Community Center
 - There has been an overwhelming support in donations
 - Access has committed being there once a month
 - There is surveillance in constant use to keep everyone safe

6. Administrative Reports

- a. FY23 Financial Reports

Mrs. DiBennetto stated that the salary lines are no longer in the negative due to the transfer approved at the last meeting. Total contracted services did have funds transfer but due to invoices that still needed to be paid the line still remains negative in the amount of -\$6,087.82.

Total other services, total supplies and total equipment are longer in the negative due to the transfer.

Due to encumbrances being released for invoices not received and unfinished work the School is to give back \$83,000 to the Town.

Mrs. DiBenedetto has requested the transfer in the amount of \$6,088.00 to cover the negative line.

Mr. Ives made a motion for a transfer request in the amount \$6,088.00 to cover the negative line amount..

(Ives/Perkins-Banas)

No discussion

Vote Count: 6, 0

Unanimous vote to approve

b. New Hires and Resignations:

- Rachel Cardaci - Resignation
- Tracie Brouillard - Resignation
- Hanna Forsten - 3rd Grade Teacher
- Kayla DeMaire - BES Teacher
- Diane Caldwell - Financial Assistant

7. Board of Education Committee Reports

None to report

8. Board Representatives to Other Committees

None to report

9. Old Business

- Board Attorney Proposals
 - Mrs. Buell stated she did send out letters to attorney firms to see what types of services they offer school districts. Mrs. Buell confirmed that letters were sent to five different attorney firms. The attorney firms will send in their proposals. All proposals are due by September 22, 2023.
 - The school has received verbal confirmation from a few attorney firms stating they will be sending in a proposal. Mrs. Buell stated the School has also physically received one set of proposals.

- The Board will review the proposals first then decide on which attorney firms they would like to interview.
- Review of Policy 6172.3 and 6145.2 for Homeschooling & Sports
 - (6172.3) The Brooklyn Board of Education believes that formal education in the public schools is highly beneficial both for the child and for the society, but it also recognizes the right of parents to fulfill their obligation to ensure an education of their children by schooling them at home. The Board instructs the school administration to work cooperatively with homeschooling parents.
 - (6172.3) Home schooling is reviewed by the Brooklyn Board of Education as full time and therefore home schooled students are not eligible for school offerings or activities.
 - (6172.3) Parents who wish to educate their child at home must file with the Superintendent of Schools a “Notice of Intent, Instruction at Home” form within ten (10) days of the start of the home instruction program. A notice of Intent will only be effective for the school year in which it is filed.
 - (6145.2) The Board of Education believes individual students will benefit from opportunities to grow physically and intellectually through experiences that provide the opportunity for self-discipline and team efforts made possible through competitive inter school intramural team and individual sports activities.
 - (6145.2) District participation in interscholastic athletics will be subject to approval by the Board. This shall include approval of membership in any leagues, associations, conferences, of rules for student participation, and of annual sports schedules.
 - (6145.2) It is the Board's policy to provide students interscholastic athletic competition in a variety of sports. Students will be allowed to participate in individual sports on the basis of their physical condition and desire. Qualified personnel shall be provided for coaching and supervising individual sports. In addition, it is the policy of the Board to provide intramural athletic activities as an outgrowth of class instruction in physical education commensurate with the grade level of the students involved.
 - (6145.2) Students with disabilities, possessing the required level of skill or ability to participate in a competitive program or activity, shall be afforded an equal opportunity to participate in extracurricular activities, which include club, intramural or interscholastic athletics. The District shall make reasonable modifications and provide those aids and services that are necessary to afford a "qualified" disabled student the opportunity to participate in extracurricular athletics, unless it results in a fundamental alteration to the District's program. The District will consider whether safe participation by a disabled student can be assured through reasonable modifications or the provision of aids and services.

- (6145.2) The District may create additional opportunities for students with disabilities who cannot participate in the existing extracurricular athletics program, even with reasonable modifications or aids and services, in order to afford such students an equal opportunity to receive the benefits of extracurricular athletics.
- (6145.2) Each student who chooses to participate in an interscholastic athletic program is required to have on file, in the offices of the building administrator, a certificate of consent which is signed by the parent or legal guardian. No student may start practice for any athletic team until he or she has been examined and approved by a medical doctor. This certificate of consent will be in effect for each student for each sports season.
- (6145.2) The purpose of school athletics is both educational and recreational. The athletic program should encourage participation by as many students as possible and should be carried on with the best interests of the participants as the primary consideration. Participation should be without unreasonable interference with other obligations in the school, community and home.
- (6145.2) It is recognized that a well-organized and well conducted athletic program is a potent factor in the morale of a student body and an important phase of good community-school relations.
- (6145.2) Every possible effort shall be made to offer equal opportunities for both sexes in sports and activities which shall include life sports that a student can carry through adulthood.

Mrs. Buell stated it would be in violation of the Board's policy to allow homeschooled students to participate in sports.

The board discussed the policy and agreed to review the policy once some questions are answered from the CIAC regarding their policies.

10. New Business

- Mrs. Buell had suggested changing the start time of the BOE meetings

Mr. Ives has made a motion to change the BOE meeting time to 6:30 p.m.

(Ives/Phaiah)

No Discussion

Vote Count: 6, 0

Unanimous vote to approve

11. Public Comment

None

12. Adjournment

Mr. Ives made a motion to adjourn at 7:12 p.m.
(Ives/Burgess)
No Discussion
Vote Count: 6, 0
Unanimous vote to approve

Respectfully Submitted,

Laura R. Cota

Laura R. Cota
Board Clerk

Justin Phaiah, Board of Education Secretary

Date

Acct	Account description	Budget FY23-24	Transfers	Budget FY23-24	YTD Expended	Encumbrance	Total Exp/Encum	Balance	% Exp/Encum
1100	Salaries Administration	\$ 902,498.00	\$ -	\$ 902,498.00	\$ 213,555.95	\$ 728,196.07	\$ 941,752.02	\$ (39,254.02)	104%
1103	Salaries- Substitute Teachers	\$ 95,000.00	\$ -	\$ 95,000.00	\$ 1,620.00	\$ 32.50	\$ 1,652.50	\$ 93,347.50	2%
1104	Salaries-Substitute Instructional Aides	\$ 22,000.00	\$ -	\$ 22,000.00	\$ 1,095.04	\$ -	\$ 1,095.04	\$ 20,904.96	5%
1110	Salaries-Support Staff	\$ 1,201,175.00	\$ -	\$ 1,201,175.00	\$ 180,464.22	\$ 813,174.35	\$ 993,638.57	\$ 207,536.43	83%
1111	Salaries-Teachers	\$ 5,984,950.60	\$ -	\$ 5,984,950.60	\$ 694,661.76	\$ 5,300,330.52	\$ 5,994,992.28	\$ (10,041.68)	100%
1112	Salaries-Instructional Aides	\$ 1,181,682.00	\$ -	\$ 1,181,682.00	\$ 51,035.53	\$ 1,016,284.76	\$ 1,067,320.29	\$ 114,361.71	90%
1119	ESY Teacher	\$ 15,385.00	\$ -	\$ 15,385.00	\$ 20,471.59	\$ -	\$ 20,471.59	\$ (5,086.59)	133%
1129	ESY Paraprofessional	\$ 25,795.00	\$ -	\$ 25,795.00	\$ 27,643.20	\$ -	\$ 27,643.20	\$ (1,848.20)	107%
1130	Salaries-Custodial O/T	\$ 6,000.00	\$ -	\$ 6,000.00	\$ 2,793.55	\$ -	\$ 2,793.55	\$ 3,206.45	47%
1151	Additional Compensation-Teachers	\$ 49,656.00	\$ -	\$ 49,656.00	\$ -	\$ 26,815.00	\$ 26,815.00	\$ 22,841.00	54%
1152	IT Summer Salaries	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 4,998.72	\$ 528.00	\$ 5,526.72	\$ 1,973.28	74%
1000	Total Salaries	\$ 9,491,641.60	\$ -	\$ 9,491,641.60	\$ 1,198,339.56	\$ 7,885,361.20	\$ 9,083,700.76	\$ 407,940.84	96%
2110	Health Ins Employer	\$ 1,762,464.29	\$ -	\$ 1,762,464.29	\$ 456,342.79	\$ 1,239,136.30	\$ 1,695,479.09	\$ 66,985.20	96%
2115	Dental Ins. Employer	\$ 86,438.97	\$ -	\$ 86,438.97	\$ 39,424.23	\$ 47,708.25	\$ 87,132.48	\$ (693.51)	101%
2120	HSA	\$ 172,500.00	\$ -	\$ 172,500.00	\$ 78,541.66	\$ 81,250.00	\$ 159,791.66	\$ 12,708.34	93%
2200	Fica/Medicare Employer portion	\$ 250,000.00	\$ -	\$ 250,000.00	\$ 36,477.86	\$ 253,513.53	\$ 289,991.39	\$ (39,991.39)	116%
2300	Pension/Retirement Expenses	\$ 283,522.00	\$ -	\$ 283,522.00	\$ 219,346.00	\$ -	\$ 219,346.00	\$ 64,176.00	77%
2510	Tuition Reimbursement	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 1,599.00	\$ -	\$ 1,599.00	\$ 13,401.00	11%
2600	Unemployment	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 1,034.00	\$ -	\$ 1,034.00	\$ 23,966.00	4%
2700	Workers Compensation	\$ 90,240.00	\$ -	\$ 90,240.00	\$ 45,110.38	\$ 45,112.34	\$ 90,222.72	\$ 17.28	100%
2800	Life Insurance	\$ 15,544.00	\$ -	\$ 15,544.00	\$ 5,585.68	\$ 13,016.57	\$ 18,602.25	\$ (3,058.25)	120%
2000	Total Benefits	\$ 2,700,709.26	\$ -	\$ 2,700,709.26	\$ 883,461.60	\$ 1,679,736.99	\$ 2,563,198.59	\$ 137,510.67	95%
3020	Legal Services	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 885.93	\$ 24,629.00	\$ 25,514.93	\$ 14,485.07	64%
3200	Professional Educational Services	\$ 126,289.00	\$ -	\$ 126,289.00	\$ 143.73	\$ 69,160.00	\$ 69,303.73	\$ 56,985.27	55%
3230	Pupil Services	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -	\$ -	\$ -	\$ 2,500.00	0%
3400	Other Professional Services	\$ 49,800.00	\$ -	\$ 49,800.00	\$ 6,077.61	\$ 11,597.00	\$ 17,674.61	\$ 32,125.39	35%
3410	Audit	\$ 29,000.00	\$ -	\$ 29,000.00	\$ 4,000.00	\$ 12,625.00	\$ 16,625.00	\$ 12,375.00	57%
3500	Technical Services	\$ 31,830.00	\$ -	\$ 31,830.00	\$ 11,976.00	\$ 9,630.00	\$ 21,606.00	\$ 10,224.00	68%
3520	Other Technical Services	\$ 14,972.00	\$ -	\$ 14,972.00	\$ -	\$ 5,472.00	\$ 5,472.00	\$ 9,500.00	37%
3540	Sports Officials	\$ 5,195.00	\$ -	\$ 5,195.00	\$ -	\$ -	\$ -	\$ 5,195.00	0%
3000	Total Prof Services	\$ 299,586.00	\$ -	\$ 299,586.00	\$ 23,083.27	\$ 133,113.00	\$ 156,196.27	\$ 143,389.73	52%
4101	Refuse Removal	\$ 16,000.00	\$ -	\$ 16,000.00	\$ 2,680.00	\$ 11,083.08	\$ 13,763.08	\$ 2,236.92	86%
4300	Equipment Repairs	\$ 25,075.00	\$ -	\$ 25,075.00	\$ 2,730.45	\$ 7,119.40	\$ 9,849.85	\$ 15,225.15	39%
4301	Building Maintenance	\$ 45,000.00	\$ -	\$ 45,000.00	\$ 10,692.28	\$ 15,916.00	\$ 26,608.28	\$ 18,391.72	59%
4302	Fire/Security Maintenance	\$ 17,000.00	\$ -	\$ 17,000.00	\$ 12,170.64	\$ -	\$ 12,170.64	\$ 4,829.36	72%
4303	Grounds Maintenance	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 3,421.04	\$ 5,217.01	\$ 8,638.05	\$ 11,361.95	43%
4320	Technology Related Repairs	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ -	\$ -	\$ 5,000.00	0%
4411	Water/Sewer	\$ 29,000.00	\$ -	\$ 29,000.00	\$ 160.00	\$ 32,495.00	\$ 32,655.00	\$ (3,655.00)	113%
4430	Rental of Equipment - Copiers	\$ 57,349.24	\$ -	\$ 57,349.24	\$ 6,933.36	\$ 33,976.28	\$ 40,909.64	\$ 16,439.60	71%
4000	Total Contracted Services	\$ 214,424.24	\$ -	\$ 214,424.24	\$ 38,787.77	\$ 105,806.77	\$ 144,594.54	\$ 69,829.70	67%

5100	Pupil Transportation-Local/High	\$ 815,441.00	\$ (12,000.00)	\$ 827,441.00	\$ 12,000.00	\$ 838,932.00	\$ 850,932.00	\$ (35,491.00)	103%
5110	Student Transportation-Spec. Ed In-State	\$ 308,560.00	\$ -	\$ 308,560.00	\$ 5,000.00	\$ 7,940.00	\$ 12,940.00	\$ 295,620.00	4%
5130	TRANS. SPECIAL ED - ESY	\$ 52,651.00	\$ 12,000.00	\$ 40,651.00	\$ 16,398.00	\$ -	\$ 16,398.00	\$ 36,253.00	40%
5150	Transportation-Athletics/Field Trips	\$ 30,019.00	\$ -	\$ 30,019.00	\$ -	\$ -	\$ -	\$ 30,019.00	0%
5200	Property & Liability Insurance	\$ 76,985.29	\$ -	\$ 76,985.29	\$ 39,241.00	\$ 39,241.00	\$ 78,482.00	\$ (1,496.71)	102%
5300	Communications	\$ 12,840.00	\$ (1,240.00)	\$ 14,080.00	\$ 2,247.13	\$ 15,932.87	\$ 18,180.00	\$ (5,340.00)	129%
5301	Postage	\$ 4,000.00	\$ -	\$ 4,000.00	\$ 82.08	\$ 2,100.00	\$ 2,182.08	\$ 1,817.92	55%
5400	Advertising	\$ 7,200.00	\$ -	\$ 7,200.00	\$ 7,510.47	\$ -	\$ 7,510.47	\$ (310.47)	104%
5600	Tuition-High School	\$ 4,873,441.21	\$ -	\$ 4,873,441.21	\$ 922,463.04	\$ 2,777,404.96	\$ 3,699,868.00	\$ 1,173,573.21	76%
5610	Tuition-Vo Ag	\$ 57,920.00	\$ -	\$ 57,920.00	\$ -	\$ -	\$ -	\$ 57,920.00	0%
5630	Tuition-Spec. Ed Private	\$ 696,632.25	\$ -	\$ 696,632.25	\$ 58,386.95	\$ 367,442.56	\$ 425,829.51	\$ 270,802.74	61%
5640	Tuition-Spec. Ed-In State LEA	\$ 1,161,855.24	\$ -	\$ 1,161,855.24	\$ 138,521.92	\$ 761,799.01	\$ 900,320.93	\$ 261,534.31	77%
5650	Tuition-Spec. Ed-Private Out of State	\$ 108,380.40	\$ -	\$ 108,380.40	\$ -	\$ 61,264.30	\$ 61,264.30	\$ 47,116.10	57%
5800	Travel Reimbursement	\$ 14,500.00	\$ -	\$ 14,500.00	\$ 461.52	\$ 2,638.48	\$ 3,100.00	\$ 11,400.00	21%
5910	ADULT EDUCATION	\$ 30,850.00	\$ -	\$ 30,850.00	\$ -	\$ -	\$ -	\$ 30,850.00	0%
5000	Total Other Services	\$ 8,251,275.39	\$ (1,240.00)	\$ 8,252,515.39	\$ 1,202,312.11	\$ 4,874,695.18	\$ 6,077,007.29	\$ 2,174,268.10	74%
6100	General Supplies	\$ 68,519.76	\$ -	\$ 68,519.76	\$ 19,302.54	\$ 4,352.35	\$ 23,654.89	\$ 44,864.87	35%
6110	Instructional Supplies	\$ 65,887.95	\$ -	\$ 65,887.95	\$ 7,274.87	\$ 15,720.47	\$ 22,995.34	\$ 42,892.61	35%
6120	Admin Supplies	\$ 25,660.26	\$ -	\$ 25,660.26	\$ 3,225.15	\$ 4,238.30	\$ 7,463.45	\$ 18,196.81	29%
6220	Electricity	\$ 55,000.00	\$ -	\$ 55,000.00	\$ 8,430.25	\$ 48,869.75	\$ 57,300.00	\$ (2,300.00)	104%
6240	Fuel Oil	\$ 129,988.00	\$ -	\$ 129,988.00	\$ -	\$ 96,000.00	\$ 96,000.00	\$ 33,988.00	74%
6260	Gasoline/Diesel	\$ 88,321.40	\$ -	\$ 88,321.40	\$ (383.07)	\$ 122,193.59	\$ 121,810.52	\$ (33,489.12)	138%
6400	Books	\$ 5,500.00	\$ -	\$ 5,500.00	\$ 27.04	\$ -	\$ 27.04	\$ 5,472.96	0%
6410	Textbooks	\$ 875.00	\$ -	\$ 875.00	\$ 135.63	\$ 253.48	\$ 389.11	\$ 485.89	44%
6420	Library Books	\$ 9,249.15	\$ -	\$ 9,249.15	\$ -	\$ -	\$ -	\$ 9,249.15	0%
6430	Periodicals	\$ 205.00	\$ -	\$ 205.00	\$ 76.50	\$ -	\$ 76.50	\$ 128.50	37%
6500	Supplies - Technology Related	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 537.31	\$ 8.55	\$ 545.86	\$ 4,454.14	11%
6900	Other Supplies	\$ 20,199.00	\$ -	\$ 20,199.00	\$ 1,439.06	\$ 424.32	\$ 1,863.38	\$ 18,335.62	9%
6000	Total Supplies	\$ 474,405.52	\$ -	\$ 474,405.52	\$ 40,065.28	\$ 292,060.81	\$ 332,126.09	\$ 142,279.43	70%
7345	Instructional Equipment	\$ 92,837.00	\$ -	\$ 92,837.00	\$ 21,662.32	\$ 7,954.63	\$ 29,616.95	\$ 63,220.05	32%
7350	Technology Software	\$ 66,681.00	\$ -	\$ 66,681.00	\$ 7,043.89	\$ 1,895.50	\$ 8,939.39	\$ 57,741.61	13%
7000	Total Equipment	\$ 159,518.00	\$ -	\$ 159,518.00	\$ 28,706.21	\$ 9,850.13	\$ 38,556.34	\$ 120,961.66	24%
8100	Dues and Fees	\$ 33,440.00	\$ -	\$ 33,440.00	\$ 16,307.30	\$ 1,820.00	\$ 18,127.30	\$ 15,312.70	54%
8000	Total Dues and Fees	\$ 33,440.00	\$ -	\$ 33,440.00	\$ 16,307.30	\$ 1,820.00	\$ 18,127.30	\$ 15,312.70	54%
9140	Contingency	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ -	\$ 10,000.00	0%
9000	Total Other	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ -	\$ 10,000.00	0%
	Total General Fund	\$ 21,635,000.01	\$ (1,240.00)	\$ 21,636,240.01	\$ 3,431,063.10	\$ 14,982,444.08	\$ 18,413,507.18	\$ 3,221,492.83	85%

Brooklyn Board of Education

FY24 Budget Expense Summary by Object

From Date: 7/1/2023

To Date: 9/30/2023

Fiscal Year: 2023-2024

- Subtotal by Collapse Mask
 Include pre encumbrance
 Print accounts with zero balance
 Filter Encumbrance Detail by Date Range
 Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance	% Bud
1010.00000.0000.000.51100	Salaries Administration	\$902,498.00	\$213,555.95	\$213,555.95	\$688,942.05	\$728,196.07	(\$39,254.02)	-4.35%
1010.00000.0000.000.51103	Salaries- Substitute Teachers	\$95,000.00	\$1,620.00	\$1,620.00	\$93,380.00	\$0.00	\$93,380.00	98.29%
1010.00000.0000.000.51104	Salaries-Substitute Instructio	\$22,000.00	\$1,095.04	\$1,095.04	\$20,904.96	\$0.00	\$20,904.96	95.02%
1010.00000.0000.000.51110	Salaries-Support Staff	\$1,201,175.00	\$180,464.22	\$180,464.22	\$1,020,710.78	\$836,259.25	\$184,451.53	15.36%
1010.00000.0000.000.51111	Salaries-Teachers	\$5,984,950.60	\$694,661.76	\$694,661.76	\$5,290,288.84	\$5,304,340.12	(\$14,051.28)	-0.23%
1010.00000.0000.000.51112	Salaries-Instructional Aides	\$1,181,682.00	\$51,035.53	\$51,035.53	\$1,130,646.47	\$1,075,637.03	\$55,009.44	4.66%
1010.00000.0000.000.51119	ESY Teacher	\$15,385.00	\$20,471.59	\$20,471.59	(\$5,086.59)	\$0.00	(\$5,086.59)	-33.06%
1010.00000.0000.000.51129	ESY Paraprofessional	\$25,795.00	\$27,643.20	\$27,643.20	(\$1,848.20)	\$0.00	(\$1,848.20)	-7.16%
1010.00000.0000.000.51130	Safanes-Custodial O/T	\$6,000.00	\$2,793.55	\$2,793.55	\$3,206.45	\$0.00	\$3,206.45	53.44%
1010.00000.0000.000.51151	Additional Compensation-Teache	\$49,656.00	\$0.00	\$0.00	\$49,656.00	\$26,815.00	\$22,841.00	46.00%
1010.00000.0000.000.51152	IT Summer Salanes	\$7,500.00	\$4,998.72	\$4,998.72	\$2,501.28	\$0.00	\$2,501.28	33.35%
1010.00000.0000.000.52110	Health Ins Employer	\$1,762,464.29	\$456,342.79	\$456,342.79	\$1,306,121.50	\$1,239,136.30	\$66,985.20	3.80%
1010.00000.0000.000.52115	Dental Ins Employer	\$86,438.97	\$39,424.23	\$39,424.23	\$47,014.74	\$47,708.25	(\$693.51)	-0.80%
1010.00000.0000.000.52120	HSA	\$172,500.00	\$78,541.66	\$78,541.66	\$93,958.34	\$81,250.00	\$12,708.34	7.37%
1010.00000.0000.000.52200	Fica/Medicare Employer portion	\$250,000.00	\$36,477.86	\$36,477.86	\$213,522.14	\$253,513.53	(\$39,991.39)	-16.00%
1010.00000.0000.000.52300	Pension/Retirement Expenses	\$283,522.00	\$219,346.00	\$219,346.00	\$64,176.00	\$0.00	\$64,176.00	22.64%
1010.00000.0000.000.52510	Tuition Reimbursement	\$15,000.00	\$1,599.00	\$1,599.00	\$13,401.00	\$0.00	\$13,401.00	89.34%
1010.00000.0000.000.52600	Unemployment	\$25,000.00	\$1,034.00	\$1,034.00	\$23,966.00	\$0.00	\$23,966.00	95.86%
1010.00000.0000.000.52700	Workers Compensation	\$90,240.00	\$45,110.38	\$45,110.38	\$45,129.62	\$45,112.34	\$17.28	0.02%
1010.00000.0000.000.52800	Life Insurance	\$15,544.00	\$5,585.68	\$5,585.68	\$9,958.32	\$13,018.57	(\$3,058.25)	-19.67%
1010.00000.0000.000.53020	Legal Services	\$40,000.00	\$885.93	\$885.93	\$39,114.07	\$24,629.00	\$14,485.07	36.21%
1010.00000.0000.000.53200	Professional Educational Serv	\$126,289.00	\$143.73	\$143.73	\$126,145.27	\$69,160.00	\$56,985.27	45.12%
1010.00000.0000.000.53230	Pupil Services	\$2,500.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$2,500.00	100.00%
1010.00000.0000.000.53400	Other Professional Services	\$49,800.00	\$6,077.61	\$6,077.61	\$43,722.39	\$11,597.00	\$32,125.39	64.51%
1010.00000.0000.000.53410	Audit	\$29,000.00	\$4,000.00	\$4,000.00	\$25,000.00	\$12,625.00	\$12,375.00	42.67%
1010.00000.0000.000.53500	Technical Services	\$31,830.00	\$11,976.00	\$11,976.00	\$19,854.00	\$9,830.00	\$10,224.00	32.12%
1010.00000.0000.000.53520	Other Techn cal Services	\$14,972.00	\$0.00	\$0.00	\$14,972.00	\$5,472.00	\$9,500.00	63.45%
1010.00000.0000.000.53540	Sports Officials	\$5,195.00	\$0.00	\$0.00	\$5,195.00	\$0.00	\$5,195.00	100.00%
1010.00000.0000.000.54101	Refuse Removal	\$16,000.00	\$2,680.00	\$2,680.00	\$13,320.00	\$11,083.08	\$2,236.92	13.98%
1010.00000.0000.000.54300	Equipment Repairs	\$25,075.00	\$2,730.45	\$2,730.45	\$22,344.55	\$7,119.40	\$15,225.15	60.72%
1010.00000.0000.000.54300	Building Maintenance	\$45,000.00	\$10,692.28	\$10,692.28	\$34,307.72	\$15,916.00	\$18,391.72	40.87%
1010.00000.0000.000.54302	Fire/Security Maintenance	\$17,000.00	\$12,170.64	\$12,170.64	\$4,829.36	\$0.00	\$4,829.36	28.41%
1010.00000.0000.000.54303	Grounds Maintenance	\$20,000.00	\$3,421.04	\$3,421.04	\$16,578.96	\$5,217.01	\$11,361.95	56.81%
1010.00000.0000.000.54320	Technology Related Repars	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	100.00%
1010.00000.0000.000.54411	Water/Sewer	\$29,000.00	\$160.00	\$160.00	\$28,840.00	\$32,495.00	(\$3,655.00)	-12.60%
1010.00000.0000.000.54430	Rental of Equipment - Cop ers	\$57,349.24	\$6,933.36	\$6,933.36	\$50,415.88	\$33,976.28	\$16,439.60	28.67%
1010.00000.0000.000.55100	Pupil Transportation-Local/Hig	\$815,441.00	\$12,000.00	\$12,000.00	\$803,441.00	\$838,932.00	(\$35,491.00)	-4.35%
1010.00000.0000.000.55110	Student Transportation-Spec E	\$308,560.00	\$5,000.00	\$5,000.00	\$303,560.00	\$7,940.00	\$295,620.00	95.81%
1010.00000.0000.000.55130	TRANS. SPECIAL ED - ESY	\$52,651.00	\$16,398.00	\$16,398.00	\$36,253.00	\$0.00	\$36,253.00	68.88%
1010.00000.0000.000.55150	Transportation-Athletics/Field	\$30,019.00	\$0.00	\$0.00	\$30,019.00	\$0.00	\$30,019.00	100.00%
1010.00000.0000.000.55200	Property & Liability Insurance	\$76,985.29	\$39,241.00	\$39,241.00	\$37,744.29	\$39,241.00	(\$1,496.71)	-1.94%
1010.00000.0000.000.55300	Communications	\$12,840.00	\$2,247.13	\$2,247.13	\$10,592.87	\$15,932.87	(\$5,340.00)	-41.59%
1010.00000.0000.000.55301	Postage	\$4,000.00	\$82.08	\$82.08	\$3,917.92	\$2,100.00	\$1,817.92	45.45%
1010.00000.0000.000.55400	Advertising	\$7,200.00	\$7,510.47	\$7,510.47	(\$310.47)	\$0.00	(\$310.47)	-4.31%
1010.00000.0000.000.55600	Tuition-High School	\$4,873,441.21	\$922,463.04	\$922,463.04	\$3,950,978.17	\$2,777,404.96	\$1,173,573.21	24.08%
1010.00000.0000.000.55610	Tuition-Vo Ag	\$57,920.00	\$0.00	\$0.00	\$57,920.00	\$0.00	\$57,920.00	100.00%
1010.00000.0000.000.55630	Tuition-Spec. Ed Private	\$696,632.25	\$58,386.95	\$58,386.95	\$638,245.30	\$367,442.56	\$270,802.74	38.87%
1010.00000.0000.000.55640	Tuition-Spec. Ed-In State LEA	\$1,161,855.24	\$138,521.92	\$138,521.92	\$1,023,333.32	\$761,799.01	\$261,534.31	22.51%
1010.00000.0000.000.55650	Tuition-Spec. Ed-Private Out o	\$108,380.40	\$0.00	\$0.00	\$108,380.40	\$61,264.30	\$47,116.10	43.47%
1010.00000.0000.000.55800	Travel Reimbursement	\$14,500.00	\$461.52	\$461.52	\$14,038.48	\$2,638.48	\$11,400.00	78.62%

Brooklyn Board of Education

FY24 Budget Expense Summary by Object

From Date: 7/1/2023

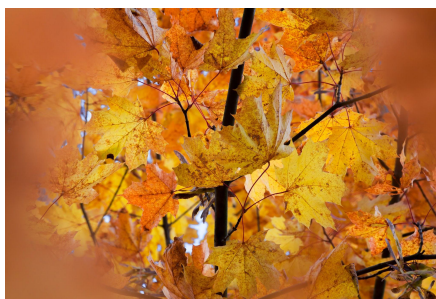
To Date: 9/30/2023

Fiscal Year: 2023-2024

- Subtotal by Collapse Mask
 Include pre encumbrance
 Print accounts with zero balance
 Filter Encumbrance Detail by Date Range
 Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance	% Bud
1010 00000 0000 000 55910	ADULT EDUCATION	\$30,850.00	\$0.00	\$0.00	\$30,850.00	\$0.00	\$30,850.00	100.00%
1010 00000 0000 000 56100	General Supplies	\$68,519.78	\$19,302.54	\$19,302.54	\$49,217.22	\$4,352.35	\$44,864.87	65.48%
1010.00000.0000.000.56110	Instructional Supplies	\$65,887.95	\$7,274.87	\$7,274.87	\$58,613.08	\$15,720.47	\$42,892.61	65.10%
1010.00000.0000.000.56120	Admin Supplies	\$25,660.28	\$3,225.15	\$3,225.15	\$22,435.11	\$4,238.30	\$18,196.81	70.91%
1010.00000.0000.000.56220	Electricity	\$55,000.00	\$8,430.25	\$8,430.25	\$46,569.75	\$48,869.75	(\$2,300.00)	-4.18%
1010.00000.0000.000.56240	Fuel Oil	\$129,988.00	\$0.00	\$0.00	\$129,988.00	\$96,000.00	\$33,988.00	26.15%
1010.00000.0000.000.56260	Gasoline/Diesel	\$88,321.40	(\$383.07)	(\$383.07)	\$88,704.47	\$122,193.59	(\$33,489.12)	-37.92%
1010.00000.0000.000.56400	Books	\$5,500.00	\$27.04	\$27.04	\$5,472.96	\$0.00	\$5,472.96	99.51%
1010.00000.0000.000.56410	Textbooks	\$875.00	\$135.63	\$135.63	\$739.37	\$253.48	\$485.89	55.53%
1010.00000.0000.000.56420	Library Books	\$9,249.15	\$0.00	\$0.00	\$9,249.15	\$0.00	\$9,249.15	100.00%
1010 00000 0000 000 56430	Periodicals	\$205.00	\$76.50	\$76.50	\$128.50	\$0.00	\$128.50	62.68%
1010 00000 0000 000 56500	Supplies - Technology Related	\$5,000.00	\$537.31	\$537.31	\$4,462.69	\$8.55	\$4,454.14	89.08%
1010 00000 0000 000 56900	Other Supplies	\$20,199.00	\$1,439.06	\$1,439.06	\$18,759.94	\$424.32	\$18,335.62	90.77%
1010.00000.0000.000.57345	Instructional Equipment	\$92,837.00	\$21,662.32	\$21,662.32	\$71,174.68	\$7,954.63	\$63,220.05	68.10%
1010.00000.0000.000.57350	Technology Software	\$66,681.00	\$7,043.89	\$7,043.89	\$59,637.11	\$1,895.50	\$57,741.61	86.59%
1010.00000.0000.000.58100	Dues and Fees	\$33,440.00	\$16,307.30	\$16,307.30	\$17,132.70	\$1,820.00	\$15,312.70	45.79%
1010 00000 0000 000 59140	Contingency	\$10,000.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	100.00%
Grand Total:		\$21,635,000.01	\$3,431,063.10	\$3,431,063.10	\$18,203,936.91	\$15,088,330.35	\$3,135,606.56	14.49%

End of Report



Brooklyn's Best September

Brooklyn Elementary School

- We had wonderful participation at the Back to School Open House. Thank you to our amazing staff for opening their classrooms and the PTO for the treats.
- The rollout of our new math program is going well. Teachers are jumping in, preparing materials and collecting data.
- Kinder Camp was well attended by our incoming Kindergarten students and families. This year we had multiple community organizations attend to share information about how their organizations can assist families and students.
- The Stuff-A-Bus event at Walmart in August was very successful and showcased the generosity and support of our families and partners within our Brooklyn school community.
- Elementary School teachers are digging into the new iReady math program. A special shout-out to Amanda Caruso for teaching some great math lessons and providing colleagues with tips and tricks.

Brooklyn Middle School

- We have had great participation in all fall sports. Thank you to the coaches and our athletic director for working so hard to make this opportunity a positive one for students.
- Girls and boys teams both won their first matches against Griswold despite limited practice due to challenging weather.
- We have had an exciting and smooth start to the new school year. There is a lot of positive energy in the building with everyone back.
- Thank you to Ms. Mack, Mrs. Nault, Mrs. Guimont and the Mackewicz family for supporting our Community Fitness Course with the Lemonade sales at the Woodstock Fair. The station was very busy with a lot of community support for our efforts.
- We are excited to have the new staff that has joined our middle school community.
- We had a great turnout for Open House despite delaying the event due to extreme heat.



Overview of Legal Services for:

Brooklyn Public Schools

Prepared by:

Jessica L. Ritter, Partner

August 18, 2023

Shipman & Goodwin LLP

One Constitution Plaza
Hartford, CT 06103-1919

Phone: 860.251.5034

Email: jritter@goodwin.com

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APPENDICES

- Appendix A: School Law Client List
- Appendix B: Model Policy Index
- Appendix C: Lawyer Biographies
- Appendix D: 2023 Education Legislation Summary
- Appendix E: Sample Publications

Submittal Letter

Jessica L. Ritter, Partner

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August 18, 2023

VIA ELECTRONIC DELIVERY

Ms. Patricia L. Buell

Superintendent of Schools

Brooklyn Public Schools

119 Gorman Road

Brooklyn, CT 06234

Phone: 860.774.9732

buell@brooklynschools.org

Re: School Board Attorney

Dear Superintendent Buell:

It is my pleasure to respond on behalf of Shipman & Goodwin LLP (“Shipman”) to the Request for Proposals for School Board Attorney (“RFP”), and we appreciate the opportunity to submit this proposal.

In the following overview, we describe our school law practice, the proposed Brooklyn Public Schools team, our qualifications, references, fee proposal and billing procedures. We will be pleased to provide any other information that you may request, and we will be delighted to meet with you and the Board of Education to describe our firm, our experience, and our approach in working with schools.

Shipman, founded in Hartford in 1919, is a large general practice law firm with six offices in Connecticut (Hartford, Stamford, Greenwich, New Haven, Lakeville, Old Lyme), and we have a robust and sophisticated school law practice. The combination of our specific experience with school law issues and the resources of a large firm makes us uniquely qualified to provide legal assistance to the Brooklyn Public Schools. For each of our clients, we have a dedicated team of lawyers that develops close working relationships with our clients. However, the full resources of

our firm and our deep bench of lawyers in the School Law Practice Group are always available as needed.

We truly appreciate the opportunity to present this information to you and the members of the Board of Education. We recognize that the selection of legal counsel involves intangibles of personality and philosophy, and we will be pleased to meet with you and the Board of Education to discuss our firm and our approach to legal problems.

Thank you again for your kind invitation to provide this information as well as your consideration of our proposal.

Very truly yours,

A handwritten signature in black ink that reads "Jessica L. Ritter". The signature is written in a cursive, flowing style.

Jessica L. Ritter

Section 1: Experience

Overview of Our School Law Practice

Shipman is a general practice law firm with approximately 140 lawyers in six offices in Connecticut, as well as an office in New York City. We represent over one hundred public school districts throughout Windham county and throughout the state, including Windham, Hampton, Woodstock, Eastford and Plainfield. In addition, we represent LEARN, the regional educational service center that serves southeastern Connecticut. We also represent the Connecticut Association of Public School Superintendents (CAPSS) and the Connecticut Association of Schools (CAS-CIAC), and we work closely with the Connecticut Association of Boards of Education (CABE), and the State Department of Education. The scope of our school law practice in Connecticut is second to none.

Attached is our School Law Client List (Appendix A) for your review. The breadth of our experience with school law issues and the resources of a large firm makes us uniquely qualified to provide legal assistance to Brooklyn Public Schools in an efficient and cost-effective manner.

Experience in Various School Law Matters

We are pleased to describe our experience with and approach to the various legal issues that our school clients confront.

a. Labor and Employment Law

We are active in all areas of labor law. Our first priority is to help clients meet their legal obligations without problem, and therefore we encourage our clients to consult with us on their plans in advance. As described above, we provide seminars and regular legal updates to our clients. However, despite our preventive counseling approach, some disputes are unavoidable, and we regularly represent boards of education in adversarial hearings, including tenure hearings and grievance hearings before the American Arbitration Association and the State Board of Mediation and Arbitration. Our employment litigation lawyers also provide assistance when litigation is brought or threatened. We represent our board of education clients before state and federal administrative agencies and/or state and federal courts in employment disputes as well as alternative dispute resolution venues. Given the costs of litigation, it is important to be proactive in solving potential litigation matters before claims are made. Accordingly, we provide regular training for supervisors in employment litigation avoidance, including sexual harassment training.

We work closely with school clients throughout Connecticut in labor negotiations for both certified and noncertified personnel, either directly at the bargaining table or as a consultant, depending on the client's needs. Given the scope of our school law practice, we are familiar with the various labor issues that can arise relative to educational law matters.

The scope of our school board practice permits us to represent our clients in negotiations effectively and efficiently. We maintain extensive files that include all current teacher and administrator contracts as well as many other boards of education and municipal contracts. Two paralegals compile and analyze this and other information for negotiations, including information concerning a school district's ability to pay and comparison exhibits of salaries and/or wages in surrounding towns or within the same district reference group (DRG). We use this information to prepare comparison exhibits for negotiations, mediation, and binding arbitration. In addition, we receive time-sensitive information regarding labor negotiations trends and settlements well before they are released to the public, enabling our clients to make informed decisions at the bargaining table.

b. Student Matters

Student discipline is an unfortunate but important aspect of the legal affairs of school districts, and we are regularly involved in such matters. We stand ready to assist the District in this area, having been involved in hundreds of such hearings, either as administration or board counsel. On rare occasions such issues are also litigated, and we have successfully represented school districts in related litigation. Moreover, our extensive experience in special education matters can be very helpful when issues of student discipline and special education are both presented in a particular case.

Important aspects of student discipline are prevention and guidance. When the bullying statute was first passed in 2002, our firm wrote a policy and detailed regulations for CAPSS that morphed into the policies and procedures widely used in Connecticut. We keep the bullying policy as well as our general policy on student discipline up to date through annual revisions that reflect the latest statutory and case law developments. We are also involved in such matters as they are considered by the legislature.

For example, in 2017, on behalf of CAPSS, we provided extensive feedback to the Connecticut State Department of Education on its then-draft guidelines for alternative educational opportunities. More recently, also on behalf of CAPSS, we provided guidance on the classroom safety bill under consideration by the General Assembly, and we have provided guidance to school superintendents and others on the Department of Children and Families (DCF) and mandatory reporting obligations.

In addition to representing districts with matters involving administrative agencies and courts as mentioned above, we assist schools in implementing their policies regarding school attendance including addressing assisting the schools in addressing residency concerns and representing districts in residency hearings as needed. Similarly, we are familiar with the legal requirements regarding school transportation and will advise on such matters and represent schools in transportation hearings as needed. Similarly, we have extensive experience with other legal requirements affecting schools such as compliance with the Freedom of Information Act and have extensive experience representing schools before the Freedom of Information Commission.

c. Board Policies

Board of education policies play a vital role in the operation and management of a school district. In recognition of this role, we have developed a Model Policy Service, a comprehensive set of policies and administrative regulations, as well as model notifications and forms, for Connecticut boards of education to implement within their own districts. As a current subscriber to this service, the District receives an annual summary of any recommended policy changes along with the updated policies on our client portal. Our extensive work with board policies keeps us, and our clients, current in this important area of board responsibility. Our ultimate goal is to ensure that all stakeholders have the right policies in place to save each district valuable time and resources.

d. Special Education

We have a very active special education law practice, and we have represented school districts in hundreds of hearings over the last forty years. We stand ready to assist the Board and its professional staff in this sensitive area with our extensive experience in advising schools about compliance issues and changing legal expectations. We are prepared to represent the district with dispute resolution through mediation and in due process proceedings as well as addressing compliance reviews and investigations by the State Department of Education, the Connecticut Commission on Human Rights and Opportunities, the Office for Civil Rights and the Office of the Child Advocate as well as state and federal court litigation.

Generally, it is our practice to work with school personnel to address special education concerns at the earliest level by addressing changing legal requirements and exploring options for collaborative resolutions with families. We always attempt to explore alternatives to litigation prior to proceeding to a hearing or litigation but are prepared to seek emergency relief in situations that affect the safety of students or staff. In the highly emotional area of special education, we work closely with superintendents and special services directors to resolve the vast majority of these cases, generally at a very early stage, thereby preserving the parent/school relationship and containing costs. However, we recognize that certain matters will ultimately be need to proceed through the administrative or court dispute process and we have extensive experience in litigating such matters before special education hearing officers and in state and federal courts.

We have also represented school districts in responding to and resolving complaints with other administrative agencies that enforce civil rights laws such as the Office for Civil Rights (OCR), which enforces Section 504 and several other federal civil rights laws, such as Title IX and Title VI, the Connecticut Commission on Human Rights and Opportunities (CHRO) which handles discrimination claims raised by school staff and students such as claims of disability discrimination and the Office of the Child Advocate and the Department of Children and Families, which investigates claims of abuse and neglect. In addition to defending schools we also will take action on behalf of our school clients to seek injunctions or other court relief as needed to protect the health and safety of schools and students or to enforce the district's

policies. Throughout our representation in such matters, we strive to maintain positive working relationships with investigators and lead attorneys while vigorously advocating for our clients' interests, often resulting in appropriate and fair resolutions.

e. Litigation

Shipman has represented schools in hundreds of matters in state and federal courtrooms, negotiations, alternative-dispute resolution forums, administrative hearings and class action litigation. Many of the cases Shipman lawyers have handled have clarified or defined national and Connecticut law and set standards in areas such as statutes of limitation, non-renewal of teaching staff and intentional infliction of emotional distress.

f. Professional Training

We present complimentary seminars for our school clients on current topics of general interest. Additionally, our school law and employment lawyers regularly provide on-demand webinars and in-person presentations on timely topics and updates on recent court decisions affecting public-sector employers.

g. Fee Structure

We do not charge a single hourly rate for partners and associates, nor do fees vary based on the area of legal service. Rather, we set our rates based on the relative experience of the individual lawyers so that our clients' costs reflect those varying degrees of experience. We then strive to ensure that legal work is completed by the appropriate member of the team in order to ensure efficiency and keep costs down. Please see our Fee Proposal attached at the end of this response for additional details.

Section 2: Our Team

Within this section, we will review a more detailed description of the qualifications of the Brooklyn Public Schools Team and attach detailed biographies for each lawyer (Appendix C). In addition, we draw on the expertise of our colleagues who specialize in other areas of law in which the Brooklyn Public Schools may require assistance, such as employee benefits (including the Teacher Retirement Board), intellectual property, environmental law, and business contracts. Given the resources of a large firm, we can provide assistance for any legal problem promptly and efficiently.

We propose a team to serve Brooklyn Public Schools as follows:

Jessica L. Ritter

Jessica is co-chair of Shipman's School Law Practice Group, and a member (and former co-chair) of the firm's Diversity, Equity & Inclusion Committee. Jessica represents schools in a broad range of student, school governance and employment matters. In the labor and employment arena, she regularly negotiates certified and non-certified collective bargaining agreements on behalf of public boards of education and advocates for public schools in arbitrations and in a wide variety of administrative proceedings before various state agencies. She also advises public and independent schools on student conduct issues, school policies, labor disputes and employment litigation arising in the education context.

Jessica understands the complex, overlapping demands facing educators, school boards and administrative leadership. As a result of her longstanding client relationships, she has developed extensive institutional knowledge and provides continuity as school leadership changes over time. She uses this history and lessons learned to help clients adapt and respond proactively to rapidly developing legal and regulatory issues, including the impact of COVID-19 and vaccination availability on the application of US Fair Labor Standards Act (FLSA), Occupational Safety & Health Administration, Department of Education, and related federal and state requirements; National Collegiate Athletic Administration (NCAA) eligibility; and closing the achievement gap.

When allegations of impropriety or potential wrongdoing arise, such as sexual harassment, violations of workplace health and safety standards, employment discrimination, student, staff and teacher discipline, and other workplace disputes, Jessica regularly conducts internal investigations to help identify and clarify the facts on the ground and enable school leadership to make effective decisions. She also represents school districts and educational institutions in compliance with Freedom of Information Act (FOIA) requests.

Julia V. Wilde

Julia advises educational institutions on a variety of general education, special education and labor and employment issues. She has dedicated her career to advising school districts on

sensitive matters, including in her previous role serving as Assistant Corporation Counsel for the City of Hartford. Taking a collaborative approach focused on dispute resolution, Julia develops close relationships with key school stakeholders to identify problems up front and resolve them quickly in the best interest of the district and the child.

A trusted advisor, Julia counsels schools in matters concerning internal investigations, policy development and compliance with state and federal laws and regulations, including ADA, FMLA and IDEA. As labor and employment counsel, Julia advises her clients on a range of matters, including accommodations under the ADA, employee discipline and discharge, teacher non-renewal and termination, employment discrimination and grievance arbitration proceedings. In the highly sensitive area of special education, Julia represents her clients in connection with PPT meetings, Section 504 accommodations, mediations, and due process proceedings under the IDEA. She has also handled Title IX investigations and regularly advises schools on developments in applicable laws and regulations.

When necessary, Julia represents school districts before state and federal agencies, boards and commissions, including the Connecticut State Board of Labor Relations, the Connecticut Commission on Human Rights and Opportunities, the Connecticut State Department of Education, and in litigation in state and federal courts. Serving as co-counsel to the largest special education class action in the country alleging systemic violations of the IDEA during the period of school closures related to the COVID-19 health pandemic, Julia coordinates litigation strategy and response with defense counsel, insurance carriers and state attorneys general across the country.

Julie P. Jaquays

Julie advises school clients on a variety of general education and labor and employment issues including student discipline, contract negotiations, and the Connecticut Freedom of Information Act (FOIA). She also serves on the firm's Model Policy Committee, which provides a comprehensive set of model policies and administrative regulations, as well as model notifications and forms, for Connecticut boards of education and charter schools.

Prior to joining Shipman, Julie was a Judicial Intern to the Honorable Jeffrey Alker Meyer for the United States District Court for the District of Connecticut and a Certified Legal Intern for the New Haven Legal Assistance Association.

Section 3: Legislative Advocacy

We regularly track bills in the General Assembly that affect our school district clients, and each year we provide our clients with a legislative update on relevant statutory changes (Appendix D). We also provide input to the General Assembly on behalf of our clients. In this legislative session, our school law team provided written testimony to the General Assembly on unwelcome proposals to revise the Teacher Tenure Act and the Teacher Negotiation Act. This year, we also prepared a comprehensive list of educational mandates imposed on boards of education that CAPSS provided to the Education Committee and other legislators. Similarly, we provided extensive feedback to the Connecticut State Department of Education on its then-draft guidelines for both restraint and seclusion and for alternative educational opportunities.

Section 4: Legal Compliance

We are committed to keeping our clients informed about legal developments. To that end, Shipman has established for our clients www.ctschoollaw.com, a mini-site dedicated to providing school law resources and descriptions of recent developments. In addition, we have provided guidance to school superintendents and others last year on the Department of Children and Families (DCF) and mandatory reporting obligations. Similarly, we have developed expertise in assisting clients in navigating the complicated procedures set forth in recently adopted regulations to investigate and adjudicate Title IX issues.

We also provide “School Law Alerts” and write articles on breaking and important school law developments (Appendix E). We are routinely called upon to provide training sessions for the Connecticut Association of Boards of Education (CABE), the Connecticut Association of School Business Officials (CASBO), the Connecticut Association of Schools (CAS/CIAC), and the Connecticut Association of Public School Superintendents (CAPSS) on topics ranging from board of education operation to teacher evaluation to bullying. We are knowledgeable in all aspects of school law, and our team is able to promptly address any school law questions that you may confront.

Section 5: Shipman Approach

Our practice is devoted to helping schools stay out of trouble, and our approach is tailored to each school's unique mission. We apply our extensive experience representing over 100 local and regional public and charter schools and more than 50 of Connecticut's independent schools, as well as many private and public colleges and universities, throughout the Northeast and nationally, to help educational institutions solve any problem they face. We have counseled schools on compliance with State and Federal laws pertaining to bullying, Title IX, Freedom of Information Act (FOIA) requests, school lunch programs, and more.

Section 6: References

To supplement our School Law Client List (Appendix A) and in response to your request, the following is a select list of our clients who can provide testimony as to our qualifications. However, we invite you to reach out to any of our other clients for feedback on our work with them.

Dr. Tracy A. Youngberg

Superintendent of Schools
Windham Public Schools
Telephone: 860.465.2310
Email: tyoungberg@windham.k12.ct.us

Dr. Bridget Heston Carnemolla

Superintendent of Schools
Avon Public Schools
Telephone: 860.404.4701
Email: bhcarnemolla@avon.k12.ct.us

Mr. Steven A. Moccio

Superintendent of Schools
Stafford Public Schools
Telephone: 860.684.2208
Email: moccios@stafford.k12.ct.us

Dr. Catherine Carbone

Superintendent of Schools
Bristol Public Schools
Telephone: 860.584.7611
Email: catherinecarbone@bristol.k12.org

Section 7: Comprehensive Services

Given our extensive experience in school law and as our School Law Practice Group is part of a larger law firm, we can offer expertise and resources in almost every area of law. Shipman can offer Brooklyn Public Schools a comprehensive set of legal services that meets all the legal needs laid out in the RFP. It would not be necessary to subcontract for any area.

Section 8: Industry Leader

As mentioned previously, we represent over one hundred public school districts throughout the state. The scope of our practice is second to none and we have developed extensive expertise in school law, an area of law that has evolved over the past forty-plus years. The body of law that regulates the affairs of schools developed rapidly from 1969 (when the United States Supreme Court decided the *Tinker* case on student constitutional rights) to 1975 (when the Individuals with Disabilities Education Act (IDEA) was first enacted as Public Law 94-142). As the area of school law has evolved into its own distinct discipline, Shipman's lawyers have been active in learning, writing, and teaching about it. As described within the lawyer biographies and elsewhere in this response, many of us write about and teach school law in addition to working as lawyers.

For the past forty-five years, we have emphasized education and prevention in addressing the legal needs of our school clients. The breadth and depth of our experience allows us to answer questions (and even help our clients frame the right questions) efficiently, usually without the need for research and often on the same day. In working with our school clients, we emphasize awareness and preventive action to avoid legal problems. Indeed, our entire team focuses on counseling and educating our clients on their legal obligations and options.

Fee Proposal

We bill our clients monthly for the services provided through the completion of the previous month. All our service providers keep track of their time on a daily basis. Computer-generated reports are available upon request.

Shipman & Goodwin's current regular public-sector rates range from \$220 to \$465 per hour, and these rates are a substantial discount from the firm's regular rates. We review and revise our rates on an annual basis with prior notice to our clients.

We do not charge a single hourly rate for partners and associates. Rather, we set our rates based on the relative experience of the individual lawyers so that our clients' costs reflect those varying degrees of experience. We then strive to ensure that legal work is completed by the appropriate member of the team in order to ensure efficiency and keep costs down.

For the Brooklyn Public Schools team, our hourly rates through June 2024 would be as follows:

Jessica L. Ritter	\$415/hour
Julia V. Wilde	\$400/hour
Julie P. Jaquays	\$280/hour

We do not bill for clerical services, telephone charges, or mileage. We do not charge for routine copying; copying charges apply only to the preparation of exhibits and related documents for negotiations, administrative hearings or litigation, such as teacher termination proceedings or arbitration. As to other disbursements, we bill only the actual charges of third parties, such as for transcripts or service of process fees.

We understand that the cost of legal services is an important consideration. Our clients have been satisfied that our services are cost-effective, and we encourage you to discuss this issue by calling any of our other clients. We understand that the budget for legal services must be carefully monitored and controlled, and we strive to assist all our school district clients in that effort. Also, as we stress throughout these materials, we emphasize preventive counseling. The best way to keep legal costs down is to prevent, to the extent possible, legal problems from occurring.

We ask you to also consider the resources we provide to our clients at no cost. Our satisfied clients include not only all DRG A towns but also six of the ten towns in Connecticut with the lowest measured wealth. Legal costs depend not just on hourly rates but on a combination of hourly rates, how much time it takes to answer questions, and whether we can find an elegant or creative solution to the problem at hand. Our broad experience, our academic endeavors, and economies of scale permit us to keep legal charges to a minimum. We will continue to work closely with you, as we do with all our clients, to provide cost-effective responses to your needs and practical solutions to your problems.

Appendix A: School Law Client List

ACES	Hampton	Redding
Andover	Hartford	Region #1
Ashford	Hartland	Region #4
Avon	Hebron	Region #8
Berlin	Integrated Day	Region #9
Bethany	Charter School	Region #12
Bethel	ISAAC (Interdistrict	Region #13
Bloomfield	School for Arts &	Region #15
Bolton	Communication)	Region #16
Booker T. Washington	Kent	Region #17
Bozrah	Killingly	Region #18
Branford	LEARN	Region #19
Bristol	Lebanon	Region #20
Brooklyn	Lisbon	Ridgefield
Canton	Madison	Rocky Hill
CES	Manchester	Seymour
Chester	Mansfield	Shelton
Clinton	Marlborough	Sherman
Colchester	Meriden	Side by Side Charter School
Columbia	Middletown	Simsbury
Coventry	Montville	Somers
CREC	Naugatuck	South Windsor
Cromwell	New Britain	Southington
Danbury	New Canaan	Sprague
Darien	New Fairfield	Stafford
Deep River	New Hartford	Stamford
EASTCONN	New Haven	Stonington
East Hartford	New London	Suffield
East Haven	Newington	Tolland
East Lyme	Newtown	Torrington
Eastford	North Branford	Wallingford
Easton	North Haven	Waterford
EdAdvance	North Stonington	Watertown
Ellington	Norwalk	West Hartford
Enfield	Norwich	Westbrook
Essex	Old Saybrook	Weston
Fairfield	Oxford	Westport
Farmington	Plainfield	Wethersfield
Glastonbury	Plainville	Winchester
Granby	Plymouth	Windham
Greenwich	Pomfret	Wilton
Griswold	Portland	Windsor
Guilford	Preston	Woodstock
Hamden	Putnam	

Appendix B: Model Policy Index



MODEL POLICY INDEX

SERIES 1000	COMMUNITY/BOARD OPERATION
SERIES 2000	ADMINISTRATION
SERIES 3000	BUSINESS
SERIES 4000	PERSONNEL
SERIES 5000	STUDENTS
SERIES 6000	INSTRUCTION
SERIES 7000	RESERVED
SERIES 8000	RESERVED
SERIES 9000	BYLAWS OF THE BOARD
SERIES C-19	COVID -19 POLICIES
NOTIFICATIONS	FEDERAL
NOTIFICATIONS	STATE



MODEL POLICY INDEX

1000 Series COMMUNITY/BOARD OPERATIONS

Automatic External Defibrillators
Deadly Weapons or Firearms
Green Cleaning Programs
Non-Discrimination (Community)
Pesticide Application on School Property
Pool Safety Plan
Security and Safety Plan
Sexual Offenders on School Property
Smoking
Use of School Facilities
Visitors
Volunteers

2000 Series ADMINISTRATION

Hold on Destruction of Records (Litigation)
Retention of Electronic Records and Information
Uniform Treatment of Recruiters

3000 Series BUSINESS

Budget Procedures and Line Item Transfers
Code of Conduct for Federal Procurements
Disposal of Obsolete or Surplus Equipment/Materials
Gifts, Grants and Bequests To The District
IDEA Fiscal Compliance
Purchasing
School Activity Funds

4000 Series PERSONNEL

Abuse or Neglect of Disabled Adults
Alcohol, Tobacco and Drug Free Workplace
Athletic Coaches (Evaluation and Termination)
Bloodborne Pathogens
Child Abuse, Neglect, and Sexual Assault Reporting
Code of Ethics
Concussion Training for Athletic Coaches
Emergency Action Plan for Athletic Events
Employee Use of District Computer System
Employment and Student Teacher Checks
Exertional Heat Illness Awareness for Athletes
FMLA
Hiring of Certified Staff
Hiring of Non-certified Staff
Nepotism
Non-discrimination (Personnel)
Plan for Minority Staff Recruitment
Psychotropic Drugs
Section 504/ADA (Personnel)
Sex Discrimination and Harassment in the Workplace
Social Media
Sudden Cardiac Arrest Awareness

5000 Series STUDENTS

Administration of Medications
Attendance, Truancy and Chronic Absenteeism
Bullying and Safe School Climate Plan
Chemical Health for Student Athletes
Child Sex Abuse and Assault Response and Reporting
Completion Rates of the FAFSA
Drug and Alcohol Use by Students
Education Stability Procedures
Field Trips
Food Allergies, Glycogen Storage Disease, and/or Diabetes
Fundraising Activities
Graduation Requirements

Health Assessments/Screenings
Homeless Students
Immunizations
Meal Charging
Non-discrimination (Students)
Physical Activity, Undirected Play, and Student Discipline
Pledge of Allegiance
Restraint and Seclusion
Search and Seizure
Section 504/ADA (Students)
Student Discipline
Student Dress
Student Privacy (PPRA)
Student Records (FERPA)
Student Use of the District Computer System
Suicide Prevention and Intervention
Sunscreen Application in School
Title IX Sex Discrimination and Sexual Harassment
Transportation
Use of Private Technology Devices by Students
Wellness

6000 Series INSTRUCTION

Advanced Course or Program/Challenging Curriculum
Credit for Online Courses [Optional: and Remote Learning]
Curricular Exemptions
Equitable Identification of Gifted and Talented Students
Homework
IDEA - Alternative Assessments
Parent and Family Engagement Policy (Title I)
Parental Access to Instructional Materials
Parent-Teacher Communication
Promotion and Retention
Weighted Grading for Honors Classes

7000 Series (Reserved)

8000 Series (Reserved)

9000 Series BYLAWS

Board Bylaws (Adoption and/or Revision)
Board Policies (Adoption and/or Revision)
Board Regulations (Adoption and/or Revision)
Code of Conduct for Board Members
Committees
Conflict of Interest
Construction and Posting of Agenda
Filling Vacancies
Meeting Conduct
Minutes
Oath of Office
Officers
Official Duties- Chairperson
Official Duties Secretary
Official Duties Treasurer
Official Duties Vice Chairperson
Public Meetings and Executive Session
Quorum and Voting Procedures
Reimbursement of Board Member Expenses
Removal of Board Officers
Role of Board and Members
Suspension of Policies, Bylaws or Regulations
Time, Place and Notice of Meetings
Transaction of Business

C-19 Series COVID -19 Policies

Model Toolkit for Compliance with Executive Order 136 (Subfolder with 4 forms)
Memorandum and Summary of Changes (July 2020)
Board Bylaws/Meeting Conduct
Community/Green Cleaning
Community/Use of School Facilities
Community/Visitors and Observers

Community/Volunteers
FFRCA
Limited Exemptions to Person Attendance
Model Required Annual Notices
Personnel/Employment and Student Teacher
Personnel/Use of District Computer System
Students/Attendance, Truancy, Chronic Absenteeism
Students/Health Assessments
Students/Student Discipline
Students/Transportation
Students/Use of District Computer System
Students/Use of Private Technology Device
Temporary Policies and Regulations
Use of Face Coverings in School

Notifications/Forms Federal

Asbestos Notification
ESSA Non- or Provisionally Certified Teacher
ESSA Parent/Family Engagement
ESSA Right to Teacher/Para Qualifications
FERPA Rights
Guidelines for IEEs
IDEA/Accessing Public Benefits/Insurance
IDEA/Consent to Access Public Benefits/Insurance
IDEA/Low-Cost Legal Services
Section 504/ADA Rights
Sex Discrimination/Harassment in the Workplace
Student Privacy (PPRA) Rights

Notifications/Forms State

Bullying Notice/Sample Forms
Early Childhood Licensure/Child Care
Electronic Monitoring Notice
EpiPen Refusal Form
Extraordinary Educational Experiences
Homebound Instruction
Individualized Learning Plan

Kindergarten Opt Out Form
Meeting Regarding PPT Process/Evaluation
Notification Regarding Attendance/Tuand
Opioid Antagonist Refusal Form
Oral Health Assessment Notice
Parent Rights/Info Related to Special Educ
Student Data Privacy Notice
Student Expulsion Hearing Notice

Required Annual Notices for Handbooks

Required Annual Notices for Handbook

5/12/23

Appendix C: Lawyer Biographies

Jessica L. Ritter

Partner

860.251.5034

jritter@goodwin.com

Full Bio:

<https://www.shipmangoodwin.com/people/jessica-l-ritter.html>



Jessica Ritter is co-chair of Shipman's School Law Practice Group, and a member (and former co-chair) of the firm's Diversity, Equity & Inclusion Committee. Jessica represents schools in a broad range of student, school governance and employment matters. In the labor and employment arena, she regularly negotiates certified and non-certified collective bargaining agreements on behalf of public boards of education and advocates for public schools in arbitrations and in a wide variety of administrative proceedings before various state agencies. She also advises public and independent schools on student conduct issues, school policies, labor disputes and employment litigation arising in the education context.

Jessica understands the complex, overlapping demands facing educators, school boards and administrative leadership. As a result of her longstanding client relationships, she has developed extensive institutional knowledge and provides continuity as school leadership changes over time. She uses this history and lessons learned to help clients adapt and respond proactively to rapidly developing legal and regulatory issues, including the impact of COVID-19 and vaccination availability on the application of US Fair Labor Standards Act (FLSA), Occupational Safety & Health Administration, Department of Education, and related federal and state requirements; National Collegiate Athletic Administration (NCAA) eligibility; and closing the achievement gap.

When allegations of impropriety or potential wrongdoing arise, such as sexual harassment, violations of workplace health and safety standards, employment discrimination, student, staff and teacher discipline, and other workplace disputes, Jessica regularly conducts internal investigations to help identify and clarify the facts on the ground and enable school leadership to make effective decisions. She also represents school districts and educational institutions in compliance with Freedom of Information Act (FOIA) requests.

Jessica comes from a family with a long history of public service, a commitment she has shared at every stage of her career. Before attending law school, she worked for the Massachusetts House of Representatives Ways & Means Committee, where she reviewed and analyzed budgets of Massachusetts' educational state agencies and drafted recommendations on legislation to the Chairman of the Ways & Means Committee. She also served as a volunteer with AmeriCorps in the greater Boston area.

Prior to joining Shipman, Jessica represented school clients in Connecticut and Massachusetts with a primary focus in education, civil litigation, and labor and employment matters.

Credentials

Education

- University of Connecticut School of Law, J.D., 2006
- Trinity College, B.A., 2001

Bar Admissions

- Massachusetts, 2006
- Connecticut, 2007

Court Admissions

- U.S. District Court, District of CT
- U.S. District Court, District of MA

Distinctions

- Listed in The Best Lawyers in America®: Employment Law (2021-2023), Education Law 2023
- Listed as a Connecticut Super Lawyer Rising Star®: Schools & Education (2014-2019)
- 40 Under Forty, Hartford Business Journal (2017)

Teaching Positions

- University of Connecticut: Adjunct Professor, Neag School of Education

Professional Affiliations

- Connecticut Bar Association
- Connecticut School Attorneys Council: President (2013)
- Oliver Ellsworth American Inn of Court

Julia V. Wilde

Counsel

860.251.5415

jwilde@goodwin.com

Full Bio:

<https://www.shipmangoodwin.com/people/julia-v-wilde.html>



Julia Wilde is a member of Shipman's School Law Practice Group and advises educational institutions on a variety of general education, special education and labor and employment issues. She has dedicated her career to advising school districts on sensitive matters, including in her previous role serving as Assistant Corporation Counsel for the City of Hartford. Taking a collaborative approach focused on dispute resolution, Julia develops close relationships with key school stakeholders to identify problems up front and resolve them quickly in the best interest of the district and the child.

Working with school districts in rural and urban communities, Julia understands the unique needs of each school. She draws on her tenure at a large, urban district to influence her work with mid-size and smaller districts, always with a preventative and proactive approach tailored to the client. Julia's experience with charter, magnet and independent schools, as well as her in-depth understanding of school choice in Connecticut, brings a complete view of Connecticut's education landscape to each client relationship.

A trusted advisor, Julia counsels schools in matters concerning internal investigations, policy development and compliance with state and federal laws and regulations, including ADA, FMLA and IDEA. As labor and employment counsel, Julia advises her clients on a range of matters, including accommodations under the ADA, employee discipline and discharge, teacher non-renewal and termination, employment discrimination and grievance arbitration proceedings. In the highly sensitive area of special education, Julia represents her clients in connection with PPT meetings, Section 504 accommodations, mediations, and due process proceedings under the IDEA. She has also handled Title IX investigations and regularly advises schools on developments in applicable laws and regulations. Julia is heavily involved in providing COVID-19 crisis-response and reopening guidance for Connecticut School districts.

When necessary, Julia represents school districts before state and federal agencies, boards and commissions, including the Connecticut State Board of Labor Relations, the Connecticut Commission on Human Rights and Opportunities, the Connecticut State Department of Education, and in litigation in state and federal courts. Serving as co-counsel to the largest special education class action in the country alleging systemic violations of the IDEA during the period of school closures related to the COVID-19 health pandemic, Julia coordinates litigation strategy and response with defense counsel, insurance carriers and state attorneys general across the country.

Julia is a frequent author and speaker on education matters, regularly writing articles and alerts, and participating in webinars for organizations such as the LEARN Regional Educational Service Center, the Connecticut Chapter of the Council of Administrators of Special Education, and the Connecticut Association of Municipal Attorneys. She is also an Adjunct Professor at the University of Connecticut's Neag School of Education.

Credentials

Education

- Boston College Law School, J.D., 2005
- University of California, Berkeley, M.A., Public Policy, 2002
- Dartmouth College, B.A., 1997, cum laude

Bar Admissions

- Connecticut
- Massachusetts

Court Admissions

- U.S. District Court, District of MA
- U.S. District Court, District of CT
- U.S. Court of Appeals for the First Circuit

Distinctions

- Listed as a Massachusetts Super Lawyer® Rising Star: Litigation (2012-2013, 2015)

Teaching Positions

- University of Connecticut's Neag School of Education: Adjunct Professor (2019 - Present)

Professional Affiliations

- American Bar Association
- Connecticut Bar Association
- Hartford County Bar Association
- Community Involvement
- Women's Bar Foundation of Massachusetts: President, Board of Trustees (2016); former Volunteer Attorney
- Boston College Law School Alumni Association: Reunion Committee (2015)

Julie P. Jaquays

Associate

860.251.5240

jjaquays@goodwin.com

Full Bio:

www.shipmangoodwin.com/people/julie-p-jaquays.html



Julie Jaquays is a member of the firm's School Law Practice Group. She advises public school districts on a variety of general education, special education and labor and employment issues. Julie focuses her practice on special education matters and disputes, student discipline, and the Connecticut Freedom of Information Act (FOIA). She also serves on the firm's Model Policy Committee, which provides a comprehensive set of model policies and administrative regulations, as well as model notifications and forms, for Connecticut boards of education and charter schools.

Prior to joining Shipman, Julie was a Judicial Intern to the Honorable Jeffrey Alker Meyer for the United States District Court for the District of Connecticut and a Certified Legal Intern for the New Haven Legal Assistance Association.

Credentials

Education

- Quinnipiac University School of Law, J.D., 2021, *summa cum laude*
- Nova Southeastern University, B.S., 2018, *cum laude*

Bar Admissions

- Connecticut

Appendix D: 2023 Education Legislation Summary

2023 EDUCATION LEGISLATION SUMMARY

A Shipman & Goodwin LLP™ Legislation Summary

SHIPMAN

In its 2023 regular session, the General Assembly made a number of changes to the statutes that affect [education](#) changes. Unless otherwise noted, these statutory changes are effective July 1, 2023 or upon passage. Links to the new legislation are provided in the electronic version of this publication.

STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATIONS

[New Board Member Required Training](#)

Section 2 of [Public Act 23-167](#) requires the Connecticut State Department of Education (“CSDE”) to offer annual training to newly elected members of boards of education. The Act directs the CSDE to develop such training program to include, at a minimum, the role and responsibilities of a board member, the duties and obligations of a board of education, and school district budgeting and education finance. Section 3 of the Act requires first-time elected board members to complete the prescribed training at a time and in a manner determined by the CSDE, but no later than one year after assuming office.

[Board Meeting Agenda and Document Posting](#)

Section 6 of [Public Act 23-160](#) expands the duties of boards of education to require boards to make available for public inspection, and post on the board’s website, the meeting agenda for any regular or special board meeting and any associated documents that board members may review at such meeting. This requirement is in addition to posting requirements under the Freedom of Information Act.

[School Resource Officers Memorandum of Understanding](#)

Under Connecticut General Statutes § 10-233m, each board of education that assigns a school resource officer (“SRO”) to its schools must have a memorandum of understanding (“MOU”) with the SRO’s local law enforcement agency outlining the SRO’s role and responsibility in the school. Section 72 of [Public Act 23-167](#), as amended by Section 9 of [Public Act 23-208](#), now requires that any such MOUs entered into, extended, updated, or amended on or after July 1, 2023 address the SRO’s duties concerning, and procedures for, the: (1) restraint of students, (2) use of firearms, (3) school-based arrests and (4) reporting of any investigations and behavioral interventions of challenging behavior or conflict that escalates to violence or constitutes a crime. The MOU must be maintained in a central location in the school district and posted on the school district’s website and the website of each school in which SROs are assigned.

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Students	p. 6
Special Education	p. 11
Teaching and Curriculum	p. 16
Employment	p. 19
Miscellaneous	p. 25

Under Section 73 of Public Act 23-167, as amended by Section 10 of Public Act 23-208, SROs must submit a report to their police chief for each investigation or behavioral intervention of challenging behavior or conflict that escalates to violence or constitutes a crime, no later than five school days after conducting such investigation or behavioral intervention. The SRO's report must include: (1) the date, time and location of the investigation or behavioral intervention; (2) the name and badge number of the SRO; (3) the race, ethnicity, gender, age and disability status of each student involved; (4) the reason for and nature and disposition of the investigation or behavioral intervention; and (5) whether any involved student was (a) searched, (b) informed of their constitutional rights, (c) issued a citation or a summons, (d) arrested, or (e) detained and the length of the detainment. The new law defines "investigation or behavioral intervention" as "a circumstance in which a school resource officer is conducting (i) a fact-finding inquiry concerning student behavior or school safety, including, but not limited to, emergency circumstances, or (ii) an intervention to resolve violent or nonviolent student behavior or conflicts."

School Indoor Air Quality and HVAC Inspections

Connecticut General Statutes § 10-220 previously required boards of education to conduct indoor air quality inspections every three years for any school building that was constructed, extended, renovated, or replaced on or after January 1, 2003. Sections 43 and 44 of [Public Act 23-167](#) amend state law to require boards of education, beginning January 1, 2024, to provide for uniform indoor air quality inspections and evaluations (1) within each school building, (2) on an annual basis, and (3) using the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. Existing law, unchanged by the Act, identifies myriad areas that the inspection or evaluation must address and requires that the results be made available at a regularly scheduled board meeting. Boards of education are also required to post the inspection and evaluation results on the board's website and each individual school's website, if any.

Current law also requires boards of education to conduct HVAC inspections and evaluations by a certified technician, certified industrial hygienist, or mechanical engineer (1) within each of their school buildings, (2) every five years, and (3) in accordance with statutory standards. The Act extends the deadline for completing such inspection and evaluation to January 1, 2025. The Act also establishes a waiver process of the January 1, 2025 inspection and evaluation deadline if the Department of Administrative Services ("DAS") finds that (1) there is an insufficient number of certified individuals or engineers to perform such inspection and evaluation, or (2) the board has scheduled such inspection and evaluation for a date after January 1, 2025. Any waivers granted shall be valid for one year. The Act also allows boards that have had an inspection conducted in a different format, deemed equivalent by the DAS, to use such inspection in place of the uniform inspection and evaluation required by the statute.

In addition, the Act directs the DAS to develop (1) a standard school building indoor air quality reporting form and (2) a standard school building HVAC form for boards of education to use when completing the uniform air quality and HVAC inspections and evaluations, which forms must be made available on the DAS's website. Boards of education will be required to submit these completed forms to DAS.

Optimal Temperature Comfort Range Guidelines

Section 45 of [Public Act 23-167](#) requires the Commissioner of the Department of Public Health to develop guidelines by July 1, 2024 on the optimal temperature comfort range of sixty-five to eighty degrees Fahrenheit for school buildings and facilities. The Act permits a larger comfort range for gymnasiums and natatoriums.

[Paraeducator Professional Development and PDEC Membership](#)

Last year, the General Assembly revised state law to require boards of education to make available, at no cost and in accordance with statutory requirements, an annual program of professional development of at least eighteen (18) hours to paraeducators employed by the board. Beginning with the 2023-2024 school year, Section 10 of [Public Act 23-159](#) adds to these existing requirements and mandates that such program integrate the principles and practices of social-emotional learning and restorative practices. The new law clarifies that the professional development program may not include trainings otherwise mandated by law, such as trainings regarding DCF policies and procedures, sexual harassment, and bloodborne pathogens.

Section 11 of [Public Act 23-159](#) requires the CSDE to collaborate with the School Paraeducator Advisory Council to develop or update guidance and best practices for paraeducator professional development programs and distribute such guidance to boards of education by January 1, 2025.

Current law requires that each board of education form a Professional Development and Evaluation Committee (“PDEC”) to (1) participate in developing or adopting the district’s teacher evaluation and support program and (2) develop, evaluate, and annually update the district’s comprehensive local professional development plan for certified employees and paraeducators. The new law amends the list of individuals that must comprise the PDEC to add at least one paraeducator chosen by any exclusive bargaining representative for paraeducators.

[In-Service Violence Prevention and Seizure Response Training](#)

Section 2 of [Public Act 23-160](#) amends the annual in-service training requirements in Connecticut General Statutes § 10-220a to require that training on school violence prevention, conflict resolution, and prevention and response to youth suicide and bullying must be in a manner prescribed in a school security and safety plan that is developed in accordance with the Department of Emergency Services and Public Protection’s school security and safety plan standards. The new law also requires that the in-service training provide information about emergency response to students experiencing seizures, specifically including: recognition of the signs and symptoms of seizures, appropriate steps for seizure first aid, information about seizure action plans for students, and, for those authorized to administer medication in schools, the administration of seizure rescue medication or prescribed electrical stimulation using a Vagus Nerve Stimulator magnet.

Previously, boards of education could allow non-certified employees and paraeducators to attend the in-service training program. Under the new law, boards must allow paraeducators and other non-certified employees to voluntarily participate in the in-service training program.

[Title IX Compliance Toolkit for School Districts](#)

[Public Act 23-66](#) requires the Commission on Women, Children, Seniors, Equity and Opportunity to convene and lead a working group to identify or develop a Title IX compliance toolkit for boards of education, students, and parents and guardians. The toolkit must include numerous components, including training for school personnel, students, and parents and guardians regarding sexual misconduct and a model antidiscrimination and abuse prevention policy. The CSDE must distribute the toolkit to boards of education by October 1, 2024. Beginning in the 2025-2026 school year, and each school year thereafter, boards of education must implement this toolkit to prevent, identify, and respond to reports of child sexual abuse, harassment, and discrimination.

Beginning in the 2026-2027 school year, and each school year thereafter, boards of education must submit a Title IX compliance report to the CSDE. The compliance report must include: (1) the name and contact information of the Title IX coordinator for the school district; (2) the Title IX training offered by the board to school personnel and the frequency of such training; (3) the district's Title IX policy and supplemental misconduct policies, if any; and (4) guidelines or resources, if any, the board provided students, parents, or guardians making Title IX complaints.

[Expanding Opioid Antagonist Access](#)

Last year, the General Assembly revised state law regarding the administration of medication in schools to allow specified school personnel to maintain and administer opioid antagonists to students in emergency circumstances, provided certain requirements are met. Among other things, boards of education were authorized to enter into agreements with prescribing practitioners and pharmacists ("prescribers") related to the distribution and administration of opioid antagonists (e.g., Narcan) for the reversal of an opioid overdose. Section 12 of [Public Act 23-52](#) specifies that this agreement may apply to any intranasally (administered through the nose) or orally administered opioid antagonists.

The new law also answers a frequently raised question about how to store opioid antagonists in a way that they can be accessed, in accordance with board policy, outside of school hours. Pursuant to the Act, agreements between prescribers and boards of education, which were already required to address storage of the medication, can now permit boards to install a secure box containing intranasally or orally administered opioid antagonists on their premises. The secure box shall not contain the opioid antagonist in an amount greater than the amount necessary to serve the community in which it is installed.

A secure box is a container that: (1) is securely affixed in a public location and tamper-resistant; (2) can be accessed by individuals for public use; (3) is temperature controlled or stored in an environment with temperature controls; and (4) is equipped with an alarm capable of detecting and transmitting a signal when accessed and alerting first responders when accessed, unless it is commercially impracticable. The Act specifies that nothing in the law prohibits placement of an opioid antagonist in a container that also includes an automatic external defibrillator or other products used to treat a medical emergency.

The agreement between the board of education and the prescriber must: (1) address the environmental controls necessary to store opioid antagonists; (2) set procedures for replenishing opioid antagonists, monitoring their expiration dates, and disposing of them when expired; and (3) require signage that discloses the presence and usage directions of such opioid antagonists in the language(s) spoken in the local community. If the board of education is unable to stock and maintain the secure box, it must remove such box and related signage as soon as practicable and within five days of discovering that the board is unable to maintain the box or its supplies.

Under the new law, boards of education and prescribers may also enter into an agreement allowing the board to operate a vending machine distributing intranasally administered opioid antagonists. The vending machine must be maintained at a temperature that is consistent with the manufacturer's instructions or able to maintain an otherwise appropriate environment. The vending machine must clearly and conspicuously display on its outside, in an area adjacent to it, or upon its distribution of an opioid antagonist, the following information: (1) signs and symptoms of an overdose; (2) how to use the opioid antagonist; (3) information on services to treat opioid use disorder; and (4) a website or quick response (QR) code directing individuals to online information about overdose signs and symptoms, overdose response, and how to use opioid antagonists.

[Opioid Antagonist Bulk Purchase Fund](#)

Section 5 of [Public Act 23-97](#) creates an Opioid Antagonist Bulk Purchase Fund and requires the Department of Mental Health and Addiction Services, not later than January 1, 2024, to use the fund to provide opioid antagonists to eligible entities, including boards of education.

[Free Menstrual Products in School Restrooms](#)

Last year, the General Assembly required boards of education to provide free menstrual products in women's restrooms, all-gender restrooms, and at least one men's restroom, which restrooms are accessible to students in grades three through twelve, in each school under the jurisdiction of the board. Section 10 of [Public Act 23-160](#) delays the deadline boards must begin providing these products by one year, from September 1, 2023 to September 1, 2024.

[Local Food for Schools Incentive Program](#)

Section 26 of [Public Act 23-167](#) directs the Department of Agriculture ("DOA"), in consultation with the CSDE, to administer the local food for schools incentive program. Under the program, eligible boards of education (defined as those participating in the National School Lunch Program) are reimbursed for (1) one-half of the board's costs for locally sourced food, and (2) one-third of the board's costs for regionally sourced food that may be used as part of an eligible meal program. Eligible meal programs include the National School Lunch Program, School Breakfast Program, Seamless Summer Option, After School Snack Program, Summer Food Service Program, and the At Risk Afterschool Meals component of the Child and Adult Care Food Program. The Act explains the requirements for the application process and the reimbursement criteria.

In addition, the DOA is tasked with developing guidelines to establish a maximum reimbursement amount based on total student enrollment for each eligible school board; help eligible boards of education participate in the program; promote geographic, social, economic, and racial equity; and develop a survey to assist in implementing and improving the program. The Act also authorizes the DOA to provide supplemental grants to eligible boards of education to buy kitchen equipment; engage with school nutrition or farm-to-school consultants; or provide training relating to the processing, preparation, and serving of locally and regionally sourced food.

[Publishing School District Receipts, Expenditures and Statistics](#)

Connecticut General Statutes § 10-227 requires superintendents to submit school district receipts, expenditures, and statistics to the Commissioner of Education no later than September 1 of each year and allows for revisions up until December 31. Section 1 of [Public Act 23-167](#) now requires the CSDE to publish the data in the reports and returns on its website no later than February 15, 2024 and annually thereafter. Beginning February 15, 2025, and annually thereafter, the CSDE must also develop and publish the data in a format that allows financial comparisons between school districts and schools, including student enrollment and demographic statistics, as of October 1 of each year.

[April Enrollment Report](#)

Section 37 of [Public Act 23-167](#) requires each board of education to submit to the CSDE, no later than May 20 of each year, an annual report of the number of students enrolled in its schools as of April 1. Boards of education that (1) are sending or receiving districts under the statewide interdistrict public school attendance program or (2) operate an

interdistrict magnet school or agricultural science and technology educator center must submit the number of students participating in the applicable program by April 1. Such data must be reported separately for in-district and out-of-district students.

STATUTORY CHANGES AFFECTING STUDENTS

Raising the Kindergarten Starting Age

Current law requires children to be at least five years old on or before January 1 of the school year in order to enroll in kindergarten in the public schools. Beginning July 1, 2024, Section 3 of [Public Act 23-159](#), as amended by Section 1 of [Public Act 23-208](#), amends Connecticut General Statutes § 10-15c to require that children turn five years old on or before September 1 of the school year in order to enroll in kindergarten.

The new law also revises the process by which a child who does not meet the law's age requirements can be admitted to kindergarten. Under current law, boards of education may, by vote at a duly called meeting, admit children under five years of age. Effective July 1, 2024, a child who is not five years old on or before September 1 of the school year may be admitted (1) upon written request by the child's parent or guardian to the school principal and (2) after the principal and an appropriate certified staff member conduct an assessment of the child to ensure that admitting the child to kindergarten is developmentally appropriate.

Bullying and School Climate

Since 2002, boards of education have been required to adopt plans to address bullying in accordance with Connecticut General Statutes § 10-222d and related statutes. Sections 47 through 55, 70-71, and 86-87 of [Public Act 23-167](#) make significant changes to the statutory provisions related to bullying. Notably, the new law (1) requires school districts to implement a new Connecticut school climate policy and bullying complaint form; (2) redefines previous terms and includes new terms associated with the school climate policy; (3) updates the roles of school climate personnel; and (4) establishes a new annual training requirement.

School Climate Policy, Standards, and Bullying Complaint Form

The new law requires the Connecticut Association of Boards of Education ("CABE") to develop, update and approve a "school climate policy," which in turn must be adopted by the Social and Emotional Learning and School Climate Advisory Collaborative (the "Collaborative"). While boards of education must adopt and implement this new policy by the 2025-2026 school year, they may choose to adopt and implement the policy earlier – in either the 2023-2024 or 2024-2025 school year – after the new school climate policy has been developed and approved.

The new law further requires the Collaborative to convene a subcommittee to (1) develop Connecticut school climate standards based on nationally recognized school climate research and best practices by February 1, 2024; (2) create a uniform bullying complaint form to include in student handbooks and to post on the websites of the CSDE and boards of education; and (3) provide guidance on the implementation of the school climate policy adopted by the Collaborative.

New Definitions Related to Bullying

In addition, the new law makes several changes to terms related to bullying and school climate. Importantly, the new law redefines "bullying" as "unwanted and aggressive behavior among children in grades kindergarten to

twelve, inclusive, that involves a real or perceived power imbalance.” The new law also establishes a new and related term, “challenging behavior,” defined as “behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.”

Redefined School Climate Roles and School Climate Improvement Plan

The new law further renames and redefines various school climate personnel. Previously referred to as the “safe school climate coordinator,” “safe school climate specialist,” and the “safe school climate committee,” at the start of the 2025-2026 school year, these roles will be referred to as the school climate coordinator, school climate specialist, and school climate committee, respectively.

Under the new law, the school climate coordinator must be the superintendent of schools or an administrator appointed by the superintendent. The school climate coordinator’s duties include developing strategies to prevent, identify, and respond to “challenging behavior,” communicating such strategies to the school community, and collecting and maintaining data about school climate improvement.

The Act also modifies who can serve as the school climate specialist, requiring that either the principal or a professional certified school employee trained in school climate improvement or restorative practices who is designated by the principal serve in this capacity. Additionally, the school climate specialist will no longer be responsible for “investigating” bullying allegations. Instead, the specialist will be responsible for (1) leading in the prevention, identification and response to challenging behavior, including reports of alleged bullying and harassment; (2) implementing evidence and research-based interventions, including restorative practices; (3) scheduling meetings for and leading the school climate committee; and (4) leading implementation of the school climate improvement plan.

The new law further revises the makeup and role of the school climate committee. Under the new law, such committee must be comprised of members who are racially, culturally, and linguistically diverse and representative of various roles in the school community, as detailed more specifically in Section 54 of the Act. Members of the school climate committee must be appointed by the school climate specialist. Among other things, the school climate committee must assist in the development, scheduling, and administration of the school climate survey to students, school employees, and students’ families, starting with the 2025-2026 school year and every two years thereafter. Parents or guardians must be provided advance written notice that the survey will be administered, advised of its content, and given a reasonable opportunity to opt students out of receiving and participating in the survey.

Beginning with the 2025-2026 school year and each school year thereafter, Section 54 and Section 71 of the Act require that each school climate specialist, in collaboration with the district’s school climate coordinator, develop and update as necessary, a school climate improvement plan based on the results of their school’s climate survey. The Act sets out the specific information that must be included in the plan. Such plan must be submitted to the school climate coordinator for approval by December 31 each year and take into consideration the results of an administered school climate survey, recommendations from the school climate committee, and any other data deemed relevant by the climate specialist and climate coordinator. Once approved, a written or electronic copy of the plan must be made available to the school community.

New Annual Training Requirement

Starting with the 2024-2025 school year and for each school year thereafter, Section 55 of the Act requires that

boards of education provide resources and training on social-emotional learning, school climate and culture, and evidence and research-based interventions, including but not limited to restorative practices. Any school employee may participate in this training. The school climate coordinator is tasked with selecting and approving the individual or entity responsible for providing such training.

Restorative Practices Response Policy

For the school year commencing July 1, 2025, and each school year thereafter, Section 74 of [Public Act 23-167](#) requires each board of education to adopt a restorative practices response policy to be implemented by school employees for incidents of challenging behavior or student conflict that is nonviolent and does not constitute a crime. Such policy shall not include the involvement of a school resource office or other law enforcement official, unless the behavior or conflict becomes violent or criminal.

Addressing Suicide Risks

Connecticut General Statutes § 10-221 requires boards of education to adopt a written policy and procedures for dealing with youth suicide prevention and attempts. Under current law, boards of education may establish a student assistance program to identify risk factors for youth suicide, intervention procedures, referral services, and training for teachers, school professionals and students who help with the program. Sections 79 through 80 of [Public Act 23-167](#) now provide that the risk factors for youth suicide be based on the state-wide strategic suicide prevention plan developed by the Connecticut Suicide Advisory Board, and include, at a minimum, youth who are (1) bereaved by suicide; (2) disabled or have chronic health conditions, such as mental health or substance use disorders; (3) involved in the juvenile justice system; (4) experiencing homelessness or placed in an out-of-home setting, such as foster care; or (5) lesbian, gay, bisexual, transgender, or questioning.

In addition, the new law provides that boards of education may use an assessment, from a list of assessments to be recommended by the CSDE by January 1, 2024, for determining suicide risk. Such assessment shall be used to determine the suicide risk of students who (1) exhibit mental health distress, (2) have been identified as at risk of suicide, or (3) are considered to be at an increased risk of suicide based on the risk factors identified above. Students who are assessed based on such risk factors shall receive heightened consideration during the assessment.

Access to Adult Education

Previously, a public school student who was “under seventeen years of age and a mother” could request permission from the board of education to attend adult education classes. Section 4 of [Public Act 23-160](#) replaces the term “mother” with “parent,” thereby extending eligibility to request such permission to any parent under age seventeen.

Multilingual Learners’ Bill of Rights

Sections 17 and 18 of [Public Act 23-150](#) change the term for a student whose primary language is not English from “English learner” to “multilingual learner” and require the State Board of Education (“SBE”) to draft a written bill of rights for parents or guardians of multilingual learners. The bill of rights must guarantee the safeguarding of fifteen rights in the provision of bilingual education, most of which are already required by law. The bill of rights must include, among of things, a declaration of the right to attend public school regardless of the immigration status of the student or the student’s parent or guardian; to have translation services provided by an interpreter (in person or on the phone) or a website approved by the SBE during critical interactions with teachers and administrators, including conferences

and board of education meetings, in accordance with statutory provisions; and to participate in a bilingual education program offered by the board of education when there are twenty or more eligible students classified as dominant in a language, other than English, in accordance with state law. Beginning with the 2024-2025 school year, the Act requires boards of education that provide bilingual education or English as a new language to give parents and guardians of multilingual learners a copy of the bill of rights in their primary language and to make the bill of rights available on the board of education's website.

Disseminating Information on School Options

Under current law, boards of education must require their school counselors to provide information to middle and high school students and their parents regarding the availability of: (1) vocational, technical, technological, and postsecondary education and training at technical education and career schools; and (2) agricultural science and technology education at regional agricultural science and technology education centers, and to publish such information on the board's website. Section 30 of [Public Act 23-167](#) now requires that such information be distributed to middle school students annually.

Expansion of Dual Credit and Dual Enrollment Programs

Section 32 of [Public Act 23-167](#) directs the CSDE, in partnership with boards of education and institutions of higher education and by January 1, 2024, to expand opportunities for dual credit and dual enrollment for students in grades nine to twelve in a variety of subject areas, including courses required to pursue health care occupations. Such expansion must include (1) the creation of resources, such as an online inventory of programs and model agreements to promote information sharing between boards of education and institutions of higher education; (2) support for curriculum development and professional development for teachers and faculty to create new career pathways for in-demand industries, such as health care; and (3) tuition assistance for students who enroll in dual credit and dual enrollment programs.

Promotion of Health Care Careers in High Schools

In 2022, [Special Act 22-9](#) directed the Chief Workforce Officer to develop a plan to work with high schools in the state to encourage students to pursue careers as nurses, medical assistants, emergency department technicians, surgical assistants, behavioral and mental health care workers, and other high demand careers in health care. Section 7 of [Public Act 23-97](#) directs the Commissioner of Education, in collaboration with the Chief Workforce Officer, to utilize the plan in (1) the promotion of the health care professions as career options to students in middle and high school, including, but not limited to, through career day presentations, the development of partnerships with health care career education programs, and the creation of counseling programs directed to high school students to inform them about, and recruit them to, the health care professions; and (2) job shadowing and internship experiences in health care fields for high school students. Not later than September 1, 2023, the Commissioner of Education must provide boards of education with the plan and support implementation of the plan.

Model Paraeducator Training Program for High School Students

Section 29 of [Public Act 23-167](#) requires the Commissioner of Education, in consultation with the School Paraeducator Advisory Council and by January 1, 2024, to develop a model paraeducator training program for students in grades nine through twelve, inclusive, and distribute the model program to all boards of education. Boards that choose to

adopt the model program are required to submit a report, no later than one year after the adoption of such program and annually thereafter, to the Education Committee. This report must include the number of students who (1) participated and completed such program by grade and (2) found employment as a paraeducator after high school graduation.

School Discipline Collaborative

Section 75 of [Public Act 23-167](#) directs the Commissioner of Education to establish a working group under the Connecticut School Discipline Collaborative (“Discipline Collaborative”) to study current school discipline practices, including those practices that lead to students becoming “justice-involved.” Under the Act, “justice-involved” is defined as “being involved with the juvenile justice system as a result of being accused of a delinquent or criminal act.” Members of the working group must be appointed by the Commissioner and represent the interests of students, educators, community members, child welfare and development experts, mental health care providers and restorative practice experts.

Pursuant to Section 82 of [Public Act 23-167](#), the Discipline Collaborative shall advise the Commissioner of Education and the SBE on strategies to reduce the overall and disproportionate use of out-of-school suspension and expulsion. On or after October 1, 2023, the Discipline Collaborative’s duties will expand and include the following duties as related to preschool through grade two: (1) developing guidance to reduce out-of-school suspension and expulsions for students in these grades, (2) providing evidence-based and developmentally appropriate definitions and examples of violent conduct or conduct of a sexual nature that may result in an out-of-school suspension, and (3) recommending developmentally appropriate interventions as alternatives for out-of-school suspension for this population of students.

Suspension and Expulsion Response and Improvement Plans

Connecticut General Statutes § 10-233n requires school districts to report, as part of their strategic school profiles, data to the CSDE regarding in- and out-of-school suspensions, expulsions, and school arrests. In turn, the CSDE is required to report the school districts’ data – disaggregated by school, demographic information, and type of offense – to the SBE and post such report on the CSDE’s website. Pursuant to Sections 76 through 78 of [Public Act 23-167](#), beginning July 1, 2024, and each school year thereafter, school districts considered by the Commissioner of Education to have high or disproportionate rates of in- and out-of-school suspensions and expulsions must develop strategies to reduce such disciplinary consequences and submit such strategies to the CSDE. Pursuant to the new law, the CSDE is now required to post, in addition to its examination and disaggregation of disciplinary data, any strategies developed to combat suspensions and expulsions in identified school districts, and the results of such strategies. Beginning July 1, 2024, and each school year thereafter, the CSDE must also provide support, on-site monitoring, and oversight to school districts implementing strategies to combat high or disproportionate rates of suspension and expulsions, subject to available appropriations.

Aspiring Educator’s Diversity Scholarship Program

Last year, the General Assembly established a minority teacher candidate scholarship program to be administered by the CSDE to provide annual scholarships to minority students who graduate from a public high school in a priority school district and are enrolled in a teacher preparation program at a four-year institution of higher education. Section 11 of [Public Act 23-167](#) renames the scholarship program as the “aspiring educators diversity scholarship program” and replaces the term “minority” with “diverse.” The definition carries over from the former law as “individuals

whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino by the federal Office of Management and Budget for use by the [federal census bureau].”

Among other changes, the new law reduces the maximum grant amount from \$20,000 per year to \$10,000 per year. It also requires applicants to be in good standing at a teacher preparation program but allows applicants to apply prior to high school graduation, if they will be enrolled in a qualifying teacher preparation program in the upcoming fall semester.

STATUTORY CHANGES AFFECTING SPECIAL EDUCATION

Age for Special Education Eligibility

Last year, to conform state law to a recent court decision, the General Assembly required boards of education to provide special education services to qualifying students until they reached the age of twenty-two, rather than twenty-one. This year, the legislature made another significant change. Sections 32 through 37 of [Public Act 23-137](#) now require boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age twenty-two, whichever occurs first.

Transition Services

[Public Act 23-137](#) makes numerous changes to the laws surrounding transition services and transition programs for students receiving special education services.

Statewide Transition Services Coordinator and District Transition Coordinator

Section 26 of the Act requires the CSDE to employ a Statewide Transition Services Coordinator (“Statewide Coordinator”) and Assistant Transition Services Coordinator within the Bureau of Special Education (“BSE”). Among other duties, the Statewide Coordinator will be responsible for (1) coordinating the provision of transition resources, transition services, and public transition programs throughout the state in collaboration with other state agencies; (2) establishing minimum standards for and performing unannounced site visits of public transition programs; (3) performing unannounced site visits of public transition programs to determine the effectiveness of and suggest improvements to such programs; (4) developing a course for educators and school staff who do not provide transition services to inform them about transition services and programs; and (5) establishing minimum standards for training of district transition coordinators. The Act defines “transition resources” as sources of information, counseling, or training about transition services or programs and defines “transition service” as a service for students who require special education that facilitates their transition from school to postsecondary activities, such as education and training, employment, or independent living. “Public transition program” is defined as a program operated by a board of education or a RESC to provide transition services as recommended by the Planning and Placement Team (“PPT”) for a student who requires special education and is eighteen to twenty-two years of age based on the goals set forth in the student’s Individualized Education Program (“IEP”). The Act defines “transition coordinator” as a director of pupil personnel or other person employed by a board of education who assists parents and students navigate the transition resources, transition services, and public transition programs available for such students.

Section 31 of the Act requires boards of education, by January 1, 2024, to designate a transition coordinator who may be the director of pupil personnel or another employee. Each transition coordinator shall (1) complete the

training program described in Section 30 of the Act (discussed below) within three years of when the training program commences or within one year of being appointed as a transition coordinator, if appointed after the training program commences; and (2) ensure that parents of students requiring special education receive information concerning transition resources, transition services, or public transition programs (which information is to be developed by the Statewide Coordinator pursuant to Section 29 of the Act, discussed below) and are aware of the eligibility requirements and application details of such resources, services, and programs that specifically apply to the student.

Training Programs and Resources

Section 27 of the Act requires the BSE to develop, by July 1, 2024, and annually update a training program concerning the legal requirements and best practice recommendations for special education and transition services. This training is to be delivered via on-demand, online courses and may be delivered in person.

Section 29 of the Act requires the Statewide Coordinator, beginning in the 2024-2025 school year, to post a link to an online listing of transition resources, transition services, and public transition programs, and to distribute a notice concerning the online listing to boards of education. Boards of education must then distribute this notice to parents of students requiring special education in grades six to twelve at a PPT meeting.

Sections 30 and 31 of the Act require the CSDE, by July 1, 2024, to develop a training program for transition coordinators, educators, and school paraprofessionals. Each RESC shall provide the training program at no cost to boards of education. Educators and school paraprofessionals who provide special education for students fourteen years of age or older must complete the training within five years of the training commencing, if they are hired prior to its inception, and within one year of hire, if hired after the training commences.

Information on Transition Services at PPT Meetings

Section 40 of the Act amends Connecticut General Statutes § 10-76d and requires that, at the first PPT meeting after a student turns fourteen and has a statement of transition service needs included in such student's IEP, the PPT must do the following for each public transition program and each program for adults for which the student may be eligible after graduation: (1) upon approval of the parent or guardian, notify the state agency that provides such program about the potential eligibility of the student; and (2) provide the parent or guardian a listing of the programs that includes but is not limited to a plain language description of the program, eligibility requirements for the program, and deadlines and instructions for applications for the programs.

Section 40 of the Act also requires that the PPT do the following by the PPT meeting that occurs approximately two years prior to the child's anticipated graduation from high school or the end of the school year in which a child will reach age twenty-two, whichever is expected to occur first: (1) upon approval of the parent or guardian, notify any state agency that provides a program for adults for which such child may be eligible about the potential eligibility of such child, invite a representative from each such agency to attend the PPT meeting, and permit and facilitate contact and coordination between each such agency and the parent or guardian for the purpose of easing the process for the transfer of services; (2) provide the parent or guardian with a listing of each program for adults for which such child may be eligible that includes, but is not limited to, a plain language description of such program, eligibility requirements for such program, and deadlines and instructions for applications to such programs; and (3) assist the parent or guardian in completing an application to any such program.

Transition Program Review

Section 38 of the Act requires the State Education Resource Center ("SERC") to review each public transition

program and examine all aspects of the program, including the types of transition services, the number and qualification of staff, the location of the program relative to the residence of the student or the student's family, and metrics for measuring the performance of the program.

Transitional Life Skills College

Section 1 of the Act requires the Commissioner of Developmental Services, by January 1, 2025, to produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for persons with intellectual or developmental disabilities, who are at least twenty-two years of age and transitioning from the kindergarten through grade twelve education system.

Interpreters at PPT Meetings

Federal special education regulations require boards of education to ensure that the parent understands the proceedings at a PPT meeting. Section 39 of [Public Act 23-137](#) implements this requirement by requiring boards of education to provide interpreters and translated documents for students and parents or guardians when there is an apparent need or upon request. The interpreter may be present in person or available by telephone or through an online technology platform, Internet website, or other electronic application approved by the SBE. Each board of education must provide translated copies of a child's IEP and any related documents, if there is an apparent need or upon request of the parent or guardian or student.

Online Resources for Adult Students

Section 41 of [Public Act 23-137](#) requires the CSDE, by July 1, 2024, to develop a plain language online resource for parents and guardians with a child aged fourteen or older who requires special education. This resource must contain information and training resources about decision-making options once the student reaches age eighteen. The CSDE must post these resources on its website and, pursuant to Section 39 of the Act (discussed below), provide this information to boards of education, which in turn must distribute the information to parents and guardians at a PPT meeting.

State Agency Transition Services

Sections 43 and 44 of [Public Act 23-137](#) require the Department of Developmental Services and the Department of Aging and Disability Services to employ, within available appropriations, a sufficient number of transition advisors and vocational rehabilitation staff, respectively, to provide transition services to students requiring special education who are eligible for services from those agencies as determined through a PPT meeting. It is currently unclear how these arrangements would work as a practical matter, but special education and pupil services administrators may wish to monitor the implementation of these new statutory provisions with these partner agencies.

Mediation

Section 45 of [Public Act 23-137](#) requires the Commissioner of Education to employ a Mediation Service Coordinator within the BSE. The Coordinator's duties will include, among other things, facilitating the expansion of mediation services offered by the CSDE in lieu of proceeding directly to a due process hearing; overseeing and coordinating such mediation services for each school district; establishing a plain language resource explaining the mediation process and how to request and prepare for a mediation; and, pursuant to Section 39 of the Act (discussed below),

creating a notice of the availability of mediation services to be distributed and read aloud at a PPT meeting. The Coordinator must also maintain a list of special education mediators that meet minimum training requirements as described in the Act.

Section 46 of the Act provides that a parent or guardian or the board of education may request mediation through the Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement or implementation of an IEP. Upon receipt of a request for a mediation, the Mediation Services Coordinator shall provide notification to the parties and invite the parties to participate in voluntary mediation.

The Act also revises the procedures regarding requests for mediation in lieu of a due process hearing to clarify that one party may request mediation and to delete an existing statutory requirement that such request be in writing and signed. The Act requires the Mediation Services Coordinator, if all parties agree to mediate, to appoint a mediator and invite all parties to a mediation with a person selected from the list of special education mediators established by the Coordinator. Finally, the Act requires the CSDE to provide on its website translations into the most commonly spoken languages in the state of the plain language resources explaining the CSDE's process for resolving special education complaints and the hearing process, including appeals and mediation. Pursuant to Section 52 of the Act (discussed below), information on these plain language resources must be provided to parents or guardians immediately upon the identification of any child and at each PPT meeting, and the district must provide information regarding free and low-cost legal assistance.

Due Process Hearings

By SBE regulation, boards of education have had the burden of persuasion (*i.e.*, the ultimate burden of proof) to prove the appropriateness of the student's program and placement in a special education due process hearing (except a parent has the burden of proving the appropriateness of a unilateral placement) for quite some time. See Conn. Agencies Regs. § 10-76h-14. As is customary in litigation, that regulation also specified that the party who filed for a due process hearing had the responsibility to present evidence first. However, Section 47 of the [Public Act 23-137](#) revises the procedures for special education due process hearings to require the board of education to offer testimony first in any dispute concerning the provision of a free appropriate public education, even if the parent or other party requested the hearing. This new provision is a significant change in hearing procedures, and we expect more guidance from the CSDE and hearing officers about how it will be implemented.

Publication of State Complaint Summaries

Section 15 of [Public Act 23-150](#) requires the CSDE to publish on its website summaries of state special education complaints and corrective actions required by the CSDE of boards of education and other entities regarding the provision of special education and related services. The CSDE must redact personally identifiable student information from these summaries.

Information Provided to Parents Regarding Special Education

Connecticut General Statutes § 10-76d(a)(10)(D) lists the various information that must be provided to parents and guardians upon the formal identification of any child and at each PPT meeting. Section 52 of [Public Act 23-137](#) expands the requirements to include: (1) the plain language resources developed by the CSDE, pursuant to Section 47 of the Act (discussed above), regarding the hearing and appeals process; (2) information regarding free and low-

cost legal assistance; and (3) the Parent's Guide to Special Education in Connecticut developed by the CSDE. Further, Section 39 of the Act provides that, at the first PPT meeting after a child who requires special education reaches the age of fourteen, and annually thereafter, each board of education must provide information to the child and the parent or guardian about the full range of decision-making supports, including alternatives to guardianship and conservatorship, and the plain language online resources developed by the CSDE pursuant to Section 41 of the Act (discussed above). The responsible board of education must continue to provide such information at least annually thereafter.

Each board of education must also provide the notice created by the Statewide Mediation Services Coordinator pursuant to Section 45 of the Act (discussed above) to each parent or guardian of any child who requires special education by (i) distributing such notice to such parents or guardians at the beginning of each school year, and (ii) reading such notice out loud at the conclusion of the first PPT meeting at the beginning of each school year.

Information Provided to Students Regarding Special Education and Section 504 of the Rehabilitation Act

Sections 51 and 52 of [Public Act 23-137](#) require the CSDE to develop an informational handout for students explaining what it means for a student to have an IEP or plan pursuant to Section 504 of the Rehabilitation Act ("Section 504") and associated student rights in the classroom. This handout must be age appropriate, and the CSDE must develop three different versions for various grade levels, each translated into specified languages. The CSDE must develop the handouts by January 1, 2024 and make them available to boards of education and on the CSDE's website. Further, pursuant to Section 52 of the Act, boards of education must provide this handout to each child with an IEP or Section 504 plan at the beginning of each school year. Boards of education must also annually provide at the beginning of the school year the Parent's Guide to Special Education in Connecticut developed by the CSDE and the rights and resources available to children in the provision of special education.

In-Service Training on Special Education

Connecticut General Statutes § 10-220a already requires boards of education to provide an in-service training program for its teachers and administrators. Section 49 of [Public Act 23-137](#) expands the in-service training requirements to include (1) training on the laws governing the implementation of PPT meetings and concerning Section 504 plans, and (2) an annual update of new state and federal policies concerning special education, recommendations, and best practices.

Special Education Program Audits

Section 48 of [Public Act 23-137](#) requires the CSDE to conduct audits of special education programs in randomly selected school districts each year. Such audits must include (1) interviewing teachers, staff, and parents of children requiring special education; (2) conducting unannounced on-site visits to observe classroom practice to ensure compliance with IEPs and all state and federal law and guidance; and (3) reviewing IEPs.

IEP Review by Paraprofessionals

Existing law requires boards of education to notify parents of the right to have the paraprofessional assigned to their child attend a PPT meeting and for the paraprofessional to attend and participate in all portions of the PPT at which

an educational program for the child is developed, reviewed, or revised. If the parent, guardian, pupil, or surrogate parent has requested that the school paraprofessional assigned to the student attend the PPT meeting, then the responsible board of education shall provide (1) adequate notice of the PPT meeting to the paraprofessional so that the paraprofessional may adequately prepare for the meeting; and (2) training, upon request of the paraprofessional, on the role of the paraprofessional at the meeting. Following the PPT meeting, the paraprofessional, or any other paraprofessional who is providing special education or related services to the student, shall be permitted to view the child's educational program in order to be able to provide services to the student in accordance with the educational program. Section 12 of [Public Act 23-159](#) now requires that any paraprofessional providing special education or related services to a student review the IEP with a supervisor, as needed.

Distribution of Special Education Excess Cost Grant

Pursuant to current law, boards of education may apply for state special education excess cost grants. Such grants reimburse boards for the cost of special education services that exceeds four-and-one-half times the average cost of educating a student in their district, based on the prior fiscal year. Beginning with the fiscal year ending June 30, 2023, the percentage reimbursement boards receive depends on the tier in which their town is located. Towns are grouped into three tiers, ranked from one to 169 in descending order, depending on their respective adjusted equalized net grant list per capita. Under Sections 8 through 10 of [Public Act 23-1](#), the reimbursement percentage for each of the three tiers has increased to ninety-one percent, eighty-eight percent and eighty-five percent from lowest to highest ranked towns, bringing each board's excess cost grant amount closer to the amounts expended. As established under the current law, if the appropriation for grants is not enough to meet the amount payable to boards by law, then grant amounts are reduced proportionately. Under the new law, where the fiscal year appropriation exceeds the total grant amount payable under the three-tiered system, a four-step formula now determines how the remaining state-appropriated funds will be distributed to boards. The new law also expands the three-tiered method to apply to two additional grants: (1) special education costs for state agency-placed students under a temporary custody order and (2) excess regular education costs for state-placed children educated at private residential facilities.

STATUTORY CHANGES AFFECTING TEACHING AND CURRICULUM

Access to Curriculum

Current law requires each board of education to establish a school district curriculum committee that recommends, develops, reviews, and approves all curriculum for the district. Section 3 of [Public Act 23-160](#) requires each board of education to make available all curriculum approved by the committee and all associated curriculum materials in accordance with the requirements of the federal Protection of Pupil Rights Amendment ("PPRA"). The PPRA gives parents and guardians the right to inspect all instructional materials (excluding tests or assessments) used by the school district.

Implementation of Reading Models or Programs

In 2021, the General Assembly authorized the CSDE to oversee reading programs in the public schools, mandating that boards of education implement one of five recommended reading curriculum models or programs for pre-kindergarten to third grade. Sections 20 through 23 of [Public Act 23-167](#) amend Connecticut General Statutes § 10-14hh to require that the CSDE approve, not just recommend, such models or programs for kindergarten (rather than pre-kindergarten) through third grade.

Under the new law, boards of education that have not received a waiver to implement an alternative reading curriculum model or program must partially implement an approved model or program during the 2023-2024 and 2024-2025 school years and must fully implement an approved model or program beginning July 1, 2025 and each school year thereafter. Beginning July 1, 2024, boards of education that have been granted such a waiver must begin implementing the alternative reading curriculum model or program in accordance with the provisions of the waiver.

Each board of education now has until July 1, 2025 to inform the CSDE's Center for Literacy Research and Reading Success ("Literacy Center") of the model or program it is implementing, which notification will then be required every two years. In turn, the deadline for the Literacy Center to report publicly on the models and programs being implemented has been extended to September 1, 2025.

[Review of Issues Related to Implementing the Reading Model or Program](#)

Section 24 of [Public Act 23-167](#) directs the CSDE's Literacy Center, in consultation with the Reading Leadership Implementation Council, to review issues related to the implementation of a comprehensive reading curriculum model or program. The review must include (1) technical assistance for boards of education denied a waiver from the approved reading curriculum model or program; (2) an examination of the impact of the CSDE's science of reading masterclass (a statewide professional learning system to develop local capacity for literacy instruction in grades kindergarten through three); and (3) a determination of how to scale the CSDE's independent impact evaluation, after such evaluation is completed, to develop educators able to support individual student learning and the science of reading.

[Play-Based Learning During Preschool, Kindergarten, and Grades One to Five](#)

Effective July 1, 2024, Section 4 of [Public Act 23-159](#) and Section 20 of [Public Act 23-101](#) require boards of education to provide play-based learning during the instructional time of each regular school day for students attending kindergarten and any preschool program offered by the board. Such play-based learning must (1) be incorporated and integrated into daily practice; (2) allow for the students' needs to be met through free play, guided play, and games; and (3) be predominantly free from the use of mobile electronic devices.

Under the new law, boards of education must also allow a teacher to use play-based learning during the instructional time of a regular school day for students in grades one to five. The play-based learning may be incorporated and integrated into daily practice, and, as with kindergarten and preschool, must (1) allow for the students' needs to be met through free play, guided play, and games; and (2) be predominantly free from using mobile electronic devices. The new law defines "play-based learning" as a "pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards." The term does not mean time spent in recess or as part of a physical education course or instruction.

The new law specifies that any play-based learning must comply with a student's IEP or Section 504 plan. A school employee may only prevent or otherwise restrict a student's participation in play-based learning in accordance with the board of education's policy addressing withholding of undirected play periods as a form of discipline.

Section 5 of [Public Act 23-159](#) amends Connecticut General Statutes § 10-148a by adding play-based learning to the professional development requirements for teachers in a preschool program or grades kindergarten through five. This new requirement, which is part of the existing requirement that educator professional development focus on refining and improving effective teaching methods, begins July 1, 2024.

Required Program of Instruction

Connecticut General Statutes § 10-16b outlines the required courses of study that public schools must offer. The law requires instruction in language arts, including reading. Sections 18 and 19 of [Public Act 23-160](#) now define “reading” as evidenced-based instruction that focuses on competency in oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension.

Beginning in the 2025-2026 school year, Section 7 of [Public Act 23-150](#) adds civics and media literacy to the required social studies program of instruction. Section 6 of the Act defines “civics” as “the study of the rights and obligations of citizens” and “media literacy” as the “ability to access, analyze, evaluate, create and participate with media in all forms by understanding the role of media in society, and building skills of inquiry and self-expression essential to participation and collaboration in a democratic society.”

New and Revised Graduation Requirements

Mastery-Based Diploma Assessment

Connecticut General Statutes § 10-221a outlines the high school graduation requirements in Connecticut. Section 1 of [Public Act 23-21](#), as amended by Section 319 of [Public Act 23-204](#), revises the requirements for classes graduating in 2024 and beyond to allow boards of education to require a student to complete a one credit mastery-based diploma assessment in order to graduate from high school. Previously, boards of education did not have this discretion and such assessment was required for all students who would have graduated in 2024 and beyond.

Completion of the FAFSA

Sections 319 and 320 of [Public Act 23-204](#) mandate, beginning with classes graduating in 2025, that boards of education require graduating students to have (1) completed a Free Application for Federal Student Aid (“FAFSA”); (2) completed and submitted to a public institution of higher education an application for institutional financial aid for students without legal immigration status; or (3) completed a waiver, on a form prescribed by the Commissioner of Education, signed by the student’s parent or guardian or signed by the student if the student is eighteen or older. The waiver must require the parent, legal guardian, or student to affirm that they understand the FAFSA; it cannot require a statement of reasons for choosing not to complete the FAFSA or the application for institutional financial aid for students without legal immigration status. On and after March 15 of each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student who has not satisfied the above requirements if such certified professional affirms that they have made a good faith effort to contact the parent, legal guardian, or student about completion of such applications.

Personal Financial Management and Financial Literacy

As noted above, Connecticut General Statutes § 10-221a outlines the high school graduation requirements in Connecticut. Section 1 of [Public Act 23-21](#), as amended by Section 319 of [Public Act 23-204](#), revises the statute to require, beginning with classes graduating in 2027, that students complete one-half credit in personal financial management and financial literacy, which may also count towards the nine credits required in the humanities or as an elective credit. All other graduation requirements remain the same, except as discussed above. Sections 2 and 3 of [Public Act 23-21](#) also amends Connecticut General Statutes § 10-16b regarding prescribed courses of study to add personal financial management and financial literacy to the list.

High School Graduation Credit for Recovery Programs

Connecticut General Statutes § 10-221a(g) sets forth various ways, other than through courses taken in grades nine through twelve that meet statewide subject matter content standards, in which a board of education may grant a student credit toward graduation. Section 17 of [Public Act 23-167](#) amends the statute to allow boards of education to award high school graduation credit for the successful completion of a credit recovery program approved by the Commissioner of Education.

Inclusion of Cursive Writing and World Languages in Model Curriculum

Connecticut General Statutes § 10-25b requires that the CSDE, in collaboration with SERC and by January 1, 2024, develop a model curriculum for kindergarten to grade eight, inclusive. Section 16 of [Public Act 23-167](#) adds to the content of the model curriculum: (1) cursive writing and (2) world languages beginning in kindergarten. The Act also specifies that boards of education may, but are not required to, use the CSDE and SERC's model curriculum in whole or in part.

Remote Learning and Dual Instruction

Last year, the General Assembly passed legislation that required school districts to prohibit dual instruction as part of any remote learning model. Section 12 of [Public Act 23-150](#) clarifies that dual instruction may be provided: (1) when it is required in, or necessary to implement, a student's IEP or Section 504 plan, or (2) when it is part of an intradistrict or interdistrict cooperative learning program that provides remote learning opportunities to students present in the classroom on school grounds during a regular school day and in which a certified educator is present in both classrooms. Further, the cooperative learning program must be implemented in accordance with an agreement between the board of education and the applicable bargaining unit.

CSDE Curriculum Coordinator

Connecticut General Statutes § 10-16b(d) requires the SBE to make available curriculum materials to assist boards of education in developing instructional programs related to certain identified topics including the Holocaust, African-American and Black studies, Puerto Rican and Latino studies, Native American history, and personal financial management. Section 45 of [Public Act 23-160](#) directs the Commissioner of Education to employ at least one curriculum coordinator to provide assistance and curriculum materials to boards of education for the implementation of courses of study related to these topics.

STATUTORY CHANGES AFFECTING EMPLOYMENT

CSDE Review of School Boards' Increasing Educator Diversity Plans

Under current law, each board of education must develop a written plan for "minority educator recruitment" to reduce racial, ethnic and economic isolation and provide students with opportunities to interact with teachers from other racial, ethnic, and economic backgrounds. Section 9 of [Public Act 23-167](#) changes the plan's name to the "increasing educator diversity" plan. Section 10 of the Act requires that boards of education submit their "increasing educator diversity" plans to the Commissioner of Education by March 15, 2024 for review and approval. The Commissioner must review each plan and may approve or return the plan with instructions for revision. Boards of education that

submit plans requiring revision must submit their revised plans to the Commissioner no later than May 15, 2024. Starting with the 2024-2025 school year, and each school year thereafter, boards of education must implement their approved plans and post them to their websites.

[Educator Diversity Policy Oversight Council](#)

Under current law, the Minority Teacher Recruitment Policy Oversight Council, a multi-member body housed in the CSDE, is charged with advising the Commissioner of Education on ways to encourage minority students and professionals in other fields to pursue teaching careers. Sections 12 and 14 of [Public Act 23-167](#) rename the council as the “Increasing Educator Diversity Policy Oversight Council” and change references from “minority” to “diverse” without redefining its underlying meaning. The new law also replaces the term “teachers” with “educators.”

[Professional Development for Principals and Vice Principals](#)

Section 5 of [Public Act 23-159](#) amends Connecticut General Statutes § 10-148a by expanding professional development and learning requirements for principals and vice principals to include training on the management of school personnel and methods for engaging personnel with school goals.

[Exit Survey for Teachers Leaving the Profession and Teacher Attrition Rates](#)

Section 6 of [Public Act 23-159](#) requires each board of education, by January 1, 2024, to develop an exit survey to be completed by a teacher who is employed by the board and voluntarily ceases employment. The survey must include questions addressing (1) why the teacher is ceasing employment, (2) whether the teacher is leaving the profession, (3) the teacher’s demographics, and (4) the subject areas the teacher taught.

Section 7 of [Public Act 23-159](#) requires boards of education to add teacher attrition rates and exit survey results to strategic school profile reports, which are already required to address issues such as student needs, school resources, student and school performance, and student discipline. Under current law, and unchanged by the Act, these reports must be submitted to the CSDE and presented at a public meeting each year.

[Substitute Teachers](#)

By law, anyone employed as a substitute teacher must (1) hold a bachelor’s degree, unless this requirement is waived by the Education Commissioner for good cause and upon a superintendent’s request; and (2) be on a list of substitute teachers maintained by the employing board pursuant to Connecticut General Statutes § 10-222c(f). Section 18 of [Public Act 23-159](#) now authorizes a board of education to employ a substitute teacher in the same assignment for up to sixty days without obtaining an CSDE-issued substitute authorization.

[Certificate Endorsements for Kindergarten and Preschool Teaching](#)

By law, if a person holds an elementary education endorsement to teach grades one through six, and that endorsement was issued on or after July 1, 2017, the Commissioner of Education may allow, upon request of the superintendent, that person to teach kindergarten for one school year. Current law prohibits the Commissioner of Education from extending such permission to teach kindergarten for a second year unless the individual demonstrates enrollment in a program to meet the requirements for the appropriate kindergarten endorsement. Section 13 of

[Public Act 23-159](#) revises Connecticut General Statutes § 10-145d(f) to allow the Commissioner of Education to permit, upon request of the superintendent, the endorsement holder to teach a second year of kindergarten without having to demonstrate enrollment in a kindergarten endorsement program.

Under current law, anyone who holds a teaching certificate with an endorsement to teach comprehensive special education in grades one through twelve may extend the endorsement to grades kindergarten through twelve if the applicant has earned a satisfactory score on either the SBE-approved reading instruction exam or a comparable reading instruction exam. The new law extends a comprehensive special education endorsement for grades one through twelve to grades prekindergarten through twelve. Individuals applying for such an endorsement must meet the above reading instruction exam score requirements.

[Teacher Performance Evaluations](#)

By law, superintendents must annually evaluate each teacher or have each teacher be evaluated. Such an evaluation must include, at a minimum: strengths, areas needing improvement, strategies for improvement, and multiple indicators of student academic growth.

Sections 24 through 27 of [Public Act 23-159](#) make various changes to teacher evaluation and support programs (“Evaluation Programs”). The Act requires the SBE, in consultation with the Performance Evaluation Advisory Council, to adopt revised program guidelines (“Evaluation Guidelines”) on or before July 1, 2024. The Act makes significant changes to the Evaluation Guidelines to be developed by the SBE, including removing the requirement that they include four performance evaluation designators for teachers (*i.e.*, exemplary, proficient, developing, and below standard) and removing references to teacher evaluation “scoring systems” to determine “ratings.”

Under the new law, the Evaluation Guidelines must include the following (*significant changes are italicized*):

- (i) the use of multiple indicators of student learning, growth and achievement (*rather than student academic growth and development*) in teacher evaluations;
- (ii) methods for assessing student learning, growth and achievement (*rather than student academic growth and development*);
- (iii) a consideration of control factors tracked by the statewide public school information system that may influence teacher performance, including, but not limited to, student characteristics, student attendance and student mobility;
- (iv) minimum requirements for teacher evaluation instruments and procedures, including an annual summary of teacher growth provided by the evaluator (*rather than a scoring system with performance evaluation designators*);
- (v) the development and implementation of periodic training programs regarding the teacher evaluation and support program to be offered by the board of education or RESC for the school district to teachers whose performance is being evaluated and administrators who are conducting the performance evaluations;
- (vi) the provision of professional development services based on the individual or group of individuals’ needs that are identified through the evaluation process;
- (vii) the creation of individual teacher improvement and remediation plans for teachers who require additional support (*rather than for teachers who have a rating of “developing” or “below standard”*) that are designed in consultation with such teacher and the union representative and that (a) identify resources, support and other strategies to address documented deficiencies, (b) indicate a timeline for implementing such resources, support, and other strategies, in the course of the same school year as the plan is issued, and (c) include indicators of success immediately at the conclusion of the improvement and remediation plan (*while removing*

the requirement that they include a summative rating of proficient or better as success indicators at the plan's conclusion);

(viii) opportunities for career development and professional growth; and

(ix) a validation procedure for the CSDE or a third party approved by the CSDE to audit remediation plans (*rather than audit evaluations with a rating of "exemplary" or "below standard"*).

The Act also directs the SBE to adopt a model teacher evaluation and support program that may be used by boards of education and is consistent with the Evaluation Guidelines described above.

Beginning in the 2024-2025 school year, and each school year thereafter, each board of education must adopt and implement an Evaluation Program that is consistent with the Evaluation Guidelines adopted by the SBE. As under current law, the Act requires that the program be developed through mutual agreement between the board of education and the school district's PDEC. If a board is unable to reach a mutual agreement with the PDEC, both parties must consider SBE's model program, which they may adopt upon mutual agreement. If both parties cannot reach an agreement, the board must adopt and implement the Evaluation Program it has developed, so long as it is consistent with SBE guidelines.

Boards of education may seek a waiver from the requirement that they adopt a program consistent with SBE's Evaluation Guidelines by filing a waiver request with the Commissioner of Education no later than July 1, 2024.

By law, boards of education must provide training and orientation programs for evaluators and teachers on their local evaluation and support programs. Section 25 of [Public Act 23-159](#) requires, beginning with the 2023-2024 school year, that the training programs and orientation be held at least annually, rather than biennially.

The Act also makes the following changes regarding the teacher evaluation process. In the event that a teacher does not receive a summative evaluation during the school year, Section 23 of [Public Act 23-159](#) now requires that the teacher be recorded as "not evaluated" rather than "not rated," which was the designation under previous law. The Act also removes the requirement that the superintendents report aggregate evaluation ratings to the Commissioner of Education each year, although other reporting requirements (*e.g.*, the status of teacher evaluations and the status of the implementation of the teacher evaluation and support program, including the frequency of evaluations and number of teachers who have not been evaluated) remain the same.

[Revisions to the State's Antidiscrimination Statutes](#)

Connecticut General Statutes § 46a-58 prohibits deprivation of civil rights on the basis of certain protected classes. Section 1 of [Public Act 23-145](#) adds "age" to the list of protected classes. Section 2 of [Public Act 23-145](#) adds a new definition of "sexual orientation" in the state's antidiscrimination statutes to mean "a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (A) may have previously expressed, or (B) is perceived by another person to hold."

[Educator Apprenticeship Program](#)

Section 8 of [Public Act 23-167](#) requires the CSDE to develop, for the fiscal year ending June 30, 2024 and each year thereafter, an educator apprenticeship initiative that enables students enrolled in educator preparation, residency, or Alternate Route to Certificate ("ARC") programs to gain classroom teaching experience while working toward

becoming full-time, certified teachers. The Act requires that the CSDE develop participation guidelines, administrative regulations outlining implementation, and compensation levels for students in all three programs.

Under current law, participants in apprenticeships and teacher residency programs receive compensation; the new law now addresses compensation for educator preparation and ARC program participants. In addition, upon request of a superintendent, the Commissioner of Education may allow an individual assigned to a residency program in the superintendent's school district to participate in the educator apprenticeship initiative; upon successful completion and with the superintendent's recommendation, the SBE shall issue an initial educator certificate to such individual, and that person will not be required to complete the assessments required for certification under Connecticut General Statutes § 10-145f.

Student Teaching Experience and Mentor Requirements

By law, teacher preparation programs must require participants to complete a clinical, field, or student teaching experience in a classroom during four semesters of such program. Section 16 of [Public Act 23-159](#) removes the law's previous requirement that this experience occur in school districts from different categories of District Reference Groups ("DRGs") with at least one experience in DRGs "A" through "E" and another in a district from groups "F" through "I." The new law also removes the requirement that any cooperating teacher serving as a mentor to student teachers must have earned a performance evaluation designation of exemplary or proficient in the prior school year.

Changes to Paid Sick Leave for Service Workers

Connecticut law contains specific protections for "service workers," defined as including, but not limited to, food service managers, social workers, registered nurses, crossing guards, janitors, and secretaries and administrative assistants. Sections 7 and 8 of [Public Act 23-101](#) require that employers permit service workers to use accrued paid sick leave for a "mental health wellness day" to attend to their emotional and psychological well-being in lieu of attending a regularly scheduled shift. Section 8 of the Act also requires that employers permit service workers to use accrued paid sick leave if the service worker is the parent of a child who is a victim of family violence or sexual assault, provided that the service worker is not the perpetrator or alleged perpetrator of the violence or assault.

School Nurses and Nurse Practitioners – Appointment Qualifications and Professional Development

By law, school nurses and nurse practitioners appointed by boards of education must meet qualifications established in relevant state regulations. Section 34 of [Public Act 23-167](#) creates an exception from the regulations' work experience requirement and exempts such nurses and nurse practitioners from having at least one year of full-time working experience as a registered nurse during the five years before appointment or employment with the board.

Beginning July 1, 2024, Sections 34 and 35 of the Act require each school nurse or nurse practitioner appointed by or under contract with a board of education to complete at least fifteen hours of professional development biennially. The board must annually approve and provide such professional development programs and activities, which must include training and instruction in implementing IEPs and Section 504 plans. In addition, beginning in the 2024-2025 school year, the board must provide such programs or training for new school nurses or nurse practitioners within thirty days after being appointed or entering into a contract with the board.

[Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries](#)

Under current law, eligibility for workers' compensation benefits for Post-Traumatic Stress Injuries ("PTSI") is limited to certain first responders. Effective January 1, 2024, [Public Act 23-35](#) expands these benefits to all employees covered by the Workers' Compensation Act, provided such PTSI is a direct result of a qualifying event, as defined in the Act, that occurred in the course of their employment.

[Section 504 Plans and School Employees](#)

Connecticut General Statutes § 10-76d prohibits board of education from disciplining members of a PPT who discuss or make recommendations concerning services at a PPT meeting. Section 16 of [Public Act 23-150](#) extends this prohibition to school employees who discuss or make recommendations concerning services or accommodations for a student's Section 504 plan at a meeting held to discuss such plan.

[Tenure and Accumulated Sick Leave](#)

State law provides that, for purposes of determining a teacher's rights to tenure and accumulated sick leave, the establishment of a regional school district shall not interrupt the continuous employment of a teacher who was employed by a local board of education for any of the towns comprising such district during the school year immediately prior to or within which the regional district is established, provided that teacher continues as an employee of the regional board of education. Section 22 of [Public Act 23-159](#) clarifies that these protections apply when a new regional school district is established, and a teacher employed by a local or regional board of education for any town comprising the new regional school district continues as an employee of the new regional board of education. As with existing law, the teacher must work for the school district or regional school district during the school year immediately before, or within which, the new regional district is established. The requirement that these protections are subject to the provisions of Connecticut General Statutes § 10-151 remains unchanged.

[Adjunct Professor Permit](#)

Section 15 of [Public Act 23-167](#) allows the SBE to issue adjunct professor permits to part-time, non-tenured instructors employed by a public or private institution of higher education in Connecticut. The permit will allow such individuals to teach grades nine through twelve in a public school, up to twenty-five classroom instructional hours per week, as part of college and career readiness programming offered by the board of education. The permit holder must work under the supervision of the superintendent, principal, or a supervisory administrator designated by the superintendent, and the employing board must provide an assistance program that includes academic and classroom support services. The Act provides that such instructors will be part of the bargaining unit for certified teachers and subject to the same contract, unless otherwise agreed by the board and the union. Permit holders cannot fill a position that will displace a certified teacher already employed at the school. Holding such a permit does not make an individual eligible for the teacher retirement system.

[Cease-and-Desist Orders for Prohibited Practices](#)

Pursuant to Connecticut General Statutes § 10-153e, boards of education and employee unions can file complaints about prohibited practice violations with the State Board of Labor Relations ("SBLR"). Under existing law, the SBLR may only issue a cease-and-desist order after holding a hearing and making a determination regarding the complaint. Section 2 of [Public Act 23-159](#) now allows the SBLR to issue a cease-and desist order for certain violations of the

Teacher Negotiation Act (e.g., refusing to negotiate in good faith or retaliating against a complainant) when an alleged prohibited practice or breach of duty is ongoing and until the board makes a determination on the matter.

Agreements Between Municipalities and Public School Operators for Health Insurance

Previously, a board of education could join by agreement with municipalities or other boards of education as a single entity for the purpose of providing employee health insurance. Section 42 of [Public Act 23-160](#) continues to allow these agreements but expands the entities that can participate by changing “boards of education” to “public school operators.” A “public school operator” is defined as a board of education, a regional educational service center, the governing council of a state or local charter school, or an operator of an interdistrict magnet school program.

Health Insurance for Paraeducators

Sections 203 through 206 of [Public Act 23-204](#) establish new subsidy programs for paraeducators’ health insurance costs and make other changes to health insurance for paraeducators. Section 203 of the Act directs the Comptroller to establish a program to provide a subsidy to each paraeducator who is employed by a board of education and opens a health savings account, provided the paraeducator applies for the subsidy in the form and matter prescribed by the Comptroller. Section 204 of the Act directs the Comptroller to establish a program, for the fiscal year ending June 30, 2025 and beyond, to provide a stipend to an eligible paraeducator, as defined in the Act, to purchase a qualified health plan through the Connecticut Health Insurance Exchange that meets certain criteria. The stipend is only available to a paraeducator who is employed by a board of education that only provides coverage under a health benefit plan with an actuarial value of less than 60% and in an amount not to exceed the cost of the qualified health plan the eligible paraeducator purchases through the exchange. Section 205 of the Act expands the responsibilities of the Office of Health Strategy to include assisting boards of education in enrolling paraeducators for coverage under (A) the qualified health plans for which such paraeducator may be eligible under Section 204 of the Act, (B) the Covered Connecticut program, or (C) Medicaid. Section 206 of the Act establishes a paraeducator health care working group to study health care access, equity and affordability for paraeducators employed by boards of education.

MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS

Lowering Eligibility Age for School Readiness Programs

The Office of Early Childhood (“OEC”) administers state-funded school readiness programs that (1) meet state standards, (2) provide at least 450 hours and 180 days of developmentally appropriate instruction per year, and (3) are open to age-eligible children. Sections 35 and 37 of [Public Act 23-160](#) lower the eligible age of children for such programs to birth, rather than age three.

GPS Use on School Buses

Current law provides that a school bus operator carrying passengers may not use a handheld mobile telephone, including those with hands-free accessories, except in very limited circumstances. Section 37 of [Public Act 23-40](#) expands the exceptions to allow a school bus operator to use a mobile electronic device with a video display, provided such device: (i) is used as a global positioning system or to provide navigation, (ii) is securely attached inside the school bus near such person, and (iii) has been approved for such use by the Department of Motor Vehicles.

[Recycling of Organic Material](#)

Section 5 of [Public Act 23-170](#) requires, beginning January 1, 2025, any public educational facility that generates an average projected volume of twenty-six tons or more per year of source-separated organic materials to (i) separate such source-separated organic materials from other solid waste; and (ii) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility. Further, the Act requires that on or before March 1, 2025 and annually thereafter, each public educational facility that is subject to the Act submit a report to the Department of Energy and Environmental Protection that summarizes the amount of edible food donated, the amount of food scraps recycled, and the organics recycler or recyclers and associated collectors used.

[Vision Zero Program Distinction for School Programs](#)

Section 3 of [Public Act 23-116](#) requires the Department of Transportation (“DOT”) to award an exemplary “Vision Zero” program distinction to boards of education that offer a program that provides students in grades six to twelve with opportunities to learn about the mission of the Vision Zero Council and the importance of practicing safe driving habits and learning pedestrian safety skills. Such opportunities may include classes, extracurricular activities, presentations, symposia, peer-to-peer education, parent involvement and parenting education and outreach. A board of education may submit a request for such distinction by providing details about the board’s program to the DOT.

[Statewide Mastery Test Audit](#)

Section 25 of [Public Act Public Act 23-167](#) and Section 5 of [Public Act 23-150](#) direct the Commissioner of Education to conduct an audit of state and local testing requirements and administration. The audit must focus on (1) the statewide mastery examination and local standardized assessments used to monitor student and district academic progress and achievement; and (2) the amount of time devoted to student preparation or educator instruction for the statewide mastery examination and local standardized assessments, including the time such preparation and instruction takes away from regular instruction. Additionally, the audit must include recommendations about any limitations on the amount of time that may be devoted to administering these exams and assessments.

[Intellectual and Developmental Disabilities Awareness and Advocacy Day](#)

Section 17 of [Public Act 23-137](#) orders the Governor to proclaim May 23 of each year to be Intellectual and Developmental Disabilities Awareness and Advocacy Day to promote awareness of and advocacy for persons with an intellectual disability or other developmental disabilities. Suitable exercises shall be held in the State Capitol and in public schools on the day so designated or, if that day is not a school day, on the school day preceding, or on any such other day as the board of education prescribes.

[Employment of Certain Minors as Youth Camp Staff Members and Lifeguards](#)

Under current law, minors who are at least fourteen years old can work as caddies or in pro shops at golf courses and those who are at least fifteen years old can work as baggers, cashiers, or stock clerks in retail establishments. Current law also requires employers of fourteen and fifteen-year-old individuals in these positions, as well as others, to abide by certain work restrictions and procure minors’ working papers, or certificates documenting their age. Sections 1 through 3 of [Public Act 23-183](#) now allow fifteen-year-old individuals to work as youth camp staff members

or lifeguards, provided certain conditions are met and they obtain appropriate working papers (if not working for a municipality). As under the current law, public school superintendents or their designees are required to furnish eligible minors' working papers upon application and pursuant to proper procedures established by the SBE.

[Ban on Magnet School Tuition Reinstated](#)

From July 1, 2009 to July 1, 2018, any board of education operating an interdistrict magnet school pursuant to the Connecticut Supreme Court's decision in *Sheff v. O'Neill* was prohibited from charging tuition. Section 31 of [Public Act 23-160](#) reinstates this ban for the 2023-2024 school year.

[Charter Schools and the Educational Interests of the State](#)

By law, charter schools are subject to all federal and state laws governing public schools. Connecticut General Statutes § 10-4a outlines the educational interests of the state, and Connecticut General Statutes § 10-4b allows complaints to be brought to the SBE in situations where a resident or a parent or guardian alleges a district's failure or inability to implement the educational interests of the state. Sections 43 and 44 of [Public Act 23-160](#) explicitly include Connecticut General Statutes §§ 10-4a and 10-4b as state laws governing charter schools.

[Charter School Enrollment Criteria](#)

Section 14 of [Public Act 23-150](#) amends the enrollment lottery statute for charter schools. Pursuant to the Act, beginning July 1, 2023, no application for enrollment in a charter school can inquire or request information about an applicant student's need for or receipt of special education and related services, and the criteria for administering an enrollment lottery shall not include consideration of a student's need for or status as requiring special education and related services.

[Wholesome School Meals Pilot Program](#)

For the 2023-2024, 2024-2025 and 2025-2026 fiscal years, Section 6 of [Public Act 23-167](#) directs the CSDE to administer a wholesome school meals pilot program that awards grants of \$150,000 to five alliance districts in each year of the pilot program. Such grants must be used to provide a professional chef to assist school meal programs to build food service staff capacity, improve school meal quality, increase diner satisfaction, streamline operations, and establish a financially viable school meal program. Alliance districts may apply for this grant by October 1, 2023.

[Report from Alliance Districts on Implementing a Family Resource Center Program](#)

Section 4 of [Public Act 23-208](#) requires the board of education for each town designated as an alliance district, not later than February 1, 2024, to submit a report to the CSDE on the costs associated with implementing a family resource center program, in accordance with the provisions of Connecticut General Statutes § 10-4o, at each elementary school under the jurisdiction of the board.

[Medicaid Reimbursement for School-Based Mental Health Assessments](#)

Section 9 of [Public Act 23-101](#) requires the Department of Social Services ("DSS") Commissioner to provide Medicaid reimbursement for suicide risk assessments and other mental health evaluations and services provided at school-



based health centers or public schools, to the extent permitted by law. The DSS Commissioner is also directed to set the reimbursement at a level that ensures an adequate pool of providers to perform such assessments, evaluations, and services.

Aerospace and Aviation Training

Section 28 of **Public Act 23-167** allows boards of education to partner with local employers in the aviation or aerospace industry to develop and offer an apprenticeship training program for students within the district. The program must, at minimum, provide students with (1) onsite training where they learn immediate job skills and earn course credits, (2) information about programs of study at the Connecticut Aero Tech School for Aviation Maintenance Technicians, and (3) assistance applying for admission to the school. In addition, within sixty days of the first cohort’s completion of the program, the board of education must release a report of the number of students who participated in and completed the program, and who thereafter enrolled in the aviation tech school.

High School Preapprenticeship Grant Program

Section 31 of **Public Act 23-167** directs the CSDE to establish a preapprenticeship grant program to award grants to boards of education that incorporate a preapprenticeship program into their curriculum for grades nine through twelve, provided that such program is registered with the Department of Labor and meets the criteria set out by the CSDE. Grants shall be awarded in an amount of at least \$1,000 for each student that completes the preapprenticeship program.

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Appendix E: Sample Publications

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Emerging School Law Issues

CT Legislature Revises Bullying Laws



An upset elementary school boy hides his face while being bullied by two other boys. Shot in front of their elementary school.

By Gwen J. Zittoun, Dori Pagé Antonetti, Sarah Gleason & Kelsey Scarlett on July 5, 2023

 Listen to this post

Last week, Governor Lamont signed **Public Act 23-167**, which makes significant changes to Connecticut's bullying law that become mandatory for the 2025-2026 school year.

Notably, the new law: (1) requires school districts to implement a new Connecticut school climate policy (“school climate policy”) and bullying complaint form; (2) redefines previous terms and includes new terms associated with the school climate policy; (3) updates the roles of school climate personnel; and (4) establishes a new annual training requirement. While schools are not required to implement changes to their bullying policies and related procedures until the 2025-2026 school year, as discussed below, boards of education may want to begin developing a transition plan in preparation for the substantial changes to come.

New Connecticut School Climate Policy and Bullying Complaint Form

The new law requires the Connecticut Association of Boards of Education (“CABE”) to develop, update and approve a “school climate policy,” which in turn must be adopted by the Social and Emotional Learning and School Climate Advisory Collaborative (the “Collaborative”). While boards of education *must* adopt and implement this new policy by the 2025-2026 school year, they *may* choose to adopt and implement the policy earlier – in either the 2023-2024 or 2024-2025 school year – after the new school climate policy has been developed and approved. The law further tasks the Collaborative with creating a uniform bullying complaint form and providing the complaint form and guidance on the implementation of the school climate policy to boards of education.

Please note that until the new school climate policy has been developed by CABE, adopted by the Collaborative, and adopted by the board of education, each school district must continue to comply with the current Connecticut bullying law, Connecticut General Statutes § 10-222d, and related statutory provisions, policies, and procedures.

New Definitions Related to Bullying

The new law makes several changes to terms related to bullying and school climate. Importantly, the new law redefines “bullying” as “unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.” The new law also establishes a new and related term, “challenging behavior,” defined as “behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.”

Redefined School Climate Roles and School Climate Improvement Plan

Previously referred to as the “safe school climate coordinator,” “safe school climate specialist,” and the “safe school climate committee,” at the start of the 2025-2026 school year these roles will be referred to as the school climate coordinator, school climate specialist, and school climate committee.

- The **school climate coordinator** must be the superintendent of schools or an administrator appointed by the superintendent. Similar to current law, the school climate coordinator’s duties include developing strategies to prevent, identify, and respond to “challenging behavior,” communicating such strategies to the school community, and collecting and maintaining data about school climate improvement.
- The **school climate specialist** must be the building principal or another certified professional employee who is trained in school climate improvement or restorative practices. A school district must have a school climate specialist for each of its schools. Like the current law, their duties include, in part, implementing evidence and research-based interventions, including restorative practices, and leading in the prevention, identification, and response to “challenging behavior,” including reports of alleged bullying and harassment.
- The **school climate committee** must be comprised of members who are racially, culturally, and linguistically diverse and representative of various roles in the school community, as detailed more specifically in Section 54 of Public Act 23-167. Members of the school climate committee must be appointed by the school climate specialist. Pursuant to the new law, the school climate committee must assist in the development, scheduling, and biennial administration of the school climate survey to students, school employees and students’ families. The new law specifies that parents and guardians must be given notice of the survey’s content and a reasonable opportunity to opt out.

In addition, beginning in the 2025-2026 school year, the school climate specialist at each school must develop, in collaboration with the school climate coordinator, a school climate improvement plan based on the results of their school’s climate survey. This new plan will take the place of the current safe school climate plan. The new school climate improvement plan must include protocols and supports to enhance classroom safety and address “challenging behavior.” Notably, the protocols and supports must include: (1) the “process” by which a designated administrator will assess the facts, severity and intentionality of an incident of challenging behavior; (2) safeguards for students with

individualized education plans and Section 504 plans; and (3) tiered responses to incidents of challenging behavior, based on level of impact or frequency of occurrence that differentiate between a single incident, a subsequent incident, and multiple subsequent incidents. Notably, the new law places a particular focus on challenging behavior (rather than bullying) and assessing and responding to, rather than investigating, such conduct.

New Annual Training Requirement

Finally, beginning in the 2024-2025 school year, boards of education must provide resources and annual training to school employees about social and emotional learning, school climate and culture, and evidence and research-based interventions, including, but not limited to, restorative practices. The district's school climate coordinator must approve individuals or organizations to provide the training, and any school employee may participate.

Tips for the Transition

While boards of education await the new school climate policy, districts can use this time to begin preparing for the transition to the new Connecticut bullying law by taking the following steps:

- The superintendent can review the requirements of the school climate coordinator and determine who will serve in this role;
- Principals at each of the district's schools can review the required duties of the school climate specialist and determine who will serve in this role;
- In light of the new training requirement, districts may start to consider which individual(s) or organization(s) the school climate coordinator may approve to provide the new annual training.

As we continue to review the new Connecticut bullying law, we will keep you updated on further developments. In the meantime, please reach out to any member of our team with questions regarding the new law.

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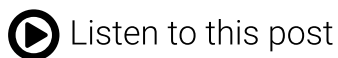
Emerging School Law Issues

State Department of Education Issues Guidance Regarding Extension of Special Education Eligibility



CONNECTICUT STATE
DEPARTMENT OF EDUCATION

By Peter J. Maher & Julie P. Jaquays on August 2, 2023



As many school district administrators know, Connecticut recently enacted Public Act No. 23-137, which extends eligibility for special education and related services under the Individuals with Disabilities Education Act (“IDEA”) through the end of the school year during which the student turns twenty-two years old, or until the student graduates from high school with a regular high school diploma, whichever occurs first. On July 14, 2023, the Connecticut State Department of Education (“CSDE”) released guidance on this issue, entitled “**Public Act 23-137 Extends IDEA Eligibility through the End of the School Year during which a Student Turns Age 22**” (the “Guidance”). The Guidance provides several steps for districts to take in notifying affected students and/or their parents, as applicable, and confirms that certain students with birthdays in the first three months of the school year will have the option to continue with plans to transition to adult services through the Department of Developmental Services (“DDS”).

Action Steps for School Districts

The Guidance first clarifies that school districts need not take any further action for students who exited from special education and related services because they turned age twenty-two or graduated with a regular high school diploma prior to June 30, 2023. However, for students who will turn twenty-two on or after July 1, 2023, the Guidance directs school districts to notify adult special education students (or their parents as applicable) whose individualized education plan (“IEP”) has an end date on the student’s twenty-second birthday that the student remains eligible for special education services until the end of the 2023-2024 school year. School districts must also convene planning and placement team (“PPT”) meetings as necessary to revise the IEP to implement this change. As appropriate, the Guidance encourages school districts to consider including one or more representatives from the student’s current adult service agency in reviewing—and potentially revising—IEP goals and objectives.

School districts should contact all students or their parents, as applicable, affected by this legislation and review their IEPs as promptly as practicable, but are explicitly instructed by the CSDE to prioritize doing so for students whose twenty-second birthday falls between July 1, 2023 and September 1, 2023.

Department of Developmental Services (DDS) Placements

Consistent with DDS guidance issued on June 28, 2023, for those students turning twenty-two in July, August and September of 2023 who already have a DDS plan in place with a provider identified and start date for the plan, DDS will accept these students as planned, provided that the adult student or parent agrees in writing to decline extended IDEA eligibility through the end of the 2023-2024 school year. DDS is currently in the process of contacting these families.

If the DDS placement is accepted by the adult student or parent, school districts must collaborate with DDS and continue the IEP until the start date of the DDS placement. School districts must also issue a prior written notice (“PWN”) reflecting that the adult student or parent refused special education services offered through the end of the school year in which the student turns twenty-two and must also include the date of exit from special education (namely, the day prior to the start date of the DDS placement). The Guidance also clarifies that school districts may use the PSIS Exit Code 20 (reached maximum age for services) under these circumstances. If, on the other hand, the adult student or parent declines the DDS placement, the school district must follow the general rule and provide special education and related services through the end of the school year in which the student turns twenty-two or until the student graduates with their regular high school diploma, whichever occurs first.

The Guidance does not, however, address the availability of DDS placements for students with twenty-second birthdays after September 2023. The new legislation provides, and the Guidance confirms, that any student who turns twenty-two is entitled to receive special education and related services through the end of that school year or until they receive a regular high school diploma. If an adult student with a twenty-second birthday after September 2023 or the student’s parent expresses a desire to continue with a plan to transition to adult services (such as through DDS) prior to the conclusion of the school year, districts should handle those cases on an individual basis in collaboration with DDS or other adult service agencies to see if such a transition is possible.

Reminders for School Districts

In addition to providing helpful practical guidance addressing this recent legislative change, the CSDE offers two reminders for school districts. As districts know, students who have aged out of eligibility or have graduated with a regular high school diploma must be provided with a summary of performance (“SOP”) summarizing the student’s academic and functional performance upon their exit from special education, including recommendations

on how to help the student meet their post-secondary goals. The CSDE also reminds districts that students who exit high school because they completed school with other credentials (and did not graduate with a regular diploma), discontinued school by their own choice, transferred to a GED program, or moved/are not known to be continuing school remain entitled to FAPE and, if they attempt to re-enroll, must be readmitted until the end of the school year in which they turn twenty-two (unless they graduate with a regular high school diploma first).

For questions about this Guidance, please contact **Peter Maher** at pmaher@goodwin.com, **Julie Jaquays** at jjaquays@goodwin.com, or any other member of our **School Law Practice Group**.

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Emerging School Law Issues

CAS Legal Mailbag – 8/3/23



By Thomas B. Mooney on August 10, 2023

 Listen to this post

Originally appeared in the **CAS Weekly Newsletter**

Dear Legal Mailbag:

As the principal of an elementary school, I have been getting a bunch of questions from parents who are sending their children to kindergarten next month. Some of these children

have not yet reached age five, and these parents are anxious that somehow we won't admit their children to kindergarten now because of some change in the law.

We are prepared to admit all eligible kindergarteners, and I am confused by their anxiety. But they are sincere in their concerns, and I want to provide some reassurance. Does Legal Mailbag have any advice for me in responding to these parent concerns?

Signed,
Who's Eligible?

Dear Who's:

The concern expressed by parents of incoming kindergarten students is presumably based on incomplete information. In the 2023 legislative session, the General Assembly made a significant change in the law regarding eligibility for admission to public school. However, parents of incoming kindergarten students do not have to worry about this change in the law.

Students are currently eligible for school accommodations if they reach the age of five on or before January 1 in the school year. Conn. Gen. Stat. § 10-15c. Early admission may also be required because of the special education needs of the child. The statute has also long provided that a child younger than five on or before the first day of January may be admitted by formal vote of the board of education. Accordingly, the parents of children who will reach age five by January 1, 2024 have nothing to worry about this year, and you can tell those parents that Legal Mailbag said so.

Effective July 1, 2024, there are significant changes. The date for admission to kindergarten is pushed back to September 1. Moreover, starting July 1, 2024, boards of education will not vote on requests for early admission. Rather, a student may be admitted early "(1) upon a written request by the parent or guardian of such child to the principal of the school in which such child would be enrolled, and (2) following an assessment of such child, conducted by such principal and an appropriate certified staff member of the school, to ensure that admitting such child is developmentally appropriate." Conn. Gen. Stat. § 10-15c(a) as amended by Section 3 of **Public Act 23-159**, as amended by Section 1 of **Public Act 23-208**.

As described above, the new law shifts early admission decisions from boards of education to school principals, who (with “an appropriate certified staff member of the school”) must now conduct assessments of school readiness when parents request early enrollment of their child. As you might imagine, there are significant questions about how this will all work next year, and last month, the Office of Early Childhood and the State Department of Education provided some guidance. **“Minimum School Age To Enroll in School”** (OEC/SDE July 7, 2023). Legal Mailbag notes that this letter to superintendents and early care and education providers states that “both agencies will seek extensive input from many stakeholders and work collaboratively to develop detailed guidance and implementation recommendations.” That guidance and recommendations of these two agencies will be helpful as school districts implement the new statute next year. Stay tuned!

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SUBMISSION COVER SHEET

KAINEN, ESCALERA & McHALE, P.C.

Response to Request for Proposal
For School Board Attorney
For Brooklyn Public Schools

Due: Friday, September 22, 2023

Contact Person:

Daniel P. Murphy, Esq.
860-493-0870 (phone)
860-493-0871 (fax)
dmurphy@kemplaw.com

September 22, 2023

VIA ELECTRONIC MAIL to mcmanaway@brooklynschools.org

Ms. Patricia Buell
Superintendent of Schools
Brooklyn Public Schools
119 Gorman Road
Brooklyn, CT 06234

**Re: Request For Proposal – Brooklyn Public Schools
Due Date – September 22, 2023**

Dear Ms. Buell:

On behalf of Kainen, Escalera & McHale, P.C., I am pleased to offer this response to your Request for Proposal for a School Board Attorney to represent the Brooklyn Board of Education in a broad range of legal services and preparation of legal documents. Attached to this letter please find the requested information about our firm and an overview of our resources, qualifications and experience representing Connecticut boards of education and regional school districts in the areas of general and special education law and other student-related services and matters; contract analysis and interpretation, collective bargaining contract negotiations, labor relations, professional training, personnel and employment; litigation in state and federal courts, CHRO, employee terminations; general legal services regarding leases, bidding processes, and service contracts; student expulsions and transportation hearings, civil rights and discrimination; review and revisions of Board policies; mediation, arbitration, grievances and litigation.

As a full-service education, labor and employment law firm that focuses its practice on representing management exclusively, we believe that we are well-qualified to represent Brooklyn Public Schools in all of its specified legal needs or any parts thereof. We distinguish ourselves from our competitors in terms of the quality of the legal services we provide (including the timeliness of our responses: same day), the efficiency with which our services are delivered, and the breadth and depth of experience of our attorneys. We continue to be successful by meeting our clients' needs and expectations in each of these areas.

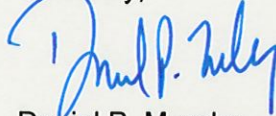
We hope you agree that our experience in state and federal statutory and case law governing public general and special education, civil service, labor relations, employment law, and related litigation matters makes us well-suited to meet the needs of Brooklyn Public Schools in all such areas. Because there are certain intangibles that cannot be captured in a written response, we would welcome the opportunity to meet with you and members of the Brooklyn Board of Education and its Administration to further discuss our qualifications and answer any of your questions regarding the Firm and its resources.

Ms. Patricia Buell
September 22, 2023
Page 2

I am a partner in the Firm with authority to bind the Firm and, on behalf of the Firm, accept all terms and conditions contained in the Request for Proposal for School Board Attorney, and necessary to establish a representation agreement with the Brooklyn Public Schools. I also acknowledge that there are no conflicts of interest that exist in rendering service to and providing representation for the Brooklyn Board of Education.

Thank you for considering Kainen, Escalera & McHale, P.C. to provide legal services in legal matters. Please do not hesitate to contact me directly should you need further information.

Sincerely,



Daniel P. Murphy
dmurphy@kemplaw.com

Partner

Kainen, Escalera & McHale, P.C.

21 Oak Street, Suite 601

Hartford, CT 06106

Phone (860) 493-0870

Fax (860) 493-0871

Enclosures

DPM/mbd

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SCOPE OF SERVICES

- **WHO WE ARE AND WHAT WE DO**

Kainen, Escalera & McHale, P.C. is a Hartford law firm located at 21 Oak Street, Suite 601, that focuses its practice on full-service representation in all aspects of education law, public and private sector labor relations, employment law and related litigation. The Firm was founded in 2000 by attorneys who had been practicing law together for many years, including as partners at a large Hartford firm. Today, our experience indicates that a small, efficiently run law firm, with eight (8) seasoned education, labor and employment law attorneys, has a competitive advantage because we can control expenses, hold the line on hourly rates and, at the same time, provide the highest quality legal services.

Boards of education today need timely, effective and cost-efficient representation, and we have tailored our practice to allow us to meet those needs. As a firm, Kainen, Escalera & McHale, P.C. is committed to providing quality work in a timely manner at a reasonable price. We believe our clients are entitled to a same-day response when they need our help and we are dedicated to providing support and assistance whenever necessary.

Unlike many large firms, we **do not** staff education-related matters (such as expulsion or school accommodations hearings), labor negotiations, mediations, or arbitrations with multiple or junior attorneys who are in training at the client's expense. Instead, we have made the business decision **not** to hire new attorneys just out of law school only to expect our clients to pay for their training. In fact, each of our attorneys has at least twenty-eight (28) years of experience in these areas of the law, and all of our attorneys have worked previously in large Hartford-based law firms.

As a result, we are able to deliver efficient and high quality legal services for our clients. Low overhead and appropriate staffing allow us to hold the line on legal fees. The result is the bottom line: **The highest quality legal services for our clients at a lower total cost.**

All of our attorneys are qualified, licensed members in good standing of the Bar Association of the State of Connecticut and the Bar of the United States District Court of Connecticut applying their extensive experience with State and Federal Education Laws for Connecticut school districts. No attorney affiliated with Kainen, Escalera & McHale, P.C. has been disciplined by the Grievance Committees of the State or Federal Bar.

The Firm complies with all municipal, state, and federal affirmative action and equal employment opportunity practices and guidelines.

- **COLLECTIVE BARGAINING CONTRACT NEGOTIATIONS, MEDIATION, INTEREST ARBITRATION AND GRIEVANCE ARBITRATION**

Our attorneys have negotiated hundreds of collective bargaining agreements and represented boards of education in negotiations, mediations and interest arbitrations for both certified and non-certified staff. With this experience, we have become keenly aware of the ongoing challenges facing boards of education in the current economic climate and the unique labor and employment related issues facing boards of education.

In this capacity, our role most often involves serving as chief spokesperson in collective bargaining contract negotiations and mediation. Prior to negotiations, we customarily engage in a comprehensive review of the current collective bargaining agreement, draft initial board

proposals, and suggest other areas of consideration for improvement. Unlike some other firms, we do not view contract negotiations as a "winner take all" event, but rather believe contract negotiations are successful when an agreement is reached expeditiously and through mutual agreement with the least disruptive impact on the employees or the board of education. Because our aim is to add value to our board of education clients' relationships with their employees, we believe that a "scorched-earth" strategy has no place in the area of labor relations. Labor disputes are different than other legal issues and, therefore, need to be handled carefully to ensure that the relationship between the board of education and the union is not damaged because that relationship must endure long after the negotiation is over. We have successfully assisted our clients in reaching a beneficial negotiated settlement in over 90% of the negotiations in which we have been involved.

For example, in recent years we have achieved negotiated wage and step freezes, progressive health insurance plan design changes, and full substitution of high deductible health plans, and more recently the State Partnership Plan, to replace more expensive alternative insurance plans, along with progressive reductions in management's contributions toward the deductible health savings account. We have also negotiated the phasing in of group health insurance coverage for employees only, with employees paying the full premium to insure other dependents, as well as caps/reductions in defined benefit pensions and other post-employment and retirement benefits, such as movement towards employee-funded retirement accounts. These voluntary, negotiated settlements have resulted in significant financial savings for our clients, while simultaneously preserving the positive working relationships with their unions.

However, if a negotiated agreement is not attainable, we have extensive experience and success in the impasse resolution mechanism known as binding interest arbitration. Through this process, we have obtained wage and step freezes, along with reasonable wage increases in subsequent years, health insurance plan design changes, full replacement of alternative health insurance plan designs, increased employee premium cost shares, increases in teacher/student contact time, limitations on pensions and benefits after retirement, and contract language that has assisted management in the administration of the agreement. These outcomes have resulted in significant financial savings and operational efficiencies for our clients that greatly assist them in meeting on-going financial challenges.

Likewise, we have handled hundreds of grievance arbitrations regarding collective bargaining provision disputes; CHRO and EEOC equal employment opportunity and discrimination issues; Freedom of Information Act (FOIA) matters; First Amendment issues; workers' compensation and unemployment compensation claims; state and federal wage and work hour compliance; workplace privacy and surveillance issues; Family and Medical Leave Act (FMLA), Americans With Disabilities Act (ADA) and Occupational Safety and Health Administration (OSHA) safety compliance issues.

- **STUDENT AND EDUCATION LAW**

Our attorneys have extensive experience in advising and representing boards of education and their staff in all aspects and detailed requirements of State and Federal Education Law, in legal proceedings, and at Board meetings. For example, we regularly address and solve problems for our board of education clients, both by telephone and in person, and provide written legal opinions as required, in the following areas: review and drafting of correspondence and policies on school and education law matters; personnel issues, employee discipline and dismissal, teacher nonrenewal/termination/certification issues, reductions-in-force; student discipline matters and expulsion hearings; school accommodation matters; review of student records; all types of special education issues and litigation, including attendance,

when requested, at planning and placement team (PPT) meetings and the development/review of individual education plans (IEPs) and case files, initial assessments, appeals and representation at due process hearings; transportation and residency hearings and other general school law issues, including but not limited to Family Educational Rights and Privacy Act (FERPA) issues, Title IX, civil rights, and discrimination. Our attorneys have handled hundreds of student discipline and school accommodation matters, by prosecuting such cases on behalf of the administration, sitting with the board of education, or serving as hearing officers.

- **BOARD POLICIES**

Our attorneys regularly assist boards of education in developing and implementing school related policies and related manuals, for both students and staff, which are designed to minimize litigation and liability for our clients. In addition to preparing and reviewing board policies and procedures (including personnel policies and student handbooks), we offer a full range of advisory communication services including, but not limited to, in-service meetings and training for district administrators, staff and board members regarding such policies.

- **SPECIAL EDUCATION**

Our attorneys offer decades of special education law experience, and we can assist in successfully navigating the ever changing and complex world of special education laws and regulations. We regularly advise clients on their legal responsibilities and obligations concerning the identification of students with disabilities, and developing and implementing education programs for disabled students. The role our attorneys play in specific matters largely depends on the needs of our clients in individual cases. We provide general advice on a case-by-case basis and attend PPT and Section 504 meetings on an as-needed basis. Our attorneys have handled hundreds of special education cases, from mediation to due process hearings, as well as subsequent appeals to the federal courts. Our litigators work closely with our special education attorneys in a team approach to manage litigation throughout the life of a case to maximize successful outcomes and to remain cost-effective for our clients.

- **LITIGATION EXPERIENCE**

Our attorneys have extensive experience representing boards of education and regional school districts on a wide range of education law, labor relations, employment law and related litigation issues. During our careers, we have handled dozens of lawsuits for our board of education clients and have presented such cases before state and federal courts, Connecticut Commission on Human Rights and Opportunities, the American Arbitration Association, Federal Mediation and Conciliation Service, the State Board of Labor Relations, and the State Board of Mediation and Arbitration.

- **LEGISLATIVE EXPERIENCE**

We work closely with our board of education clients to promote their interests before the state General Assembly. Much of this activity is normally done in conjunction with the Connecticut Association of Boards of Education. Our attorneys are members of the Counsel of School Attorneys and often collaborate on promoting positions on behalf of boards of education either through the Counsel or CABA itself. Our attorneys have also assisted individual clients in advocating for and against pending legislation on a case-by-case basis.

- **BOARD PROFESSIONAL IN-SERVICE TRAINING/LEGAL COMPLIANCE**

Our attorneys have spoken on a wide range of topics locally and nationally, including but not limited to: Individuals With Disabilities Education Act (IDEA), special education and FERPA; board member training; FOIA; collective bargaining contract negotiations; supervisor training; student discipline; school finance matters; teacher tenure, nonrenewal and termination; and First Amendment issues in the schools. In addition, our attorneys regularly conduct diversity and sexual harassment seminars and other workplace investigations and training seminars on a variety of topics as requested by our clients and also work with individual clients customizing training for local needs. We strongly believe in the importance of developing in-service training presentations that are custom fit to our individual clients so as best to meet local needs.

Furthermore, we work closely with our clients when legal compliance issues arise. Sometimes, there is a conscious choice by clients to be out of compliance. In such cases, we assist in identifying the compliance issue and work on ways to achieve the desired result while simultaneously maintaining legal compliance. Oftentimes, compliance issues are a matter of working with clients to educate them on the issues and develop solutions to avoid liability.

- **SPEAKING ENGAGEMENTS AND PROFESSIONAL ORGANIZATIONS**

Our attorneys are frequent lecturers and authors on a wide range of education, special education, labor relations and employment matters. We regularly present on public school collective bargaining and litigation issues for the Connecticut School Attorneys Council; school board legal liabilities and negotiations trends, strategies, and procedures for the Connecticut Conference of Municipalities and Connecticut Association of Boards of Education; school law issues for the National Business Institute, LRP Publications, Connecticut and American Association of School Personnel Administrators and Connecticut Association of Public School Superintendents; and special education law, IDEA and Section 504 requirements for the Medical Education Services, Inc. and Professional Development Network.

FEE STRUCTURE

The Firm traditionally bills our clients based on the amount of time we spend working for them. We keep computerized records of the time we spend each day working on client matters, from which we prepare monthly bills and third party expenses. We bill in one-tenth of an hour increments. In recognition of the economic challenges presently facing our board of education clients, we bill at discounted rates.

We are prepared to offer Brooklyn Public Schools a discounted, blended rate of \$275 per hour, regardless of the attorney handling the matter. Paralegals, if used for specific legal support services only, would be billed at \$125 per hour. It is important to emphasize that our blended, discounted hourly rate is a true discounted hourly rate. Unlike many of our competitors, who quote lower blended rates that they achieve by having entry-level associates spend considerable time on routine client matters, our firm's organizational structure and philosophy do not allow such practices. We do not employ entry-level or junior associates. Billing rates are generally adjusted annually in subsequent years.

Unlike many of our competitors, we do not charge for word processing, local or long-distance telephone calls or routine copying. Generally, we use support staff (for whose time we do not charge) to perform non-legal tasks for our clients. The only charges beyond those for professional services that we pass on to clients are those for third party fees such as court filings or arbitrators' fees, transcription and court reporter fees, expert fees, exhibit fees,

extraordinary copying charges for case presentations, and one-way travel time, all of which are billed at our actual cost without additional markup. Such expenses are itemized on our invoices. We do not charge any state or federal excise, transportation or sales taxes for our services.

The depth and experience of our attorneys allows us to handle routine and complex matters very efficiently and often without the need for incurring extensive costs for our clients. Because our attorneys have at least twenty-eight (28) years of experience in education, labor and employment law matters, we have no need to staff matters with multiple attorneys in order to provide effective representation. Also, each of us can handle matters very efficiently and often without the need for incurring extensive legal research costs.

As mentioned above, the breadth of experience our attorneys possess simply means less time overall required to handle routine client matters. Less time means fewer billable hours. We work to minimize the number of hours spent on education, labor and litigation matters, while simultaneously maintaining positive, professional relationships with those in regulatory agencies and on the other side of the bargaining table; we can sometimes accomplish in a phone call what might otherwise take hours or days of legal work. Yet, when necessary, we provide the best available representation in adversarial proceedings and related litigation.

The result is the bottom line: Quality work in a timely manner at a reasonable cost!

OUR ATTORNEYS

We find that a team approach best meets the needs of our clients for timely advice and a same-day response to any issue. I suggest that I, Daniel Murphy, have primary oversight and responsibility for representing Brooklyn Public Schools in its education law and labor relations needs.

Attorneys Patrick McHale and Kenneth Weinstock are also available to assist in these matters. In employment litigation matters not otherwise assigned to insurance counsel, Attorney Jennifer Dixon would act as lead counsel.

A team approach, however, does not mean two attorneys appear at hearings or that more attorneys are necessary to accomplish the same task.

Included are copies of our professional biographies further detailing our individual experience and qualifications for your review.



DANIEL P. MURPHY
Kainen, Escalera & McHale, P.C.

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Hartford, CT 06106
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**PROFESSIONAL
EXPERIENCE:**

Mr. Murphy practices in all aspects of labor, employment, education and business related immigration law. Mr. Murphy represents private and public sector employers in labor and employment law matters before state and federal courts, arbitration panels and administrative agencies, including the State Board of Labor Relations, State Board of Mediation and Arbitration, Commission on Human Rights and Opportunities, Equal Employment Opportunity Commission and Freedom of Information Commission. He regularly represents employers in collective bargaining negotiations, mediation and interest arbitrations and handles employee disciplinary matters including terminations and grievance arbitrations. Mr. Murphy represents boards of education in a wide range of matters, including student expulsions, transportation and residency hearings, in addition to conventional labor relations and employment matters. He dedicates a significant portion of his practice to counseling clients in all aspects of labor, employment and education law. He regularly handles workplace investigations, develops and revises employee handbooks and policy manuals, and counsels employers in hiring and termination issues. Mr. Murphy counsels employers on I-9 compliance issues and represents employers in business related immigration matters, including securing business visas for foreign nationals working in the United States. In addition to his years of private practice, Mr. Murphy previously served as the Municipal Prosecutor for the Borough of Roselle Park, New Jersey and joined the firm after serving the Connecticut State Department of Education as the Director of Legal and Governmental Affairs, where he served as General Counsel to the State Board of Education and the Commissioner of Education.

EDUCATION:

Lafayette College, Easton, Pennsylvania, B.A., 1990
Seton Hall University, School of Law, Newark, New Jersey, J.D., 1994

BAR ADMISSIONS:

Connecticut, United States District Court for the District of Connecticut, United States Court of Appeals for the Second Circuit, United States District Court for the District of New Jersey, United States Court of Appeals for the Third Circuit.

PROFESSIONAL AND CIVIC ACTIVITIES:

Mr. Murphy is a frequent speaker locally and nationally on education, labor and employment and business immigration matters. He has spoken at events sponsored by the Connecticut Association of Boards of Education, National School Board Association and various other human resources and legal education organizations.

PROFESSIONAL ASSOCIATIONS:

Member: American, Connecticut and Hartford County Bar Associations; Connecticut School Attorneys Council (President, 2004); National School Boards Association; New Jersey Bar Association.

PROFESSIONAL RECOGNITION:

Mr. Murphy has received a peer review rating of "BV Distinguished" from Martindale-Hubbell.



PATRICK J. McHALE
Kainen, Escalera & McHale, P.C.

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Hartford, CT 06106
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E-mail: pmchale@kemplaw.com

**PROFESSIONAL
EXPERIENCE:**

Mr. McHale represents public and private employers and non-profit organizations in all aspects of labor relations and employment law, including union representation elections, collective bargaining, contract administration, personnel policies and practices, wage and hour disputes, equal employment opportunity, employment litigation, occupational health and safety, workers' compensation, unemployment compensation and related matters. His practice includes representation of employers in federal and state courts and before the American Arbitration Association, the National Labor Relations Board, the Connecticut State Board of Mediation and Arbitration, the Connecticut State Board of Labor Relations, the Connecticut Freedom of Information Commission and various other administrative agencies.

EDUCATION:

Western New England College, School of Law
Springfield, Massachusetts, J.D., *magna cum laude*, 1991
Fairfield University
Fairfield, Connecticut, B.A., *cum laude*, 1986

BAR ADMISSIONS:

Connecticut, United States District Court for the District of Connecticut, United States Court of Appeals for the Second Circuit.

**PROFESSIONAL
ACTIVITIES:**

Mr. McHale is a frequently requested speaker on employee relations and labor and employment law at functions sponsored by various professional associations and employer organizations.

**PROFESSIONAL
ASSOCIATIONS:**

Member: American, Connecticut and Hartford County Bar Associations; Connecticut Public Employer Labor Relations Association; Industrial Relations Research Association; International Personnel Management Association.

**PROFESSIONAL
RECOGNITION:**

Mr. McHale has been selected to be listed in *The Best Lawyers in America*® in the practice areas of Employment Law – Management and Labor Law – Management since 2009. Mr. McHale has also been selected as a Connecticut and New England Super Lawyer®: Employment and Labor from 2007-2018. In addition, he has received a peer review rating of “BV Distinguished” from Martindale-Hubbell.

Mr. McHale was also named the *Best Lawyers’* 2013 Hartford Labor Law – Management “Lawyer of the Year”. Only a single lawyer in each practice area in each community is honored as the “Lawyer of the Year.”



KENNETH S. WEINSTOCK
Kainen, Escalera & McHale, P.C.

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**PROFESSIONAL
EXPERIENCE:**

Mr. Weinstock represents public and private sector employers exclusively in all aspects of labor relations and employment law before state and federal courts, arbitration boards and state and federal administrative agencies, including the State Board of Labor Relations, the State Board of Mediation and Arbitration, the American Arbitration Association and the Freedom of Information Commission. He represents employers in collective bargaining negotiations, grievance and interest arbitrations and prohibited practice complaints. Mr. Weinstock also represents employers in all types of workplace discrimination claims before the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission. He also counsels public and private sector employers in all labor and employment matters including compliance with all laws and regulations governing the workplace, contract administration, personnel policies, sexual harassment training, hiring and firing matters, employee testing and general personnel and human resource concerns.

EDUCATION:

Mr. Weinstock received his Juris Doctor from Boston University School of Law in 1993 where he was a Hennessey Scholar. He received a B.A. *magna cum laude* in political science from Boston University in 1990, where he was a Harry S. Truman National Scholar from New Jersey.

BAR ADMISSIONS:

New Jersey, 1993; U.S. District Court for the District of New Jersey, 1993; Massachusetts, 1993; U.S. District Court for the District of Massachusetts, 1994; Connecticut, 1996; U.S. District Court for the District of Connecticut, 2004.

PROFESSIONAL AND CIVIC ACTIVITIES:

Annual presenter at National Public Employer Labor Relations Association Annual Conference; Frequent Presenter for the National Public Employer Labor Relations Association's Labor Relations Academy; Lectures throughout New England and nationally for chambers of commerce, human resource and legal education organizations on various labor and employment topics; Connecticut Public Employer Labor Relations Association – Executive Committee member, 2003-2007; International Public Management Association for Human Resources Eastern Region – Connecticut Chapter Outstanding Chapter Member Award Nominee, 2007; University of Connecticut School of Business Executive Education Program Faculty Member – 2007-2010; Board of Directors/Recording Secretary – Farmington Valley Jewish Congregation Emek Shalom- 2013-present.

PROFESSIONAL ASSOCIATIONS:

Member: American Bar Association; Connecticut Bar Association; Massachusetts Bar Association; Hartford County Bar Association; National and Connecticut Public Employer Labor Relations Association; Labor and Employment Relations Association; International Public Management Association for Human Resources; Society for Human Resource Management; Connecticut Association of Boards of Education; National School Boards Association; Connecticut School Attorneys Council; Connecticut Association of Municipal Attorneys.

PUBLICATIONS:

Previously served as Update Editor for the Connecticut Conference of Municipalities' *Municipal Employee Relations Act Manual*; Previously served as Contributing Editor for the *Developing Labor Law* and *Connecticut Employment Law Letter*.

PROFESSIONAL RECOGNITION:

Prior recipient of the *Hartford Business Journal's* "40 Under Forty" award, recognizing Mr. Weinstock as one of Greater Hartford's up and coming business and civic leaders. Mr. Weinstock has been selected by his peers to be listed in *The Best Lawyers in America®* in the practice areas of Labor and Employment Law – Management; Education Law for 2014, 2015 and 2016.



JENNIFER LIAN DIXON
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**PROFESSIONAL
EXPERIENCE:**

Ms. Dixon defends employers in federal and state courts and before administrative agencies against a variety of employment law claims, including workplace discrimination, wage and hour violations, contract, and tort claims. She also conducts workplace investigations and counsels employers on a wide range of employment issues, such as employee discipline, family and medical leave matters, employee handbooks, drug testing, and compliance with various state and federal employment laws and regulations. Ms. Dixon regularly presents seminars on employment-related issues, including sexual harassment and compliance with employment laws. Prior to entering private practice, Ms. Dixon was associate counsel at Shawmut Bank, N.A.

EDUCATION:

New England School of Law, J.D., *cum laude*
Editor: *New England Journal on Criminal and Civil Confinement*

University of Michigan, B.A., Mathematics and Russian

BAR ADMISSIONS:

State of Connecticut, 1994
District of Connecticut, 1996

**PROFESSIONAL
ACTIVITIES:**

Member: American Bar Association; Connecticut Bar Association;
Connecticut Asian-Pacific American Bar Association

Board Member: Connecticut Foundation for Dental Outreach
(2009-2018)

PUBLICATIONS:

Author: "The Right of the Mentally Ill to Refuse Antipsychotic
Drugs During Trial," 19:2 *New England Journal on Criminal and
Civil Confinement*, 373 (1993).

**PROFESSIONAL
RECOGNITION:**

Since 2013, Ms. Dixon has been selected by her peers to be listed
in *The Best Lawyers in America*® in the practice area of
Employment Law.

REFERENCES

Members of our firm provide education law and labor relations consultation and representation to boards of education throughout Connecticut, including the boards of education of Brookfield, Canterbury, East Haddam, Ellington, Griswold, Guilford, Litchfield, Plainville, Regional School District No. 5, Regional School District No. 19, Stafford, Stamford, Sterling, Vernon, Voluntown and Wethersfield. Members of our firm have also recently represented the following boards of education in employment and/or education matters: Ben Bronz Academy, Bolton, Bozrah, Bristol, Canton, Cheshire, Colchester, East Granby, East Windsor, Jumoke Academy, Litchfield, Monroe, New London, New Milford, Norwich, Putnam, Regional School District No. 11, Regional School District No. 15, Ridgefield, Stonington, Suffield, Thompson, Tolland, Torrington, Waterbury, Wilton and Wolcott.

In addition, we provide labor relations consultation and representation to a variety of public sector employers throughout Connecticut, including the cities of Hartford, Stamford, and Waterbury; the towns of Brookfield, Colchester, Cromwell, Ellington, Killingworth, Lisbon, Morris, Newtown, Old Lyme, Old Saybrook, Plainville, Plymouth, Portland, Somers, Thompson, Tolland, Trumbull and West Hartford; the housing authorities of East Hartford, Norwich, Stamford and Torrington; Charter Oak Communities in Stamford; the Blue Hills Fire Department, the Cromwell Fire District, and the Thompsonville Fire Department; the Windham Regional Transit District; the Materials Innovation and Recycling Authority (MIRA, formerly Connecticut Resources Recovery Authority, CRRRA), the Connecticut Municipal Electric Energy Cooperative, and the City of Hartford Parking Authority.

We have provided the following list of current board of education clients who can speak to you directly about their experience with our firm.

- Dr. John Barile, Superintendent of Schools, and Robert Belden, Jr., Chair, Brookfield Board of Education, 100 Pocono Road, Brookfield CT 06804 (203) 775-7700

Members of the Firm have represented the Brookfield Board of Education in all aspects of labor and employment law since 2008.

- Mr. Sean McKenna, Superintendent of Schools and Mary Beth Malin, Chair, Griswold Board of Education, 211 Slater Avenue, Griswold, CT 06351 (860) 376-7600

Members of the Firm have represented the Griswold Board of Education in all aspects of labor, employment and education law since 2010.

- Dr. Gail Lanza, Executive Director/CEO, and Richard Rubenstein, Chair, Ben Bronz Academy, 11 Wampanoag Drive, West Hartford, CT 06117 (860) 236-5807

Members of the Firm have represented Ben Bronz Academy in all aspects of employment law since 2022.

- Mr. Michael Emmett, Superintendent of Schools, Wethersfield Board of Education, 127 Hartford Avenue, Wethersfield, CT 06109 (860) 571-8110

Members of the Firm have represented the Wethersfield Board of Education in all aspects of labor, employment and education law since 2016.

- Ms. Sharon Cournoyer, Superintendent of Schools, Regional School District No. 19, 1235 Storrs Road, Storrs, CT 06268 (860) 487-1862

Members of the Firm have represented the Region 19 Board of Education in all aspects of labor and employment law since 1995.

- Mr. Brian S. Reas, Superintendent of Schools, and Marc Piscioti, Chair, East Haddam Board of Education, 1 Plains Road, Moodus, CT 06469 (860) 873-5090

Members of the Firm have represented the East Haddam Board of Education in all aspects of labor, employment, and education law since 2013.

- Dr. Paul Freeman, Superintendent of Schools, Guilford Public School District, 55 Park Street, Guilford, CT 06437 (203) 453-8210

Members of the Firm have assisted the Superintendent with all aspects of labor and employment law since 2004.

CONCLUSION

We are proud that Kainen, Escalera & McHale, P.C. has been selected to be listed in the first-tier rankings for employment law, labor law, and labor and employment litigation in the 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023 editions of *U.S. News – Best Lawyers “Best Law Firms”* rankings.

We believe our firm is best suited to represent Brooklyn Public Schools with its broad range of legal matters simply because we know of no other firm that offers the services of such experienced attorneys at the cost we are able to do so.

We hope you agree that our experience in student law, civil service, labor relations and employment matters makes us well-suited to meet the needs of Brooklyn Public Schools in all of the areas described in the Request for Proposal for a School Board Attorney.

Because there are certain intangibles that cannot be captured in a written response, we would welcome the opportunity to meet with you and the selection committee to further discuss our qualifications.

We are enthusiastic about the possibility of working with you. Thank you for considering Kainen, Escalera & McHale, P.C. to provide Brooklyn Public Schools with legal representation and services related to its education law, labor relations and employment matters.



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September 22, 2023

Via Email (buell@brooklynschools.org)

Superintendent Patricia L. Buell
The Brooklyn Public Schools
119 Gorman Road
Brooklyn, CT 06234

Re: Request for Proposals – Legal Services

Dear Superintendent Buell:

On behalf of the law firm of Pullman & Comley, LLC, I am pleased to submit our response to the Brooklyn Public Schools' Request for Proposals for legal services via email. We will be happy to bring hard copies for Board members if it wishes to meet with us regarding our proposal.

Pullman & Comley, LLC ("Pullman") was formed 104 years ago and since that time, has continued to grow and adapt to meet our clients' evolving needs. Today, Pullman stands as one of the preeminent law firms in New England, comprised of more than 90 attorneys with offices located in Hartford, Bridgeport, Westport and Waterbury, Connecticut, as well as offices in White Plains, New York, Springfield, Massachusetts and Wakefield, Rhode Island.

Pullman's School Law practice is widely regarded as one of the leading education law practices in Connecticut. We understand that availability to attend meetings on short notice and the ability to provide same-day responses to pressing client questions are essential. Each of our primary school law attorneys has at least fifteen years of experience representing the interests of boards of education in Connecticut. At Pullman we have all of the resources and capabilities of a large firm, yet, as our clients will attest, we have the responsiveness and availability of a boutique practice.

To serve the needs of the Brooklyn Public Schools, we would propose a primary team consisting of attorneys Stephen Sedor, Mark Sommaruga, Melinda Kaufmann and me, with added support as necessary from other attorneys with our firm. As detailed in the following pages, we believe that our collective experience and proven ability to provide prompt responses to urgent issues sets us apart from our competitors.

By submitting this proposal, I am hereby affirming that Pullman & Comley, LLC has the capacity and intent to meet the requirements set forth in the Requirements contained in the RFP. Further, I am authorized on behalf of Pullman & Comley, LLC to enter into contracts for legal services.

Thank you for considering our proposal. We welcome the opportunity to discuss the proposal in greater detail or address any questions that the administration or Board may have.

Very truly yours,



Zachary D. Schurin

ZDS
Enclosures

Response to Request for Proposals

The Brooklyn Public Schools

Submitted to:

The Brooklyn Public Schools

Attn: Superintendent Patricia L. Buell
119 Gorman Road
Brooklyn, CT 06234

Prepared by: Zachary D. Schurin

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Experience

For decades Pullman & Comley's attorneys have been at the forefront of education law in Connecticut. *Each* of our primary school law attorneys has *at least fifteen years of experience* representing the interests of Connecticut boards of education. At Pullman & Comley, we have all of the resources and capabilities of a large firm, yet, as our clients will attest, we have the responsiveness, availability and focus of a boutique practice.

Pullman's school law attorneys have handled virtually every type of legal issue that a public school district may be confronted with. From collective bargaining to Title IX investigations to Freedom of Information Act compliance and special education issues, our attorneys are intimately familiar with the challenges and opportunities that Connecticut boards of education face in today's highly regulated school law environment.

Our experience produces results. Back in 2012, when the State of Connecticut tried to shift the costs of tuition for pre-school magnet schools to local and regional school districts, our attorneys brought legal action that resulted in the burdens being shifted back to the State, saving Connecticut school districts approximately \$5 million per year. In 2015, we successfully represented a regional school district at the Connecticut Supreme Court in response to a challenge to a referendum concerning a high school renovation project, thereby saving the project. Most recently, over the course of the last we have successfully assisted a number of clients in off-the-record, mid-term negotiation efforts to transition all of their bargaining units out of the State Partnership Plan 2.0 (SPP 2.0) and into comparable private plans for considerable district savings.

Collectively, the members of our school law practice represent dozens of local and regional school districts in varying capacities along with regional educational service centers, state agencies and charter and independent schools. We have a proven record of representation on behalf of large and small, urban and rural, and local and regional school districts. We have represented most of our education law clients for decades and over the years have earned our reputation as the go-to firm for prompt, practical and cost-effective school law advice. A more detailed summary of our experience and approach in response to the District's RFP is set forth below.

Proactive Representation and Professional Development

Few entities are more heavily regulated than public school districts, and we recognize that proactive legal counsel can be critical in avoiding costly litigation. To that end, our attorneys assist school districts in crafting and updating board policies and regulations, as well as reviewing and drafting contracts, handbooks, correspondence and other documentation.

We place a strong emphasis on training and professional development to help our clients comply with the ever-expanding web of state and federal mandates that Connecticut school districts now face. For example, since shortly after the COVID-19 pandemic began, Pullman's school law attorneys have hosted scores of free, online, statewide seminar presentations for Connecticut school

district administrators and board members on a wide range of cutting-edge school law issues.¹ Also, since January, Pullman attorney Melinda Kaufmann has hosted a hugely popular monthly webinar series – *Title IX on the Nines* – which addresses the latest developments in the ever-changing world of Title IX compliance for K-12 schools.²

Pullman proudly features two blogs: *Education Law Notes*, dedicated to Connecticut-based education law issues; and *Working Together*, dedicated to Connecticut-based labor and employment law issues. Each blog provides in-depth analysis on the latest legal issues impacting Connecticut school districts. In addition, we provide our clients with both annual legislative summaries,³ as well as client advisories whenever an important case is decided, or a statute is enacted that could have significant effect on boards of education. Our attorneys regularly provide in-service presentations to district administrators, board members and school staff on all aspects of regular and special education law, as well as on labor and employment law issues, including but not limited to FOIA, FERPA, sexual harassment, mandated reporter training and accommodations under Section 504 and the Americans with Disabilities Act.

Counsel to the Board

Board of education members epitomize the phrase “public service.” They care deeply about their communities and are willing to invest untold hours on behalf of district students. At the same time, board members are often closely scrutinized, and their actions and words can be hotly debated by constituents.

To assist board members, our attorneys regularly meet with boards of education to advise them on board members’ rights and responsibilities, and to help prevent, or at least work through, the difficult legal issues that board members often face. As part of this effort, Pullman recently published a new board of education member legal issues primer, titled *Roles, Responsibilities and Operations for Your Board of Education*. This sixty-page manual, provided to our clients, is designed to serve as a user-friendly overview of the legal issues that board members may face during the course of their board tenure.

In addition to this publication, Attorney Sommaruga is the author of the definitive book on the Freedom of Information Act, *Understanding Connecticut’s Freedom of Information Act*, which is jointly published by the Connecticut Association of Boards of Education (“CABE”) and our firm. The Sixth Edition will be published in early 2024.

Litigation

Unfortunately, occasional conflict is an inescapable reality for most boards of education. Therefore, when litigation does arise, it is important to have experienced school law attorneys who are also experienced litigators. To this end, each of our primary school law attorneys has considerable

¹ A list of these seminar topics is included in Appendix III.

² See Appendix III for more information.

³ A copy of our 2023 Legislative Update is included in Appendix II.

litigation experience and are supported by Pullman's litigation department which includes more than two dozen dedicated litigators.

Our firm's school law attorneys have an enviable, ongoing record of successfully representing our clients' interests before the United States Court of Appeals for the Second Circuit, the Connecticut Supreme Court, and the Connecticut Appellate Court, as well as in both the United States District Court and the Connecticut Superior Court. We have established an extensive body of case law in favor of school boards and have established legal precedents in the areas of regional school district referenda, employee discipline and termination, civil rights -- including free speech and race, gender and disability discrimination -- special education, Title IX, and the FOIA.

A number of these decisions have been cited by courts both inside and outside Connecticut and some have also been discussed in scholarly works. Cases other lawyers claimed could not be won have become part of the extensive list of victories we have obtained for our clients.

Our attorneys also vigorously advocate on behalf of our clients before all of the administrative agencies with jurisdiction over Connecticut school board matters, including, for example, the State Board of Mediation and Arbitration, the State Board of Labor Relations, the Connecticut Freedom of Information Commission, the State Department of Education, the Connecticut Workers' Compensation Commission, the Connecticut Employment Security Appeals Division, the Connecticut Commission on Human Rights and Opportunities, and the United States Department of Education's Office for Civil Rights. The successful representation of any client in matters of first impression requires relentless creativity, and the persuasive strategies our attorneys have crafted enable us to guide our school board clients through roads less taken to favorable outcomes.

Collective Bargaining and Labor Relations

Successful collective bargaining efforts are a crucial component of efficient and effective district operations. Collectively, our school law attorneys have negotiated hundreds of collective bargaining agreements on behalf of boards of education, and we routinely defend our clients against all manner of labor and employment complaints and suits brought by current and former employees and their representatives.

Our collective bargaining experience and expertise is not limited to the bargaining table. While we routinely serve as chief spokesperson in certified and non-certified negotiations, we also pride ourselves on our work away from the table in assisting clients in developing proposals, interpreting and applying existing collective bargaining agreement provisions, negotiating and drafting mid-term memoranda of understanding and agreement and understanding and strategizing with respect to potential insurance plan design changes for future contracts.

At the negotiating table, we seek to reach cost-effective settlements for our clients, while at the same time vigorously defending their interests. We do not believe in fighting with unions just for the sake of fighting, but at the same time we are ready, willing and able to represent our clients in binding interest arbitration and Labor Board proceedings when necessary. We are intimately familiar

with our collective bargaining counterparts (the CEA, AFSCME, CFT, UPSEU, etc.), and we maintain employment data for collective bargaining, including a comprehensive computer database of wage and contract statistics as well as related economic indicia. It is this combination of practical experience and resources that allows us to achieve long-term collective bargaining successes on behalf of our clients.

Special Education

Few school-related issues are more contentious or pose more potential expense to boards of education than those relating to special education services. Pullman's school law attorneys regularly work with school district administrators and staff on implementing practices that will ensure continued district compliance with the myriad and ever-increasing requirements of special education law. We frequently provide in-services to school staff, hold two seminars every year on special education legal issues, and frequently write on special education matters for our education law blog, *Education Law Notes*.

Our attorneys advise clients on a daily basis on issues relating to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. As part of the firm's services, our attorneys review student records, particularly pertaining to special education and Section 504 matters; advise district administration and staff regarding IEPs and accommodation plans; attend PPT and Section 504 meetings; and draft agreements and represent boards of education in special education due process hearings, as well as in Section 504 hearings.

In the event that litigation occurs, the firm's attorneys are prepared. Our lawyers have represented school districts in scores of formal special education hearings before State Department of Education hearing officers and have successfully litigated special education matters on behalf of school boards in federal court, on both the trial and appellate levels. The firm's lawyers have expanded school boards' rights to make individualized determinations as to what constitutes the least restrictive environment for disabled students. Our attorneys have also obtained court rulings that reduce school board liability for parent attorney's fees and that limit school boards' obligations to maintain students in prior placements during litigation. They have also established case law that affirms the statute of limitations on the filing of hearing requests.

Full-Service Law Firm

In addition to our vast experience in all issues falling under the heading of school law, Pullman & Comley is a full-service law firm that can represent the Brooklyn Public Schools in connection with whatever issues may arise. By collaborating with the other departments in our firm, we provide our education clients with a panoply of legal resources including the insights and assistance of our attorneys practicing in the areas of government finance, property valuation, employee benefits, technology and intellectual property, energy, real estate, environmental and land use, nonprofit organizations, labor and employment, litigation, and cybersecurity, privacy and infrastructure protection.

Pullman’s Approach and Proposed Team

Experience and responsiveness. These two qualities set Pullman & Comley’s school law practice apart from its competitors. As noted above, each of our primary education law attorneys has at least fifteen years of experience representing Connecticut educational institutions. Our firm does not use client matters as training opportunities for new attorneys. All matters our firm handles are staffed appropriately to ensure the highest quality legal service for the best possible client value.

As a general matter, our approach to work on behalf of our clients is simple – prioritizing excellent legal services at the most reasonable cost possible. We do not assign work to a partner that we believe an associate or paralegal can effectively perform, and we do not excessively staff matters. Our business model is premised on building long-term relationships with clients who trust our judgment and appreciate that we are handling their matters in a prudent fashion. We do not “pyramid” files with higher hourly-rate attorneys and staff.

To perform the scope of services outlined in the District’s request for proposals, we propose a primary four-attorney team consisting of Zachary Schurin, Stephen Sedor, Mark Sommaruga and Melinda Kaufmann with the understanding that Attorney Schurin and Attorney Sedor would serve as the District’s primary contacts for day-to-day employment and education law matters. Attorney Schurin would serve as the Board’s chief spokesperson in non-certified negotiations and Attorney Sedor would serve as the District’s primary contact for certified negotiations and as procedural advisor to the Board in student expulsion and residency matters. Attorney Kaufmann and Attorney Sommaruga would serve as the District’s primary contacts in special education matters with Attorney Kaufmann serving as lead attorney in connection with Title IX matters and Attorney Sommaruga serving as lead attorney in FOIA-compliance and school building matters. We would also call upon the expertise of our colleagues in other Pullman departments to assist with environmental, real estate, energy, government finance and employee benefits issue that may arise.

The following is a brief summary of the qualifications of the proposed primary school law team. Full biographies of Attorneys, Schurin, Sedor and Kaufmann along with Attorney Sommaruga are included as Appendix I.

Zachary D. Schurin (B.A., Hamilton College; J.D. 2003, University of Connecticut School of Law 2008)

Zachary Schurin represents boards of education, state agencies, municipalities, nonprofit organizations, businesses and individuals throughout Connecticut in a wide array of education, labor and employment law matters. Zach regularly serves as chief spokesperson in collective bargaining negotiations and provides daily counseling to a number of board of education and private and charter school clients on a wide array of school law issues. Zach is a past president of the Connecticut Council of School Attorneys, is the immediate past Chairperson of the Connecticut Bar Association’s Labor and Employment Section and is Secretary of the Connecticut Labor and Employment Relations Association’s steering committee. From 2016 – 2020, Zach was selected as a “Rising Star” in the field of schools and education by *Super Lawyers* magazine. Upon graduation from the University of

Connecticut School of Law, Zach was awarded the Fleming James Jr. Award for excellence in labor law studies.

Zach has frequently written and spoken on education and employment law issues. His written work has been quoted by *The Hartford Courant* and published in *The CABA Journal*, *The Connecticut Law Tribune*, *Connecticut Lawyer Magazine*, *The Connecticut Public Interest Law Journal*, the Connecticut Bar Association's *Labor and Employment Law Quarterly*, and Pullman & Comley's *Education Law Notes* and *Working Together* blogs, and he has spoken on school law and labor and employment law topics at the annual CABA Conference as well as CABA legal issue workshops, and at seminars sponsored by the Connecticut Association of Schools ("CAS"), the Connecticut Conference of Municipalities ("CCM"), the Connecticut Bar Association ("CBA"), the Middlesex Chamber of Commerce, the Westport Chamber of Commerce and the Connecticut Association of Independent Schools ("CAIS").

Stephen M. Sedor (B.S., Clarkson University 1991; J.D., Quinnipiac School of Law 1995)

Stephen Sedor, Chair of the Firm's School Law Practice, has more than twenty years of experience and is well versed in matters of collective bargaining, labor disputes, prohibited practice charges and employment litigation. He has negotiated contracts with teachers, administrators, custodians, secretaries and other non-certified units. Stephen also defends boards of education against grievances and prohibited practice charges based upon discipline, termination, work rules, insurance issues and others. He has litigated cases for boards of education in state and federal court and has argued before the Connecticut Supreme Court. These cases have involved civil actions alleging discrimination, whistleblowing and civil rights violations among others. Stephen's peers have selected him for inclusion in Best Lawyers in America since 2015, including Stamford area's Lawyer of the Year in the areas of Education Law Litigation – Labor and Employment and Labor Law in 2016, 2018 and 2020. Stephen was also named "Lawyer of the Year" by *Best Lawyers* in 2022 in the area of Employment Law – Management.

Mark J. Sommaruga (B.A., Phi Beta Kappa, Trinity College 1988; J.D., with high honors, University of Connecticut School of Law 1991)

Mark Sommaruga has spent over 31 years proudly representing the interests of schools, public agencies and employers in Connecticut. Among other things, Mark has extensive experience in counseling and representing public and private sector clients in labor, employment, education, and municipal law issues, including FOIA matters. Mark is the author of *Understanding Connecticut's Freedom of Information Act* (Fifth Edition, 2018); his book is published by Pullman & Comley and jointly distributed with CABA and provides guidance to public agencies and their members seeking to navigate the maze of edicts and exceptions associated with the FOIA. Mark prides himself on being a self-described FOIA nerd. While Mark has ample experience litigating cases before courts at all levels, and administrative agencies of all kinds, including several cases of first impression concerning (among other things) special education, FOIA and elections law issues, Mark takes the most satisfaction in advising clients with practical solutions to address their day to day needs, including operational and policy issues.

Mark has been a participant in and presenter/trainer at numerous workshops, seminars and conferences on municipal, FOIA, education, special education, labor and employment law issues (including sexual harassment prevention training), including those sponsored by the Connecticut Bar Association (CBA), the Freedom of Information Commission and CABA. He is a frequent presenter at CABA's annual convention. He has written numerous articles on FOIA, employment law and school law issues in various trade journals and newsletters and is a regular columnist for The CABA Journal on FOIA issues. Mark is a past president of the Connecticut Council of School Attorneys, is the current Chairperson of the Connecticut Bar Association's Media and the Law section, and is the Legislative Liaison for the Connecticut Bar Association's Labor and Employment Section. By keeping track of legislation in his role as a CABA Legislative Liaison, and by writing frequently for Pullman's blogs (Education Law Notes for school law issues and Working Together for labor and employment law issues), Mark is able to advise clients as a matter of course about legislative developments that may require policy development and amendment. Mark was a recipient of the 2023 JD Supra Readers' Choice Award as a top author in the field of education. Mark is the current chairperson of the Firm's Diversity, Equity and Inclusion Committee.

Melinda B. Kaufmann (B.S., *summa cum laude*, University of Albany 1989; M.S., The College of Saint Rose 1990; J.D., William and Mary School of Law 1998)

Melinda Kaufmann has twenty-four years of experience representing boards of education. As a former regular and special education teacher herself, Melinda has a unique understanding of the numerous issues facing school districts. Perhaps most importantly, Melinda understands the needs of the education client, having been one herself. Prior to joining Pullman in 2016, she worked for eight (8) years as an Assistant Corporation Counsel for the City of Hartford where she was responsible for representing the Hartford Board of Education and managing outside counsel. Melinda provides guidance to boards of education on all aspects of their operations, including but not limited to labor and employment matters, student matters and litigation before state and federal agencies and courts.

Melinda is certified as a Level III Civil Rights Investigator through ATIXA. Melinda frequently advises clients on all aspects of the Title IX process and serves as an impartial Title IX investigator. She frequently provides sexual harassment and Title IX training for employees. She has been a presenter at numerous workshops, seminars and conferences on topics such as diversity and inclusion in employment, special education, FERPA and labor and employment issues (including anti-discrimination, leave issues, and the do's and don'ts of hiring).

Melinda has negotiated contracts with various non-certified bargaining units including but not limited to health professionals, custodians, food service workers, and secretaries. When needed, Melinda is a strong defender of boards of education before state and federal agencies as well as state and federal courts. She has defended boards of education in a variety of discrimination matters as well as claims alleging free speech violations, whistleblowing, and special education matters. Melinda often represents boards of education in labor disputes before the American Arbitration Association as well as the SBMA. She is the past President of the Connecticut Council of School Attorneys.

Fee Proposal

Our firm is extremely mindful of the fact that public-sector clients do not have the luxury of freely spending public funds on legal services. Boards of education in particular are subject to intense financial constraints and therefore must work with vendors to maximize value. With this in mind, our fee proposal reflects a significant discount off our standard hourly rates.

For the Brooklyn Public Schools, we propose a blended hourly attorney rate of \$310 from the date of the retention of our services until at least June 2024. This rate would apply to all legal services performed by our attorneys on behalf of the District.⁴ For paralegal assistance we propose an hourly rate of \$175.

We bill clients on an hourly basis in tenth-of-an-hour increments. Pullman & Comley does not charge for clerical work. Fees are typically billed on a monthly basis, setting forth the date and nature of the work, as well as designating the attorney or paralegal who performed the work, the amount of time expended on the work, and the cost of such work, based upon that individual's hourly rate. In the alternative, and if the Board so preferred, we would be happy to work with it to estimate in advance the annual sum of legal fees and costs, that could be paid by way of a prepaid retainer. If prepaid, any excess would be returned at the end of the year; and any fees incurred over the estimated retainer would be billed at the same rates as stated above, but on a monthly basis. In addition, Pullman would still issue a monthly statement, setting forth the same detail as would be provided on a monthly invoice.

Our representation, and upon the prior written approval of the District, may involve the assistance of outside consultants, experts or service providers such as court reporters. These types of expenses must be paid directly by the District. Services such as overnight mail, transcripts, courier services and computer assisted research will be billed at cost. Large copying tasks are subcontracted to copy service companies and billed at cost.

⁴ We would be happy to discuss an alternative rate structure with the Board – such as individualized hourly rates per attorney based upon years of experience and attorney designation within the firm (i.e. partner, associate, counsel).

REFERENCES

We are pleased to offer the following select references who we believe are best positioned to discuss our public-sector labor and employment experience and capabilities. We are happy to provide additional references upon request:

Reference	Description of Services
<p>Dr. Melinda Smith Superintendent of Schools Thompson Public Schools 785 Riverside Drive North Grosvenordale, CT 06255 T: 860-923-9581 melindasmith@thompsonpublicschools.org Dates serviced: Since 2018</p>	<p>Pullman & Comley has served as general counsel to the Thompson Public Schools in labor and employment matters since 2018. Attorney Sedor has served as the Board’s chief spokesperson in numerous negotiations with certified and non-certified Board bargaining units and provides day-to-day counsel to the District. Attorney Schurin has worked with the District in connection with litigation and other matters.</p>
<p>Kenneth Henrici Superintendent of Schools Chaplin and Region 11 304 Parish Hill Road Chaplin, CT 06235 T: 860-786-6060 khenrici@parishhill.org Dates serviced: Since 2007</p>	<p>Our Firm’s attorneys have represented Chaplin and Region 11 as its legal counsel since 2007, serving as its general counsel on labor, employment, special education and other education-related matters.</p>
<p>Christina Tammaro-Dzagan Board Chairperson East Hampton Board of Education 1 Community Drive East Hampton, CT 06424 T: 860-817-3034 CDzagan@easthamptonct.org Dates serviced: Over thirty years</p>	<p>Pullman & Comley has represented the East Hampton Board of Education in education and special education law, board governance and labor and employment matters since 2013 when attorneys from Sullivan, Schoen, Campano & Connon joined Pullman. Attorney Schurin has served as the board’s chief spokesperson in numerous negotiations with certified and non-certified Board bargaining units and has provided day-to-day counsel to the District since 2016. Attorney Sommaruga has provided special education counsel to the District for more than fifteen years.</p>
<p>Karen Asetta Business Manager East Hampton Board of Education 1 Community Drive East Hampton, CT 06424 T: 860-365-4000 kasetta@easthamptonct.org Dates serviced: Over forty years</p>	<p>Pullman & Comley has represented the East Hampton Board of Education as general counsel and in special education and labor and employment matters since 2013 when attorneys from Sullivan, Schoen, Campano & Connon joined Pullman. Attorney Schurin has served as the board’s chief spokesperson in numerous negotiations with certified and non-certified Board bargaining units and has provided day-to-day counsel to the District since 2016. Attorney Sommaruga has provided special education counsel to the District for more than fifteen years.</p>
<p>Jeffrey C. Kitching, Ed.D. Executive Director EdAdvance 355 Goshen Road Litchfield, CT 06759 T: 860-567-0863 kitching@edadadvance.org Dates serviced: Since 2016</p>	<p>EdAdvance is a Regional Educational Service Center (RESC), one of six in the state of Connecticut. EdAdvance serves towns in Western CT, including Torrington and throughout Litchfield County, and as far south as Danbury, Bethel and Newtown. Pullman has represented EdAdvance for the past seven years; in addition to ongoing assistance with education law and labor and employment issues, we provide legal counsel in a range of areas including trademark issues, employee benefits and section 403(b) plan work, and real estate matters.</p>

<p>Dr. Robert Miller Superintendent of Schools Oxford Board of Education 462 Oxford Road Oxford, CT 06478 T: 203-446-7999 millerr@oxfordpublicschools.org Dates serviced: Over ten years</p>	<p>Pullman & Comley has represented the Oxford Board of Education as general counsel and in labor and employment matters since 2013 when attorneys from Sullivan, Schoen, Campana & Connon joined Pullman. Attorney Schurin has served as the Board’s chief spokesperson in numerous negotiations with certified and non-certified Board bargaining units and has provided day-to-day counsel to the District since 2018.</p>
<p>Susan Scott Legal Director Connecticut Technical Education and Career System 39 Woodland Avenue Hartford, CT 06103 T: 203-767-6768 Susan.Scott@cttech.org Dates serviced: Three years</p>	<p>Our Firm currently represents the Connecticut Technical Education and Career System (“CTECS”) in special education matters. Attorney Schurin served as CTECS’ chief spokesperson in administrator negotiations that resolved in 2022. Attorney Sommaruga served as CTECS’ chief spokesperson in teacher negotiations that resolved in 2022.</p>
<p>Kanicka Ingram Executive Director of Human Resources Fairfield Public Schools 501 Kings Highway East Fairfield, CT 06825 T: 203-255-8462 kingram@fairfieldschools.org Dates serviced: Over fifteen years</p>	<p>Our Firm’s attorneys have represented the Fairfield Public Schools since the 1980s in matters of collective bargaining, labor disputes, student matters and general advice.</p>
<p>Joseph Kobza Superintendent of Schools Monroe Public Schools 375 Monroe Turnpike Monroe, CT 06468 T: 203-452-2860 jkobza@monroeps.org Dates serviced: Since prior to 2004</p>	<p>Our Firm’s attorneys have represented the Monroe Public Schools in matters of collective bargaining negotiations, all labor disputes including grievances and prohibited practice charges, teacher termination and non-renewals, residency hearings, transportation hearings, student expulsion hearings, insurance changes, employment counseling and guidance, student privacy issues, policy matters and general labor, employment and education advice.</p>
<p>Vince Scarpetti Superintendent of Schools Orange Public Schools 637 Orange Center Road Orange, CT 06477 T: 203.891.8020 vscarpetti@orange-ed.org Dates serviced: Since 2018</p>	<p>Pullman has represented the Orange Public Schools in all labor and education matters since 2018.</p>

Form of Contract

Pullman & Comley, LLC agrees to the form of contract as outlined in the RFP. If the Brooklyn Public Schools appoints us as legal counsel, we will prepare a standard engagement letter, in accordance with the Rules of Professional Conduct.

Additional Information

Insurance

Pullman & Comley has professional liability coverage with Attorneys' Liability Assurance Society (ALAS) with an annual limit of \$15 million per claim and \$30 million in the aggregate with the right, under stated conditions, to purchase extended reporting rights upon termination of such policy by ALAS. The self-insured retention under such policy is \$375,000 each claim up to an aggregate of \$750,000 and \$100,000 each claim thereafter. If selected as legal counsel, Pullman shall furnish proof of our professional liability coverage.

Conditions

Pullman accepts all conditions outlined in section 10 a-e of the Requests for Proposal document.

Conflicts of Interest

Pullman is mindful of the ever-increasing standards in regard to conflict of interest matters and has no conflict of interest in serving as legal counsel to the Brooklyn Public Schools. If a conflict shall arise between any of Pullman's existing or future clients and the Brooklyn Public Schools, the firm will address such a conflict on a case-by-case basis. Pullman often resolves potential conflict situations by making full disclosure to all involved parties and obtaining advance written consent as appropriate. This approach functions most effectively in cases where the clients' respective interests are only technically adverse or, in the case of large, sophisticated clients, where Pullman only renders specialized services.

Disciplinary Action

No attorney associated with Pullman & Comley, LLC has within the past five years been disciplined by the Grievance Committees of the State or Federal Bar.

Appendices

- I. Attorney Biographies
- II. Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools
- III. Webinar Series
 - School Law 2022 – 2023 Webinar Series
 - Working Together 2022-2023 Labor and Employment Law Webinar Series
 - Title IX on the Nines Webinars
- IV. Training Programs
 - School Law Training Workshops
 - Employment Training Workshops
- V. Blogs
 - Education Law Notes: Federal and Connecticut Developments in School Law Blog
 - Working Together: Developments in Labor and Employment Law Blog
- VI. Pullman & Comley Publications
 - Understanding the Freedom of Information Act
 - Roles, Responsibilities and Operations for Your Board
- VII. Connecticut Association of Schools: School Law Series Featuring Attorney Schurin

APPENDIX I.



Zachary D. Schurin

Member

90 State House Square • Hartford, CT 06103-3702

T: 860.424.4389 • F: 860.424.4370 • E: ZSchurin@pullcom.com

Zachary D. Schurin uses a "big picture" approach and creative problem solving skills to help counsel boards of education, municipalities, businesses, non-profit organizations, and individuals through complex labor, employment, litigation and education law matters.

Zach's practice includes the negotiation of certified and non-certified collective bargaining agreements, representation at grievance and interest arbitration hearings, advocacy before state and federal courts, representation at student expulsion and residency hearings and the development of board of education and municipal policies and regulations. Zach regularly represents clients before a wide-variety of administrative agencies including the Connecticut Commission on Human Rights and Opportunities (CHRO), the Connecticut Freedom of Information Commission (FOIC), the Connecticut State Board of Labor Relations, the Connecticut State Department of Education and the Connecticut State Elections Enforcement Commission (SEEC) among others.

Zach has frequently written and spoken on education, labor and employment and education law issues. His written work has been published in *The Connecticut Law Tribune*, *The Connecticut Public Interest Law Journal*, the Connecticut Bar Association's *Labor and Employment Law Quarterly*, *The CABA Journal* and Pullman & Comley's *Education Law Notes* and *Working Together* blogs. He is a past-president of the Connecticut Council of School Attorneys, is chair of the Connecticut Bar Association Labor and Employment Law Section and is a member of the steering committee of Connecticut Valley Chapter of the Labor and Employment Relations Association (LERA).

Attorney Schurin is a graduate of the University of Connecticut School of Law and Hamilton College. Upon graduation from the University of Connecticut School of Law, Zach was awarded the Fleming James Jr. Award for excellence in labor law studies and the Connecticut Bar Association's Labor and Employment Law Section's annual scholarship award. While in law school Zach served as a legislative fellow in the Connecticut General Assembly's Office of Legislative Research. Since 2016 Zach has been continuously selected as a "Rising Star" in the field of schools and education by *Super Lawyers* magazine.

pullcom.com  @pullmancomley

BRIDGEPORT
203.330.2000

HARTFORD
860.424.4300

SPRINGFIELD
413.314.6160

WAKEFIELD
401.360.1533

WATERBURY
203.573.9700

WESTPORT
203.254.5000

WHITE PLAINS
914.705.5355

Zachary D. Schurin

Practice Areas

School Law; Labor, Employment Law and Employee Benefits; Litigation; Internal Investigations

Experience

Collective bargaining

- Helped board of education obtain among the lowest annual successor collective bargaining agreement teacher settlements in the state following interest arbitration panel's issuance of stipulated arbitration award.
- Prevailed in State Board of Mediation and Arbitration grievance arbitration affirming board of education's denial of premium pay to grievant for de minimis work in a higher class.
- Negotiated initial collective bargaining agreement on behalf of board of education with newly recognized bargaining unit comprised of occupational and physical therapists.
- Successfully defended board of education on arbitrability grounds in SBMA grievance arbitration challenging board's termination of high school cafeteria manager.
- Prevailed in SBMA grievance arbitration challenging city's imposition of 30-day disciplinary suspension of police officer who refused to answer internal affairs department questions after receiving legally valid Garrity warning.

Employment and business litigation

- Successfully second-chaired complex fifteen-day Superior Court trial involving defense of First Amendment retaliation claims brought pursuant to Connecticut General Statutes § 31-51q.
- Obtained stipulated Superior Court judgment providing for payment of \$25,000 in damages and extension of non-competition and non-solicitation restrictive covenants against former business owner who sold business to competitor.
- Successfully represented board of education and several district administrators in defense of Section 31-51q, First Amendment, breach of contract and other claims brought by former coach who was terminated by board of education for inappropriate conduct.
- Won "no reasonable cause" dismissal on terminated employee's age and gender discrimination and retaliation claims following Connecticut Commission on Human Rights and Opportunities fact-finding conference.

Zachary D. Schurin

- Successfully defended employer in defense of state law unpaid commission wage-and-hour claim brought in Superior Court by Connecticut Department of Labor on behalf of former employee.
- Successfully second-chaired defense of state agency in high-profile Connecticut Employees Review Board appeal of lay-off of state agency manager.
- Second-chaired successful Connecticut Superior Court prosecution of non-competition and non-solicitation restrictive covenant injunction action against former employee who stole employer customer list before leaving for competitor.

Education and municipal law matters

- Obtained Superior Court declaratory judgment on behalf of board of education declaring that board rather than town council holds legal authority under town charter to fill mid-term vacancies for first thirty days after board of education seat becomes vacant.
- Successfully represented board of education in obtaining accelerated approval from Connecticut State Department of Education of food service management company bid and contract documents.
- Successfully defended CHRO complaint brought by student and student's parents alleging deliberate indifference to racially-motivated bullying.
- Negotiated resolution agreement with United States Department of Education Office of Civil Rights resolving hostile educational environment claim brought against board of education.
- Drafted comprehensive policies and procedures manual for city's 9-1-1 emergency operations center that included more than forty standard operating procedures reflecting Commission on Accreditation for Law Enforcement Agencies ("CALEA") accreditation standards, state and federal statutes and regulations and city charter and ordinance provisions.
- Drafted dozens of board of education policies and municipal ordinance provisions addressing topics ranging from the use of service animals on school property to the organizational and taxing structure of municipal fire department.
- Won Superior Court dismissal of tenured teacher's Conn. Gen. Stat. § 10-151 appeal of board of education's termination of contract of employment.
- Negotiated cooperative agreement on behalf of board of education for operation of alternative high school in neighboring school district.

Zachary D. Schurin

- Successfully represented board of education in defense of wage and hour claim brought by former superintendent of schools.
- Won dismissal of State Elections Enforcement Commission complaint brought against superintendent of schools for alleged improper referendum advocacy.
- Successfully recovered delinquent tuition payments following board-level student residency hearing and appeal to State Board of Education.
- Won dismissal of Freedom of Information Commission complaint pursuant to FERPA student records exemption.

Internal investigations

- Led internal investigation of claim by municipal police officer that chief of police and mayor retaliated against officer for exercise of First Amendment rights.
- Conducted investigation on behalf of board of education into allegations that elementary school principal and assistant principal systematically and intentionally altered student answers on standardized tests.
- Member of investigation team that conducted investigation into board of education's institutional failure to report teacher's ongoing sexual abuse of student.

Bar and Court Admissions

Connecticut

U.S. District Court, District of Connecticut

U.S. Court of Appeals for the Second Circuit

Education

University of Connecticut School of Law, J.D., 2008

Hamilton College, B.A., 2003

Publications

Emerging Questions for Connecticut's Employee Free Speech Statute

Connecticut Bar Association's CT Lawyer Magazine, January | February 2023

Zachary D. Schurin

Native American Mascots: An Emerging Legal Landscape
The CABE Journal, 04.2021

Janus v/ AFSCME, Co. # 31 – A Brave New World for Connecticut’s Public-Sector Labor Unions?
CABE Journal, 05.2018

Board Members’ Homework Assignment: Making Sure Your District’s Website Is Legally Compliant

Employment And Immigration Law: School Paraprofessionals May Soon Qualify For FMLA
Connecticut Law Tribune, 01.23.2014

What Is Employee “Discipline” For The Purposes Of Conn. Gen. Stat. § 31-51q?
Connecticut Bar Association Labor & Employment Law Quarterly, Winter 2011

Monkey-Business: Connecticut's Six Billion Dollar Gorilla and the Insufficiency of the Emergence of the ADA as Justification for the Elimination of Second Injury Funds
Connecticut Public Interest Law Journal, Fall 2007

Alerts and Newsletters

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools
08.08.2023

Developments from the 2022 Session of the Connecticut General Assembly Affecting Independent Schools
10.12.2022

Professional Affiliations

Labor and Employment Relations Association - secretary, Steering Committee, Connecticut Valley Chapter
Connecticut Council of School Attorneys - past president
Connecticut Bar Association - Labor and Employment Section chair
Oliver Ellsworth Inn of Court
Manchester Bar Association

Honors & Recognitions

Selected by *Super Lawyers* as a Rising Star in the field of schools & education - 2016-2020
Connecticut Bar Association's Labor and Employment Section 2008 Scholarship Award



Stephen M. Sedor

Member

850 Main Street • P.O. Box 7006 • Bridgeport, CT 06601-7006
T: 203.330.2137 • F: 203.576.8888 • E: ssedor@pullcom.com

Stephen M. Sedor is the chair of Pullman & Comley's School Law Practice Group. For more than twenty years, Stephen has represented school districts in a multitude of areas falling under the heading of education law and labor law. He has also represented local municipalities in a wide range of labor disputes involving multiple collective bargaining units.

In particular, Stephen represents school districts in matters including student discipline, teacher termination and non-renewals, student privacy issues, budget matters, FOIC issues and employee discipline cases. Stephen's focus on labor disputes while representing school districts and municipalities includes a wide range of service. He serves as the chief spokesperson at collective bargaining negotiations and binding interest arbitrations. He defends schools and towns against employee grievances, prohibited practice charges, wage and hour disputes and other charges that require him to appear before the Connecticut Department of Labor, the State Board of Mediation and Arbitration, and other administrative tribunals.

With his experience in labor and employment matters, Stephen is also called upon to conduct investigations of alleged employee misconduct. Examples of some of the investigations that Stephen has handled include allegations of hostile work environments, student grade changes, discrimination, and general employee misconduct.

Stephen has also defended public and private sector clients in state and federal court against countless civil actions alleging various claims of discrimination, wage and hour violations, whistleblower complaints, retaliation and wrongful discharge. Stephen is admitted to practice in Connecticut state and federal courts and the Second Circuit Court of Appeals. He has also argued before the Connecticut Supreme Court.

Practice Areas

Labor, Employment Law & Employee Benefits
Labor and Employment Counseling and Training
Public and Private Union-Management Relations
Litigation
Investigations

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BRIDGEPORT 203.330.2000	HARTFORD 860.424.4300	SPRINGFIELD 413.314.6160	WAKEFIELD 401.360.1533	WATERBURY 203.573.9700	WESTPORT 203.254.5000	WHITE PLAINS 914.705.5355
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Stephen M. Sedor

Education Law

Labor and Employment Litigation

School Law

Experience

- Collectively bargained contracts with unions representing teachers and administrators unions, paraprofessionals, custodians, secretaries, public works, town hall, police, library and dispatchers.
- Substantial experience in advising public sector clients through changes in their insurance plan designs and negotiating the same with employee bargaining units.
- Successfully defended a grievance at arbitration against a union seeking approximately one million dollars that alleged the school district improperly calculated the employees' premium cost share for insurance benefits.
- Defended a prohibited practice charge by a teachers union over a new requirement that students' Individual Education Plans be prepared electronically.
- Prevailed in a prohibited practice charge alleging that the school district's implementation of a bonus based on the number of students who received passing grades in Advanced Placement classes constituted a repudiation of the applicable collective bargaining agreement.
- Successfully defended grievances brought to arbitration involving case of termination, employee discipline, denials of transfers or promotions, alleged denials of overtime and others.
- Represented school administration in many cases of student expulsion hearings, residency and transportation matters.
- Prevailed on summary judgment while defending a school district against a civil action alleging an employee was discriminated against for "blowing the whistle" on the district's alleged failure to provide textbooks.

Bar and Court Admissions

Connecticut

New York

Second Circuit Court of Appeals

U.S. District Court Northern District of New York

U.S. District Court District of Connecticut

Stephen M. Sedor

Education

Quinnipiac University School of Law, J.D., 1995

Clarkson University, B.A., 1992

Alerts and Newsletters

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools
08.08.2023

Developments from the 2022 Session of the Connecticut General Assembly Affecting Independent Schools
10.12.2022

Professional Affiliations

Connecticut Bar Association

Greater Bridgeport Bar Association

Honors & Recognitions

Named Stamford "Lawyer of the Year" by *The Best Lawyers in America* in the area of employment law - management in 2022 and labor law management for 2023

Named a Moffly Media Top Lawyer in Fairfield County, 2021 - Education

Listed in *The Best Lawyers in America* in the areas of Employment and Labor Law - Management and Litigation - Labor and Employment since 2015; Listed in the area of Education Law since 2019

Stamford Area's "Lawyer of the Year" in Best Lawyers-2016, 2018 and 2020



Melinda B. Kaufmann

Counsel

90 State House Square • Hartford, CT 06103-3702
T: 860.424.4390 • F: 860.424.4370 • E: mkaufmann@pullcom.com

Melinda B. Kaufmann is a knowledgeable advisor who assists boards of education and employers with understanding and applying the myriad of changing laws that affect their business. When it becomes necessary, she is a powerful advocate both in court and before administrative agencies. Clients appreciate her unique knowledge and insight into the challenges faced by their schools and organizations. In addition to her law degree, Melinda has a Master's Degree in Special Education and taught special education and mathematics for five years.

Melinda successfully defended a board of education in the first special education federal jury trial in the country. Boards of Education appreciate her extensive experience representing them before state and federal agencies, including the Connecticut Commission on Human Rights and Opportunities, the Equal Employment Opportunity Commission, the State Board of Mediation and Arbitration, the State Board of Labor Relations, and in arbitrations before American Arbitration Association arbitrators. She also represents boards of education before the U.S. Department of Education Office of Civil Rights on claims of disability and race/national origin discrimination and the Connecticut State Department of Education and is certified as a Civil Rights Investigator Three through ATIXA.

Melinda defends employers and their individual officers, agents and employees in federal and state courts and before federal and state agencies regarding various issues including: discrimination, retaliation and harassment claims under Title VI, Title VII, Title IX, Connecticut Fair Employment Practices Act, Americans with Disabilities Act, the Rehabilitation Act, Fair Labor Standards Act, whistleblower claims, constitutional claims under Section 1983, First Amendment, Uniformed Services Employment and Reemployment Rights Act and various employment-related tort claims. Melinda routinely negotiates collective bargaining agreements.

A sought after speaker and trainer, Melinda frequently provides employee training on topics such as sexual harassment, special education, Section 504 of the Rehabilitation Act, student discipline, discrimination, the ADA, the Family Medical Leave Act and the Family Education Rights and Privacy Act. She frequently trains school district employees on Title IX.

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Melinda B. Kaufmann

Practice Areas

School Law

Labor, Employment Law & Employee Benefits

Labor and Employment Counseling and Training

Labor and Employment Litigation

Investigations

Public and Private Union-Management Relations

Colleges, Universities and Independent Schools

Education Law

Title IX Investigations and Compliance

Experience

- Prevailed on summary judgment at the Federal District Court when a non-tenured teacher claimed her contract was not renewed because of her ethnicity.
- Successfully defended through the Federal Court of Appeals for the Second Circuit a board of education accused of discriminating and retaliating against an administrator in violation of the Americans with Disabilities Act when it demoted the administrator.
- Successfully defended, through the Federal Court of Appeals for the Second Circuit, a board of education against a claim of national origin by a teacher who had been terminated for cause.
- Successfully defended, through the Federal Court of Appeals for the Second Circuit, a board of education against a claim of disability discrimination after it terminated an employee who was found to be under the influence of alcohol during work hours.
- Prevailed on summary judgment against a claim by a teacher who alleged her employment was not renewed because of whistleblower activity.
- Defense of employers against claims of employment discrimination based on age, race, national origin, pregnancy, disability, gender and gender orientation, before the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.
- Defended employers in federal and state court involving claims of discrimination including age, race, disability, retaliation, First Amendment rights of employees, whistleblower claims, and constitutional claims brought pursuant to 42 U.S.C. Section 1983.
- Successfully defended boards of education against grievances brought to arbitration involving employee discipline, denials of transfer, lack of employee parking, contract interpretation and other conditions of employment.

Melinda B. Kaufmann

- Defense of employers before the Federal Occupational Health and Safety Administration.
- Provided employers with training on preventing sexual harassment in the workplace.
- Advised employers on all aspects of the employment relationship including employee discipline, accommodating employees with disabilities, the application of the Family Medical Leave Act.
- Defense of employers before the State Board of Mediation and Arbitration and the State Board of Labor Relations.
- Collectively bargained contracts with unions representing various non-certified public employees.

Bar and Court Admissions

Connecticut

Pennsylvania

U.S. District Court, District of Connecticut

U.S. District Court, Middle District of Pennsylvania

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Third Circuit

Education

William and Mary School of Law, J.D., *Order of the Coif*, 1998

The College of Saint Rose, M.S., 1990

University of Albany, B.S., *summa cum laude*, 1989

Publications

It's 2020: New York Federal Court Holds That New Title IX Regulations Apply Retroactively

The Connecticut Conference of Independent Colleges, 12.04.2020

Employees Lose Exempt Status Under FLSA: Motor Carrier Exemption Amended to Include Only Commercial Application

Connecticut Law Tribune, 08.2006

Alerts and Newsletters

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

08.08.2023

Melinda B. Kaufmann

Developments from the 2022 Session of the Connecticut General Assembly Affecting Independent Schools
10.12.2022

Professional Affiliations

Connecticut School Attorneys Council - president

Connecticut Women's Hall of Fame - trustee

ATIXA - certified Civil Rights Investigator Three



Mark J. Sommaruga

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Member

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Mark J. Sommaruga has spent over 31 years proudly representing the interests of public agencies, schools (whether traditional/public, magnet, charter or private), and employers in Connecticut. Among other things, Mark has extensive experience in counseling and representing public and private sector clients in labor, employment, education, and municipal law issues, including Freedom of Information Act (“FOIA”) matters. Mark is the author of *Understanding Connecticut's Freedom of Information Act (Fifth Edition, 2018)*; his book is published by Pullman & Comley and jointly distributed with the Connecticut Association of Boards of Education (“CABE”) and provides guidance to public agencies and their members (not to mention members of the public) seeking to navigate the maze of edicts and exceptions associated with the FOIA. Mark prides himself on being a self-described FOIA nerd. While Mark has ample experience litigating cases before courts at all levels, and administrative agencies of all kind, including several cases of first impression, Mark takes the most satisfaction in advising clients with practical solutions to address their day to day needs.

Mark is a member of the Labor, Employment Law and Employee Benefits Department and the School Law Section. Mark routinely counsels and represents his clients on labor, employment, education law, and any legal issue that effects their day to day operations, especially FOIA issues. He routinely advises clients on a wide range of employment law matters, including hiring, discipline/termination, compensation, leave, accommodations, discrimination, sexual harassment, and personnel policies and procedures. He also routinely counsels school clients on a wide variety of education law issues, including student discipline, special education, discrimination, abuse/neglect, residency/school accommodations, free speech, and policy review, along with counseling clients in disputes with vendors and contractors (including construction matters) and with and between municipal and state agencies. Mark represents his clients in the state and federal courts on both the trial and appellate court levels, as well as before various state and federal agencies such as the State of Connecticut and U.S. Departments of Education, the Connecticut Department of Labor (including the State Board of Mediation and Arbitration and the State Board of Labor Relations), the Connecticut Commission on Human Rights and Opportunities, and the Connecticut Freedom of Information Commission, along with the American Arbitration Association. He is routinely involved in representing clients in all stages of collective bargaining.

Mark has been a participant in and presenter/trainer at numerous workshops, seminars and conferences on municipal, FOIA, education, special education, labor and employment law issues (including sexual harassment prevention training), including those sponsored by the Connecticut Bar Association, the Freedom

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Mark J. Sommaruga

of Information Commission, the Connecticut Conference of Municipalities, and the Connecticut Association of Boards of Education. He is a frequent presenter at the Connecticut Association of Boards of Education's annual convention. He has written numerous articles on FOIA, employment law and school law issues in various trade journals and newsletters and is a regular columnist for the Connecticut Association of Boards of Education Journal on FOIA issues. He currently conducts Legal Issues Forums for Connecticut Charter Schools with attorney Zachary D. Schurin and Special Education Legal Issues Forums with attorney Melinda B. Kaufmann. Mark was a recipient of the 2023 JD Supra Readers' Choice Award as a top author in the field of education. Mark is the current chairperson of the Firm's Diversity, Equity and Inclusion Committee.

Practice Areas

School Law; Labor, Employment Law and Employee Benefits

Experience

- Successfully represented a municipality in a recent state court case brought by a former employee alleging state law disability discrimination and retaliation claims
- Successfully represents employers at arbitration hearings concerning employee discipline (including termination)
- Successfully represented a school district in three recent state court cases concerning the conduct of referenda, winning at the trial court level and (in one of the cases) prevailing before the Connecticut Supreme Court in a case of first impression
- Successfully represented a regional educational service center with respect to claims of pregnancy discrimination at the Second Circuit of the U.S. Court of Appeals
- Successfully represented the interests of several school districts with regard to their obligation to pay pre-school magnet school tuition, saving Connecticut school districts several million dollars per year
- Successfully represented charter school management organizations at the Connecticut Freedom of Information Commission with respect to the applicability of the FOIA
- Successfully represented school districts in several cases of first impression at the Second Circuit of the U.S. Court of Appeals regarding special education issues ("least restrictive environment," exhaustion of administrative remedies, and use of independent evaluations)
- Successfully represented a school district in a state court trial concerning retiree health insurance benefits
- Successfully represented clients in litigation regarding the award of construction contracts and bidding procedures

Mark J. Sommaruga

Bar and Court Admissions

Connecticut

U.S. District Court, District of Connecticut

U.S. Court of Appeals for the Second Circuit

U.S. Supreme Court

Education

University of Connecticut School of Law, J.D., high honors, 1991

Trinity College, B.A., Phi Beta Kappa, Pi Gamma Mu, 1988

Publications

What if imperfections in elections are OK?

The Hartford Courant, 03.08.2020

Understanding Connecticut's FOIA

CABE Journal, 06.2018

Texts, Lies and Footballs: Tom Brady, "Deflategate," and What's Next?

08.03.2015

Developments In Pregnancy Discrimination Law: Lower Court Speaks, The EEOC Pronounces And The Supreme Court Ponders

Connecticut Law Tribune, 01.26.2015

The Attorney-Client Privilege In The Public Sector: The Dangers Of "Public" Reliance Upon Opinions And Careless Disclosures

Connecticut Law Tribune, 09.29.2014

Residency and "Illegal Alien Status" Are Not Mutually Exclusive for School Accommodations: A Friendly Reminder From Washington D.C. and "Do's and Don'ts"

Connecticut Association of Boards of Education Journal, 09.2014

Legislation From The 2014 Session of The Connecticut General Assembly Affecting The Workplace

Connecticut Law Tribune, 06.03.2014

APPENDIX II.

Attorneys:

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Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

August 8, 2023

The 2023 Regular Session of the Connecticut General Assembly concluded on June 7, 2023. The following is a brief description of acts that were passed by the General Assembly that may be of interest to Connecticut's K-12 schools. This year's session featured important changes to existing law in the areas of school climate, teacher evaluation, multilingual education, SRO agreements, staff training requirements, Title IX and special education among other topics.

In the coming weeks, please be sure to visit and subscribe to our blog – Education Law Notes – for our take on the key impacts of this year's legislation and action items that boards of education, charter and private schools and other K-12 educational institutions should take to implement the legal changes outlined below.

As always, please feel free to reach out to any of our school law attorneys if you have questions regarding a particular piece of legislation.

LEGISLATION AFFECTING EDUCATION AND EDUCATIONAL ENTITIES

AGE OF KINDERGARTEN ENTRY AND EARLY CHILDHOOD

Public Act 23-159: An Act Concerning Teachers and Paraeducators addresses a variety of topics as explained throughout this summary. With respect to kindergarten entry, commencing with the 2024-25 school year the Act effectively raises the age at which children may start kindergarten by providing that all children five years of age and over who reach age five on or before the first day of September of any school year shall be eligible to enroll in the public schools. Currently, the law provides that all children five years of age and over who reach

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

age five on or before the first day of January of any school year are eligible to enroll in school. The Act does not change existing law with respect to the requirement that all children must be enrolled in school by age seven.

Public Act 23-208: An Act Making Certain Revisions to the Education Statutes also addresses a wide-variety of education law issues as explained throughout this summary. With respect to the age of kindergarten entry, the Act expands on the changes described above in Public Act 23-159 by amending the process by which children who have not reached the age of five on or before the first day of September in any school year may nonetheless be enrolled in school. Under the new law, children under the age of five may be admitted into school early upon parent or guardian written request to the school principal followed by an assessment of the child by the school principal and an appropriate certified staff member to ensure that admitting such child is developmentally appropriate. As such, the new law will eliminate the existing requirement that children under the age of five may only be admitted into school early upon a board of education vote. This change takes effect July 1, 2024.

Public Act 23-160: An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes includes a number of changes regarding early childhood programs. First, the Act expands the definition of “eligible children” for purposes of school readiness programs to include children *from birth to four years of age, inclusive*, and children five years of age who are not eligible to enroll in school. This is a change from existing law which limited eligibility to children between the ages of three and five who were not yet eligible to enroll in school. It became effective July 1, 2023.

Additionally, also effective July 1, 2023, Public Act 23-160 added another responsibility to the list of the Office of Early Childhood’s long list of responsibilities by requiring the Office to establish “a parent cabinet to advise the office on ways to strengthen partnership and communication with families, bring awareness to gaps and barriers to services, increase access to services for families and help make improvements to the lives of young children and families in the state.”

SCHOOL CLIMATE AND BULLYING

Public Act 23-167: An Act Concerning Transparency in Education makes several changes and additions to the Connecticut General Statutes dealing with safe school climate and bullying. It expands the scope of what may constitute prohibited conduct, adds responsibilities to administrators and elevates the responsibility of boards of education to address bullying in the modern era.

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Expanded School Climate Definitions

Public Act 23-167 re-defines “bullying” to cover a wider spectrum of conduct. Under the new law bullying is defined as “unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.” Nothing in the new definition requires that behavior must be repeated, persistent or pervasive to constitute bullying. Instead, it appears that a single incident is sufficient to constitute bullying under this new law.

The Act also introduces the term “challenging behavior” and defines it as “behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.”

Additionally, the Act re-defines the existing term “school climate” to mean “the quality and character of the school life, with a particular focus on the quality of the relationships within the school community, and which is based on patterns of people’s experiences of school life and that reflects the norms, goals, values, interpersonal relationships, teaching, learning, leadership practices and organizational structures within the school community.”

Public Act 23-167 appears to also expand the scope of activities and locations requiring school district intervention to address school climate issues. The Act uses the new term “school environment” and defines it to mean a “school-sponsored or school-related activity, function or program, whether on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased or used by a board of education, and may include other activities, functions or programs that occur outside of a school-sponsored or school-related activity, function or program if bullying at or during such other activities, functions or programs negatively impacts the school environment.”

Similarly, the new term “school community” is defined very broadly, to include “any individuals, groups, businesses, public institutions and nonprofit organizations that are invested in the welfare and vitality of a public school system and the community in which it is located, including, but not limited to, students and their families, members of the local or regional board of education, volunteers at school and school employees.”

Whereas prior law required boards of education to create and enforce a “safe school climate plan,” Public Act 23-167 now requires the creation and enforcement of a “school climate improvement plan.” This term means:

“[A] building-specific plan developed by the [A] school climate committee, in collaboration with the school climate specialist, using school climate survey data and any other relevant information, through a process that engages all members of the school community and involves such members in a series of

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

overlapping systemic improvements, school-wide instructional practices and relational practices that prevent, identify and respond to *challenging behavior, including but not limited to alleged bullying and harassment in the school environment.*” (emphasis added).

The “school climate survey” referenced above is itself defined as “a research-based, validated and developmentally appropriate survey administered to students, school employees and families of students, in the predominant languages of the members of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan.” Thus, by the plain language of the Act, a school district will be required to prepare and issue a school climate survey and use the results of such survey to prepare its “school climate improvement plan.”

School Climate Advisory Collaborative

The Act requires that the School Climate Advisory Collaborative, which already exists under existing law and is comprised of various education and legislative stakeholders, convene a subcommittee by no later than February 1, 2024 to (1) develop Connecticut school climate standards based on nationally recognized school climate research and best practices; (2) create a uniform bullying complaint form to be included by the Connecticut State Department of Education (“CSDE”) on its website, the websites of boards of education, and in each board’s student handbooks; and (3) provide guidance to boards of education on the implementation of the Connecticut school climate policy.

The School Climate Coordinator

Public Act 23-167 amends existing law by specifically defining which personnel can serve as district-level school climate coordinators and by expanding the responsibilities of the role. For the school year commencing July 1, 2025 and continuing thereafter, the superintendent or administrative designee shall serve as the school climate coordinator. This person shall be responsible for (1) providing district-level leadership and support for the implementation of the school climate improvement plan, which must be developed by the board; (2) collaborating with the school climate specialist(s) to prevent, identify and respond to challenging behavior, including bullying and harassment; (3) collecting and maintaining data regarding school climate improvement, including disciplinary records, school climate assessments, attendance rates and types of bullying and challenging behaviors; and (4) meeting with the school climate specialist(s) *at least twice per year* to identify strategies to improve school climate, including but not limited to responding to challenging behavior; proposing recommendations for revisions to the school climate improvement plan and assisting with the completion of the school climate survey.

School Climate Specialists

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Public Act 23-167 changes the title of “safe school climate specialist” to “school climate specialist” starting July 1, 2025. The person holding such position must be the school’s principal, or a school employee holding a professional certification who is trained in school climate improvement or restorative practices. The school climate specialist shall be responsible for (1) leading the prevention, identification and response to challenging behavior, including bullying and harassment; (2) implementing restorative practices; (3) scheduling meetings for and leading the school climate committee; and (4) leading the implementation of the school climate improvement plan.

School Climate Committees

Public Act 23-167 maintains existing parameters for school climate committees but amends their responsibilities. Each school climate specialist is required to appoint a school climate committee made up of members who are racially, culturally and linguistically diverse and representative of the community. This committee must consist of (1) the school climate specialist; (2) a teacher selected by the teachers’ union; (3) a demographically representative group of students enrolled at the school; (4) families of students enrolled at the school; and (5) other members of the school community, as determined by the school climate specialist.

The school climate committee shall be responsible for (1) assisting in the development, annual scheduling and administration of the school climate survey; (2) using the school climate survey data to identify strengths and challenges to improve school climate and to create or propose revisions to the school climate improvement plan; (3) assisting in the implementation of the school climate improvement plan; (4) advising on strategies to improve school climate; (5) annually providing notice of the uniform bullying complaint; and (6) engaging the school community, at meetings held at least twice per year, in the implementation of the school climate improvement plan.

School Climate Surveys and School Climate Improvement Plans

As noted above, the Act requires that school districts prepare and issue an annual school climate survey that will be used in the preparation of the school climate improvement plan. With respect to school climate improvement plans, starting on July 1, 2025 and continuing each year thereafter, the school climate specialist(s) and the school climate coordinator must develop and update a school climate improvement plan. This plan must be, among other things, based on the results of the school climate survey and any recommendations from the school climate committee. This plan must be submitted to the school climate coordinator for review on or before December 31 of each year.

Once approved, a written and electronic copy must be made available to members of the school community and must be used in the prevention of, identification of and response to challenging behavior. This plan must also align with the Connecticut school climate standards to be developed as described above and involve protocols and supports to enhance classroom safety and address “challenging behavior.”

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

At a minimum, these protocols and supports must specify:

1. the contact information of an administrator designated by the school climate specialist to be notified by school employees of any incidents of “challenging behavior” that results in student discipline or removal from class, and the contact information of any other administrator or school employee to be notified of such incidents in the absence of the designated administrator;
2. For a single incident, the school principal shall notify the parents of each student involved in such incident (in a manner that complies with FERPA);
3. For a subsequent incident, the school shall invite the parents or guardians of each student involved in such incident to a meeting, either in person or virtually, to discuss the specific supports or interventions that are applicable; and
4. For multiple subsequent incidents or a single incident that causes severe harm, the school principal shall provide notice to the parents or guardians of each student involved of other resources for supports and interventions;
 - For a single incident, the school principal shall notify the parents of each student involved in such incident (in a manner that complies with FERPA);
 - For a subsequent incident, the school shall invite the parents or guardians of each student involved in such incident to a meeting, either in person or virtually, to discuss the specific supports or interventions that are applicable; and
 - For multiple subsequent incidents or a single incident that causes severe harm, the school principal shall provide notice to the parents or guardians of each student involved of other resources for supports and interventions;
5. a requirement that the superintendent submit, at least annually, to the board of education a report concerning the number of incidents that occurred during the prior year, the grade level of each student involved in such incidents and the supports, services or interventions provided in response to such incidents to address the needs of students and school employees;
6. for incidents of challenging behavior, (A) a requirement for a meeting between an administrator and the school employee who witnesses such incident, not later than two days after the date of such incident, to determine the supports and interventions required to address the needs of students and employees (interventions for a student receiving special education services shall be done through the child’s IEP); and (B) a process by which a teacher may request a behavior intervention meeting.

Training

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

For the school year commencing July 1, 2024 and each school year thereafter, the Act requires each board of education to provide resources and training regarding social and emotional learning, school climate and culture and researched-based interventions, including restorative practices, to school employees.

(Restorative practices are defined as those which hold each student accountable for challenging behaviors and those that ensure each such student has a role in repairing relationships and reintegration into the school community.) Any school employee may participate in any such training offered by the board. The school climate coordinator shall select and approve the individuals or organizations that will provide such training. The CSDE shall provide, within available appropriations, annual training to the school climate coordinator, the school climate specialist and members of the school climate committee.

Restorative Practices Response Policy

Effective July 1, 2025, and each school year thereafter, the Act provides that each school district must adopt a restorative practices response policy to be implemented by school employees for incidents of challenging behavior or student conflict that are nonviolent and do not constitute a crime. Such policy must not involve the police unless the behavior escalates to violence or constitutes a crime.

Claims for Damages

Consistent with existing law, the Act maintains the provision that no claim for damages shall be made against a school employee who reports incidents of bullying or teen violence in accordance with the school's climate improvement plan. Similarly, no such claim shall be made against a student or parent who reports any such incident. Finally, no claim for damages shall be made against a board of education that implements a school climate improvement plan and responds to complaints of bullying and teen violence.

Implementation/Effective Dates

For the 2023-24 and 2024-25 school years, each board of education *may adopt* the Connecticut school climate policy as set forth above in Public Act 23-167, in lieu of following the mandates of the current bullying law. As such, boards of education that do not adopt the policy in such time must continue to comply with current law. However, beginning with the 2025-26 school year, and for each year thereafter, all districts *must* adhere to the new statutory criteria and definitions above. At that time, now-existing statutory provisions addressing bullying and safe-school climate shall be repealed and replaced with the definitions and requirements summarized above.

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

TEACHER EVALUATION, CERTIFICATION, PROFESSIONAL DEVELOPMENT AND RETENTION

Teacher Evaluation

Public Act 23-159 makes a number of changes to teacher evaluation requirements. Most notably, commencing with the 2024-25 school year, each board of education shall be required to adopt and implement a new teacher evaluation and support program that is consistent with new program guidelines to be developed by the Connecticut State Board of Education (“CSBE”). The Act provides that the new CSBE evaluation guidelines must include various provisions that differ from existing CSBE evaluation program guideline requirements and charges the CSBE with developing a new model evaluation and support program consistent with the new guidelines.

Specifically, the new CSBE guidelines must abandon existing guideline requirements concerning the required use of “exemplary,” “proficient,” “developing” and “below standard” evaluation designations and scoring systems, and additionally must eliminate the requirement that teachers who are placed on an improvement and remediation plan achieve a summative rating of “proficient” or better immediately at the conclusion of such plan. Instead, for teachers placed on an improvement and remediation plan, the new guidelines will simply require that such improvement plans include “indicators of success immediately at the conclusion of the improvement and remediation plan” rather than any specific rating benchmark.

The new guidelines will also include more a more subtle change. The existing requirement that evaluation programs include indicators and methods for assessing “student academic growth and development” is replaced with the requirement that evaluation programs include indicators and methods for assessing “student learning, growth and achievement.”

As was the case under existing law, district-level programs implementing the new CSBE evaluation guidelines are to be developed through mutual agreement between the board of education and the professional development and evaluation committee for the district, with the proviso that if agreement cannot be reached on such a program, then the board of education and professional development and evaluation committee must first consider adoption of a model professional development and evaluation program to-be developed by the CSBE, and then, if agreement cannot be reached on adopting the CSBE model, the board of education is empowered to adopt a program unilaterally so long as such program is consistent with CSBE guidelines. Notwithstanding these procedural requirements, the Act grants the Commissioner of the CSDE the authority to waive compliance with the new evaluation program adoption requirements for any board of education that requests a waiver prior to July 1, 2024.

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Effective July 1, 2023, the Act also amends the law with respect to teachers who are not evaluated during a school year to provide that such teachers be designated as “not evaluated” for the year rather than “not rated.” This change appears to be designed to align with existing statutory language which requires superintendents to annually report to their employing boards of education on the number of teachers “not evaluated” by June first of each year. In connection with annual reporting, the Act also eliminates the requirement that superintendents report on aggregate evaluation ratings as part of their annual reporting obligations to their employing boards of education.

Finally, effective July 1, 2023, the Act amends existing law to require boards of education to conduct training programs for all evaluators and orientation for all teachers on local teacher evaluation and support programs on an annual rather than biennial basis. Boards of education are responsible for conducting such training programs for all new evaluators prior to any evaluations being conducted by such evaluators and must provide orientation to all new teachers hired by the board before such teachers receive an evaluation.

Teacher Certification and Preparation Programs

Public Act 23-159 also amended the law with respect to elementary education teaching certification endorsements by granting the Commissioner of the CSDE the authority to permit teachers possessing a grade one to six elementary education endorsement that was issued on or after July 1, 2017 the ability to teach kindergarten for up to two years upon the request of a superintendent. The law also now will provide that a comprehensive special education endorsement for grades one to twelve shall be valid for prekindergarten as well as kindergarten.

Additionally, effective July 1, 2023 the Act amended existing law for teacher preparation programs by eliminating the requirement that student teachers obtain clinical experience, field experience or student teaching experience in both school districts with high district reference group (“DRG”) classifications as well as low DRG classifications. Instead, the law now simply provides that teacher preparation programs must require clinical experience, field experience or student teaching experience without designating where such experience must be obtained.

The Act also grants the CSDE the authority, in consultation with the Office of Higher Education, to authorize that the Integrated Early Childhood/Special Ed., Birth–Kindergarten endorsement and the Integrated Early Childhood/Elementary Education N-3 and Special Education N-K endorsement be added as a cross endorsement in lieu of requiring full planned program and institutional recommendation.

Substitute Teachers

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Effective July 1, 2023, **Public Act 23-159** permits boards of education to employ persons who lack substitute teacher authorizations as substitute teachers in the same assignment for a period not to exceed sixty school days. Prior to this change, Connecticut teacher certification regulations only permitted persons employed as substitutes to serve for less than forty school days in the same assignment without substitute teacher authorization (subject to limited exceptions for persons awaiting certification conversion or a certificate of eligibility). Presumably, such certification regulation provisions will be amended to comply with the provisions of the new law.

Teacher Exit-Surveys

By January 1, 2024 **Public Act 23-159** requires boards of education to develop an exit survey to be completed by each teacher who voluntarily ceases employment with such board. Such exit surveys must include questions relating to the reason why such teacher is ceasing employment, if such teacher is leaving the teaching profession, the demographics of such teacher and the subject areas in which such teacher taught. The results of such surveys along with teacher attrition rates must then be annually reported in board of education strategic school profile reports.

Teachers' Retirement System

Effective July 1, 2023, **Public Act 23-159** amended Teachers' Retirement System ("TRS") provisions to allow TRS' members to purchase unlimited service credit for service spent prior to July 1, 2007 as a member of the staff of the State Education Resource Center in a professional capacity while possessing a certificate or permit issued by the CSBE. In addition, the Act also expands the definition of a "public school" for purposes of TRS' benefits to include any school operated by an interdistrict magnet school on and after July 1, 2023 and further provides that each school operated by Goodwin University Magnet Schools, Inc., and Goodwin University Educational Services, Inc. shall specifically qualify as a "public school" for purposes of TRS' benefits with each teacher employed by either entity directly admitted into the TRS.

The Act additionally establishes a task force to analyze the per pupil equity of funding the TRS. The task force shall be comprised of members designated by various leaders of the General Assembly and education stakeholder groups and is charged with reporting its findings to the Education and Appropriations committees of the General Assembly by January 1, 2025.

Section 318 of the Implementer Act (Public Act 23-204) also amends the definition of "teacher" with respect to TRS' eligibility to include (1) a member of the professional staff employed at the State Board of Education, (2) the governing body of the public school, kindergarten to grade twelve, inclusive, who is currently a member in the system and maintains a certification, and (3) a member of the professional staff employed in an educational role at the Office of Early Childhood, the Board of Regents for Higher Education or any of the constituent units and the Technical Education and Career System ("CTECS"). This change became

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effective July 1, 2023.

Adjunct Professor Permit

Beginning on July 1, 2023, **Public Act 23-167** permits the CSBE to issue an adjunct professor permit to any person who is a nontenured and part time instructor employed by a public or independent institution of higher education in Connecticut. This permit will enable the person to be employed by a board of education and hold a part time position of not more than twenty-five classroom hours per week to teach in grades nine to twelve of a public school and to provide instruction as part of college and career readiness programming offered by such board, including an early college experience and advanced placement classes. Each permit is valid for three years.

The person holding such position shall be under the supervision of the local superintendent or administrator so designated, who shall regularly observe, guide and evaluate the performance of the individual's duties. Any board employing such a person must provide a program to assist the person, which shall include academic and classroom support services. The person shall further become a member of the collective bargaining unit for certified employees and shall be subject to the certified employees' collective bargaining agreement. However, no such person shall displace any person holding a teaching certificate.

Educator Apprenticeship Initiative

Starting with the 2023-2024 fiscal year, **Public Act 23-167** requires the CSDE to establish an educator apprenticeship initiative that enables students enrolled in an educator preparation program, residency program or alternate route to certification program to gain classroom teaching experience while working toward becoming full-time, certified teachers upon successful completion of such program. The CSDE shall establish participation and administrative guidelines for participation in these programs and compensation levels for students who enroll.

The CSDE may permit a person enrolled in a residency program to participate in the educator apprenticeship initiative upon the request of the superintendent in whose school district the person is employed or assigned as part of the residency program. Upon the successful completion of such program and with the recommendation of the superintendent, the CSBE shall issue an initial educator certificate to such person without the person having to complete otherwise mandated examination requirements.

Increasing Educator Diversity Plan

Public Act 23-176 requires school districts to, by March 15, 2024, submit an increasing educational diversity plan to the Commissioner of Education for review and approval. The Commissioner may approve such plan or return the plan to the board of education for revision. Any plan that is not approved must be revised by May

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15, 2024. For the school year commencing July 1, 2024, and each year thereafter, boards of education must implement the plan approved by the Commissioner and make such plan available on the board's website. The CSDE shall also make board of education diversity plans available on its website.

Connecticut Advisory Council for Teacher Professional Standards

Also, effective July 1, 2023, **Public Act 23-159** expanded and changed the composition of the membership of the Connecticut Advisory Council for Teacher Professional Standards to expressly include, a school administrator, a regional school district superintendent, special education and secondary school teachers and the Connecticut "Teacher of the Year" for the current and preceding year. The Council is responsible for reviewing and advising the CSBE, the Governor and the General Assembly's Education Committee on regulatory and other issues relating to teacher preparation, teacher recruitment, teacher retention, teacher certification, teacher professional development, teacher assessment and evaluation and teacher professional discipline.

edTPA

Finally, **Public Act 23-159** also provides that the preservice performance assessment, "edTPA," as adopted by the CSBE on December 7, 2016, shall be used exclusively as an accountability tool for teacher preparation programs offered by Connecticut institutions of higher education. The results of such edTPA assessment shall not be used to deny a prospective educator's initial educator certificate.

SPECIAL EDUCATION

Transition Services

Public Act 23-137: An Act Concerning Resources And Support Services For Persons With An Intellectual Or Developmental Disability – which provisions became effective July 1, 2023 except where otherwise indicated -- requires the CSDE to employ a statewide transition services coordinator to coordinate the provision of transition resources, services, and public transition programs (including those programs provided by boards of educations and regional educational service centers ("RESCs")), in collaboration with other state agencies. Among the duties of the coordinator are establishing minimum standards for public transition programs (and metrics for measuring them), setting best practices for providing transition services (and distributing them to each school district's transition coordinator), performing unannounced visits at public transition programs to determine their effectiveness and offer improvements and to post data on the CSDE website about the how the program measured against the CSDE's minimum standards, establishing minimum standards for training school district transition coordinators (and maintaining a record of each coordinator's training program completion), and developing a course on the CSDE website for educators and staff who do not provide transition services to provide them with information about transition services. The Act requires

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agencies that have MOUs with the CSDE to each appoint a liaison to the CSDE's transition services coordinator, and also provides that such MOUs shall address transition programs.

The Act requires the CSDE to develop by July 1, 2024 a training program on special education and transition services legal requirements and best practices; this training program is to be delivered via on-demand, on-line course and in person, at the CSDE's discretion.

The Act requires the State Education Resource Center ("SERC") to develop and maintain an online listing of the transition resources, services, and programs that state agencies provide. The CSDE's state-wide transition coordinator is then (after ensuring its accuracy) to post a link to the online listing on the CSDE website and to distribute a notice concerning the on-line listing to school districts, who in turn are then required to annually distribute the notice to parents at Planning and Placement Team ("PPT") meetings for students in grades six through twelve.

The Act requires the CSDE (in consultation with other state entities and RESCs) to develop by July 1, 2024 a training program on public transition programs for school district transition coordinators, educators and school paraprofessionals; such training program shall comply with the minimum standards established by the state-wide transition services coordinator. Thereafter, each RESC shall provide the training program at no cost to school district transition coordinators, educators and school paraprofessionals who provide transition services and any other educators/school staff interested in becoming a transition coordinator or providing transition services.

The Act requires each school district to designate a transition coordinator for the district by January 1, 2024; the coordinator may be the director of pupil personnel or another employee appointed as transition coordinator by said director. Each school district level transition coordinator shall 1) complete the training program developed by the CSDE, provided a) each transition coordinator appointed prior to the date upon which the training program commences shall complete the training program during the three-year period immediately following such date, and b) each new transition coordinator appointed after such date shall complete the training program not later than one year after being appointed, and 2) ensure that parents of students requiring special education receive information concerning transition resources, transition services or public transition programs (specifically, the afore-mentioned on-line listing developed by SERC) and are aware of the eligibility requirements and application details of such resources, services and programs that specifically apply to such student. Furthermore, the Act provides that each educator and school paraprofessional who provides special education for students fourteen years of age or older shall complete the training program developed by the CSDE, provided 1) each such educator and paraprofessional hired prior to the date upon which the training program commences shall complete the training program during the five-year period immediately following such date, and 2) each such educator and paraprofessional hired after such date shall complete the training program not later than one year from the date the educator or

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paraprofessional is hired to provide such services.

More substantively, under the guise of compliance with the *A.R.* federal court decision, the Act (effective July 1, 2023) requires boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22; previously, the obligation extended only until the date of the student's 22nd birthdate (which actually seemed to be in compliance with the *A.R.* court order). The CSDE is required to update its regulations and notices to reflect this new requirement.

The Act requires SERC to conduct a review of each public transition program and report its findings to the General Assembly's Education Committee by February 1, 2024. Such review shall examine (but not be limited to): 1) The types of transition services, provided in such program, 2) the number and qualifications of the staff providing such transition services, 3) the location of such program relative to the residence of the student or the student's family, and 4) any metrics for measuring the performance of such program, such as student and family feedback and the placement of students in employment, postsecondary education or training or programs for adults.

The Act requires the DDS Commissioner to create a plan to establish a Transitional Life Skills College program to provide transition support for persons with intellectual disabilities who are at least twenty-two years of age and transitioning from 1) the K-12 education system, or 2) living with parents or guardians to living independently or quasi-independently through a residential program administered by DDS. Not later than January 1, 2025, the Commissioner shall file a report on the plan to establish the Transitional Life Skills College program with the General Assembly's Appropriations, Human Services and Public Health Committees.

PPT Requirements

Ostensibly seeking to follow federal requirements, **Public Act 23-127** provides that at each PPT meeting, a parent (or guardian, pupil or surrogate parent, as the case may be) shall have the right to have a language interpreter (including a registered interpreter for persons who are deaf, hard of hearing or deafblind, who is present in person or available by telephone or through an online technology platform, or through a website or other electronic application approved by the CSBE) provided by the responsible school district if there is an apparent need or upon the request of such parent. In addition, the responsible school district shall provide a pupil's individualized education program ("IEP"), any documents relating to such program and all notices or information required by law translated into the primary language spoken by such parent/guardian or pupil if there is an apparent need or upon the request of the parent/guardian or pupil.

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In addition, each responsible school district shall provide the notice created by the CSDE's Mediation Services Coordinator regarding the availability of mediation services to each parent/guardian (including surrogate parents) of any child who requires special education by 1) distributing such notice to parents/guardians at the beginning of each school year, and 2) reading such notice out loud at the conclusion of the first PPT meeting at the beginning of each school year.

The Act requires that at the first PPT meeting after a child who requires special education and related services reaches the age of fourteen (and at least annually thereafter), each responsible school district shall provide information to the child and the responsible parent/guardian about the full range of decision-making supports, including alternatives to guardianship and conservatorship, and the online resource developed by the CSDE concerning establishing guardianship, conservatorship, supported decision-making, powers of attorney, advance directives, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services.

The Act further provides that at the first PPT meeting when a child reaches the age of fourteen, the PPT shall for each public transition program and each program for adults for which such child may be eligible after graduation, 1) upon the approval of the parent/guardian, notify the state agency that provides such program about the potential eligibility of such child, and 2) provide the parent/guardian a listing of such programs that includes, but is not limited to, a plain language description, eligibility requirements, and deadlines and instructions for applications for such programs. Similar information must be provided not later than the PPT meeting that occurs approximately two years prior to a child's anticipated graduation from high school or the end of the school year in which a child will reach twenty-two years of age, whichever is expected to occur first based on the child's IEP; in addition, the PPT shall 1) invite a representative from each such agency to attend the PPT meeting for the purpose of establishing contact with and counseling the parent/guardian (or child) on the process for the anticipated transfer of services when the child exits from special education from the district, 2) permit and facilitate contact and coordination between each such agency and such parent/guardian/child for the purpose of easing the process for the transfer of services, and 3) assist such parent/guardian or child in completing an application to any such programs.

This Act requires the CSDE (by July 1, 2024, and annually thereafter) to report to each state agency that provides services and programs for adults with disabilities and General Assembly's Appropriations, Education, Human Services, and Public Health Committees the aggregate number of students from all school districts who had a PPT during the prior school year in which information concerning transition services and programs (or eligibility for services from state agencies) was provided, as mandated by this Act.

This Act requires both the Departments of Developmental Services ("DDS") and Aging and Disability Services to employ ("within available appropriations") a sufficient number of transition advisors to provide transition services for children requiring special education who may be eligible to receive services from such agencies

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as determined through a PPT meeting.

Paraprofessional Involvement in Planning and Placement Team Meetings

Effective July 1, 2023, **Public Act 23-159** expands on recent legislation requiring paraeducator attendance at PPT meetings upon parent request, by providing that paraprofessionals may meet with a supervisor as needed following such a PPT to review the student's educational program.

Mediation Services and Due Process Hearings

Public Act 23-127 requires the CSDE to employ a "mediation services coordinator" in its Bureau of Special Education to, among other things, 1) coordinate and oversee special education mediation services throughout the state, and 2) maintain a list of special education mediators that meet the minimum training requirements. The Act sets forth training/continuing education requirements for mediators, including training in mediation skills and special education law, with the CSDE able to waive requirements for those who have sufficient training requirements or experience (and to retain prior mediators). The Act further makes the Mediation Services Coordinator the point person for mediation requests by any party. While any party may request mediation, mediation remains voluntary (and all parties must still agree to mediate).

The Act also makes changes to the due process hearing proceedings by now mandating that the school district must first proceed with its case (and offer testimony) at any hearing (instead of the parent). The Act explicitly requires that all hearing officer decisions shall be indexed and published (with appropriate redaction of student information). The Act confirms that if a party requests and all parties agree, mediation may take place in lieu of proceeding directly to a hearing.

Special Education Compliance Audits

Public Act 23-127 also requires the CSDE to randomly audit school districts with respect to their compliance with federal special education law. Such audits shall include, but need not be limited to: 1) interviewing teachers and staff who provide special education services and parents/guardians of children requiring special education, 2) conducting unannounced on-site visits to observe classroom practice and any other facet of the administration or provision of special education services in order to ensure compliance with IEPs and state and federal law and guidance, and 3) reviewing IEPs. The Act expands the teacher in-service training requirements to include: 1) laws governing the implementation of PPT meetings and Section 504 plans, and 2) an annual update of new state and federal policies concerning special education, recommendations and best practices.

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Birth-to-Three Services

Public Act 23-127 requires individual service coordinators for children receiving early intervention/“birth to three services” to assist in facilitating the transition to public school special education services. Specially, not later than three months prior to the third birthday of such child, the individual service coordinators shall 1) notify the child’s parent/guardian of their ability to meet, upon request, with the coordinator to discuss the contact information for the person responsible for the administration or coordination of special education services for the child’s residing school district, and 2) shall provide such person responsible for the administration or coordination of special education services with the child’s individualized family service plan.

Informational Handout for Students

Public Act 23-127 requires the CSDE by not later than January 1, 2024 to develop an “age appropriate” informational handout for students that explains what it means for a student to have an IEP or Section 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, including 1) what rights the student is entitled to in the classroom under an IEP or Section 504 plan, and 2) a glossary of the most common tools/terms. The CSDE shall make such handout available to school districts and post such handout on the CSDE’s website. Each school district shall annually (and upon the initial identification of a child as requiring special education and related services) provide this student handout, along with the CSDE’s “Parent’s Guide to Special Education in Connecticut”.

Intellectual Disability and Developmental Disability Definitions

Finally, **Public Act 23-127** requires the Secretary of the Office of Policy and Management (“OPM”), in consultation with the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health, the Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council, to 1) develop and recommend new state statutory definitions for intellectual disability and developmental disabilities and identify related programs for persons with such disabilities that may need to be changed or redesignated in accordance with any new statutory definitions, 2) evaluate whether an Intelligence Quotient (“IQ”) should be a factor in such definitions, and 3) evaluate the level-of-need assessment tool used by state agencies that serve persons with an intellectual disability or other developmental disabilities. Not later than January 1, 2025, the OPM secretary shall file a report, with recommendations with the General Assembly’s Appropriations, Education, Human Services and Public Health Committees.

Excess Cost Grants

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Public Act 23-150: An Act Concerning Early Childhood Education, an Audit of the State-Wide Mastery Examination, the Establishment of the Connecticut Civics Education and Media Literacy Task Force, the Provision of Special Education, and a Bill of Rights for Multilingual Learner Students addresses a number of education law topics including special education. With respect to SPED excess cost grants, effective July 1, 2023, the Act clarifies the methodology used for calculating district special education excess cost grant awards by providing that districts shall be eligible for grant funding for SPED costs in excess of four-and-one-half times a district's "net current expenditures per pupil" rather than a district's "average per pupil educational costs," which had been the baseline metric used for calculating excess cost grants. The Act also defines a school district's "average daily membership per pupil" for purposes of grant calculations. These changes are technical in nature and should not result in any change in underlying excess cost grant award calculations. It also should be noted that this year's budget implementer – Public Act 23-204 – maintained current levels of excess cost funding for high cost special education placements, as revised last year and by Public Act 23-1 (with a sliding scale based upon district wealth, with 1) the wealthiest districts receiving 85% of the excess cost grant following the district reaching the excess cost threshold, 2) the middle districts receiving 88% of said grant, and 3) the least wealthy/poorest districts receiving 91% of said grant.

Additionally, starting with the 2023-24 fiscal year, the Act explicitly prohibits districts from including federal coronavirus pandemic relief funding in the calculation of net current expenditures per pupil for purposes of determining the amount of the district's annual excess cost grant.

SPED Funding Task Force

Public Act 23-150 amends existing recent legislation that created a task force to study special education funding issues to broaden the scope of the task force to examine issues related to gifted and talented students. Additionally, the Act expands the scope of the task force's examination of SPED issues to include study of the feasibility of utilizing independent evaluators to observe the provision of SPED services in the classroom, delaying the age in which a classification of SPED services is made, SPED student-to-teacher ratios, the prohibition on the use of seclusion and other issues or topics relating to SPED the task force wishes to examine. The Act also expands the composition of the task force to include additional members appointed by legislative leaders and stakeholder groups. Finally, the Act pushes back the deadline for the task force's final report to the General Assembly's Education Committee from January 1, 2024 to January 1, 2025 but requires that an interim report be made to the Education Committee by January 1, 2024.

SPED and Charter Schools

Public Act 23-150 clarifies existing law with respect to charter school enrollment by explicitly prohibiting charter schools from inquiring into an applicant student's need for or receipt of SPED and related services. Furthermore, the Act prohibits the use of student SPED and related services needs in charter school enrollment lotteries. These provisions became effective July 1, 2023.

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SPED Compliance Complaint Decisions

Public Act 23-150 requires the CSDE to post summaries of compliance complaints filed against boards of education and other entities which may be responsible for the provision of SPED and related services on the CSDE website. Such postings must include information regarding any corrective action plan ordered by the CSDE and requires the CSDE to redact personally identifiable information of students before postings are made to the CSDE's website. This provision became effective July 1, 2023.

Section 504 Team Meetings

Public Act 23-150 expands upon recent legislation regarding the rights of paraprofessionals and other district staff at PPT meetings by prohibiting boards of education from disciplining, suspending, terminating or otherwise punishing any school employee who discusses or makes recommendations during any Section 504 plan team meetings. This provision became effective July 1, 2023.

MULTILINGUAL EDUCATION

In addition to the special education changes described above, effective July 1, 2023 **Public Act 23-150** expands upon existing education law protections that must be provided to multilingual students and their parents and requires the CSBE to draft a written bill of rights for the parents or guardians of multilingual learners.

As a threshold matter, the new law formally adopts the phrase "multilingual learner" in place of the phrase "English language learner" which was the term of art previously used in various existing statutes. Somewhat circularly, the new "multilingual learner" phrase is itself defined to mean an "English learner" as that term is defined under federal law which defines an English learner as a student or prospective student between the ages of three and twenty-one whose native language is other than English and whose difficulties in speaking, reading, writing or understanding English may be sufficient to deny the student the ability to meet academic standards, the ability to succeed in the classroom or the opportunity to participate fully in society.

The new multilingual learner bill of rights that is to be developed by the CSBE must encapsulate numerous legal protections, the vast majority of which already exist under state and/or federal law. These protections include but are not limited to:

- The right to attend public school regardless of immigration status;
- The right of a parent or guardian to enroll their child in public school without being required to submit immigration documentation;

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- The right of a multilingual learner to participate in a program of bilingual education as currently provided for under state law;
- The right of a parent or guardian to receive written notice, in both English and the dominant language of such parent or guardian, that such student is eligible to participate in a program of bilingual education or English as a new language program;
- The right of a multilingual learner and the parent or guardian of such student to receive a high-quality orientation session, in the dominant language of such student and parent or guardian, that provides information relating to state standards, tests and expectations at the school for multilingual learner students, as well as the goals and requirements for programs of bilingual education and English as a new language;
- The right of a parent or guardian to receive information about the progress of their child's English language development and acquisition;
- The right of a multilingual learner and the parent or guardian of such student to meet with school personnel to discuss such student's English language development and acquisition;
- The right of a multilingual learner to be placed in a program of bilingual education or English as a new language, if offered by the board of education;
- The right of a multilingual learner to have equal access to all grade-level school programming;
- The right of a multilingual learner to have equal access to all core grade-level subject matter;
- The right of a multilingual learner to receive annual language proficiency testing;
- The right of a multilingual learner to receive support services aligned with any intervention plan that the school or school district provides to all students;
- The right of a multilingual learner to be continuously and annually enrolled in a program of bilingual education or English as a new language while such student remains an eligible student, and;
- The right of a parent or guardian of a multilingual learner to contact the CSDE with any questions or concerns regarding such student's right to receive services or accommodations, including information regarding any recourse for failure of the board of education to provide or ensure such services or accommodations.

In addition to these items, the new law also requires districts to provide translation services upon request to the parents or guardians of multilingual learners or the students themselves during critical interactions with teachers and administrators, including, but not limited to, parent-teacher conferences, meetings with administrators of the school which such student is attending, and at properly noticed regular or special meetings of the board of education or scheduled meetings with a member or members of the board of education. Such translation services must be provided by an interpreter who is present in person or available by phone or through a website or other translation application approved by the CSDE. In the case of board of

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education meetings or direct meetings with board members, the request for translation services must be made at least one day in advance of the meeting. This new right to translation services must also be included in the CSBE's new multilingual learner bill of rights.

Public Act 23-101: An Act Concerning the Mental, Physical and Emotional Wellness of Children - also addresses multilingual education issues by requiring that individualized service plans via the Birth to Three program must be provided in Spanish to any family whose primary language is Spanish; the Act requires that such early intervention services must be provided by Spanish speaking personnel (or be assisted by a translator if no such personnel is available).

EDUCATIONAL FUNDING AND RELATED ISSUES

ECS Funding

Section 333 of the "Budget Implementer" (Public Act 23-204) provides that for the 2023-2024 school year, districts that would have lost funding because they are funded above their "full funding level" will be held harmless for the year. There is no change in funding for alliance districts. For the 2024-2025 school year, for those towns who are not fully funded, the phase-in percent of funding is increased from 25% to 56.5% of the difference between the current funding and the full funding amount. Districts that would have lost funding because they are funded above their "full funding level" will be held harmless for the year. There is no change in funding for alliance districts. For the 2025-2026 school year, towns not previously fully funded at their "fully funded level" will be fully funded. Phase-ins will begin to reduce the funding for districts that are funded above their "fully funded level." There is no change for alliance districts. The equalization process is further spelled out in the statute through the 2031-2032 school year.

Magnet School, Charter School, Agricultural Science and Technology and Open Choice Grants and Funding

Sections 341 and 342 of the Budget Implementer address magnet school funding and tuition. For the 2023-2024 school year, per pupil magnet school grant funding levels do not change. For the 2024-2025 school year, the per pupil magnet school grant remains at least the same as the 2023-2024 school year. Any interdistrict magnet school program operating less than full-time but at least half-time, is eligible for a grant equal to sixty-five percent of the full-time grant amount.

For the 2023-2024 school year, there is a magnet school tuition cap for East Hartford, Manchester, Windsor, New Britain, New London and Bloomfield. If any of these districts has more than 4% of their students enrolled in a magnet school, the district will not be responsible for \$4,400 of the per student tuition charged for each student that is in excess of such 4%. The tuition cap expires for Windsor, New Britain, New London and Bloomfield for the 2024-2025 school year.

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For the 2024-2025 school year, magnet schools that are allowed to and do charge tuition may not charge more than 58% of the per student tuition for the 2023-2024 school year.

Section 343 provides that for the 2023-2024 school year, charter school funding is equal to the foundation plus 36.08% of its charter grant adjustment. For the 2024-2025 school year, such funding is equal to the foundation plus 56.7% of its charter grant adjustment.

Section 344 provides that for the 2023-24 school year, the agricultural science and technology per pupil grant amount remains the same. For the 2024-2025 school year the per pupil grant amount must be *at least* the same as for the 2023-2024 school year. Beginning in the 2024-2025 school year, the Agricultural Science and Technology Schools cannot charge per pupil tuition that is greater than 58% of the per student tuition charged in the 2023-2024 school year.

Section 345 maintains the tiered Open Choice per pupil grant amounts based on participation for the 2023-24 school year. For the 2024-2025 school year, the tier amounts must remain *at least* the same as the 2023-2024 school year.

All state funding discussed above is subject to being “within available appropriations.”

Paraeducator Health Insurance Subsidies

Sections 204, 205 and 206 of the Budget Implementer establish a new paraeducator health subsidy program. Effective July 1, 2023, for the 2023-2024 fiscal year, the state Comptroller shall establish a program to provide a subsidy, within available appropriations, to each paraeducator who (1) opens a health savings account (“HSA”), (2) is employed by a board of education, and (3) applies for such program in the form and manner prescribed by the Comptroller. The subsidy shall be set by the Comptroller as a certain percent of the initial investment made by the paraeducator to open the account, not to exceed a certain amount set by the Comptroller. The Act provides that the following paraeducators are eligible for the subsidy: a paraeducator who (1) is employed by a board of education, (2) is ineligible for (a) the Covered Connecticut program, (b) Medicaid and (c) does not have access to coverage under a health benefit plan available either through their employer or the paraeducator’s spouse’s employer that meets certain coverage levels or where the employer-sponsored plan does not reach certain coverage levels.

For the 2024-2025 fiscal year, and each fiscal year thereafter, the Comptroller shall establish a program to provide a stipend to an eligible paraeducator to purchase a qualified health care plan with a silver level of coverage through the Connecticut Health Insurance Exchange. Effective July 1, 2024, the definition of an eligible paraeducator is amended to lower the coverage levels of employer-sponsored plans that will qualify a paraeducator for the stipend.

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Finally, the Act also establishes a paraeducator health care working group to study health care access, equity and affordability for paraeducators employed by boards of education. Such study must include (1) analysis of the cost to such boards for offering coverage under health benefit plans with at least an actuarial value of seventy-five percent, (2) consideration of fees or taxes assessed on a board of education if coverage under the health plan does not meet minimum IRS requirements, (3) comparison of the costs to such boards for offering health coverage by actuarial value and the cost of a qualified health plan with a silver level of coverage, (4) examination of the feasibility of expanding the Covered Connecticut program to provide coverage for paraeducators and other similarly situated occupations in the state, and (5) assessment of the average out-of-pocket costs for paraeducators under existing cost-sharing subsidy programs.

School Lunch Grants

Section 311 of the Budget Implementer amends existing law to require that the CSDE, within available appropriations, provide grants to boards of education, CTECS, charter schools, interdistrict magnet schools and endowed academies that participate in the National School Lunch Program and operate a school lunch program, breakfast program or other child feeding program.

For the 2023-2024 fiscal year, the grant shall enable eligible students to receive school lunches, school breakfasts and other such child feeding at no cost to such eligible students. “Eligible students” are defined as children whose families have incomes that are at or below two hundred percent of the federal poverty level, but who are not eligible to receive free school meals under federal law.

CSDE to Publish Annual Reports of School District’s Receipts, Expenditures and Statistics

Under existing law, each school superintendent must annually report to the CSDE on a district’s receipts, expenditures and statistics, as prescribed by the Commissioner by no later than September first of each year. Pursuant to **Public Act 23-167**, the CSDE must now, by no later than February 15, 2024, and annually thereafter, publish on its website the data contained in such district-level reports and returns by education program type, expense function, expense object and funding source. The CSDE shall further develop and publish a guide that contains definitions for each category of expenditure and funding source. In addition, no later than February 15, 2025, and annually thereafter, the CSDE must develop and publish the data contained in the reports and returns in a format that allows financial comparisons between school districts and schools, including student enrollment and demographic statistics as of October first of the school year in which the reports and returns were filed.

Local Food for Schools Incentive Program

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Public Act 23-167 requires that for the fiscal year ending June 30, 2024, and each year thereafter, the Connecticut Department of Agriculture and the CSDE jointly administer a local food for schools incentive program. This program provides reimbursement to eligible boards of education for the purchase of locally and regionally sourced food that may be used as part of the boards' participation in an eligible meal plan. Boards may, depending upon upcoming guidelines, receive reimbursement of up to one-half of the board's expenditure on locally sourced foods and one-third of its expenditures on regionally sourced foods. (The locally or regionally sourced food must comply with all nutrition standards established by the CSDE).

Eligible boards of education must keep accurate records of these expenditures. The amount of reimbursement payments shall be reduced if the total of the reimbursement payments exceeds the amount appropriated in any given year. Further, any unexpended funds that are appropriated for this purpose shall not lapse at the end of the fiscal year; they shall instead be available for expenditure during the next fiscal year. No later than January 1, 2025 and each year thereafter, the CSDE shall submit a report on the funds appropriated and received by the department for the program, descriptions of the reimbursement payments and an evaluation of the program.

The Act gives fairly clear definitions as to what foods are eligible for this program. "Locally sourced food" is defined as "produce and farm products that have a traceable point of origin within Connecticut that are grown or produced at, or sold by, a local farm that includes, but is not limited to, value-added dairy, fish, pork, beef, poultry, eggs, fruits, vegetables and minimally processed foods." "Regionally sourced food" is "produce and other farm products that have a traceable point of origin within New York, Massachusetts, Rhode Island, Vermont, New Hampshire or Maine that are grown or produced at, or sold by, a regional farm and includes, but is not limited to, value-added dairy, fish, pork, beef, poultry, eggs, fruits, vegetables and minimally processed foods." An "eligible board of education" is a board of education that is participating in the National School Lunch Program.

Supplemental grants may also be available, within available appropriations, for the purpose of purchasing kitchen equipment, engaging with school nutrition or farm-to-table consultants, engaging with school nutrition and preparing and serving locally and regionally sourced food. Priority for such supplemental grants shall be given to alliance districts.

Alliance Districts

Public Act 23-208: An Act Making Certain Revisions to the Education Statutes requires the Commissioner of the CSDE to develop a report on the effectiveness of the alliance district program along with recommendations for reforming the program, and to submit such report and recommendations to the Education and Appropriations committees of the General Assembly by no later than January 1, 2026. In addition, effective July 1, 2023, the Act provides that alliance district funding may not be spent on family resource center programs. Instead by February 1, 2024, alliance districts must report to the CSDE on the

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costs of implementing family resource programs at each of their elementary schools. Moreover, the new law expands eligibility for alliance district phase out grants for districts that are no longer eligible for alliance district grants and also requires that for the 2024-25 fiscal year alliance districts dedicate certain grant funding to minority staff recruitment, residency and retention programs.

Connecticut General Statutes Section 10-264u sets forth rules and conditions that govern requests for funding for schools designated as alliance districts, renamed as “Educational reform districts” by **Public Act 23-167**. The statute has required such districts, in their applications for funding, to include the submission of and the spending of funds pursuant to a plan that sets forth objectives and performance targets that are based in part on the strategic use of student performance data. Public Act 23-167 changes the term “plan” to “improvement plan” and requires school districts to annually submit such improvement plan to the CSDE. The improvement plans so submitted shall be published on the CSDE’s website.

Student Mental Health

Public Act 23-101 requires the Commissioner of the Department of Social Services (to the extent permissible under federal law) to provide Medicaid reimbursement for suicide risk assessments and other mental health evaluations and services provided at a school-based health center or public school (and to amend the Medicaid State plan as may be necessary to accomplish the same).

Additionally, the Act also requires the CSDE for the 2023-2024 fiscal year to award a grant to and collaborate with a nonprofit organization that specializes in identifying and providing services for at-risk teenage students who are experiencing depression, anxiety, substance abuse struggles and trauma and conflict-related stresses, for the purpose of training school behavioral health providers to be able to identify and provide services for such at-risk teenage students. The CSDE (within available appropriations) may hire one full-time employee who will be responsible for implementing this grant program.

Miscellaneous Grant Programs

Section 333 of the Budget Implementer requires the Commissioner of the CSDE to expend \$500,000 of additional funds for 2023-2024 and 2024-2025 to provide a grant-in-aid to The Legacy Foundation of Hartford, Inc. to provide wrap-around services for students participating in the inter-district public school attendance program.

Section 336 of the Budget Implementer expands through 2025-2026 the grant program to provide grants to boards of education for the purpose of hiring additional school mental health specialists.

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Section 325 of the Budget Implementer amends existing law to allow that any school district that received a priority school district phase-out grant in the third fiscal year following the fiscal year such in which such school district received its final priority school grant shall be eligible to receive a priority school district phase-out grant for the 2023-2024 school year.

Section 328 of the Budget Implementer amends the heating, cooling, ventilation and air conditioning system grant program to provide that a local board of education for any town with a total population of 80,000 or greater shall receive a grant equal to a percentage of its eligible expenses that is the greater of the amount provided under the current statutory formula or sixty percent. This provision became effective July 1, 2023.

Under **Public Act 23-167**, the CSDE shall, within available appropriations, establish a pre-apprenticeship program and award grants to any board of education that incorporates a pre-apprenticeship program into the curriculum for grades nine through twelve. Such program must (1) be registered with the Department of Labor; and (2) meet all criteria that will be established by the CSDE. The award shall be in an amount of not less than one thousand dollars for each student that completes the pre-apprenticeship program. Starting January 1, 2025, and each year thereafter, the CSDE must submit a report to the General Assembly that states (1) the amount of grants awarded during the prior year; and (2) the types of pre-apprenticeship programs completed by the students during the prior year.

TITLE IX

Public Act 23-66: An Act Concerning A Title IX Compliance Toolkit For School Districts requires the Commission on Women, Children, Seniors, Equity and Opportunity to convene and lead a working group to develop a Title IX “compliance toolkit” for use by boards of education, students, and parents and guardians of students in implementing state and federal laws regarding the prevention, identification and response to discrimination, harassment, and adult sexual misconduct. The toolkit is to include the following:

1. Training that includes a) information regarding the prevention, identification and response to adult sexual misconduct in schools, as described in the U.S. Department of Education's "Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting", and b) research and data regarding the prevalence of child sexual abuse, adult sexual misconduct and the unique risk to sexual abuse for students with disabilities or who are LBGTQ+;
2. A model antidiscrimination and abuse prevention policy and accompanying procedures that include but are not limited to policies addressing the needs of students with disabilities or who are LBGTQ+;
3. A summary of applicable state and federal statutory and regulatory requirements that includes information as to how such requirements affect the rights of students, including students with disabilities or who are LBGTQ+, to be free from discrimination, harassment and abuse;

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4. Provisions relating to the process for reporting an incident of adult sexual misconduct, including documents accessible to parents and guardians of students, students, school personnel and administrators;
5. Requirements for investigating reports of adult sexual misconduct, including information regarding the need to offer safety planning and services to the complainant or victim;
6. An explanation of the Title IX complaint procedures, including, but not limited to, the various methods accessible to parents and guardians of students, students, school personnel and administrators of submitting complaints;
7. Information explaining the right of an individual to seek redress from the Commission on Human Rights and Opportunities and the United States Department of Health and Human Services' Office for Civil Rights that is accessible to parents and guardians of students, students, school personnel and administrators;
8. Procedures for publishing and disseminating information to parents and guardians of students, students, school personnel and administrators from the Connecticut School Health Survey and school climate assessment instruments;
9. Information relating to personnel and resources at the state and federal level that are available to provide ongoing technical assistance and support to boards of education with regard to their compliance with Title IX requirements; and
10. Information relating to resources that are available to provide support to students, educators and parents and guardians regarding prevention, identification and response to child sexual harassment, discrimination and abuse.

The Act specifies the composition of the working group, which shall include representation from the Connecticut Association of Boards of Education and the Connecticut Association of Public School Superintendents. The working group is then to submit the Title IX compliance toolkit that it develops to the General Assembly's Committee on Children by July 1, 2024.

The Act further provides that commencing with the 2025-2026 school year, each school district shall implement the afore-referenced Title IX compliance toolkit as per their efforts to prevent, identify and respond to reports of child sexual abuse, harassment and discrimination. Commencing with the 2026-2027 school year, each school district shall submit a Title IX compliance report to the CSDE, in a form/manner prescribed by the CSDE. The report shall include 1) the name and contact information of any individual designated by the district to serve as its Title IX coordinator, including the dates on which such individual has served as coordinator, 2) any training offered or provided by the district to school personnel regarding the laws and implementation of Title IX (including the content and frequency of such training), 3) any Title IX policy and any supplemental misconduct policy for the school district, including a description of where such policies are available to students, parents and guardians and school personnel, and 4) any guidelines or

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resources used or provided by the district in the implementation to any student, parent or guardian who makes a complaint concerning a violation of Title IX. The CSDE shall annually review these Title IX compliance reports and develop a report based on its findings of such review. The CSDE shall make such report available on its website and submit the report to the General Assembly's Committee on Children.

Special Act 23-18: An Act Establishing a Working Group to Study the Implementation of Federal Title IX Protections For All Municipal Recreation Areas and School Sports Facilities establishes a working group whose goal is to determine the feasibility of implementing an assessment of municipal and public-school sports facilities to evaluate their compliance with Title IX. Factors to be considered include the nature of the organized sports teams that use such facilities and whether any teams are prohibited from using such facilities. The working group shall consist of various educational and school sports stakeholders along with legislative appointees. The working group is to submit a report on its findings to the Education and Planning and Development Committees of the General Assembly by no later than January 1, 2024.

CURRICULUM AND INSTRUCTION

Remote Learning and Dual Instruction

Public Act 23-150 amends recent legislation that authorized district use of remote learning in limited circumstances but that prohibited the provision of dual instruction (i.e. "synchronous instruction") in connection with remote learning, by specifically authorizing dual instruction in cases where dual instruction is required in, or necessary to implement IEP or Section 504 plans or as part of an intradistrict or interdistrict cooperative learning program in which students are present in a classroom on school grounds during the regular school day and a certified staff member is present in each classroom in which dual instruction is provided or students are receiving such dual instruction. Before offering dual instruction as part of such intradistrict or interdistrict cooperative learning programs, boards of education must reach an agreement with each impacted certified staff union (i.e. the teachers' union from each district participating in the cooperative program).

Additionally, **Public Act 23-160** amends existing law with respect to the CSDE's development of a plan for the creation and implementation of a state-wide remote learning school for students in grades kindergarten to twelve. The Act defines an "eligible student" for purposes of eligibility in such remote learning school as "[a] student who resides in the state, but is unable to attend school in person due to a medical diagnosis, including a psychological or physical condition or restriction, or medical exemption to required immunizations, documented by the child's health care provider."

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The CSDE plan for the remote learning school was previously required to be submitted by July 1, 2023 but Public Act 23-160 now pushes that deadline back to January 1, 2024.

Play-Based Learning

Public Act 23-101 and Public Act 23-159 both mandate (pursuant to identical legislative language) that by July 1, 2024, boards of education must provide for “play-based learning” during the instructional time of each regular school day for all pre-K and kindergarten students and must also permit teachers to utilize play-based learning during the instructional time of a regular school day for all students in grades one to five.

“Play-based learning” is defined under the new law to mean “a pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards.” Time spent during recess or physical education does not constitute play-based learning time.

For kindergarten and preschool students, play-based learning must be incorporated and integrated into daily practice, allow for the needs of such students to be met through free play, guided play and games, and be predominantly free of the use of mobile electronic devices. By contrast, first through fifth grade teachers may incorporate and integrate play-based learning into daily practice in a manner that allows for the needs of students to be met through free play, guided play and games and is predominantly free of the use of mobile electronic devices.

Play-based learning utilized under the new law must comply with the IEP and/or Section 504 plans of SPED students. The Act provides that school employees may only prevent or restrict a student’s participation in play-based learning if such prevention or restriction is in accordance with board of education policy regarding the limitation of student participation in physical exercise during the school day. Finally, the Act requires that starting with the 2024-2025 school year, play-based learning be incorporated into annual professional development programming for pre-K through fifth grade teachers.

Graduation Requirements

Sections 319 and 320 of the Budget Implementer amends the state’s high school graduation requirements, beginning with the class of 2025, so as in addition to the course work/subject matter graduation requirements, a student cannot graduate unless the student has (1) completed a Free Application for Federal Student Aid (“FAFSA”), (2) completed and submitted a public institution of higher education application for institutional financial aid for students without legal immigration status, or (3) completed a waiver on a form to be prescribed by the Commissioner of the CSDE, signed by such minor student’s parent or legal guardian or by the student if such student is a legally emancipated minor or eighteen years of age or older. The parent/ legal guardian/student shall not be required to state any reasons for choosing not to complete the FAFSA or

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application for institutional financial aid. On or after March 15 of the school year, a principal, school counselor, teacher or other certified educator may complete the waiver on behalf of any student who has not satisfied the requirements of this section and must affirm that they have made a good faith effort to contact the parent, legal guardian or student about completion of the FAFSA or application for institutional financial aid. NOTE: Please see Public Act 23-21's revision to the graduation requirement via the addition of one-half credit in personal financial management and financial literacy as noted below.

Required Curriculum

Effective July 1, 2025, **Public Act 23-150** adds “civics and media literacy” to the program of instruction that must be offered by Connecticut’s public schools. The Act does not define how this subject matter is to be taught and much of this subject area may already be covered in required instruction on citizenship, government and history which are all subject matters within the existing required program of instruction.

The Act also requires CTECS to study programs offered at CTECS’ schools to see whether such programs align with the skills or certifications required to fill the available jobs in the state and whether there are any deficiencies in the training or the availability of equipment at CTECS’ schools to fill such jobs. The Act also requires CTECS to study opportunities to partner with employers or labor organizations in the state to provide relevant apprenticeships or internships to students. The results of such study are to be presented to the Education Committee of the General Assembly by no later than January 1, 2025.

Availability of Curriculum Materials

Public Act 23-160 requires boards of education to make available all curriculum approved by their school district curriculum committees and all associated curriculum materials in accordance with the requirements of the Protection of Pupil Rights Amendment.” (the “PPRA”). The PPRA provides parents with the right to, among other things, receive notice of and the opportunity to opt out of activities involving the collection and disclosure of personal information for the purpose of marketing or providing that information to others.

Financial Literacy Instruction

Commencing with the class of 2027, **Public Act 23-21: An Act Concerning Financial Literacy Instruction** amends high school graduation requirements by requiring students to satisfactorily complete at least one-half credit in personal financial management and financial literacy. The Act does not change the existing twenty-five credit requirement for graduation – which specifically requires nine credits in the humanities, including civics and the arts, nine credits in science, technology, engineering and mathematics, one credit in physical education and wellness, one credit in health and safety education and one credit in world languages. The Act provides that the new one-half credit requirement in personal financial management and financial literacy may be applied to the existing nine credit requirement for coursework in the humanities, civics and

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the arts.

In addition to this change, the Act also amends existing law by granting boards of education flexibility in electing whether students shall be required to complete a one credit mastery-based diploma assessment in order to graduate from high school or be granted a diploma. This change becomes effective starting with the class of 2023. Prior to this change, state law required that students satisfactorily complete a one credit mastery-based assessment in order to graduate high school or receive a diploma.

More broadly, the Act also amends existing law with respect to school instruction by designating personal financial management and financial literacy in the required program of instruction for Connecticut public schools.

Audit of State-Wide Mastery Examinations

Both **Public Act 23-150** as well as **Public Act 23-167** require (pursuant to virtually identical statutory language) that by January 1, 2025 the Commissioner of the CSDE must conduct an audit of state and local mastery testing requirements and administration. Such audit is required to collect data on the amount of time devoted to student preparation or educator evaluation in connection with state-wide or local standardized tests and include an analysis on the amount of time such preparation and evaluation takes away from regular instruction. The audit must also include the Commissioner's recommendations with respect to any limitations that should be imposed on the amount of time that may be devoted to administering such exams. The results of the audit are to be presented to the General Assembly's Education and Appropriations committees.

Implementation of a Comprehensive Reading Curriculum

Public Act 23-167 requires that for the school year commencing July 1, 2023 and each school year thereafter, boards of education must implement a reading curriculum model or programs for kindergarten to grades three that has been reviewed and recommended by the Center for Literacy Research and Reading Success.

School districts may apply for a waiver of this requirement. However, Public Act 23-167 states that for the school years commencing on July 1, 2023 and July 1, 2024, those districts that have not been granted a waiver and are not fully implementing a comprehensive reading curriculum model for grades kindergarten through three, shall begin partial implementation of such reading curriculum model and must be fully implementing such comprehensive model or program by no later than the school year commencing July 1, 2025.

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While the waiver was previously considered based on whether the board had sufficient resources or funding to implement a comprehensive reading curriculum, Public Act 23-167 now requires that a waiver may only now be granted if the district's other comprehensive reading curriculum or program is (1) evidence-based and scientifically-based and (2) focused on competency in oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency and reading comprehension.

"Reading" for Purposes of a Board of Education's Required Program of Instruction

Existing law defines and lists the subject matter included in the program of instruction that must be offered by the public schools. **Public Act 23-160** amends the law with respect to the required program of instruction to define "reading" as "evidence-based instruction that focuses on competency in oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency and reading comprehension."

Cursive and World Languages to Model Curriculum

By January 1, 2024, **Public Act 23-167** requires the CSDE to develop a model curriculum for grades kindergarten through grade 8 that may be used in whole or in part by any school district. The Act also adds cursive writing and world languages beginning in kindergarten to the content of the model curriculum.

Partnership with Local Employers in the Aviation or Aerospace Industry

Effective July 1, 2023, **Public Act 23-167** any board of education may partner with one or more local employers that are in the aviation or aerospace industry to develop and provide an apprenticeship program for students. The program may include (1) on-site training; and (2) the provision of information to students about programs of study at the CT Aero Tech School for Aviation Technicians. Within sixty days after the first student cohort completes the apprenticeship, the board of education shall submit a report to the General Assembly's Education Committee that includes the number of students (1) who participated in and completed the program; and (2) enrolled in the CT Aero Tech School for Aviation Technicians.

STAFF TRAINING AND DEVELOPMENT

Paraeducator Training

Existing law requires boards of education to provide in-service training programs for teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate on a wide-variety of subjects including drugs and alcohol abuse, the prevention of risk-taking behaviors, school violence prevention and mandated reporting obligations among other topics. **Public Act 23-160** amended the law by mandating that paraeducators be allowed to participate (if they so choose) in such in-service

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training programs along with certified staff members. This new requirement applies starting with the 2023-24 school year.

Paraeducator Participation in Local Professional Development and Evaluation Committees

Effective July 1, 2023, **Public Act 23-159** amends existing law with respect to the composition of local professional development and evaluation committees to require that at least one paraeducator selected by the exclusive bargaining unit for paraeducators be added to such committees. Professional development and evaluation committees are responsible for participating in the development or adoption of teacher evaluation and support programs for each district as well as the development, evaluation and annual updating of a comprehensive local professional development plan for certified employees of each district. On July 1, 2022, professional development and evaluation committees also became responsible for developing, evaluating and annually updating a comprehensive local professional development plan for district paraeducators. The new law additionally requires that by January 1, 2025 the CSDE, in consultation with the School Paraeducator Advisory Council develop or update guidance and best practices for programs of professional development provided for paraeducators and distribute such guidance and best practices to each board of education.

School Administrator Management Training

Effective July 1, 2023, **Public Act 23-159** amends existing law with respect to annual certified staff professional development programming to require that principals and vice-principals receive training on the management of school personnel and methods for engaging school personnel with the goals of the school.

High School Student Paraeducator Training Program

Under **Public Act 23-167**, no later than January 1, 2024, the Commissioner of the CSDE, in consultation with the School Paraeducator Advisory Council, shall develop a model program for paraeducator training for students in grades nine to twelve who may be qualified to work as a paraeducator when they graduate from high school. Not later than one year after adopting such a program, participating boards of education must annually prepare a report to the General Assembly's Education Committee that provides the number of students who participated in and completed the program by grade and who found employment as a paraeducator after graduation.

Student Seizure Response Training

Public Act 23-160 adds emergency responses to students who experience a seizure in school, including the recognition of the signs and symptoms of seizures, the appropriate steps for seizure first aid, information about seizure actions plans for students and, for those authorized to do so, the administration of medication to the list of mandatory in-service training programs for certified staff members.

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MISCELLANEOUS EDUCATION LAW CHANGES

Mandatory CSDE Training for New Board Members

Pursuant to **Public Act 23-167**, on and after July 1, 2023, newly-elected board of education members will now be required to complete a mandatory training program to be developed by the CSDE within one year of taking office. Such training program must address the roles and responsibilities of board members, the duties and obligations of a board of education and school district budgeting and finance.

Free Menstrual Products in Student Restrooms

Last year, new legislation required boards of education to provide free menstrual products in restrooms for students in grades three through twelve. This requirement was to begin on and after September 1, 2023, but **Public Act 23-160** now pushes this deadline back to September 1, 2024.

School Resource Officers

Public Act 23-167 and **Public Act 23-208** make a number of changes regarding school district utilization of school resource officers (“SROs”). Pursuant to Public Act 23-167, effective July 1, 2023, school districts that assign a SRO to any school must maintain a copy of the memorandum of understanding with the local law enforcement agency regarding the SRO’s role in a central location in the district, post it on the district’s website and at each school in which the SRO is assigned. Any such memorandum of understanding entered into, extended, updated or amended must now also include provisions specifying the SRO’s duties concerning, and procedures for, the restraint of students, use of firearms, school-based arrests and reporting of any investigations and behavioral interventions. An “investigation or behavioral intervention” is any circumstance in which a SRO conducts a fact-finding inquiry concerning student behavior or school safety, including emergencies, and any intervention to resolve violent or nonviolent student behavior or conflicts.

For any investigations or behavioral interventions engaged in by any SRO, within five school days the SRO must submit a report to the chief of police. The chief shall submit such report to the superintendent on at least a monthly basis. The superintendent shall provide a copy of such report to the board of education. The report shall consist of the following elements at a minimum: (1) the date, time and location of such investigation or behavioral intervention; (2) the name and badge number of the SRO; (3) the race, ethnicity, gender, age and disability status for each involved student; (4) the reason for and nature of such investigation or intervention; (5) the disposition of each investigation or intervention; and (6) whether any such student was searched, apprised of their constitutional rights, issued a citation or summons, arrested or detained, including the amount of time of the detention.

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In addition to the new SRO memoranda of understanding requirements imposed by Public Act 23-167, Public Act 23-208 clarifies that all memoranda of understanding between boards of education and local law enforcement agencies regarding the assignment of SROs that are entered into, extended, updated or amended on or after July 1, 2023 include provisions specifying a SRO's duties concerning, and procedures for investigations and behavioral interventions of challenging behavior or conflict that escalates to violence or constitutes a crime. This new requirement is in addition to Public Act 23-167's new requirement that memoranda of understanding regarding the use of SROs include provisions specifying procedures for the restraint of students, use of firearms, and school-based arrests. This Act further specifies that such provisions must be in accordance with laws and policies regarding the duties of police officers.

Indoor Air Quality

Public Act 23-167 requires the Department of Administrative Services ("DAS") to develop a standard school building indoor air quality reporting form to be used by boards of education when preparing or conducting a uniform inspection program of the indoor air quality within each of its school buildings. DAS shall also develop a standard school building heating, ventilation and air conditioning system reporting form to be used by boards of education when conducting a uniform inspection and evaluation of the heating, ventilation and air conditioning system in school buildings. Both forms are to be made available on DAS' website.

Public Act 23-167 further provides that beginning on January 1, 2024, boards of education must annually provide for a uniform inspection and evaluation program of the indoor quality within each of its school buildings, using the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. Existing law requires such inspection programs only once every three years. Air quality evaluations must be placed on the district websites along with the website of each school and must be submitted to DAS.

Furthermore, existing law previously required that prior to January 1, 2024, and every five years thereafter, boards of education provide for a uniform inspection of the heating, ventilation and air conditioning system within each school building under its jurisdiction. Public Act 23-167 defers that date to January 1, 2025 and also requires that reports of such inspections be provided to DAS using the forms noted above as well as posted on a district's website.

DAS may, upon a board's request, grant a waiver of the above January 1, 2025 deadline for the provision of a uniform inspection and evaluation if it finds that there is an insufficient number of certified testing, adjusting and balancing technicians, industrial hygienists certified to perform such inspection and evaluation; or (2) the board requesting the waiver has scheduled its inspection and evaluation for a date after January 1, 2025. Any such waiver is valid for one year.

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Public Act 23-167 also requires the Commissioner of Public Health to develop guidelines by July 1, 2024 regarding the establishment of an optimal thermal comfort range of sixty-five to eighty degrees Fahrenheit for school buildings and facilities, except that gymnasiums may have a larger comfort range.

Charter and Magnet School Eligibility to Participate in Health Care Cooperatives

Existing law permits municipalities and boards of education to join together by written agreement to act as a single entity for the purpose of providing medical or health care benefits to employees. Effective July 1, 2023, **Public Act 23-160** expands this ability to charter and magnet schools.

Sheff Mandates

Section 318 of the Implementer Act amends existing law to require that the reduced-isolation enrollment standard established for interdistrict magnet schools shall comply with the decision of *Sheff v. O'Neill*, or any related stipulation or order in effect, for an interdistrict magnet school program located in the *Sheff* region. It also authorizes the Commissioner of the CSDE to assist the state in meeting its obligations under *Sheff* and any related stipulation or order in effect by awarding grants with funds appropriated for the *Sheff* settlement for academic and social student support programs for the following interdistrict programs: (1) Interdistrict cooperative programs pursuant to section 10-74d, (2) interdistrict public school (“open choice”) attendance program pursuant to section 10-266aa, and (3) interdistrict magnet school programs pursuant to section 10-264l and (4) CTECS.

School Nurses

Public Act 23-167 changes existing law to state that a nurse under contract with a board of education “shall not be required to have at least the equivalent of one year full time working experience as a registered nurse during the five years immediately prior to appointment or employment as a school nurse or nurse practitioner.” However, on and after July 1, 2024, all school nurses or nurse practitioners under contract with a board of education must complete at least fifteen hours of professional development, in each two-year period, provided such development includes training and instruction in the implementation of individualized education programs and plans pursuant to Section 504 of the Rehabilitation Act.

Public Act 23-167 also adds that all boards of education must provide professional development programs related to training and instruction in the implementation of IEPs and Section 504 Plans not later than thirty days after such nurse or nurse practitioner has been appointed by or entered into a contract with such board of education.

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Student Suspensions and Expulsions

Public Act 23-167 requires that for the school year commencing July 1, 2024 and each year thereafter, any board of education with a rate of in or out of school suspensions and/or expulsions that is deemed high or disproportionate by the Commissioner of the CSDE shall (1) develop strategies to reduce the number of suspensions and expulsions; and (2) submit such strategies to the Commissioner. The CSDE shall, within available appropriations, provide support and oversight of such schools that are implementing these strategies.

Recommended Assessments for Determining Suicide Risks

Public Act 23-167 requires that by no later than January 1, 2024, the CSDE provide to each board of education a list of recommended assessments for determining the suicide risk of students who exhibit mental health distress, have been identified as at risk of suicide or have other risk factors.

Student Data Reporting

Public Act No. 23-165: An Act Concerning Access by The Legislative Office of Fiscal Analysis to Certain Education Data which became effective July 1, 2023, requires the Commissioner of the CSDE to submit a report every other year to the General Assembly's Office of Fiscal Analysis aggregating certain information on public school students. For each student, this report will include information such as the student's grade-level, resident municipality, reporting school district, schools attended, English language learner and free or reduced-price lunch status, any special program status code and whether the student is enrolled at no expense to the municipality. Such reports shall not include any personally identifiable information of students, such as names or the unique student identifier assigned to each student. Information produced to the Office of Fiscal Analysis by the CSDE may only be used by employees of the Office of Fiscal Analysis for the purpose of research and reporting in the course of their duties for the General Assembly.

Public Act 23-167 requires that by no later than May twentieth of each year, every board of education, operator of an interdistrict magnet school program and state and local charter school submit to the CSDE the number of students enrolled as of April first of each school year. In the case of a board that (1) is a sending district or receiving district; (2) is an operator of an interdistrict magnet school program; or (3) operates an agricultural science and technology program, such board shall annually submit to the CSDE the number of students participating in such programs as of April first of every school year, separately for in-district and out-of-district students.

Region 20

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Public Act 23-208 designates the terms of office for board of education members in the new Regional School District # 20 by setting staggered four year terms for representatives from each of the member towns with elections occurring in June of 2024, June of 2025 and June of 2026.

Public Act 23-159 clarifies existing law by providing that continuous service time for teachers previously employed by a regional board of education who commence employment with a new regional board of education is not interrupted for purposes of tenure and accrued sick leave calculations. This portion of the Act is clearly directed towards current Region 6 teachers who will commence employment with the newly-established Region 20.

Public Libraries

Among a number of other provisions, **Public Act 23-101** also provides that in order for a principal public library to be eligible for state grants, it must maintain and adhere to collection development, collection management and collection reconsideration policies that have been approved by the governing body of such library; such policy shall offer residents a clear process to request a reconsideration of library materials (and shall govern if there is a book challenge).

BOARD MEETING AND AGENDA REQUIREMENTS AND FREEDOM OF INFORMATION ACT CHANGES

Website Posting of Board Agendas and Meeting Documents

While it may be a practice in which many boards of education already engage, effective July 1, 2023, **Public Act 23-160** makes it an express requirement that boards of education conducting regular or special meetings make available for public inspection the agenda for the meeting or any associated documents that may be reviewed by members of the board at the meeting *and post such agenda and documents on the board's website.*

As such, it is no longer sufficient to simply make a board's "packet" of meeting documents available in hard-copy at meetings, although that is still a good practice. Posting of the agenda and the documents to be reviewed (other than those that are exempt under FOIA or otherwise), must now be made available on-line. The Act does not define exactly when a board's "packet" documents must be posted, but it is safe to assume that it should be done in a reasonable amount of time before the scheduled board meeting.

FOIA Changes

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

Public Act 23-200: An Act Concerning Enforcement Of Violations Of The Freedom Of Information Act, which takes effect on October 1, 2023, increases from \$1,000 to \$5,000 the maximum civil penalty that the Freedom of Information Commission (“FOIC”) may impose for violations of the Freedom of Information Act (“FOIA”) where the FOIC finds that the denial of FOIA rights was without reasonable grounds. In addition, the Act authorizes the FOIC to issue such fines where the FOIC finds that a public agency is engaging in 1) a practice or pattern of conduct that constitutes an obstruction of any right conferred by the FOIA, or 2) reckless, willful, or wanton misconduct in delaying or denying responses to public records requests. In such circumstances, the FOIC is also empowered to order such other relief that the FOIC determines is appropriate to rectify such obstruction or misconduct and to deter the public agency from violating the FOIA; if a public agency fails or refuses to comply with any such order, the FOIC may apply to the Superior Court for an order requiring such public agency to comply with the FOIC’s order.

Public Act 23-197 expands the FOIA’s exemption for records of any investigations and the names of an employee who provides information under state whistleblower and false claim acts so as to add that the complaint and the name of any *person* providing such information may also be exempt from public disclosure.

Existing law enables the Secretary of the Office of Policy and Management to review the audits of municipalities and regional school districts and to report those which are out of compliance to the Municipal Finance Advisory Commission, the Auditors of Public Accounts and the CEO and clerk of the municipality or school superintendent. If such occurs, **Public Act 23-197** now requires the legislative body of the municipality, board of selectmen or board of education to hold a public meeting to discuss the nature of the unsound or irregular financial practices or lack of internal controls in relation to commonly accepted standards and to address the potential cause for such practices. After such meeting, the audited agency shall submit a plan for corrective action, in writing, to the secretary.

LABOR AND EMPLOYMENT

Public Act 23-101 amends (effective October 1, 2023) the state’s paid sick leave law by extending eligibility for paid sick leave to a service worker who is the parent or guardian of a child who is a victim of family violence or sexual assault (provided the service worker is not the perpetrator or alleged perpetrator of the violence or assault). The Act also amends the paid sick leave law by allowing such worker to take leave for (apparently once a year) a “mental health wellness day,” which is defined as “a day during which a service worker attends to such service worker’s emotional and psychological well-being in lieu of attending a regularly scheduled shift.”

Public Act 23-145: An Act Revising The State’s Antidiscrimination Statutes, which takes effect on July 1, 2023, amends existing law, which makes it a discriminatory practice to deprive someone of “any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or to cause

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

such a deprivation,” so as to cover discrimination based upon age. This Act further revises the state’s anti-discrimination statutes by changing the definition of “sexual orientation” so as to cover “a person’s identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person (A) may have previously expressed or (B) is perceived by another person to hold.”

Effective July 1, 2023, **Public Act 23-159** amends existing law regarding prohibited practice complaints to allow the State Board of Labor Relations (the “Labor Board”) to issue interim “cease and desist” orders to prohibit ongoing conduct allegedly in violation of the Teacher Negotiation Act. Prior to this change, the Labor Board lacked the explicit authority to issue interim cease and desist orders while prohibited practice complaints filed by teacher or administrator unions or boards of education were still pending before the Labor Board.

Public Act 23-35: An Act Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries for All Employees expands workers' compensation benefits for post-traumatic stress disorder for witnessing certain traumatic events (e.g., certain deaths or maimings) to include all employees as of January 1, 2024; this benefit is currently limited to certain first responders.

Public Act 23-162: An Act Concerning Stop Work Orders, which takes effect on October 1, 2023, expands the ability of the Connecticut Department of Labor to issue stop work orders to include violations of the prevailing wage laws; the bill also increases fines for violations of stop work orders.

Public Act 23-175: An Act Amending Codification Of Prevailing Wage Contract Rates, which takes effect on July 1, 2023, provides that with respect to residential construction projects covered by the state’s prevailing wage statutes, the Commissioner of Labor must use the rates set in the collective bargaining agreements covering the same work in the same trade or occupation in the town where the project is being done; when there are two or more applicable agreements, the Commissioner is to use the agreement “of historical jurisdiction” (whatever that term might mean). If there is no such applicable collective bargaining agreement in the town at issue, the Commissioner is to use the applicable prevailing wage rate set by the U.S. Department of Labor. These new requirements already exist for highway and building projects.

TASK FORCES AND STUDIES

Effective July 1, 2023, **Public Act 23-160** requires the Commissioner of the CSDE to convene a family and community engagement in education council. The council shall have multiple responsibilities, which include: (1) advising the Commissioner on issues and policies related to family and community engagement in education; (2) providing parent and community feedback on products and initiatives offered by the CSDE; (3) reviewing and making recommendations regarding the CSBE’s five year plan concerning school-family-community partnership initiatives, and (4) reviewing and recommending practices to increase school and

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

district capacity to develop partnerships and families' capacity to support their children's education. The council shall meet at least quarterly.

The council shall consist of school and district staff, parents and guardians of students and community members who reflect the state's geographic, economic, ethnic and racial diversity. Not later than January 1, 2025 and annually thereafter, the council will submit a report on its review and recommendations regarding the comprehensive five-year plan regarding school-family-community partnership initiatives to the CSBE and the General Assembly's Education Committee.

Prior law created a working group to make recommendations related to indoor air quality within school buildings. The recommendations were to include, among other things, the optimal humidity and temperature ranges to ensure healthy air, optimal heating, ventilation and air conditioning system performance for minimizing the spread of infectious disease; and protocols to be used by the school districts to receive, investigate and address complaints and/or evidence of mold, pest infestation, hazardous odors or chemicals and poor indoor air-quality.

Public Act 23-167 adds to the items for consideration and evaluation. These new items include (1) best practices for the proper maintenance of heating, ventilation and air conditioning systems in school buildings, including the frequency and scope of its maintenance, (2) a system of equitable distribution of funds, based on need, under a heating, ventilation and air conditioning grant program; and (3) ways to make the reports and results of the uniform inspections and evaluations of the indoor air quality (and heating, ventilation and air conditioning systems) of school buildings accessible and searchable. The working group previously had until January 4, 2023 to submit a report to the General Assembly on its findings. Public Act 23-167 extends that time to July 1, 2024. The working group will terminate when it submits its report, or July 1, 2024, whichever is later.

Special Act No. 23-31: An Act Concerning a Study of The Effectiveness of The Implementation of Crisis Response Drills in Public Schools and Their Effect on Children's Mental Health Act provides that the Department of Emergency Services and Public Protection ("DESPP"), in consultation with the CSDE will jointly conduct a study into the use of fire drills and crisis response drills in schools. The objective of this study is to learn more about the effectiveness of safety preparedness drills in schools, as well as any impact that these drills may have on student mental health. DESPP must issue a report on its findings to the Education Committee of the General Assembly by no later than January 1, 2025.

Public Act 23-150 establishes a "Connecticut Civics Education, Civics Engagement and Media Literacy Task Force" to study and develop strategies to improve and promote civic engagement and instruction on civics, citizenship, media literacy and American government. The task force is to be comprised of individuals selected by various leaders of the General Assembly, state office holders and education and civic stake holder groups and is charged with reporting its findings to the Education Committee of the General Assembly

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

by January 1, 2025.

Public Act 23-101 expands the duties of the Task Force to Study Children’s Needs to include reviewing and analyzing the efficacy of programs designed to assist and support the needs of children and families that have received and expended funds pursuant to the various pandemic era stimulus programs. The Act also requires the Task Force to conduct a needs assessment for children that identifies 1) gaps between existing conditions and desired outcomes, and 2) the extent to which gaps are attributable to the COVID-19 pandemic, with a focus on children and individuals who were enrolled in Connecticut high schools and were members of the graduating classes of 2020 to 2023. The Task Force must submit its findings and recommendations to the General Assembly Committee on Children by January 1, 2024.

Public Act 23-101 also requires the Social and Emotional Learning and School Climate Advisory Collaborative to include in its annual report to the General Assembly’s Education and Children’s Committees recommendations concerning ways in which to promote the social and emotional development of young children (ages birth to five) covered under the state Medicaid program, by identifying age-appropriate methods of screening, assessment, diagnosis, treatment “and more.”

Effective July 1, 2023, **Public Act 23-160** requires the convening of a working group to review CSDE mandates on boards of education. The working group is further tasked with making recommendations regarding (1) the development of a biennial review process to examine laws governing education in Connecticut for the purpose of identifying obsolete or duplicative mandates on the CSDE or boards of education; and (2) the repeal of or amendment to any such law. The Act specifies the composition of the working group and further requires the group to submit a report on its review of the educational mandates and its recommendations for the repeal or amendment of such mandates to the General Assembly’s Education Committee by January 1, 2025.

Public Act 23-167 requires the CSDE to conduct a study regarding the use of virtual reality as part of classroom instruction in grades nine through twelve. The study shall include a review of best practices for the use of virtual reality as part of classroom instruction, appropriate safety measures for such use and how a board of education may responsibly purchase virtual reality equipment and programs. The CSDE must submit a report of its findings to the General Assembly’s Education Committee by January 1, 2025.

Effective July 1, 2023, **Public Act 23-167** also requires the Commissioner of the CSDE to establish a working group to study current school discipline practices, including but not limited to those practices that lead to students becoming justice-involved. The group shall submit its findings in a report to General Assembly’s Education Committee no later than July 1, 2024.

Developments from the 2023 Session of the Connecticut General Assembly Affecting Public Schools

For the school year commencing July 1, 2024 and each year thereafter, any board of education with a rate of in or out of school suspensions and/or expulsions that is deemed high or disproportionate by the Commissioner of Education shall (1) develop strategies to reduce the number of suspensions and expulsions; and (2) submit such strategies to the Commissioner. The CSDE shall, within available appropriations, provide support and oversight of such schools that are implementing these strategies.

Public Act 23-167 requires, the executive director of CTECS to convene a working group to determine the feasibility, cost and plan for the development of an aerospace advanced manufacturing high school. The working group must submit a report setting forth its findings on the matter to the General Assembly's Education Committee no later than January 1, 2025.

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email unsubscribe@pullcom.com with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.

APPENDIX III.

2022-2023 School Law Webinar Series

September 2022 - March 2023 | 12:00 p.m. - 1:00 p.m.
Zoom Webinars

The **2022- 2023 Pullman & Comley School Law Webinar Series** will feature a new topic each month relating to education law in the current climate. Our attorneys will cover the information that matters most to educators, superintendents, board of education members and school administrators.

Dates and topics of forthcoming webinars in the series are listed below:

Friday, September 23, 12:00 noon - 1:00 p.m.

Legislative Update: The Impact of Developments from the 2022 CT General Assembly Session on Schools and Employers

Friday, October 21, 2022, 12:00 noon - 1:00 p.m.

Administrative Hearings Before Boards of Education

Monday, November 21, 2022, 12:00 noon - 1:00 p.m.

Collective Bargaining 2022 - Key Takeaways from the 2022 Season

Wednesday, December 14, 2022, 12:00 noon - 1:00 p.m.

Special Education and Student Discipline

Wednesday, January 11, 2023, 12:00 noon - 1:00 p.m.

Student Discipline and Social Media

Tuesday, February 14, 2023, 12:00 noon - 1:00 p.m.

Search and Seizure Rules for School Building Administrators

Wednesday, March 15, 2023, 12:00 noon - 1:00 p.m.

Title IX – Procedures, Policies and Pitfalls

Professionals

Melinda B. Kaufmann

Zachary D. Schurin

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203.254.5000

WHITE PLAINS
914.705.5355

2022-2023 School Law Webinar Series

Stephen M. Sedor
Mark J. Sommaruga
Gwaina D. Wauldon

Practice Areas

School Law

Industries

Educational Institutions

2022 - 2023 Working Together Webinar Series

December 2022 - May 2023 | 12:00 p.m. - 1:00 p.m. EST
Zoom Webinar

Pullman & Comley's 2022 - 2023 Labor & Employment law practice's **Working Together Webinar Series** will feature a variety of topics relating to human resources, labor and employment issues. Our attorneys will cover the information that matters most to employers.

Dates and topics of forthcoming webinars in the series are listed below:

Tuesday, December 6, 2022

Lessons Learned in 2022: 10 Tips to Reduce Risk of Employment Claims in 2023 - **Register Here**

Tuesday, January 10, 2023

Worker Classification: Rules and Consequences - **Register Here**

Tuesday, February 7, 2023

Conducting Effective Workplace Investigations - **Register Here**

Tuesday, March 14, 2023

Protecting Your Company with Nondisclosure, Nonsolicitation and Noncompete Covenants - **Register Here**

Tuesday, April 25, 2023

Trends and Recent Developments in Employee Benefits - **Register Here**

Tuesday, May 9, 2023

Updates on Leave Policies: ADA Workers Comp, Paid Leave and More - **Register Here**

Professionals

Megan Youngling Carannante

Sharon Kowal Freilich

Joshua A. Hawks-Ladds

George J. Kasper

Melinda B. Kaufmann

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2022 - 2023 Working Together Webinar Series

Bianca LoGiurato
Jonathan B. Orleans
Zachary D. Schurin
Stephen M. Sedor
Mark J. Sommaruga
Gwaina D. Wauldon
Zachary T. Zeid

Practice Areas

Employee Benefits
Labor and Employment Counseling and Training
Labor and Employment Litigation
Labor, Employment Law & Employee Benefits

Title IX on the Nines Webinar Series

On the 9th of every month | 9:00 a.m. - 9:30 a.m.
Zoom Webinar

Welcome to Title IX on the Nines!

Whether you are a Title IX coordinator, investigator, decision-maker or an administrator looking to stay current, join Pullman & Comley education law attorney Melinda B. Kaufmann on the 9th of every month at 9:00 a.m. for a webinar on current hot topics and latest developments in Title IX.

Each month, Melinda will lead a 30-minute presentation on a Title IX topic with the opportunity for live Q&A.
Register now for upcoming dates in the webinar series:

Monday, September 11: Title IX in 2023: Starting the School Year Off Right - [Register Here](#)

Monday, October 9 - [Register Here](#)

Thursday, November 9 - [Register Here](#)

Monday, December 11 - [Register Here](#)

If you have an idea for topics or a question you would like covered in future webinars, please email us at TitleIXonTheNines@pullcom.com. Questions that are selected to be answered will be presented anonymously.

Professionals

Melinda B. Kaufmann

Practice Areas

Colleges, Universities and Independent Schools

Education Law

School Law

Title IX Investigations and Compliance

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APPENDIX IV.

School Law Training Workshops

The attorneys in Pullman & Comley's School Law Practice have developed a number of seminars and training programs, each of which can be customized to address your organization's objectives and unique training needs. Every in-house training session is led by attorneys with extensive experience advising clients in the relevant subject area.

A sample list of our in-house training programs is outlined below:

DIVERSITY AND INCLUSION IN EMPLOYMENT TRAINING

In this interactive program, we address conscious and unconscious biases and prejudices in the workplace, review applicable anti-discrimination and equal opportunity laws and engage participants in a discussion about how to foster a culture of inclusion in the organization. We discuss how to recognize microaggressions in the workplace and what can be done, such as simple bystander interventions, to interrupt these patterns if they are observed. This program can be customized to the needs of your organization to include a one hour overview or a more in-depth program that occurs over several sessions.

SEXUAL HARASSMENT PREVENTION AND ANTI-DISCRIMINATION TRAINING IN EMPLOYMENT

Connecticut law requires that all employers with three or more employees must provide two hours of sexual harassment prevention training to all employees. This training complies with the state's requirement and is customized to the organization. The training also includes an interactive discussion with attendees using numerous real life examples.

TITLE IX SEXUAL HARASSMENT PREVENTION TRAINING

Training of all employees involved in the Title IX process, including Title IX Coordinators, Investigators and Decision-makers, is now required by federal law. Employees involved in this process must be knowledgeable not only about the definition of sexual harassment, but how to conduct legally defensible investigations and how to properly apply the law to the facts when determining whether an alleged harasser is responsible for harassment under Title IX and thus subject to discipline. We will educate employees on the laws and regulations that apply to Title IX sexual harassment and how other state and federal laws also may be implicated. We can provide specialized training for investigators as to how to conduct proper, unbiased investigations and for decision makers and appeal decision makers on topics such as what evidence can properly be considered, how to apply the law to the facts and how to properly write decisions.

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School Law Training Workshops

LEAVE ISSUES: ADA, FMLA, WORKERS' COMPENSATION, PAID SICK LEAVE

In this training, we provide practical guidance on how to navigate employee leave rights. Our attorneys review best practices regarding disability, pregnancy, FMLA, workers' compensation, Connecticut paid sick leave, the Family First Coronavirus Relief Act and how they interplay.

THE ADA/CONNECTICUT FAIR EMPLOYMENT PRACTICES ACT INTERACTIVE PROCESS

Employers need to be ready to respond quickly and appropriately to employees' requests for accommodations arising from their disabilities. Our attorneys will discuss what constitutes a disability under state and federal law, when employers are allowed to request medical information from their employees, how to conduct the interactive process designed to determine whether there is a reasonable accommodation that would allow an employee to perform the essential functions of his/her job, when an accommodation can be denied and how to properly document all actions and decisions taken during the process.

EMPLOYEE DISCIPLINE AND TEACHER NON-RENEWAL AND TERMINATION

Employers need to be ready to address performance issues with their staff. This course is designed to assist principals and other managers with properly documenting and managing performance issues. While employers try to avoid termination of employment, this course will cover best practices regarding what steps to take leading up to a C.G.S. §10-151 termination/non-renewal hearing and/or for termination of a non-certified employee for performance reasons.

"DOS AND DON'TS" OF HIRING, INCLUDING BACKGROUND CHECKS, PUBLIC ACT 16-67 AND "FAIR CHANCE" LEGISLATION

This seminar will cover legal constraints and best practices for interviewing, investigating applicant backgrounds and qualifications, ensuring compliance with Public Act 16-67, hiring and onboarding.

SOCIAL MEDIA AND THE WORKPLACE

Addresses the social media and first amendment rights and provides clear cut direction to employers on what they have a right to see, how to avoid discrimination actions, what social media activities are allowed during the workday, electronic monitoring of employee activity, legal social media policies and practical tips for social media pre-employment screening.

School Law Training Workshops

WORKPLACE INVESTIGATIONS

This course will cover strategies and techniques for conducting and for determining who should conduct investigations of workplace misbehavior.

FERPA AND OTHER STUDENT PRIVACY ISSUES

There are a myriad of state and federal laws that protect student information. Learn what these laws require, what information must be protected and when student information can be shared without parent/guardian consent.

SPECIAL EDUCATION AND SECTION 504

Our attorneys are available to speak on numerous topics including, but not limited to writing defensible IEPs and 504 plans, documenting compliance, and preparing for mediation and due process. A custom program can be developed to address your needs.

STUDENT MISCONDUCT INVESTIGATIONS

Our attorneys will discuss how to conduct legally defensible investigations into student misconduct. Topics covered will include, but not be limited to determining who should conduct the investigation, conducting a proper investigation, documenting the investigation, and determining appropriate discipline.

ANTI-BULLYING

Understand the definition of bullying in Connecticut and employees' responsibility to intercede to reduce bullying within the schools. Learn the steps to take when a complaint of bullying is made and how to conduct a proper investigation into allegations of bullying. Includes information on the intersection of bullying laws and First Amendment rights.

DCF MANDATED REPORTER TRAINING

Mandated reporters are required by statute to report when they have reasonable cause to suspect or believe that a child has been abused, neglected or has been placed in imminent risk of serious harm. All employees who are mandated reporters must receive training on their duties as mandated reporters. Learn what constitutes abuse and/or neglect and what steps must be taken if abuse or neglect is suspected. Ensure employees know how these responsibilities act with their responsibilities under other statutes such as Title IX and other anti-harassment laws and anti-bullying laws.

School Law Training Workshops

FREEDOM OF INFORMATION ACT

This training covers the ins and outs of how to comply with the ins and outs of Connecticut's Freedom of Information Act. You will learn what documents are covered by the Act and how to ensure that meetings being held in the district are FOIA compliant.

SCHOOL BOARD MEMBER ROLE AND RESPONSIBILITIES

Our attorneys are available to train new, or existing, board members on their roles and responsibilities as a school board member.

Trainings are available for a fixed fee and may be conducted using a remote platform or in person. Please note that many of these programs may qualify for Connecticut CLE or CPE credit. For further information on Pullman & Comley's training programs, including additional programs targeted to labor and employment matters, or to discuss how we may be able to assist you with your training needs, please contact:

Melinda Kaufmann at mkaufmann@pullcom.com, 860-424-4390, or

Stephen M. Sedor at ssedor@pullcom.com, 203.330.2137

Employment Training Workshops

The attorneys in Pullman & Comley's Labor and Employment practice offer a wide variety of training programs tailored for executives, managers, human resources personnel and individual employees. Each program can be customized to address your organization's unique objectives and complies with applicable law.

Some of our most popular training sessions include:

SEXUAL HARASSMENT PREVENTION AND ANTI-DISCRIMINATION TRAINING

Connecticut law requires that all employers with three or more employees must provide two hours of sexual harassment prevention training to all employees. This training complies with the state's requirement and is customized to the organization. The training also includes an interactive discussion with attendees using numerous real life examples.

MANAGEMENT TRAINING

In this training, we educate management staff on how to communicate more effectively with employees, properly discipline when necessary, draft and conduct employee evaluations and deal with legal and personnel issues when they arise.

LEAVE ISSUES: ADA, FMLA, WORKERS' COMPENSATION, AND PAID SICK LEAVE

In this training, we provide practical guidance on how to navigate employee leave rights. Our attorneys review best practices regarding disability, pregnancy, FMLA, workers' compensation, Connecticut paid sick leave and how they interplay.

FMLA TRAINING, INCLUDING CONNECTICUT PAID LEAVE LAW

In this training, we will provide you practical guidance on how to implement both the Federal and State Family Medical Leave Acts including Connecticut's new Paid Leave Law. Our attorneys will explain how these laws interact and best practices for how to implement them.

Employment Training Workshops

DIVERSITY AND INCLUSION TRAINING

In this interactive program, we address conscious and unconscious biases and prejudices in the workplace, review applicable antidiscrimination and equal opportunity laws and engage participants in a discussion of how to foster a culture of inclusion in their organization. This program can be customized to the needs of your business to be a one-hour program or a more in-depth program that occurs over several sessions.

EMPLOYMENT POLICY REFRESHER/TRAINING

This training is useful when you are launching a new employee handbook or struggling with employee communication or other widespread issues. Our attorneys review applicable policies, facilitate a discussion and foster an opportunity for management to re-emphasize expectations.

ADDITIONAL TRAINING OFFERINGS:

- “Dos and Don’ts” of Hiring, including background checks and other issues
- Navigating Issues with Disabled Employees: The Interactive Process
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Melinda Kaufmann, mkaufmann@pullcom.com, 860.424.4390, or

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APPENDIX V.

Education Law Notes

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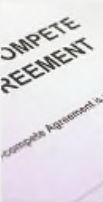
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2023 Legislation Focus: New Translation Requirements for Multilingual Education

Education Law Notes

09.01.2023

By Zachary Schurin



As we head into the 2023-24 school year we will be supplementing our annual School Law legislative update with our take on some of the most important pieces of education-related legislation from this year's session of the General Assembly.

One particular area of focus in this session was multilingual education. Public Act 23-150 includes a number of provisions that expand upon existing state and federal law protections that must be provided to the parents of multilingual students. The Act formally adopts the phrase "multilingual learner" in place of "English language learner,"

and, as explained in more detail below, requires the Connecticut State Board of Education ("CSBE") to draft a written bill of rights for the parents or guardians of multilingual learners and explicitly requires board of education to provide certain translation services on behalf of multilingual learner students and their parents.

Multilingual Learner Bill of Rights

The new multilingual learner bill of rights is largely a collection and restatement of legal protections that already exist under federal and state law. Under federal law for instance, Title VI of the Civil Rights Act of 1964 and the Equal Education Opportunities Act of 1974 require that public schools take affirmative steps to ensure that English learner students can meaningfully participate in educational programs. At the state level, existing law requires boards of education to ascertain the language needs of non-English speaking students and offer a program of bilingual education if twenty or more such students speak the same dominant non-English language and attend the same school.

Public Act 23-150 effectively restates and expands upon existing multilingual education requirements by mandating that the new, to-be developed bill of rights specifically include at least the following declarations regarding the legal rights of multilingual students and their parents:

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2023 Legislation Focus: New Translation Requirements for Multilingual Education

- The right to attend public school regardless of immigration status;
- The right of a parent or guardian to enroll their child in public school without being required to submit immigration documentation;
- The right of a multilingual learner to certain translation services (explained below);
- The right of a multilingual learner to participate in a program of bilingual education as currently provided for under state law;
- The right of a parent or guardian to receive written notice, in both English and the dominant language of such parent or guardian, that such student is eligible to participate in a program of bilingual education or English as a new language program;
- The right of a multilingual learner and the parent or guardian of such student to receive a high-quality orientation session, in the dominant language of such student and parent or guardian, that provides information relating to state standards, tests and expectations at the school for multilingual learner students, as well as the goals and requirements for programs of bilingual education and English as a new language;
- The right of a parent or guardian to receive information about the progress of their child's English language development and acquisition;
- The right of a multilingual learner and the parent or guardian of such student to meet with school personnel to discuss such student's English language development and acquisition;
- The right of a multilingual learner to be placed in a program of bilingual education or English as a new language, if offered by the board of education;
- The right of a multilingual learner to have equal access to all grade-level school programming;
- The right of a multilingual learner to have equal access to all core grade-level subject matter;
- The right of a multilingual learner to receive annual language proficiency testing;
- The right of a multilingual learner to receive support services aligned with any intervention plan that the school or school district provides to all students;
- The right of a multilingual learner to be continuously and annually enrolled in a program of bilingual education or English as a new language while such student remains an eligible student, and;
- The right of a parent or guardian of a multilingual learner to contact the Connecticut State Department of Education ("SDE") with any questions or concerns regarding such student's right to receive services or accommodations, including information regarding any recourse for failure of the board of education to provide or ensure such services or accommodations.

2023 Legislation Focus: New Translation Requirements for Multilingual Education

Starting in 2024-25, Public Act 23-150 requires boards of education who are either providing a program of bilingual instruction or a program of English as a new language instruction to provide hard-copies of the new to-be-developed multilingual learner bill of rights to the parents of eligible students in their dominant language. The new law does not specify exactly when the bill of rights must be distributed, but it must be distributed on an annual basis and presumably should be given to the parents of newly-enrolled students prior to the start of any program of bilingual or English instruction.

The law also requires that the bill of rights be posted on the websites of boards that are providing a program of bilingual instruction or a program of English as a new language. Again, the law does not specify this point, but presumably a single English version of the new bill of rights is sufficient for website posting.

Translation Services

As noted above, the multilingual learner bill of rights also requires a declaration of the right of multilingual students to translation services. Under the new law, such students are specifically entitled to translation services during “critical interactions” with teachers and administrators which the act includes to define “parent-teacher conferences, meetings with administrators of the school in which such student is attending, and at properly noticed regular or special meetings of the board of education or scheduled meetings with a member or members of the board of education . . .”.

While technically this is a new requirement under state law, the language of the Act closely tracks 2015 federal Department of Education Office of Civil Rights (“OCR”) Dear Colleague letter guidance that stated that school districts have an obligation under Title VI to provide language assistance through interpreters and translators to ensure meaningful communication with English Learner students and their parents.

Under the new law, translation services must be provided by an interpreter who is present in person, available by phone or through an online technology platform, or through a website or other translation application approved by the CSBE. For board of education meetings or direct meetings with board members, the request for translation services must be made at least one day in advance of the meeting. The board of education translation services requirements became effective July 1, 2023.

Public Act 23-150 leaves some practical issues unaddressed. For instance, the law does not address to whom translation service requests must be made to specifically, and also does not address the logistics of how translation services would be provided during a board of education meeting. With respect to parent and student requests for translation services, it is probably safe to assume that any request made to an administrator or board member is enough to trigger the obligation to arrange translation services. For board meetings, it is hard to imagine how a meeting could be effectively conducted if each single comment is followed by a foreign language translation, so it probably makes the most sense for districts to provide non-English proficient parents with access to individual translation services (including through on-line services or

2023 Legislation Focus: New Translation Requirements for Multilingual Education

“apps”) that allow parents to follow the conduct of a meeting in their native language.

Of course, before any translation service requests are made, it is a good idea for schools to think through how they will comply with the new law. Existing policies and administrative regulations addressing ELL and bilingual education should be reviewed and updated as necessary and it makes sense for schools to line-up translation resources now so that requests can be properly complied with.

Please contact anyone of our school law attorneys if you have questions about multilingual education requirements or any other issues posed by new 2023 legislation.

Posted in CT General Assembly (CGA)

Tags: CT State Department of Education (CSDE), Legislation, Multilingual

What Changes are Coming to Connecticut's Bullying Law?

Education Law Notes

08.31.2023

By Stephen Sedor



Connecticut's bullying laws, set forth in Connecticut General Statutes Sections 10-222d, 10-222g, 10-222k and the like, have long obligated school districts to remedy acts of bullying and teen dating violence. School districts have long had in place a Safe School Climate Plan, a written bullying complaint form and a defined procedure for addressing such complaints. These plans and procedures as currently formulated, however, will come to an end commencing July 1, 2025.

Connecticut Public Act 23-167 implements many changes to the existing bullying laws. Among other things, schools will soon have to address all "challenging behavior," not just bullying; and the definition of bullying itself is redefined. Replacing the longstanding Safe School Climate Plan will be a "School Climate Improvement Plan," with all new protocols. New duties will be given to the School Climate Coordinator and the School Climate Specialist.

What are these changes and when must schools implement them? Let's get to it.

What are the Changes in the Bullying Law Definitions?

There are several.

First and foremost, the legislature has vastly changed the definition of "bullying." Whereas bullying is now defined as conduct that is "severe, persistent or pervasive," bullying will soon be defined as "unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance."

While certainly a change, this new definition may be somewhat lost in the fact that PA 23-167 no longer requires school districts to address just "bullying," but also "challenging behavior." This is defined as "behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student *or the safety of a school employee.*" PA 23-167 repeatedly requires schools to identify,

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What Changes are Coming to Connecticut's Bullying Law?

prevent and address “challenging behavior,” which undoubtedly expands the types of conduct that school districts must monitor, including protecting employees.

What are Some of the Other New Terms in PA 23-167?

PA 23-167 also introduces the following new terms:

- “School Climate Improvement Plan.” As articulated below, this is the primary new plan that school districts will have to develop and implement, in place of the current “Safe School Climate Plan.” The School Climate Improvement Plan is a “building-specific plan developed by the School Climate Committee, in collaboration with the School Climate Specialist, using school climate survey data and any other relevant information, through a process that engages *all members of the school community*.... that prevent, identify and respond to challenging behavior, *including but not limited to alleged bullying and harassment in the school environment*” Revealingly, the term bullying is included as one *type* of challenging behavior that school districts must now address.
- “School environment” is defined to mean a “school-sponsored or school-related activity, function or program, whether on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased or used by a board of education, and may include other activities, functions or programs that occur outside of a school-sponsored or school-related activity, function or program *if bullying at or during such other activities, functions or programs negatively impacts the school environment.*” It goes without saying that the setting covered by the climate plan has expanded.
- “School Climate Survey.” The school climate survey will serve as the foundation for the School Climate Improvement Plan. PA 23-167 defines it as “a research-based, validated and developmentally appropriate survey administered to students, school employees and families of students, in the predominant languages of the members of the school community, that measures and identifies school climate needs and tracks progress through a School Climate Improvement Plan.”
- “School Community.” PA 23-167 appears to expand the community of individuals involved in addressing challenging behavior. The term “school community” means “any individuals, groups, businesses, public institutions and nonprofit organizations that are invested in the welfare and vitality of a public school system ... including but not limited to students and their families, *members of the local or regional board of education, volunteers at school* and school employees.”
- “Restorative Practices.” PA 23-167 places great emphasis on school districts taking “restorative practices” towards challenging behavior. “Restorative Practices” are defined as “evidence and research-based system-level practices that focus on (A) building high-quality, constructive relationships among the school community, (B) holding each student accountable for any challenging behavior, and (C) ensuring each student has a role in repairing relationships and reintegrating into the school community.”

What Changes are Coming to Connecticut's Bullying Law?

The current terms "hostile environment," "outside of the school setting," and "positive school climate" are no longer used in the new bullying law. The existing definitions of "school employee," "emotional intelligence," "cyberbullying" and "teen dating violence" remain essentially the same.

Will Boards of Education Receive Any Guidance?

Yes.

Connecticut General Statutes Section 10-222q establishes a Social and Emotional Learning and School Climate Advisory Collaborative (Collaborative) that is tasked with providing various forms of guidance to school districts on bullying. Under PA 23-167, the Collaborative must, by February 1, 2024 (1) develop school climate standards; (2) create a uniform bullying complaint form; and (3) provide guidance to school districts on the implementation of Connecticut's new school climate policy. The uniform bullying complaint form must be included on the Department of Education's website and by local and regional boards of education on their internet web sites. (See PA 23-167 § 48).

What Will Boards of Education Have to Do Under the New Laws?

1. Create and Administer a School Climate Survey (PA 23-167 § 53)

Starting with the 2025-2026 school year, the School Climate Committee, as defined below, must administer a school climate survey to students, school employees and families of students. Parents may give notice that their child may opt out of the survey. There is currently no guidance on the specific content of the survey. The results of the survey must be used to develop a new School Climate Improvement Plan.

2. Develop and Implement a School Climate Improvement Plan (PA 23-167 § 54)

Starting with the 2025-2026 school year, the School Climate Coordinator, in collaboration with the School Climate Specialist, shall develop and implement a School Climate Improvement Plan. (Plan). The Plan shall be submitted to the School Climate Coordinator for approval no later than December 31 of each year. Upon approval, a written or electronic copy shall be made available to the school community and shall establish how to identify, prevent and respond to challenging behavior.

3. Include Certain Protocols in the School Climate Improvement Plan (PA 23-167 § 71)

In what will replace the current Safe School Climate Plan, the Plan must align with the school climate standards that shall be developed and shall include the long list of the following protocols:

- The contact information of someone designated by the School Climate Specialist, (and someone in their absence) to be notified by school employees of any incidents of challenging behavior that result in student discipline or removal from the classroom.

What Changes are Coming to Connecticut's Bullying Law?

- The process by which the designated administrator will assess the facts, severity and intentionality of an incident of challenging behavior.
- Each designated location to which a student may be sent when a student is temporarily removed from a classroom and the supports that a student may receive at such location, including interventions, mental health supports, instructional materials and technology or other resources to address the temporary needs of the student.
- Ways to address challenging behavior, increase de-escalation strategies and improve social and emotional skills, which may involve...restorative practices.
- The safeguards established to ensure that any supports, services or interventions provided under this section to any student who receives special education or accommodations for a disability are provided.
- Tiered responses, based on level of impact or frequency of occurrence, to incidents of challenging behavior that: (A) require temporarily clearing a classroom or removing a majority of students to reduce likelihood of injury, (B) indicate credible intention to cause bodily harm to self or others, or (C) result in an injury that requires medical attention beyond basic first aid or less severe injuries caused by the same person on more than one occasion, verified by the school nurse or other medical professional.
- A requirement for the superintendent to provide the board of education annually with a report concerning the number of incidents that occurred during the prior year, the grade level of each student involved and the supports, services or interventions
- A prohibition on the discrimination or retaliation against any person who reports or assists in the investigation of an incident of challenging behavior.
- For incidents of challenging behavior as described above, a requirement for a meeting between an administrator and the school employee who witnessed such incident not less than two days after the incident to determine the supports and interventions provided and a process by which a teacher may request a behavior intervention meeting.

*4. Provide Training Effective Starting **July 1, 2024** (PA 23-167 § 55)*

Effective with the 2024-2025 school year, and each school year thereafter, school districts must provide training regarding social and emotional learning, school climate and research-based interventions, including but not limited to restorative practices. The School Climate Coordinator shall select and approve who puts on the training.

5. Adopt a Restorative Practices Policy (PA 23-167 § 74)

Commencing with the 2025-2026 school year, and each year thereafter, school districts shall adopt and implement a "restorative practices policy" for incidents of challenging behavior and student conflict that is nonviolent. Such policy shall not include police involvement unless such behavior escalates to violence or

What Changes are Coming to Connecticut's Bullying Law?

constitutes a crime. There is currently no guidance on the particular contents of this policy.

Which Employees Will Implement the New Law?

1. The School Climate Coordinator (PA 23-167 § 52)

PA 23-167 directs the superintendent or an administrator appointed by the superintendent to serve as the School Climate Coordinator ("Coordinator"). It also amends the Coordinator's duties to include:

- Provide leadership and support for the implementation of the School Climate Improvement Plan at each school.
- Collaborate with the School Climate Specialist for each school to (A) develop strategies to prevent, identify and prevent challenging behavior, and (B) communicate such strategies to the school community through the student handbook, among other things.
- Collect and maintain data regarding school climate improvement, including school discipline records.
- Meet with the School Climate Specialists for each school at least twice per school year to (A) identify strategies to improve school climate, including but not limited to responding to challenging behaviors and implementing restorative practices, (B) propose recommendations for revisions to the School Climate Improvement Plan, and (C) assist with the completion of the School Climate Survey.

2. The School Climate Specialist (PA 23-167 § 51)

PA 23-167 likewise expands the duties of the current School Climate Specialist, who shall either be the principal at each school, or an employee holding a professional certificate *and* trained in school climate improvement who is appointed by the principal. The responsibilities will include:

- Leading in the identification, prevention and responses to challenging behavior at each school.
- Implementing interventions, such as restorative practices.
- Leading the School Climate Committee.
- Leading the implementation of the School Climate Improvement Plan.

3. The School Climate Committee (PA 23-167 § 52)

Starting with the 2025-2026 school year, the School Climate Specialist must appoint a School Climate Committee (Committee) consisting of members who are racially, culturally and linguistically diverse. The Committee shall consist of (1) the School Climate Specialist; (2) a teacher selected by the teachers' union; (3) a demographically representative group of students; (4) families of students at the school; and (5) other members of the school community selected by the School Climate Specialist.

What Changes are Coming to Connecticut's Bullying Law?

The duties of the Committee are aimed at school-specific tasks to address challenging behavior. They include:

- Assisting in the development and administration of the School Climate Survey.
- Use the survey to identify strengths and weaknesses in school climate and to propose revisions to the School Climate Improvement Plan.
- Advise on strategies to improve school climate, including the use of restorative practices in the school community.
- Annually provide notice of the uniform bullying complaint form to the school community.
- Meet with the school community at least twice per year to discuss the implementation of the School Climate Improvement Plan.

When Will Schools Have to Make these Changes?

The short answer is that all school districts must implement these changes for the 2025-2026 school year. Schools *may voluntarily* comply with the new laws during the next two school years, although this will be difficult to do without the established standards or model bullying complaint form. However, **all schools must implement the new law in time for the 2025-2026 school year. Training on school climate must begin during the 2024-2025 school year.**

As further guidance appears and as the date for implementation draws closer, the attorneys in Pullman & Comley's School Law Section are available to provide advice and counsel. There will be more to come as events develop.

Posted in CT General Statutes

Tags: Bullying, Public Schools, School Safety

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Education Law Notes

08.21.2023

By Mark Sommaruga



To follow-up on our annual School Law legislative update, over the next few weeks we will be highlighting and analyzing the most important developments from this year's session of the General Assembly that Connecticut K-12 school leaders should be aware of as we head into the 2023-24 school year. The 2023 session produced some deceptively significant changes in special education law. Here is a brief summary of key legislation addressing special education.

THE BIG ONE: PUBLIC ACT 23-137

In particular, **Public Act 23-137 (“An Act Concerning Resources And Support Services For Persons With An Intellectual Or Developmental Disability”)** ostensibly was intended to address the level of state agency services for persons with disabilities but also contains various provisions addressing 1) transition services and procedural safeguards to be provided by school districts, and 2) general changes to Connecticut special education laws and procedures. Except where otherwise indicated, **this Act takes effect July 1, 2023.**

Transition Services and the CSDE

This Act requires the Connecticut State Department of Education (“CSDE”) to employ a statewide transition services coordinator to coordinate the provision of transition resources, services, and public transition programs (including those programs provided by boards of educations and regional educational service centers (“RESCs”)), in collaboration with other state agencies. Among the duties of the coordinator are establishing minimum standards for public transition programs (and metrics for measuring them), setting best practices for providing transition services (and distributing them to each school district’s transition coordinator), performing unannounced visits at public transition programs to determine their effectiveness and offer improvements and to post data on the CSDE website about the how the program measured against the CSDE’s minimum standards, establishing minimum standards for training school district transition coordinators (and maintaining a record of each coordinator’s training program completion), and developing a course on the CSDE website for educators and staff who do not provide transition services to provide them

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Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

with information about transition services.

The Act requires the State Education Resource Center (“SERC”) to develop and maintain an online listing of the transition resources, services, and programs that state agencies provide. The CSDE’s state-wide transition coordinator is then (after ensuring its accuracy) to post a link to the online listing on the CSDE website and to distribute a notice concerning the on-line listing to school **districts, who in turn are then required to annually distribute the notice to parents at Planning and Placement Team (“PPT”) meetings for students in grades six through twelve.**

By July 1, 2024, the Act requires the CSDE to develop a training program addressing legal requirements and best practices for special education and transition services. The Act also requires the CSDE (in consultation with other state entities and RESCs) to develop by July 1, 2024 a training program on public transition programs for school district transition coordinators, educators and school paraprofessionals; such training program shall comply with the minimum standards established by the state-wide transition services coordinator. Thereafter, each RESC shall provide the training program at no cost to school district transition coordinators, educators and school paraprofessionals who provide transition services and any other educators/school staff interested in becoming a transition coordinator or providing transition services.

IMPACT: While much of the above provisions address SDE responsibilities, 1) RESCs are granted a significant responsibility with respect to training, and 2) school districts will be responsible for providing the notices developed by SERC.

District Transition Coordinators

The Act additionally requires each school district to designate a district transition coordinator by January 1, 2024; the coordinator may be the director of pupil personnel or another employee appointed as transition coordinator by said director. Each district-level transition coordinator shall 1) complete the training program developed by the CSDE, and 2) ensure that parents of students requiring special education receive information concerning transition resources, transition services or public transition programs (specifically, the afore-mentioned on-line listing developed by SERC) and are aware of the eligibility requirements and application details of such resources, services and programs that specifically apply to such student. Furthermore, the Act provides that each educator and school paraprofessional who provides special education for students fourteen years of age or older shall complete the training program developed by the CSDE.

IMPACT: In addition to the need to appoint an appropriately qualified transition coordinator, school districts need to be aware of these new training requirements.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

The Age 22+ Cutoff

More substantively, under the guise of compliance with the A.R. federal court decision, the Act (effective July 1, 2023) requires boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22. Previously, this obligation extended only until the date of the student's 22nd birthdate (which actually seemed to be in compliance with the A.R. court order).

IMPACT: It goes without saying that extending the potential endpoint for a special education student's eligibility from the student's 22nd birthday until the end of the school year in which a student turns 22 could have a significant fiscal impact for school districts. While the CSDE has indicated that there is no retroactive effect for those students exited before July 1, 2023, districts will have to notify those students who would have been exited during the 2023-2024 as a result of reaching the age of 22 with respect to their continuing eligibility.

SERC Review

The Act requires SERC to conduct a review of each public transition program and report its findings to the General Assembly's Education Committee by February 1, 2024. Such review shall examine (but not be limited to): 1) The types of transition services, provided in such program, 2) the number and qualifications of the staff providing such transition services, 3) the location of such program relative to the residence of the student or the student's family, and 4) any metrics for measuring the performance of such program, such as student and family feedback and the placement of students in employment, postsecondary education or training programs for adults.

PPT/Notice Requirements

Translation Services

Ostensibly seeking to follow federal requirements, this Act provides that at each PPT meeting, a parent (or guardian, pupil or surrogate parent, as the case may be) shall have the right to have a language interpreter (including a registered interpreter for persons who are deaf, hard of hearing or deafblind), who is present in person or available by telephone or through an online technology platform, or website or other electronic application approved by the CSBE provided by the responsible school district if there is an apparent need or upon the request of such parent. In addition, the responsible school district shall provide a pupil's individualized education program ("IEP"), any documents relating to such program and all notices or information required by law translated into the primary language spoken by such parent/guardian or pupil if there is an apparent need or upon the request of the parent/guardian or pupil.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Mediation Notice

Each responsible school district shall provide the notice created by the CSDE's Mediation Services Coordinator regarding the availability of mediation services to each parent/guardian (including surrogate parents) of any child who requires special education by 1) distributing such notice to parents/guardians at the beginning of each school year, and 2) reading such notice out loud at the conclusion of the first PPT meeting at the beginning of each school year.

Transfer of Rights/Decision-Making

The Act requires that at the first PPT meeting after a child who requires special education and related services reaches the age of fourteen (and at least annually thereafter), each responsible school district shall provide information to the child and the responsible parent/guardian about the full range of decision-making supports, including alternatives to guardianship and conservatorship, and the online resource developed by the CSDE concerning establishing guardianship, conservatorship, supported decision-making, powers of attorney, advance directives, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services.

Notice of Transition Programs

The Act further provides that at the first PPT meeting when a child reaches the age of fourteen, the PPT shall for each public transition program and for each program for adults for which such child may be eligible after graduation, 1) upon the approval of the parent/guardian, notify the state agency that provides such program about the potential eligibility of such child, and 2) provide the parent/guardian with a listing of such programs that includes, but is not limited to, a plain language description, eligibility requirements, and deadlines and instructions for applications for such programs. Similar information must be provided not later than the PPT meeting that occurs approximately two years prior to a child's anticipated graduation from high school or the end of the school year in which a child will reach twenty-two years of age, whichever is expected to occur first based on the child's IEP; in addition, the PPT shall 1) invite a representative from each such agency to attend the PPT meeting for the purpose of establishing contact with and counseling the parent/guardian (or child) on the process for the anticipated transfer of services when the child exits from special education from the district, 2) permit and facilitate contact and coordination between each such agency and such parent/guardian/child for the purpose of easing the process for the transfer of services, and 3) assist such parent/guardian or child in completing an application to any such programs.

IMPACT: The above provisions 1) clarify (if not impose new responsibilities) with respect to the need to provide translation services for both the written IEP/PPT documents and the PPT meeting itself, and 2) impose a bevy of notice responsibilities upon school districts, to be provided at certain PPT meetings (and/or annually).

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Mediation Services

Public Act 23-127 requires the CSDE to employ a “mediation services coordinator” in its Bureau of Special Education to, among other things, 1) coordinate and oversee special education mediation services throughout the state, and 2) maintain a list of special education mediators that meet the minimum training requirements. The Act sets forth training/continuing education requirements for mediators, and enables the CSDE to waive requirements for those who have sufficient training requirements or experience (and to retain prior mediators). The Act further makes the Mediation Services Coordinator the point person for mediation requests by any party. While any party may request mediation, mediation remains voluntary (and all parties must still agree to mediate).

IMPACT: All parties need to be aware that the mediation services coordinator will be the point of contact for mediation matters.

Due Process Hearings

The Act also makes changes to due process hearing proceedings by mandating that school districts proceed with their cases first at any hearing (and offer testimony) instead of the parent.

IMPACT: Imposing the burden of production upon the school district regardless of which party requested the due process hearing is yet another hurdle placed upon school districts.

Special Education Compliance Audits

The Act also requires the CSDE to randomly audit school districts with respect to their compliance with federal special education law. Such audits shall include, but need not be limited to: 1) interviewing teachers and staff who provide special education services and parents/guardians of children requiring special education, 2) conducting unannounced on-site visits to observe classroom practice and any other facet of the administration or provision of special education services in order to ensure compliance with IEPs and state and federal law and guidance, and 3) reviewing IEPs.

IMPACT: It goes without saying that school districts should be prepared and stay in compliance with the law, in case they are the subject of a random audit.

In-Service Requirements

The Act expands teacher in-service training requirements to include: 1) laws governing the implementation of PPT meetings and Section 504 plans, and 2) an annual update of new state and federal policies concerning special education, recommendations and best practices.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Please note: Public Act 23-160 amended the in-service training law by mandating that paraeducators be allowed to participate (if they so choose) in in-service training programs along with certified staff members. **Public Act 23-167** requires that all boards of education must provide professional development programs related to training and instruction in the implementation of IEPs and Section 504 Plans to nurses not later than thirty days after a nurse has been appointed by or entered into a contract with a board.

IMPACT: School districts will need to ensure that their in-service training address these topics.

Birth-to-Three Services

The Act requires individual service coordinators for children receiving early intervention/“birth to three services” to assist in facilitating the transition to public school special education services. Specially, not later than three months prior to the third birthday of such child, the individual service coordinators shall 1) notify the child’s parent/guardian of their ability to meet, upon request, with the coordinator to discuss the contact information for the person responsible for the administration or coordination of special education services for the child’s residing school district, and 2) provide such person responsible for the administration or coordination of special education services with the child’s individualized family service plan.

IMPACT: This is an attempt to provide for a greater clarification with respect to the hand-off of responsibilities from the Birth to Three program to school districts.

Informational Handout for Students

The Act requires the CSDE by not later than January 1, 2024 to develop an “age appropriate” informational handout for students that explains what it means for a student to have an IEP or Section 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, including 1) what rights the student is entitled to in the classroom under an IEP or Section 504 plan, and 2) a glossary of the most common tools/terms. The CSDE shall make such handout available to school districts and post such handout on the CSDE’s website. Each school district shall annually (and upon the initial identification of a child as requiring special education and related services) provide this student handout, along with the CSDE’s “Parent’s Guide to Special Education in Connecticut” to students.

IMPACT: School districts should 1) stay tuned until the CSDE finalizes the handout, and 2) then be prepared to distribute the handout.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Intellectual Disability and Developmental Disability Definitions

Finally, the Act requires the Secretary of the Office of Policy and Management (“OPM”), in consultation with the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health, the Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council, to 1) develop and recommend new state statutory definitions for intellectual disability and developmental disabilities and identify related programs for persons with such disabilities that may need to be changed or redesignated in accordance with any new statutory definitions, 2) evaluate whether an Intelligence Quotient (“IQ”) should be a factor in such definitions, and 3) evaluate the level-of-need assessment tool used by state agencies that serve persons with an intellectual disability or other developmental disabilities. Not later than January 1, 2025, the OPM secretary shall file a report, with recommendations with the General Assembly’s Appropriations, Education, Human Services and Public Health Committees.

PARAEDUCATOR INVOLVEMENT IN PPT MEETINGS

Effective July 1, 2023, **Public Act 23-159** expands on recent legislation requiring paraeducator attendance at PPT meetings upon parent request, by providing that paraprofessionals may meet with a supervisor as needed following such a PPT to review the student’s educational program.

IMPACT: This is another example of legislative efforts to provide greater training and support for paraeducators.

EXCESS COST GRANTS

With respect to special education excess cost grants, effective July 1, 2023, **Public Act 23-150** clarifies the methodology used for calculating district special education excess cost grant awards by providing that districts shall be eligible for grant funding for special education costs in excess of four-and-one-half times a district’s “net current expenditures per pupil” rather than a district’s “average per pupil educational costs,” which had been the baseline metric used for calculating excess cost grants. The Act also defines a school district’s “average daily membership per pupil” for purposes of grant calculations. These changes are (HOPEFULLY) technical in nature and should not result in any change in underlying excess cost grant award calculations.

This year’s budget implementer – **Public Act 23-204** – maintained current levels of excess cost funding for high-cost special education placements, as revised last year and by **Public Act 23-1** (with a sliding scale based upon district wealth), with 1) the wealthiest districts receiving 85% of the excess cost grant following the district reaching the excess cost threshold, 2) the middle districts receiving 88% of said grant, and 3) the least wealthy/poorest districts receiving 91% of said grant.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

Starting with the 2023-24 fiscal year, the Act explicitly prohibits districts from including federal coronavirus pandemic relief funding in the calculation of net current expenditures per pupil for purposes of determining the amount of the district's annual excess cost grant.

IMPACT: School districts avoided a feared reduction in excess cost grants.

SPECIAL EDUCATION FUNDING TASK FORCE

Public Act 23-150 amends existing legislation that created a task force to study special education funding issues to broaden the scope of the task force to examine issues related to gifted and talented students. Additionally, the Act expands the scope of the task force's examination of special education issues to include study of the feasibility of utilizing independent evaluators to observe the provision of special education services in the classroom, delaying the age in which a classification of special education services is made, special education student-to-teacher ratios, the prohibition on the use of seclusion and other issues or topics relating to special education the task force wishes to examine. The Act also expands the composition of the task force to include additional members appointed by legislative leaders and stakeholder groups. Finally, the Act pushes back the deadline for the task force's final report to the General Assembly's Education Committee from January 1, 2024 to January 1, 2025 but requires that an interim report be made to the Education Committee by January 1, 2024.

SPECIAL EDUCATION AND CHARTER SCHOOLS

Public Act 23-150 clarifies existing law with respect to charter school enrollment by explicitly prohibiting charter schools from inquiring into an applicant student's need for or receipt of special education and related services. Furthermore, the act prohibits the use of student special education and related services needs in charter school enrollment lotteries.

IMPACT: To a degree, this "revision" just announces the fact that charter school special education requirements are NOT dissimilar to those of traditional public schools.

SPECIAL EDUCATION COMPLIANCE COMPLAINT DECISIONS

Similar to what is in place for due process hearing decisions, **Public Act 23-150** requires the CSDE to post summaries of compliance complaints filed against boards of education and other entities which may be responsible for the provision of special education and related services on the CSDE website.

Special Education Law Updates from the 2023 Session of the Connecticut General Assembly

SECTION 504 TEAM MEETINGS

Public Act 23-150 expands upon recent legislation regarding the rights of paraprofessionals and other district staff at PPT meetings by prohibiting boards of education from disciplining, suspending, terminating or otherwise punishing any school employee who discusses or makes recommendations during any Section 504 plan team meetings.

IMPACT: To a degree, this "revision" just reiterates the non-retaliation provisions of federal disability statutes.

As you can see, much is on the horizon with respect to additional notice, training and substantive requirements for school districts in the world of special education. Stay tuned for further developments.

Posted in CT General Assembly (CGA), Special Education

Tags: Charter Schools, CT State Department of Education (CSDE)

APPENDIX VI.



Attorneys:

- **Mark J. Sommaruga**
MSommaruga@pullcom.com
860.424.4388

Understanding Connecticut's Freedom of Information Act, Fifth Edition by Mark J. Sommaruga

September 1, 2018

Attorney Mark J. Sommaruga has recently authored *Understanding Connecticut's Freedom of Information Act, Fifth Edition*, written primarily to provide guidance to public agencies and their members by providing real case studies and practical advice for those trying to comply with the FOIA's public records and open meeting requirements.

The new Fifth Edition has been updated to now include:

- The latest statutory changes and important decisions concerning the FOIA
- The latest developments concerning:
 - law enforcement records
 - school videos
 - personnel records
- Additional details regarding FOIA compliance

Mark has extensive experience advising clients with regard to FOIA issues, and regularly practices before the Freedom of Information Commission. He frequently writes about FOIA matters on the firm's education law blog, Education Law Notes, and labor and employment blog, Working Together.

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email unsubscribe@pullcom.com with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.

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203.330.2000 | 860.424.4300 | 413.314.6160 | 401.360.1533 | 203.573.9700 | 203.254.5000 | 914.705.5355

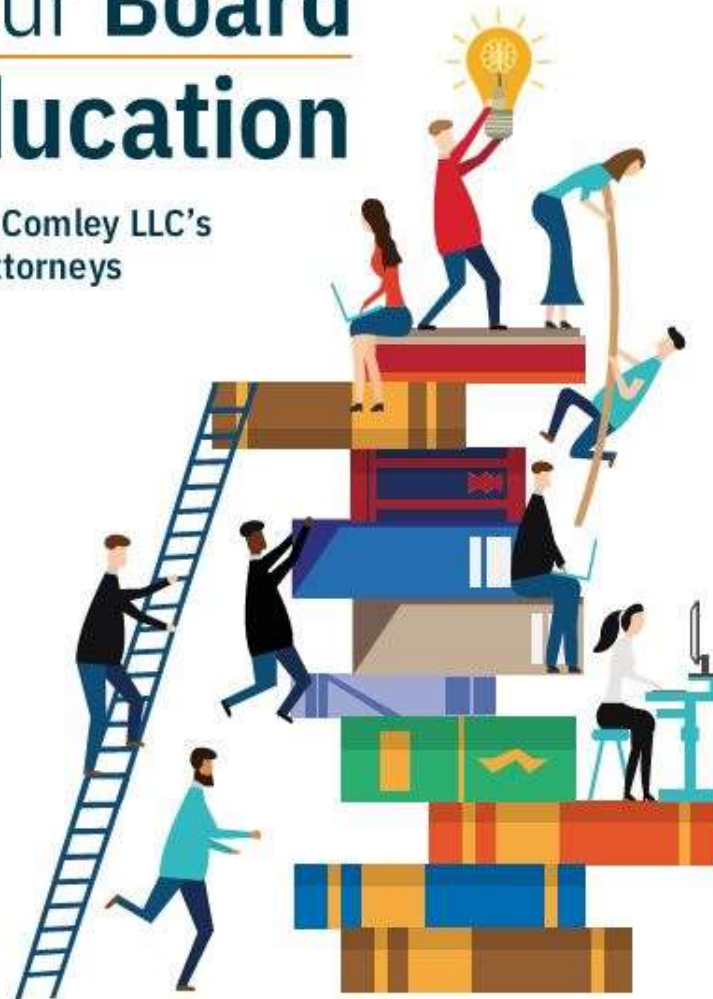
ROLES

Responsibilities

AND OPERATIONS

for Your **Board** **of Education**

By Pullman & Comley LLC's
School Law Attorneys



APPENDIX VII.

Zachary Schurin to Present on Investigations at CAS School Law Workshop Series

March 7, 2023 | 8:30 a.m. - 10:30 a.m.
CAS, 30 Realty Drive, Cheshire, CT
Event Sponsor: Connecticut Association of Schools

Pullman & Comley School Law attorney Zachary D. Schurin will present "Investigations: What Every School Administrator Needs to Know" as part of the CAS School Law Workshop Series on March 7, 2023.

This interactive workshop will allow participants to unpack investigative scenarios involving personnel, students and more, while learning the laws to ensure legal protection. Join your colleagues for a lively discussion and practical application of the law.

For additional information and to register, please visit the CAS website.

Professionals

Zachary D. Schurin

Practice Areas

School Law

Industries

Educational Institutions

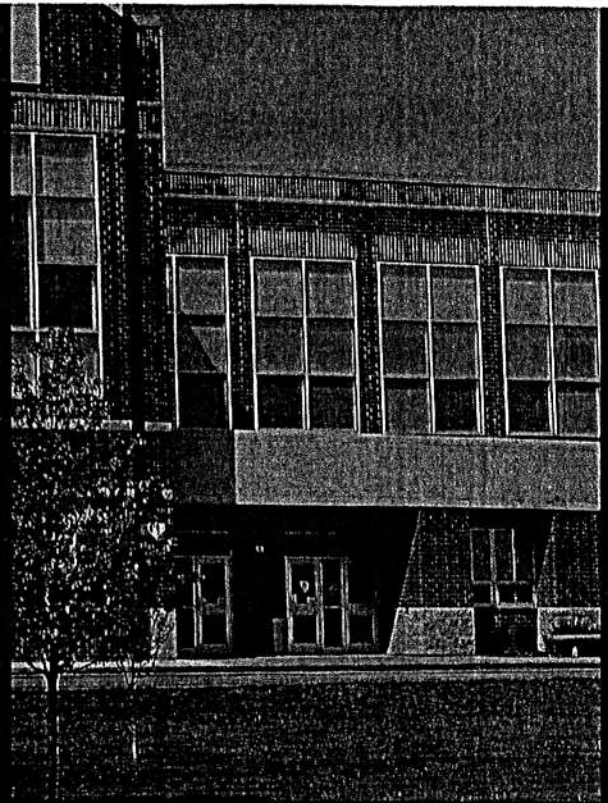


PULLMAN & COMLEY

SCHOOL LAW SERIES

WITH ZACHARY D. SCHURIN, ESQ.
PULLMAN & COMLEY

SPRING SESSIONS



1 MARCH 7, 2023
8:30 - 10:30 AM

REGISTER

INVESTIGATIONS: WHAT SCHOOL ADMINISTRATORS NEED TO KNOW

This interactive workshop will allow participants to explore various investigative scenarios involving students and more, while discussing the laws to ensure legal protection. Join your colleagues for a lively discussion and practical application of the law.

REGISTRATION CLOSED!

3 MAY 9, 2023
8:30 - 10:30 AM

REGISTER

WHAT NEW/ASPIRING ADMINISTRATORS NEED TO KNOW ABOUT SCHOOL LAW

This interactive workshop will allow participants to engage in discussions with colleagues and legal experts around key laws for school leaders. Topics in this session include: Special Education- PPT Process/Timelines, Hiring Process, Student Data Privacy Considerations, Just Cause and Progressive Discipline, Investigating Employee Conduct and more!

2 APRIL 4, 2023
8:30 - 10:30 AM

REGISTER

WHAT ADMINISTRATIVE ASSISTANTS NEED TO KNOW ABOUT SCHOOL LAW VIRTUAL - ON ZOOM

The role of administrative assistant is critical to a highly successful school. Invite your administrative assistant to join you to learn about the school laws that are vital to the success of their role.

- FREE TO CAS MEMBERS
- SESSION 1 & 3 WILL BE HELD AT CAS, 30 REALTY DRIVE, CHESHIRE, CT
- SESSION 2 IS VIRTUAL ON ZOOM
- YOU MAY ATTEND ONE, TWO OR ALL THREE SESSIONS

FOR QUESTIONS
EMAIL DR. ALICIA BOWMAN AT
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OR TIFFANY CADUETTE AT
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Mario F. Coppola
Christine A. Sullivan

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Ryan P. Driscoll ◆ ·
Bryan L. LeClerc ◆
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Anthony V. Avallone
Jacob P. Bryniczka
Eileen Lavigne Flug
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Paul A. Testa * ▶

Carolyn Mazanec Dugas
Christopher R. Henderson
Chandler K. Holcomb
Herbert Z. Rosen
Matthew J. Sponheimer
Matthew L. Studer

* - Also Admitted in FL
◊ - Also Admitted in IL
▶ - Also Admitted in MA
· - Also Admitted in NJ
◆ - Also Admitted in NY
* - Also Admitted in PA

**PLEASE REPLY TO
MILFORD OFFICE**

September 19, 2023

Ms. Patricia L. Buell
Superintendent
The Brooklyn Public Schools
119 Gorman Road
Brooklyn, CT 06234

Re: **Request For Proposal**

Dear Ms. Buell:

This letter is in response to your August 3, 2023 letter requesting a proposal for Board counsel.

The enclosed materials are a summary of our related experience and information regarding Berchem Moses PC and why we strongly believe we are the best choice for the Brooklyn Board of Education for its legal counsel. Should you have any questions or need any additional information, please feel free to contact the undersigned. Thank you for the opportunity to present this proposal and to be considered as legal counsel to the Brooklyn Board of Education.

Very truly yours,

Floyd J. Dugas, Esq.



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**Ms. Patricia L. Buell
Superintendent
The Brooklyn Public Schools
119 Gorman Road
Brooklyn, CT 06234**

**Submitted by:
Floyd J. Dugas, Esq.
Michelle C. Laubin, Esq.
Christine A. Sullivan, Esq.
BERCHEM MOSES PC
75 Broad Street
Milford, CT 06460
Tel 203-783-1200
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fdugas@berchemmoses.com**

Due Date: September 22, 2023

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I. QUALIFICATIONS AND EXPERIENCE

A. Background

Berchem Moses PC's roots date back to 1933. Today the firm is a multi-practice law firm that has grown to more than 30 lawyers with offices in Milford and Westport, Connecticut serving the entire State of Connecticut.

Berchem Moses PC has been a prominent player in all aspects of the education law field for over 40 years. We currently represent approximately 30 boards of education throughout the State of Connecticut in a variety of roles and capacities, including general counsel, labor and employment, and special education. We provide to our board of education clients the full range of services, including advice and negotiation as to certified and non-certified employees, regular updates on statutory changes and other legal developments, reviews and revisions of board policies and student handbooks, workshops and CEU seminars for staff, student discipline matters, representation in transportation, residency and teacher termination hearings, advice on first amendment issues, special education and disability law, research assistance and general legal advice.

Our approach to representation of boards of education is strongly proactive. We strive to help clients prevent crises and minimize expense by problem solving, training staff, and continually updating decision makers on changes in the law and trends in the education community. We take a practical view to dispute resolution, frequently providing clients with a cost benefit analysis of the various options and an analysis of the law, both favorable and unfavorable, prior to embarking on a course of action to address the dispute. When disputes enter the administrative process and/or courts, we provide

representation that is zealous, aggressive, creative and highly professional. In an ongoing attempt to assist our clients to keep updated in the ever evolving field of education law, we maintain an education law blog and a labor and employment law journal, and invite you to visit them at www.connecticuteducationlawblog.com and www.connecticulaboremploymentlawjournal.com (see excerpts at Exhibit B). We update our blogs on a regular basis as new cases are issued, statutes and regulations are passed, and these areas of the law continue to develop.

While our firm is comprised of more than 30 attorneys, there are currently 8 attorneys who work in the field of education law, with support from 4 paralegals. Of these attorneys, some are dedicated to the area of student matters, and some, to the area of employment and labor matters, although there is some overlap. The size and structure of this department we believe is unique, in that it allows us the depth to provide responsive and quality service while at the same time personalizing those services and insuring that a matter is not rotated through multiple attorneys resulting in higher costs. In addition, as education matters may become increasingly complex, given the other departments in our firm, as discussed below, when an education matter results in litigation, or requires real estate expertise, because we have a highly sophisticated Litigation Department and Real Estate Department, we can efficiently and easily access such levels of legal expertise as may be necessary in order to insure the full depth and breadth of services our board clients may require. We are confident that this firm can and does respond to the full expanse of legal questions and issues that arise within the school environment.

B. Work History Representing Boards of Education

General Counsel

We serve as General Counsel to a number of school districts, ranging from the State's largest school district to among the smallest. We have developed form contracts to use for vendors, as well as negotiated, and resolved as necessary, specific contracts, including bus contracts, food service contracts, equipment leases, software licenses, and the like. As student data privacy laws have become increasingly important, we work with our clients to ensure that appropriate contractual language is included in a variety of contracts that may be impacted by such provisions. In the area of facilities, we have addressed on behalf of our board of education clients numerous issues involving air quality, soil contamination, and have successfully defended cases brought by parents against school districts claiming that their child's health has been negatively impacted as a result of alleged contamination in school buildings. In this regard, we work with numerous experts in the field of environmental health and air quality specialists. We have represented board clients both in new construction as well as in those unfortunate situations when problems arise during construction and legal action is required. And of course, we have guided our clients through the previously uncharted waters of COVID-19, advising as to staff requests for leave, negotiating Memorandum of Agreements with unions, and interpreting the various executive orders and guidance from the State of Connecticut.

We frequently work with boards of education to develop policies and ensure that policies are updated. The issue of bullying, and cyberbullying in particular, and issues involving social media are among the issues currently challenging many of our school

districts, and we not only assist to insure that policies are in place, but also consult with administrators and teachers so they understand how to implement the policies and address these issues. If a district is faced with a claim of bullying or harassment, either through an internal investigation process, or through an agency complaint, we assist with insuring that the proper procedures are followed in the processing of any such complaint. And we of course handle all student discipline matters and represent either the administration or the board of education at expulsion hearings, as requested. We have done so at literally hundreds of expulsion hearings.

Furthermore, we have extensive experience in the full spectrum of issues faced by school districts including residency and transportation matters, compliance with the Family Education Rights to Privacy Act (FERPA), the Freedom of Information Act (FOIA), CHRO, and regularly counsel school districts through the minefields of First Amendment and other constitutional law based claims. Our scope of services provided to our board clients includes representation at both federal and State agencies when FERPA, FOIA and CHRO claims arise.

We have also performed workplace investigations when the need for outside assistance was warranted, and have developed and provided training materials and revised policies to comply with the new Title IX regulations.

In addition, we have served as counsel to school districts in the wake of tragedies such as school shootings and similar violent episodes, obtaining statewide and national prominence regarding school safety issues and actions needed both before and after such tragic situations strike a community. We have consulted with districts frequently on this topic, and also have presented at nationwide conferences, working in conjunction

with law enforcement to strike the balance between safe schools and a school environment conducive to learning.

Labor and Employment Services

The firm possesses expertise and a record of highly successful results in the labor and employment areas, representing boards of education across the state in contract negotiations, interest and grievance arbitrations, defense of discrimination and wage claims and providing timely and practical employment-related advice.

Our attorneys regularly obtain among the lowest arbitration awards in the state, including many wage and step freezes over the last several years. At the beginning of the Great Recession, we achieved the first wage freeze in the state for certified employees in the wake of the financial crisis through arbitration, which was instrumental in starting the trend of wage freezes throughout the state. The average for contract settlements negotiated by our attorneys typically is below the state average for the same time period. Our partner Floyd J. Dugas is regularly called upon by CABA to serve as a speaker at the annual CABA conference and seminars and to deliver other presentations on the topic of labor negotiations.

While we always seek to avoid litigation through discussions and mediation where possible, over the years we have prosecuted numerous teacher and administrator terminations when settlement has proved unfeasible. For example, in a hearing that was tried to final decision, we successfully terminated a teacher based on a myriad of psychiatric disabilities which impacted performance in the classroom. We also successfully prosecuted the termination of a teacher who used a racial epithet; that teacher appealed the decision to the Connecticut Superior Court, citing the First

Amendment as protection from termination, and we successfully defended the termination.

We are particularly proud of our negotiation success in minimizing salary increases and negotiating wage freezes and benefits adjustments as our clients have struggled to adjust union expectations to the realities of the budget. At the same time, we are equally proud that our negotiation style avoids the short-sighted "scorched earth" tactics of some firms that can damage or destroy the essential relationship between board employer and school staff. Our approach -- aggressively professional but emphasizing mutual interests, problem-solving, creativity and flexibility -- builds mutual trust and respect and is in the long-term interests of the board and the employees, as well as the taxpayers and the students.

We appear frequently before the Commission on Human Rights and Opportunities defending boards of education, and are on the approved list of several insurance companies, including CIRMA, to defend employers in such matters. We also regularly appear before the State Board of Labor Relations, the Board of Mediation and Arbitration and the American Arbitration Association, defending board clients against claims of violating the state labor laws and collective bargaining agreements, as well as other administrative agencies such as the Connecticut Workers Compensation Commission. By way of example, we achieved a first of its kind result regarding the appropriate cost basis to use for calculating employee contributions in a self-insured plan in a decision which saved one board client approximately \$700,000 in retroactive claims and \$350,000 per year going forward.

Please feel free to visit our website at www.berchemmoses.com for more information, as well as our blogs, www.connecticuteducationlawblog.com and www.connecticutlaboremploymentlawjournal.com. Please see Section 2 (Organizational Structure) below for the curriculum vitae of the partners and employees of the firm who would regularly interact with the Brooklyn Board of Education.

Special Education and Pupil Services

Berchem Moses PC is one of the most experienced and successful firms in the State in handling special education. Our representation of boards of education in this area is multi-dimensional. First, we spend a significant amount of time as requested by our board of education clients conducting in-service training for educators, including teachers and administrators. We also provide presentations to boards of education and town fiscal authorities in order that there be an understanding of the extent of the federal mandates regarding the scope of the applicable laws. We believe that this type of proactive intervention is critical for today's educators, particularly in the field of special education where knowledge of the key provisions of the procedural and substantive areas of the controlling State and federal laws is essential.

Second, we are frequently contacted by the administration if parents notify the district that they are bringing counsel to a planning and placement team meeting. At that time, most often the district requests that this office, as its counsel, attend that meeting and if requested, we will do so. In attempts to reach settlements of pending disputes, we represent the district in resolution meetings and/or mediations and in those instances when those dispute resolution mechanisms prove unsuccessful, we represent the districts in due process hearings.

When a due process hearing is commenced, we produce a cost-benefit analysis for clients when requested, given what is often the extraordinary expense to a Board of such a hearing, both in terms of actual financial cost, as well as intangible cost to the staff and administration. However, when it is necessary to proceed to due process, we work diligently with the staff members who are witnesses to ensure that they are well prepared for their testimony. Our track record in due process proceedings is quite strong. For example, in one case we successfully defended a case brought by a parent of a student seeking an additional year of education beyond high school, and in doing so the hearing officer wrote a precedent-setting decision helpful to school districts holding that public school districts are not responsible to pay for college education as part of transition services for students in the eighteen to twenty-one age group. In another recent case, we successfully defended a school district's refusal to fund the residential costs of a therapeutic residential placement made for non-educational reasons, specifically, to provide treatment for significant mental illness. And, if and when a due process case is appealed into court, we represent the Board in that venue as well, most often federal court, where, as necessary, our litigation department often pairs with us to lend expertise. In the past, we have successfully defended school districts at both the federal district court level, as well as the United States Court of Appeals for the Second Circuit, and we are currently represent school districts in a number of such cases. Our litigation department is chaired by Senior Partner Richard Buturla, whose resume is included in Appendix A.

Section 504 of the Federal Rehabilitation Act is a federal anti-discrimination law that has potentially far reaching effects in schools. Districts must be cognizant of its

impact and again, this is an area for which we frequently provide training to educators. In addition, parents often file complaints regarding alleged violations of this law with the United States Department of Education Office for Civil Rights and we often represent districts in the response to such complaints, including when OCR interviews district witnesses (including teachers and administrators). Recently, we have been involved in several OCR complaints, and following our written response to the complaint, preparation of witnesses and our presence during the witness interviews, we were pleased to report that OCR found no violations by the Board and dismissed the complaints. A parent can also request a hearing under Section 504, which is an administrative hearing similar to a due process hearing and we have successfully represented districts in 504 hearings. In one 504 hearing in response to a motion that we made, the hearing officer ordered that the parent pay the district's costs and fees incurred in the course of the hearing. Finally, when parents file a complaint against a board of education with the Connecticut State Department of Education, the State Department of Education conducts an investigation of the complaint which consists of a response to the complaint, and a review of documents (although no interviews occur) and when requested by our clients, we assist districts in responses to the complaint. In those instances when corrective action is necessary, we assist our board of education clients in insuring compliance with the corrective actions. In some cases, these types of complaints can be resolved through negotiation or mediation, and of course, we assist our clients with those proceedings as appropriate.

In our work in the field of special education and pupil services, we frequently draft contracts for out of district placements, for transportation, and for consultants who will be

working with the district in a variety of capacities. We also assist districts in formulating policies and procedures that comply with the myriad of State and federal regulatory requirements applicable in the field of special education and education of individuals with disabilities.

C. School Districts Represented

The following is a partial listing of the approximately 30 boards of education this firm currently represents and includes a summary of the nature of the matters handled. This information, in addition to that set forth in Sections 1(a) and (b) above, reflects the extensive knowledge and experience of this firm in providing legal services to school districts. We have also provided names and numbers of contact persons and welcome you to contact any of the individuals listed below for references.

(1) West Haven Board of Education – Our representation of the West Haven Board of Education also extends over a period of approximately 45 years and continues to date. During that period of time, we have served, and continue to serve, as labor counsel, general counsel, as well as special education counsel.

Contact: Neil Cavallaro, Superintendent
(203) 937-4300

(2) Trumbull Board of Education – Our representation of the Trumbull Board of Education dates back 30 years and encompasses special education work, general counsel and labor counsel.

Contact: Lucinda Timpanelli, Chairperson
(203) 209-5843

Martin J. Semmel, Ed.D., Superintendent
(203) 452-4301

(3) **Groton Board of Education** – We have served as general counsel to the Groton Board of Education since 2000, where we have represented the district in all areas including general counsel, special education and labor.

Contact: Dr. Susan Austin, Superintendent
(860) 572-2115

Denise A. Doolittle, Director of Pupil Personnel Services
(860) 572-2152

(4) **Cheshire Board of Education** – We serve as general counsel to the Cheshire Public Schools as well and our representation encompasses all areas of legal services.

Contact: Jeffrey F. Solan, Ed.D., Superintendent
(203) 250-2420

Robin-Anne Carey, Director of Pupil Personnel Services
(203) 250-2422

(5) **Regional School District No. 5** – We serve as both general counsel and special education counsel to Regional School District No. 5.

Contact: Jennifer P. Byars, Ed.D., Superintendent
(203) 397-4811

Henry Thomas Brant, Director of Pupil Personnel
(203) 397-4820

(6) **Madison Board of Education** – We serve as special counsel to the Madison Public Schools.

Contact: Elizabeth Battaglia Ed.D., Director of Special Education
(203) 245-6340

(7) **Bozrah Board of Education** – We serve as special education counsel to the Bozrah Public Schools.

Contact: Laura Zurell, Director of Student Services
(860) 887-2561

(8) **Stafford Board of Education** – We serve as special education counsel to the Stafford Public Schools.

Contact: Kathy Gabrielson, Director of Pupil Services
(860) 684-4212

II. ORGANIZATIONAL STRUCTURE

We propose a team of three primary partners and three supporting attorneys, all highly experienced in education law matters, to meet the Board's need for legal services. These attorneys will be available to the Board at all times. Following is a brief biographical overview:

(a) **Floyd J. Dugas (Senior Partner)** – Attorney Dugas is a 1981 cum laude graduate of the University of Connecticut, and received his J.D. from the Temple University School of Law in 1986. Throughout his career, he has specialized in labor and employment law. As Chair of the firm's Labor and Employment Law Department, Attorney Dugas coordinates the Municipal Labor practice. He serves as General Counsel to a number of school boards. He also serves as chief negotiator and labor counsel for a number of boards of education. He represents Boards in all facets of labor and employment and general education including contract administration, arbitration, prohibited practice charge hearings, and certified staff termination proceedings.

Attorney Dugas serves as Labor and General Counsel to the following school districts: Trumbull, Bridgeport, Cheshire, Milford, Stratford, Groton, West Haven, and Windsor Locks.

Among his many accomplishments, Attorney Dugas successfully defended the West Haven Board of Education against the first ever claim in this state for education malpractice. He also was among the first attorneys in recent years to secure wage freezes, step freezes and major insurance plan redesigns in interest arbitration on behalf of school districts we represent. He has appeared before the State Supreme Court on other municipal labor matters. He has represented employers in literally hundreds of

arbitrations and in wrongful discharge and discrimination litigation. Attorney Dugas is an arbitrator on the State of Connecticut Department of Education Panel of Arbitrators. He regularly lectures on labor, employment and education law topics and is a regular presenter at CABA's annual negotiation seminar. He has presented at the National School Board Association Conference in San Francisco on the topic of School Reform, and in San Diego and San Antonio on the topic of school safety. He is a member and past president of the Connecticut Counsel of School Attorneys and is a member of the National Council of School Board Attorneys. Mr. Dugas is rated as AV Preeminent by his peers in Martindale-Hubbell, its highest designation, and has been recognized by Connecticut and New England Super Lawyers since 2014. In 2018, he was recognized by U.S. News & World Report's Best Lawyers in America, and in 2022 as the best labor lawyer in the New Haven area. He is a member of the American Bar Association Foundation, an honor bestowed on only 1% of all lawyers in the country.

(b) Michelle C. Laubin (Senior Partner) – Attorney Laubin is a summa cum laude and Phi Beta Kappa graduate of Wells College in 1993, and received her J.D. from Northeastern University School of Law in 1996. Attorney Laubin is a partner whose practice is concentrated in the area of education law, particularly special education law and student matters. Ms. Laubin is a frequent speaker on education law issues with local school districts, as well as the Connecticut Bar Association, CABA, ConnCASE (Connecticut Council of Special Education Administrators) and other state and regional organizations. She is a member of the Connecticut Bar Association Education Law Committee, and is currently serving as President of the Connecticut School Attorneys Council. She has successfully argued cases before the State Department of Education,

the United States District Court for the District of Connecticut, and the United States Court of Appeals for the Second Circuit, as well as formulating key arguments in education law cases argued by the firm before the Connecticut Supreme Court. She has represented school districts in countless student discipline and special education matters, including attending PPT meetings, negotiation of settlement and mediation agreements, representation in expulsion, due process, and school accommodations hearings, resolution of State Department of Education complaints, and OCR complaints. In addition to her work representing school districts, she acts as legal advisor to ConnCASE, the Connecticut Council of Special Education Administrators, and has served on several invitation-only State Department of Education task forces, including the School Discipline Collaborative, a CT-SEDS advisory panel to the Bureau of Special Education, and a task force convened to discuss reform of the special education due process hearing process. Attorney Laubin is rated AV Preeminent by her peers in Martindale-Hubbell, its highest designation, and is recognized by the Best Lawyers designation for education law attorneys.

(c) **Christine A. Sullivan (Senior Partner)** – Attorney Sullivan is a Senior Partner in the firm's Education Law Department. She is the former Director of Education and Training at the UConn Health Center, A.J. Pappanikou Center for Excellence in Developmental Disabilities, Education, Research and Service. Christine holds a PhD in Educational Psychology from the University of Connecticut. She is a graduate of the College of the Holy Cross and the University of Connecticut School of Law. Attorney Sullivan is admitted to the Connecticut Bar and has been a member of the Connecticut Bar Association since 1988. Ms. Sullivan is also a member of the Council for Exceptional

Children, the American Association on Intellectual and Developmental Disabilities, the National Association for the Education of Young Children, and the Association for Supervision and Curriculum Development.

(d) Others

In addition to the foregoing, the firm has several associates who would we anticipate will be assisting in the delivery of services as needed. They include: Carolyn Dugas, Rebecca Goldberg and Herbert Rosen. Their resumes are attached as well. And as previously noted, members of our litigation department, chaired by Partner Richard Buturla, assist with any matters that are filed in either state or federal court. Mr. Buturla's resume can be found at Exhibit A.

III. WORK PLAN

We believe we have a history of delivering legal services in a more cost-effective manner than other firms. This begins with matching the district's needs with the most appropriate lawyer on a given matter and continues with the senior partners involved closely monitoring invoices to ensure the fees billed reflect the value of services received by the client. Our associates and paralegals are involved in the files as appropriate, again with a sensitivity to cost controls, but without sacrificing quality of legal services. Our philosophy is the client should always feel that they have received a good value for the services rendered, and that there should never be a fee dispute with a client. It is not uncommon for a school district to tell us our bills are more reasonable than our predecessor where we have replaced another firm.

IV. SPECIFIC QUESTIONS/RESPONSES

Question:

1. Services offered to the Board of Education:
 - a. Labor law including contract negotiations, and bidding processes
 - b. Student law including transportation hearings, expulsion hearings, civil rights, discrimination
 - c. Board policies: review of current policies and recommendations for updated policies
 - d. Special education compliance and representation during necessary matters
 - e. Describe your trial or litigation experience and success?
 - f. Do you offer professional training to Boards or employees?
 - g. Please describe your fee structure for each service.

Response:

Subparagraphs a.-f., see above. Subparagraph g., see Section V.

Question:

2. Who in your firm would represent the Brooklyn Board of Education with respect to each of these areas?

Response:

Floyd J. Dugas, Esq. (Labor and General Counsel)
Michelle C. Laubin, Esq. and Christine Sullivan (Special Education and other Student Matters)

Question:

3. What level of advocacy do you provide during legislative sessions on behalf of your clients? Please provide examples of legislation you have advocated for or against.

Response:

Michelle Laubin has advocated, through ConnCase, before the General Assembly on a number of Special Education related topics. ConnCase often consults with CABA regarding proposed legislation.

Question:

4. How do you ensure your clients maintain legal compliance in the current changing environment? What professional organizations are you actively involved in?

Response:

We provide in-service training, an annual Roundtable and a blog in which we update clients on emerging issues.

Question:

5. How have you handled matters when you have identified practices by a Board of Education that were not in compliance with State or Federal laws?

Response:

We point out the law or rule involved and provide recommendations, including policy, as to how to come into compliance.

Question:

6. Please provide a list of references of other Boards of Education we may contact regarding your services.

Response:

See above.

Question:

7. Is there any legal service that you do not provide or would need to subcontract? If so, please explain.

Response:

Not applicable.

Question:

8. What makes your firm stand out over other firms in CT? Please feel free to provide any additional information you believe may be helpful to the Board of Education when making their decision.

Response:

We believe we are the most cost effective solution for legal service needs in the State, and the quality of the services we provide are equal or better than others providing similar services.

See above.

V. BUDGET/FEE PROPOSAL

	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>
Partners	\$295	\$305	\$315
Senior Counsel	\$275	\$285	\$295
Associates	\$255	\$265	\$275
Paralegals	\$150	\$150	\$150

VI. CONCLUSION

We feel confident that Berchem Moses PC can provide the highest level of expertise and service to meet the Board's legal needs, in a responsive and cost efficient manner. We want to assure you that this firm has the skill, expertise, resources and availability to meet the Board's needs for legal services in this regard. We feel the quality of our services is enhanced by the strong professional relationships which evolve between our attorneys and clients. In this regard, we urge you to contact any of our current clients for references. We would be more than happy to meet with you or any board members or administrators who may wish to meet us personally.

VII. EXHIBITS/ATTACHMENTS

Exhibit A, Copies of Resumes
Exhibit B, Copies of Blog Articles

Exhibit A

CAROLYN MAZANEC DUGAS, ESQ.

EDUCATION

TEMPLE UNIVERSITY SCHOOL OF LAW, J.D., 1987

Honors: Regional Champion Mock Trial Team, Philadelphia Trial Lawyer Association Award

TEMPLE UNIVERSITY, B.A., 1984, Magna Cum Laude

BAR ADMISSIONS

Connecticut

PROFESSIONAL EXPERIENCE

- Carolyn Dugas is an Associate in Berchem Moses PC's Education Law department.
- Represents public school districts throughout Connecticut in all areas of education law ranging from first amendment issues, student confidentiality, school residency and transportation matters with an emphasis on student matters including student discipline.
- Reviews, revises and drafts board of education policy and regulations; reviews and revises school handbooks to ensure legal compliance.
- Conducts legal research and drafting of motions, briefs, and memoranda of law related to a variety of special and regular education issues.
- Develops and presents training seminars for teacher candidates, teachers and administrators on topics such as an overview of education law, anti-bullying legislation, and creating positive school cultures, new and pending legislation and initiatives, and special education.
- Advises clients in all areas of education law including special education law.
- Represents school administration at student expulsion and residency hearings, overseeing the investigation stage, and witness preparation through to hearing; conducts Title IX investigations for school districts and oversees response by districts to OCR complaints.
- Provides regular updates on statutory changes and legal developments to clients to ensure compliance via direct representation as well as firm education law blog articles.

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

University of Bridgeport, Former Adjunct Professor (education law classes)
Connecticut Association of Boards of Education (CABE), School Board Attorneys Council
National School Board Association, Council of School Attorneys (COSA)
Connecticut Bar Association
Milford Bar Association
Kids Count, Milford, CT, Former Board Member
America's Promise, Milford, CT, Former Board Member

REBECCA GOLDBERG, ESQ.

EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW, J.D., 2011, Cum Laude

BRANDEIS UNIVERSITY, B.A., 2006, Magna Cum Laude

BAR ADMISSIONS

Connecticut, U.S. District Court for the District of Connecticut

PROFESSIONAL EXPERIENCE

Berchem Moses PC, Milford CT, Associate Attorney, 2014 - present

- Handles labor and employment matters in state and federal courts and administrative agencies.
- Experienced in litigation, discovery, trial preparation and settlement strategies.
- Defends clients against discrimination charges; drafts substantive motions, position statements, releases, restrictive covenants and employee handbooks.
- Prepares seminars and webinars for management on various topics, including union avoidance, wage and hour law, and discrimination and harassment.
- Represents multiple boards of education in teacher termination proceedings.
- Advises small to large businesses with everyday human resources questions and concerns, providing clients with cost-effective ways to avoid litigation exposure.
- Provides training to employers on a variety of legal matters, including state-mandated sexual harassment training.

SELECTED ACHIEVEMENTS

- Obtained a dismissal of an employment discrimination lawsuit against a nursing home at the earliest stages of litigation, avoiding legal fees and potential liability for the client.
- Successfully represented a housing authority in an unemployment hearing, overturning an initial determination in favor of the employee.
- Secured numerous dismissals of discrimination charges at case assessment review, the earliest stage of the CHRO process, enabling clients to avoid investigations and limit time and resource expenditures.

PUBLISHED WORKS

Associate Editor, Employment Discrimination Law, BNA Books, 4th Edition, 2012

Contributing Editor, The Developing Labor Law, BNA Books, 6th Edition

HONORS AND AWARDS

Labor and Employment Law Award - Duke University School of Law

Family Law Award - Duke University School of Law

Dean's Scholar - Brandeis University

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Connecticut Bar Association, Labor and Employment Executive Committee, 2015 - Present

HERBERT Z. ROSEN, ESQ.

EDUCATION

FORDHAM UNIVERSITY SCHOOL OF LAW, New York, NY, J.D., 2017

Honors: Public Interest Stein Scholar; *Fordham Urban Law Journal* (Associate Editor); Fordham Moot Court Board (Jessup Competition Coach, 2017; Jessup Northeast Region Competition Semi-Finalist and Best Oralist Award Recipient, 2016); Fordham Law Student Bar Association (President (2016-2017)); Eugene J. Keefe Award Recipient; Archibald R. Murray Public Service Student Award (*Summa Cum Laude*); William M. Tandy Federal Criminal Trial Advocacy Competition (Semi-Finalist).

BRANDEIS UNIVERSITY, Waltham, MA, B.A., Cum Laude, 2012

Honors: Student Body President (2011 - 2012); Blum Memorial Award and Student Life Award (Recipient)

BAR ADMISSIONS

Connecticut

U.S. District Court, District of Connecticut

PROFESSIONAL EXPERIENCE

Berchem Moses PC, Milford, CT, Associate, August 2021 – present

- Representing school districts in special education matters, including attending planning and placement team meetings, drafting responses and submissions in due process hearings, as well as responding to and resolving State Department of Education complaints.
- Researching education law and policy questions, drafting model policies, and providing recommendations to school districts on topical and relevant issues.

New York State Supreme Court, Honorable Joel M. Cohen, New York, NY, Assistant Law Clerk, March 2020 – August 2021

- Drafted orders and decisions for the Court concerning shareholder derivative actions, commercial real property disputes, trade secret litigation and other business torts.
- Researched applicable New York Commercial Law, conducted conferences between all parties, mediated discovery disputes between litigants, oversaw pre-trial procedures and Court operations, and assisted Court with trials and hearings.

Shipman & Goodwin LLP, Stamford, CT, Associate, September 2017 – March 2020

- Drafted and prepared briefs, pleadings, subpoenas, discovery requests, objections, memorandums of law, and other case materials on state and federal matters including commercial litigation lawsuits, foreclosure actions, breach of contract disputes, labor

arbitrations, prejudgment remedy hearings, motions for summary judgment, and Individuals with Disabilities Education Act due process hearings. Conducted research on areas including business litigation, landlord-tenant law, bankruptcy law, and special education law.

- Argued contested motions in state and federal court and assisted with arbitrations through JAMS and the American Arbitration Association.

Fordham Law School's Queens District Attorney Prosecution Clinic, Queens NY, Law Clinic Intern, January 2017 – May 2017

- Participated in criminal cases from inception: worked with police officers, interviewed witnesses, determined charges, drafted accusatory instruments, negotiated plea agreements and argued on behalf of District Attorney's office during pre-trial hearings.

New York City Civil Court, The Honorable Gerald Lebovits, New York, NY, *Judicial Intern*, June 2015 – August 2015

- Wrote draft opinions and researched case law for Civil Court actions, including landlord-tenant proceedings, credit debt summary judgments and no-fault insurance actions.

Teach For America; St. HOPE Leadership Academy, New York, NY, Corps Member, 7th/8th Grade ICT Teacher, January 2012 – July 2014

- Selected for national teacher corps; full-time teacher for two years at under-resourced public school.
- Taught 120 students daily; developed differentiated lessons, curriculums and individualized education plans.

RICHARD J. BUTURLA, ESQ.

EDUCATION

VILLANOVA SCHOOL OF LAW, J.D., 1982
Villanova Law Review, Associate Editor, 1981 – 1982

SOUTHERN CONNECTICUT STATE UNIVERSITY, B.S., 1979, Magna Cum Laude

BAR ADMISSIONS

Connecticut, U.S. District Court District of Connecticut, U.S. Court of Appeals 2nd Circuit

PROFESSIONAL EXPERIENCE

- Senior Partner and Chairman of the Litigation Department at Berchem Moses PC since 1985
- Trial lawyer representing government officials, police officers, municipalities, boards of education, governmental agencies, and businesses in both state and federal court
- Appellate advocate representing government officials, police officers, municipalities, boards of education, governmental agencies, and businesses in the Connecticut Appellate Court, Connecticut Supreme Court and the United States Court of Appeals

APPOINTED POSITIONS

- Town Counsel, Seymour, Connecticut, 2011 – Present
- Town Attorney, Stratford, Connecticut, 2005 – 2009, 1995-1999
- Town Attorney, Cheshire, Connecticut, 2002 - 2004
- Corporation Counsel, Derby, Connecticut, 1997 - 2005
- Assistant Town Attorney, Stratford, Connecticut, 2000 – 2003

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Connecticut Bar Association, Member
- American Bar Association, Member
- Connecticut Trial Lawyers Association, Member
- American Association for Justice, Member

AFFILIATIONS, PROFESSIONAL RECOGNITION AND COMMUNITY ACTIVITIES

- AV Peer Review Rating by *Lexis Nexis Martindale Hubble*, the highest possible rating signifying preeminent legal ability and integrity; awarded based on confidential survey responses from practicing attorneys
- Sustaining Life Fellow, James W. Cooper Fellows Program, Connecticut Bar Foundation
- Fellow, American Bar Foundation
- Best Lawyers in America
- Connecticut and New England Super Lawyers
- Council Chairman, Stratford Town Council, Stratford, Connecticut, 1987-1989

REPRESENTATIVE CASES

- *Armac Industries, Ltd. v. Citytrust*, 203 Conn. 394, 525 A.2d 77 (1987)
- *B.A. Ballou and Company, Inc. v. Citytrust*, 218 Conn. 749, 591 A.2d 126 (1991)
- *Bombero, Jr., Etal v. Planning and Zoning Commission of the Town of Monroe, et al.*, 17 Conn. App. 150, 550 A.2d 1098 (1988)
- *Citytrust v. Page*, 28 Conn. App. 907 (1992)
- *D.J. Quarry Products, Inc. v. Planning and Zoning Commission of the Town of Beacon Falls*, 217 Conn. 447, 585 A.2d 1227 (1991)
- *Dean v. Filipowich, et al*, 20 Conn. App. 825, 570 A.2d 243 (1990)
- *Dennin v. Connecticut Interscholastic Ath. Conf.*, 94 F.3d 96 (D. Conn. 1996)
- *Dennin v. Connecticut Interscholastic Ath. Conf.*, 913 F. Supp. 663 (D. Conn. 1996)
- *Federal Deposit Insurance Corporation v. Sextant Development Corporation, et al.*, 142 F.R.D. 55 (1992)
- *FDIC v. Suna Assocs.*, 80 F.3d 681 (2d. Cir. 1996)
- *J. F. Barrett & Sons, Inc. v. Rosenshein*, 23 Conn. App. 817 (1990)
- *Hedberg v. Pantepec Int'l*, 35 Conn. App. 19 (1994)
- *Huff v. West Haven Board of Education, et al*, 1998 WL 386167 (D. Conn. 1998)
- *Kornatowski v. Wallingford Police Dep't*, 1993 U.S. Dist. LEXIS 10695 (D. Conn. July 26, 1993)
- *Meyers v. Arcudi*, 947 F. Supp. 581 (D. Conn. 1996)
- *Meyers v. Arcudi*, 915 F. Supp. 522 (D. Conn. 1996)
- *Mrs. B. v. Milford Bd. Of Educ*, 103 F.3d 1114 (2d Cir. 1997)
- *Mr. & Mrs. B. ex rel. W.B. v. Weston Bd. of Educ.*, 34 F. Supp. 2d 777 (D. Conn. 1999)
- *Smart SMR of New York Inc. d/b/a v. The Zoning Commission of the Town of Stratford*, 9 F.Supp. 2d 143 (1998)
- *Smart SMR of New York, Inc. d/b/a v. The Zoning Commission of the Town of Stratford*, 995 F.Supp. 52 (1998)
- *Smith v. Planning & Zoning Bd.*, 3 Conn. App. 550 (1985)
- *Smith v. Planning & Zoning Bd.*, 203 Conn. 317 (1987)
- *Town of Monroe, et al v. Renz, et al.*, 46 Conn. App. 5, 698 A.2d 328 (1997)
- *Town of Stratford v. International Ass'n of Firefighters, Local 998*, 48 Conn. App. (1998)
- *Town of Stratford v. International Ass'n of Firefighters, Local 998*, 248 Conn. 108 (1999)
- *Howley v. Town of Stratford*, 87 F. Supp. 2d 97 (D. Conn. 1999)
- *Omnipoint Communications, Inc. v. Planning & Zoning Commission of the Town of Wallingford*, 91 F.Supp.2d. 497 (2000)

- *Howley v. Town of Stratford*, 217 F.3d 141 (2d Cir. 2000)
- *Lillbask v. Sergi*, 117 F. Supp. 2d 182 (D. Conn. 2000)
- *Lillbask ex rel. Mauclaire v. Sergi*, 193 F. Supp. 2d 503 (D. Conn. 2002)
- *Lillbask ex rel. Mauclaire v. Conn. Dep't of Educ.*, 397 F.3d 77 (2d. Cir. 2005)
- *Lillbask v. Conn. Dep't of Educ.*, 2006 U.S. Dist. LEXIS 24263 (D. Conn. Mar. 17, 2006)
- *Harbor Pointe, LLC v. Harbour Landing Condo. Ass'n*, 300 Conn. 254 (2011)
- *J.E. Robert Co. v. Signature Props., LLC*, 309 Conn. 307 (2013)
- *Waterview Site Servs. v. Pay Day, Inc.*, 125 Conn. App. 561 (2010)
- *Burke v. Miron*, 2010 U.S. Dist. LEXIS 26815 (D. Conn. Mar. 22, 2010)
- *A.E. v. Westport Bd. Of Educ*, 463 F. Supp. 2d 208 (D. Conn. 2006)
- *Davidson v. Tesla*, 2008 U.S. Dist. LEXIS 10529 (D. Conn. Feb. 12, 2008)
- *DeFelice v. Warner*, 511 F. Supp. 2d 241 (D. Conn. 2007)
- *Perkowski v. Stratford Bd. Of Educ.*, 455 F. Supp. 2d 91 (D. Conn. 2006)
- *Pulaski v. Stratford Bd. Of Educ.*, 2006 U.S. Dist. LEXIS 56735 (D. Conn. Aug. 15, 2006)
- *Vic's Super Serv. v. City of Derby*, 2006 U.S. Dist. LEXIS 60381 (D. Conn. Aug. 24, 2006)
- *Drazen v. Town of Stratford*, 2013 U.S. Dist. LEXIS 113870 (D. Conn. Aug. 13, 2013)
- *Drazen v. Town of Stratford*, 2013 U.S. Dist. LEXIS 47908 (D. Conn. Mar. 28, 2013)
- *Gugliotti v. Miron*, 2010 U.S. Dist. LEXIS 77305 (D. Conn. July 30, 2010)
- *Guizan v. Solomon*, 2010 U.S. Dist. LEXIS 103592 (D. Conn. Sept. 30, 2010)
- *Guizan v. Town of Easton (In re Estate of Guizan)*, 2012 U.S. Dist. LEXIS 123727 (D. Conn. Aug. 29, 2012)
- *Popow v. Town of Stratford*, 2010 U.S. Dist. LEXIS 12472 (D. Conn. Feb. 12, 2010)
- *Rossi v. W. Haven Bd. Of Educ.*, 359 F. Supp. 2d 178 (D. Conn. 2005)
- *Rossi v. W. Haven Bd. Of Educ.*, 2005 U.S. Dist. LEXIS 6086 (D. Conn. Apr. 8, 2005)
- *Bd. Of Educ. v. Tavares Pediatric Ctr.*, 276 Conn. 544 (2006)
- *Gaynor v. Payne*, 261 Conn. 585 (2002)
- *Town of Stratford v. State Bd. Of Mediation & Arbitration*, 239 Conn. 32 (1996)
- *In re Tribune Co. Fraudulent Conveyance Litig.*, 831 F. Supp. 2d 1371 (2011)
- *Mr. L. v. Sloan*, 449 F.3d 405 (2d. Cir. 2006)
- *Anzalone v. O'Connell*, 51 Fed. Appx. 75 (2d. Cir. 2002)
- *Colombo v. O'Connell*, 2001 U.S. Dist. LEXIS 22081 (D. Conn. Dec. 27, 2001)
- *Cowras v. Hard Copy*, 56 F. Supp. 2d 207 (D. Conn. 1999)
- *Cowras v. Hard Copy*, 1998 U.S. Dist. LEXIS 22269 (D. Conn. May 19, 1998)
- *Garamella v. City of Bridgeport*, 63 F. Supp. 2d 198 (D. Conn.1999)
- *In re Galaxy Assoc.*,118 B. R. 8 (1990)
- *Langer et al. v. Town of Stratford et al.*, docket 3:01-CV-897 (D. Conn. 2001)
- *Langer et al. v. Town of Stratford et al.*, docket 02-7100 (2d. Cir. 2002)
- *J.S. v. Norwalk Bd. Of Educ.*, 1999 U.S. Dist. LEXIS 16131 (D. Conn. Aug. 26, 1999)
- *Mulligan v. Loschiavo*, 173 Fed. Appx. 26 (2d. Cir. 2006)
- *Schirillo v. Town of Stratford*, 2005 U.S. Dist. LEXIS 20175 (D. Conn. Sept. 9, 2005)
- *Silberberg v. Lynberg*, 186 F. Supp. 2d 157 (D. Conn. 2002)
- *Walpole Woodworkers v. Atlas Fencing*, 218 F. Supp. 2d 247 (D. Conn. 2002)
- *Balogh v. City of Shelton*, 1999 U.S. App. LEXIS 10216 (2d. Cir. Jan. 13, 1999)
- *Ortiz et al. v. Stratford et al.*, docket 3:07-CV-1144 (D. Conn. 2008)
- *Murvin v. Jennings et al.*, docket 3:00-CV-2222 (D. Conn. 2006)

REPRESENTATIVE JURY VERDICTS

- *Farrar v. Town of Stratford et al.*, docket 3:96-CV-1908 (D. Conn. 1996) (Defendant's Verdict)
- *Butler v. Soto et al.*, docket 3:94-CV-1216 (D. Conn. 1997) (Defendant's Verdict)
- *Bloom v. Town of Stratford et al.*, docket 3:05-CV-00217 (D. Conn. Jan. 19, 2007) (Defendant's Verdict)
- *Stallworth et al. v. Town of Stratford et al.*, docket 3:09-CV-00863 (D. Conn. Dec. 5, 2012) (Defendant's Verdict)

Exhibit B

CONNECTICUT EDUCATION LAW BLOG

Home / Connecticut Education La...

IDEA Eligibility Extended

By: Herbert Z. Rosen

July 31, 2023

This past legislative session, the Connecticut Legislature extended the timeline through which students are eligible for services under the Individuals with Disabilities Education Act ("IDEA"). Per Public Act 23-137, all students remain eligible for special education services under the IDEA through the end of the school year^[1] during which the student turns 22, or until [...]

Supreme Court Allows Parents to Bring ADA Claims Against School Districts for Monetary Damages

April 11, 2023

On March 21, 2023, the United States Supreme Court ruled that parents of students with disabilities who sue for disability discrimination under Title II of the Americans with Disabilities Act can seek monetary damages from school districts. [U.S. Supreme Court Allows Parents to Bring ADA Claims Against School Districts for Monetary Damages](#)

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IDEA Eligibility Extended

By: Herbert Z. Rosen

July 31, 2023

This past legislative session, the Connecticut Legislature extended the timeline through which students are eligible for services under the Individuals with Disabilities Education Act ("IDEA"). Per Public Act 23-137, all students remain eligible for special education services under the IDEA:

1. Through the end of the school year^[1] during which the student turns 22; or
2. Until the student graduates from high school with a regular high school diploma (whichever comes first).

On July 14, 2023, the Connecticut State Department of Education ("CSDE") issued Guidance outlining issues that school districts should consider in light of this change to IDEA eligibility in Connecticut:

- School districts do not need to take any action with regards to students who previously were exited from special education due to reaching the maximum age of eligibility (the day before their 22nd birthday) or who received their regular high school diploma between July 1, 2022 and June 30, 2023.
- School districts must contact students and parents for which planning and placement team ("PPT") meetings took place during the 2022 – 2023 school year and individualized education plans ("IEPs") were developed envisioning an end date of the student's 22nd birthday during the 2023 – 2024 school year. School districts must advise these students and parents that they remain eligible for special education services until the end of the school year during which the student turns 22. PPTs should convene meetings as necessary in order to revise the student's IEP.
- For students with plans from the Department of Developmental Services ("DDS") and who turn 22 between July 1 and September 30, 2023, DDS is contacting those students/families to inform them of the change in the law. DDS will accept these students if the adult student/parent agrees in writing to decline the student's extended IDEA eligibility through the end of the 2023 – 2024 school year. Any choice must be

New OCR Resources: Title IX Compliance in Athletics Programs

March 2, 2023

The Department of Education's Office for Civil Rights (OCR) released new resources to support equal opportunity in athletic programs consistent with Title IX of the Education Amendments of 1972. Title IX prohibits discrimination based on sex in programs or activities receiving federal financial assistance and is enforced by OCR.

OCR designed these resources to help students, parents, coaches, athletic directors, and school officials evaluate whether a school is meeting its legal duty to provide equal athletic opportunity regardless of sex. Meeting a school's legal duty under Title IX means (1) effectively accommodating the sexes equally in their athletic interests and abilities and (2) providing equivalent benefits, opportunities and treatment given to teams, regardless of sex.

Meeting students' athletic interests and abilities

When OCR evaluates whether a school's athletic program complies with Title IX, a school may choose one of three ways to demonstrate that it is meeting the interests and abilities of its student body. Those include:

1. Substantial Proportionality: whether the percentage of girl and boy participants is about the same as the percentage of girls and boys enrolled in the school.
2. History and Continuing Practice: whether the school can show a history and present practice of expanding its program to respond to the interests and abilities of girls, if girls have been underrepresented, or boys, if boys have been underrepresented.
3. Interests and Abilities of Students: whether the school can show that, despite disproportionality, the program meets the interests and abilities of the underrepresented sex.

CONNECTICUT LABOR & EMPLOYMENT LAW JOURNAL

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Can Employees Say Whatever They Want at Work? Busting Myths About Employee Speech Rights

By: Rebecca Goldberg

September 8, 2023

Can an employer fire an employee for cursing out the boss? Complaining about pay? Backing the "wrong" political candidates? Posting racist rants on Facebook? These situations are not uncommon in the workplace and employers must be prepared to navigate the complicated terrain of employee speech protections while maintaining order in the workplace. This article busts [...]

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How Can Employers Legally Conduct Criminal Background Checks? Busting Myths About Criminal Background

By: Rebecca Goldberg

August 10, 2023

The complicated landscape of laws governing criminal background checks can turn some employers away from engaging in the process at all. This can seem like it is working well, until you uncover that you just hired a convicted con artist to handle your billing or someone with a history of burglary to work at your home remodeling company. In many cases, it may be perfectly appropriate to provide a job opportunity to someone with a criminal past, but it is important for employers to make educated decisions in these situations. This article busts some common criminal background checking myths to help you navigate the process smoothly.

Myth #1: It is unlawful to make an employment decision based on a person's criminal background.

There is no state or federal law prohibiting employment decisions based on a person's criminal background, provided that the criminal history was not erased. However, adopting an overly broad policy or practice of not hiring individuals with a criminal background may result in "disparate impact" against groups who are disproportionately arrested and convicted. To avoid resulting claims of race discrimination, employers are advised to carefully consider the criminal background and how it would affect the role before deciding. A trespassing conviction from 20 years ago is unlikely to disqualify someone from working in a pharmacy today, while a lengthy record of drug convictions with the most recent offense occurring 2 years ago is much more relevant.

Deborah G. Stevenson Law, LLC

Attorney At Law



Education Law
Appellate Law
Constitutional Law

Mediation
Government Law
Civil Litigation

September 11, 2023

Patricia Buell
Superintendent
Brooklyn Public Schools
119 Gorman Road
Brooklyn, CT 06234

Dear Superintendent Buell:

Thank you, and the Board, for inviting me to submit a proposal as you seek a law firm or attorney to serve in the capacity of School Board Attorney. Please consider this my proposal and request to serve in that capacity.

In your email, you cited several areas of experience you were looking for in a new School Board Attorney. I will address each as you presented them.

The attorney should be well versed in education law, particularly in relation to state and federal statutory and case law governing public education, civil service, labor and general municipal matters in Connecticut.

When it comes to being well versed in education law, I began my training many years ago, with the birth of my first child. She was an outlier with extraordinary needs. Consequently, I began my search for the appropriate education for her, looking, of course, first, to public schools. Unfortunately, my local public school indicated that they could not meet her needs; and if she enrolled there, they would teach her "horizontally", meaning not allowing her to advance until the rest of the class was on the same level as she was. In other words, public school was not the best fit for her. I next explored private schools in the area, but, again, none seemed to be a good fit. At that point, my pediatrician recommended that I homeschool. That was something about which I had never heard, and seemed very odd to me. Nonetheless, I explored it by reaching out to those whom my pediatrician recommended. Because it seemed like a better fit in that moment, I began my homeschool journey.

At that point, no one really understood what the State and federal law was regarding parental instruction of their own children, and there was no case law applicable to homeschooling in Connecticut. Thus, the State Board of Education, prompted by controversy, established a panel, made up of parent homeschoolers and public school superintendents and principals, to explore implementing new regulations to be adopted concerning parental instruction. I attended those meetings, which went on periodically for a year, distributed the minutes of those meetings to parents in the community, and held meetings with them for discussion of the issues. That entailed driving to Hartford for the meetings and copying the minutes for in person distribution, as this was prior to the internet revolution. In the end, the Commissioner of the State Department of Education, the State Board of Education Chairman, and the State Board's attorney, invited me, and two other parents, to a meeting to resolve the issue of how parental instruction should, or should not, be regulated. They had a similar, but separate, private meeting with a few of the superintendents as well. The outcome of both meetings was a suggested procedure for home instruction, that included a Notice of Intent, but no legally enforceable regulation.

I was simply a parent when all of that was happening, but, unbeknownst to me at the time, life was leading me several years later to attending law school. Even before going to law school, I became actively involved in regularly attending meetings of the Education Committee and the Children's Committee in the General Assembly, and in testifying about various bills at public hearings. Various legislators also consulted with me about drafting new legislation. There were three bills which with I was involved, as a parent, that were proposed at my behest by my local legislator, and that were adopted and incorporated into existing law. They are: Conn. Gen. Stat. §10-184a, §10-184b, and §10-198a(d).

Subsequently, I went to law school in the evenings while still educating my two children at home. After graduating law school, I opened my private practice, focusing primarily on Education Law, Constitutional Law, and Appellate Law. While in law school, I received the Garrett McGarrity Farrell Scholarship Award, given for work performed in conjunction with the State legislature to support parental rights. I also received the Excellence in Clinical Work Award in the Appellate Clinic. I became particularly interested in Appellate Law because it afforded me the ability to conduct extensive research into federal and State statutory and case law. Taking on Appellate cases, I had to read lengthy trial transcripts to spot major issues, then I had to research to find the appropriate federal and State statutes that applied to the issues, and to discern whether a viable argument could be made to support my client's position. The Appellate cases that I worked on included both civil and criminal law, but each also focused on Constitutional law. As the Declaration of Independence, the U.S. Constitution, and the Connecticut Constitution are our fundamental laws, with which all statutes, regulations, and judicial decisions must comply, it always is imperative to search out whether the actions of clients, opponents, legislators, and courts have complied with those founding documents in the application of the law. Those documents guide me in all issues.

I also have been lucky enough to handle all manner of civil cases in my career, including those involving civil rights in the area of labor law, employment law, medical discrimination, election disputes, first amendment free speech disputes, and other types of civil actions. I have researched and drafted complaints of various kinds that were heard before State and federal agencies, including the State Department of Education, the State Claims Commissioner, the Connecticut Commission on Human Rights and Opportunities, and the State Freedom of Information Commission, among others. As for municipal matters, prior to law school, I served on my local Zoning Commission, and I also worked as secretary to my local Inland Wetlands Commission. I also conducted lengthy research in the vault of my local town clerk's office, pouring over land records from colonial days to the present, in order to present information to my local Planning Commission to thwart the unscrupulous land subdivision by an unethical developer who sold many lots in town to unsuspecting individuals without any town approvals required. Later, the local Town Attorney sought out my assistance with those land records when taking the developer to court.

Since that time, as you can imagine, as an Appellate attorney in particular, I have read literally thousands of State and federal statutes and cases of all kinds, and have had countless hours of spotting important issues, writing voluminous "briefs", and arguing all kinds of education, civil rights, and municipal law before local municipal, State, and federal agencies and courts. To say that I am well versed in education and the other laws you cite is an understatement. It is what I do each day of my life. I quite enjoy the research, the issues, the argument, and the challenge, particularly because I have the ability to help better the lives and situations of each of my clients.

The attorney should be able to provide a broad range of legal services and prepare legal documents required by the Board and Superintendent in the day to day operations of the Brooklyn Public Schools.

As a long time attorney, I am well versed in preparing and providing all manner of legal documents and services for a wide variety of clients. Most of my clients, through the years, have been individual clients, but recently I was contracted to work for the Killingly Board of Education as that Board's

attorney. I also have worked for business entities, such as private schools, and several community organizations, including but not limited to, the Western Connecticut Council of Governments.

Among the multitude of legal documents that I have routinely prepared for clients are the following, to name a few:

- Complaints initiating lawsuits
- Complaints initiating and defending due process hearings
- Special education memoranda of law
- Motions to Dismiss
- Motions for Summary Judgment
- Motions for Bill of Particulars
- Motions to Quash
- Motions for Quo Warranto
- Motions for Mandamus
- Appellate briefs
- Supreme Court briefs
- Motions and briefs before the Second Circuit Court of Appeals
- Motions and briefs before many State and federal administrative agencies

I also routinely provide and prepare a broad range of less formal documents, including legal opinions; directives to clients and their employees as to how best to respond to State and federal agency demands and requirements; responses to freedom of information requests; recommendations regarding human resources issues; advice and recommendations regarding potential criminal activity; and preparation of complaints for clients. If there is anything that a client requires in the manner of legal services, I have never had any problem in providing the requested service.

1. My experience, expertise and approach when dealing with services offered to the Board of Education:

Labor law including contract negotiations, and bidding processes

My experience and expertise when dealing with labor law including contract negotiation involves extensive training and completion of the Quinnipiac University Law School's 40 Hour Mediation Certificate Program, as well as participation in many mediation and negotiation sessions involving a variety of clients in the past 20+ years of my law practice. I have successfully negotiated settlements for my clients ranging in the thousands of dollars. Through the years, those negotiations involved such mediated/negotiated issues involving parents; local boards of education; state due process hearings; labor disputes before the Connecticut Human Rights and Opportunities Commission; and State and federal court disputes; to name a few. Mediation and negotiation techniques apply equally to a variety of disputes, including to any contractual matters. As to my approach, I have no doubt that the approaches I have taken in the past with the other disputes that I have mediated or negotiated would prove equally successfully to any contractual matters that would come before the Brooklyn Board.

Student law including transportation hearings, expulsion hearings, civil rights, discrimination

My experience and expertise involving student law, hearings, and civil rights discrimination is lengthy and abundant. I have been involved in a multitude of administrative hearings since the very beginning of my legal career, including before many local and State agencies, including, but not limited to, the State Department of Education, the Connecticut Human Rights and Opportunities Commission, and on appeal to the Connecticut Supreme Court, the U.S. District Courts, and the Second Circuit Court of Appeals. Admittedly, in the past, the bulk of my clients were parents, students, and individual plaintiffs or defendants, but I have had extensive training and experience in education law, administrative law, and

civil rights law, as well as having acted most recently representing the Killingly Board of Education. As an experienced Appellate lawyer also, my background and experience leads me to conduct extensive research about statutory, regulatory, and case law as a matter of routine. Following that research, I have filed untold numbers of motions and briefs in all sorts of administrative cases and argued them before many State and federal agencies, as well as before State and federal courts. My approach to all of these matters is to never rely on memory, to always research the current statutory, administrative, and case law, before any attempt is made to advise, file motions, attend hearings, or argue any matter that comes before me. My guiding force always has been the Declaration of Independence, from which each individual unalienable right is proclaimed as derived from our Creator; and the federal and State Constitutions, which protect those unalienable rights and limit all government entities to their enumerated powers. Toward that end, in all my representation, I first research the precise laws that apply to each client and to each issue, and then argue for the hearing officer or the court to correctly apply the law to the facts of the case, in order to obtain a successful result for each of my clients.

Board policies: Review of current policies and recommendations for updated policies

As an attorney for parents, and as an attorney for the Killingly Board of Education, I have often had to review the current policies of many local boards of education throughout the State and of many State agencies, in order to make recommendations as to their applicability and for their change or modification. I also have had extensive experience in reviewing and advocating for or against many local and State policies, legislation, and statutes. For example, before becoming an attorney, I advocated for the rights of parents at the Connecticut General Assembly, and was successful in that certain modifications upholding the rights of parents were added to three separate bills. Later, as an attorney, I was appointed to, and served for several years on, the General Assembly's Juvenile Justice Policy and Oversight Committee, which was charged with reviewing existing and proposed laws regarding education of students, specifically with a focus on eliminating the achievement gap, as well as the "school to prison pipeline". On that panel, I worked with many legislators, state agency heads, and community leaders reviewing existing policies and laws, debating them at meetings, and voting on many changes to them. I also have been, and continue to be, the Legislative Liaison for the Education Section of the Connecticut Bar Association. As such, I routinely watch and review proposed bills as they are presented to committees and to the floor of the House and the Senate at the Connecticut General Assembly. I update the membership of the Bar Association's Education Section about them, explain the purposes behind them, and review and debate them within the Section. My approach, as always, is to conduct research, apply the facts to existing law, and make the best possible recommendations and arguments supporting the position of my clients. As attorney for the Killingly Board of Education, that approach was used in reviewing that Board's policies as issues confronted the Board, and that same approach would be used for the Brooklyn Board, as well.

Special education compliance and representation during necessary matters

Special education compliance is absolutely necessary, not just for the students, but also for the local boards of education in assisting the students, while also keeping costs in line with budgetary constraints. Due process hearings are costly to each party, and often are wholly unnecessary. Many times, for whatever reason, one or the other party takes a hard and fast position and is unwilling to deviate from that position. In those cases, inevitably, and unfortunately, due process becomes necessary. What is most important, however, is that the administration and staff of the school district remain up to date on the most current statutory requirements, work with the parents as much as possible, to accurately apply the law for the benefit of the students and the school district alike. What is to be avoided is a due process hearing that didn't need to happen because a party was out of compliance with the law or uninformed about the law's application. That is the job of the attorney for any Board - to make sure that not only the district is in compliance, but also that the district is able to have open communication with parents to find creative solutions to assist the students within the parameters of the law so that no further argument becomes necessary. My approach to these matters is to continue to watch for any laws and regulations that are

adopted each year, to ensure to accurately inform the district staff and administration of the new requirements, and to ensure they remain in compliance in order to avoid unnecessary argument and costs. This also is where my training in mediation and negotiation often can be useful to assist in reaching a solution to disputes that works best for all parties involved.

Describe your trial or litigation experience and success?

As an Appellate lawyer, I have litigated probably hundreds of cases, although I never counted them all. As each lawyer can tell you, in litigation there are both successes and failures. In the criminal context, of which I also have had much experience in representing defendants, it is an uphill battle to reverse a conviction. I have had a few wins, but most convictions are not overturned. On the other hand, I have had much success in litigating civil cases, again, of which I have had many, but never counted them all. In the civil arena, I have been successful in obtaining favorable results for clients in the areas of civil rights; Title IX; private school cases; free speech cases; education cases; DCF cases; and many more cases of varying kinds that were settled before any trial was necessary. My approach is to research, gather the facts, put the best argument strongly in full force right at the outset and attempt an overwhelming win. After that, if necessary, my approach is to continue the fight, but always with mediation or negotiation of settlement in mind, only if it favors the client to do so.

Do you offer professional training to Boards of Education employees?

The answer to that question is, yes. I am able and willing to do that whenever requested. The training could be done on particular topics of interest, or, it could, and should, be done at least annually to update staff on the many new laws that are adopted each year. Implementation of each new law is critical to keeping the district in compliance, of course. So, whether or not such professional training would be requested of me, or someone else, it absolutely should be done.

Please describe your fee structure for each service.

My regular and longstanding fee structure is simple. I charge \$350.00 per hour. Other than that, the Board would be responsible for any costs for filing fees, or other fees from third party vendors. If there are any unusual or extenuating circumstances, I would be open to negotiation concerning those fees.

2. Who in your firm would represent the Brooklyn Board of Education with respect to each of these areas?

I would be representing the Brooklyn Board of Education with respect to each of these areas. If any additional paralegal or third party vendor assistance is necessary, the Board would be notified and prior approval would be sought beforehand.

3. What level of advocacy do you provide during legislative sessions on behalf of your clients? Please provide examples of legislation you have advocated for or against.

I provide advocacy of whatever level is necessary for the client's representation. I can't tell you just how many times I have advocated at the legislative session during the past decades, even before I became an attorney. As I stated earlier, as a parent, I advocated for the protection of the rights of all parents in this State to be able to instruct their children at home, if necessary, without governmental interference. The idea behind that is that if, for whatever reason, a parent decides that a public school education is not appropriate for the child, and a parent is unable to afford a private school education, that parent must have a third option - educating the child at home in a manner that meets the child's individual needs. The three modifications protecting that right that I successfully advocated for were to Conn. Gen. Stat. Secs. 10-184a; 10-184b; and 10-198a(d). As an attorney and member of the legislature's Juvenile Justice Policy and Oversight Committee, I have advocated for several proposed changes, but against several other proposed changes, most of which involved changes to existing laws that removed or omitted parental

input. I also have advocated for legislative approval of Special Act #17-4, which would have held State education officials accountable for the failure to compensate individuals and compel remediation of moldy school buildings that severely sickened children and teachers. The Special Act was approved in the Judiciary Committee unanimously, and approved in both the House and the Senate unanimously, but which the State Supreme Court recently struck down on appeal at the behest of the State Attorney General. I also advocated for changes to DCF laws, obtaining some success in compelling DCF to provide accurate notices to parents concerning their rights at the outset of an investigation, and in adoption of a bill that opened juvenile courts on a trial basis. I also advocated successfully in defeating a proposed bill that would have allowed Superintendents of school districts to refuse to accept the notification by a parent of their lawful withdrawal of their child from enrollment in the public school. Those are but a few examples of the many pieces of legislation I have advocated for, or against, throughout the years.

4. How do you ensure your clients maintain legal compliance in the current changing environment? What professional organizations are you actively involved in?

I ensure that my clients maintain legal compliance by, first, reviewing what steps they already have taken, then reviewing current existing State and federal law, and providing copies of the entire statutes to them, together with explanations or training, as requested. I also notify clients, of any new laws about which I periodically become aware, review the laws with them and provide further explanation or assistance to them in complying with those laws going forward. I belong to the Connecticut Bar Association and serve as Legislative Liaison to the Bar's Education Law Section; I am also a member of the Connecticut Criminal Defense Lawyers Association and the Connecticut Trial Lawyers Association; and I am the Executive Director and Founder of National Home Education Legal Defense, LLC.

5. How have you handled matters when you have identified practices by a Board of Education that were not in compliance with State or Federal laws?

When I have become aware that a Board was not in compliance with State or federal laws, I immediately notified the Board Chair, provided the Chair with copies of the statutes and a written description of the non-compliance, and discuss with the Board Chair how and why compliance is necessary. I then have a follow up conference with the Board Chair to review the non-compliance and make recommendations as to how to handle remediation; how to gain compliance; how and when to notify the appropriate authorities; how and when to mediate or negotiate a resolution of any problems that have arisen due to the non-compliance; and how to maintain compliance in the future. The key, of course, is to catch any problems as quickly as possible, to find a resolution that works for everyone, and to ensure as much as possible that there will be no further such problems in the future.

6. Please provide a list of references of other Boards of Education we may contact regarding your services.

Because I have been an advocate for parents and students for most of my career, I can only refer you to the one Board of Education that I have worked for since 2022. That is the Board of Education in Killingly, Connecticut. I have worked most closely, of course, with Killingly Board Chair Norman Ferron and Board Vice Chair Kelly Martin.

7. Is there any legal services that you do not provide or would need to subcontract? If so, please explain.

I cannot think of any legal services that I do not provide. Should the workload become greater than I can appropriately handle, I would hire additional staff, or subcontractors, as necessary. If there is no provision in the existing contract regarding the staff or subcontractors to be hired, any changes necessary

to the contract at that point, of course, would be proposed to the Board for approval prior to incurring any additional expenses.

8. What makes your firm stand out over the other firms in Connecticut? Please feel free to provide any additional information you believe may be helpful to the Board of Education when making their decision.

What makes my firm stand out over the other firms in Connecticut are the following. I am a small law firm, able to provide consistent, individual, full attention to matters necessary to the Board. I do not have on staff several other attorneys who have a narrow focus and specialize in only one area of the law. In that manner, I have a full picture of all of the matters involving each of my clients, and can advise them accordingly. I do not need to review and obtain approval from any partners who may have outside or other financial matters in mind, rather than solely what is in the best interest of the client. If there comes a time when a particular matter is unduly burdensome, I can subcontract additional professional assistance as required, and as approved beforehand by the client, and I have the option of choosing from an unlimited source of such professionals that would be best suited for the particular matter at hand. In other words, I choose to exercise freedom whenever possible, for me and for my clients, and to refrain from being beholden to, or constrained by, someone else's philosophy or rules, so that I can provide the best, and easiest, resolution that I can provide for each of my clients.

I would be happy to provide the Board with any other information that you believe might be helpful after consideration of this proposal.

Once again, I thank you, and the Board, for the opportunity to provide this proposal, and appreciate the time an effort your are taking to consideration of me as your next school attorney. I look forward to hearing from you and the Board, and please feel free to contact me anytime if you have any further questions.

Yours truly,

A handwritten signature in cursive script that reads "Deborah G. Stevenson". The signature is written in black ink and is positioned above the printed name.

Attorney Deborah G. Stevenson

Instruction**Home Schooling/Equivalent Education Under Parental Direction**

The Brooklyn Board of Education believes that formal education in the public schools is highly beneficial both for the child and for the society, but it also recognizes the right of parents to fulfill their obligation to ensure an education of their children by schooling them at home. The Board instructs the school administration to work cooperatively with home schooling parents.

Home schooling is reviewed by the Brooklyn Board of Education as full time and therefore home schooled students are not eligible for school offerings or activities.

Parents who wish to educate their child at home must file with the Superintendent of Schools a “Notice of Intent, Instruction at Home” form within ten (10) days of the start of the home instruction program. A notice of Intent will only be effective for the school year in which it is filed.

Legal References: Connecticut General Statutes

[10-184 Duties of Parents](#)

[10-220 Duties of Board of Education](#)

Policy Adopted: October 24, 1998

Instruction

Interscholastic/Intramural Athletics

The Board of Education believes individual students will benefit from opportunities to grow physically and intellectually through experiences that provide the opportunity for self-discipline and team efforts made possible through competitive interschool and intramural team and individual sports activities.

District participation in interscholastic athletics will be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, of rules for student participation, and of annual sports schedules.

It is the Board's policy to provide students interscholastic athletic competition in a variety of sports. Students will be allowed to participate in individual sports on the basis of their physical condition and desire. Qualified personnel shall be provided for coaching and supervising individual sports. In addition, it is the policy of the Board to provide intramural athletic activities as an outgrowth of class instruction in physical education commensurate with the grade level of the students involved.

Students with disabilities, possessing the required level of skill or ability to participate in a competitive program or activity, shall be afforded an equal opportunity to participate in extracurricular activities, which include club, intramural or interscholastic athletics. The District shall make reasonable modifications and provide those aids and services that are necessary to afford a "qualified" disabled student the opportunity to participate in extracurricular athletics, unless it results in a fundamental alteration to the District's program. The District will consider whether safe participation by a disabled student can be assured through reasonable modifications or the provision of aids and services.

The District may create additional opportunities for students with disabilities who cannot participate in the existing extracurricular athletics program, even with reasonable modifications or aids and services, in order to afford such students an equal opportunity to receive the benefits of extracurricular athletics.

Each student who chooses to participate in an interscholastic athletic program is required to have on file, in the offices of the building administrator, a certificate of consent which is signed by the parent or legal guardian. No student may start practice for any athletic team until he or she has been examined and approved by a medical doctor. This certificate of consent will be in effect for each student for each sports season.

The purpose of school athletics is both educational and recreational. The athletic program should encourage participation by as many students as possible and should be carried on with the best

interests of the participants as the primary consideration. Participation should be without unreasonable interference with other obligations in the school, community and home.

It is recognized that a well-organized and well conducted athletic program is a potent factor in the morale of a student body and an important phase of good community-school relations.

Every possible effort shall be made to offer equal opportunities for both sexes in sports and activities which shall include life sports that a student can carry through adulthood.

(cf. 5141_- Student Health Services)

(cf. 5145_- Section 504: Civil and Legal Rights and Responsibilities)

(cf. 6145_- Extra Class Activities)

Legal Reference: Connecticut General Statutes

10-149 Qualifications for coaches of intramural and interscholastic athletics.

Stratton, PPA v. St. Joseph's High School, Bridgeport Superior Court, June 4, 1986 (12 CT 26)9/87.

U.S. Department of Education, Office for Civil Rights, "Dear Colleague Letter," 113 LRP 3326 (OCR 1/25/13)

Policy adopted: April 26, 2017



Brooklyn Elementary School



Brooklyn Middle School

SBAC Data Takeaways

Spring 2023 Administration



Brooklyn Middle School

SBAC Scores 2022 to 2023 % of students scoring level 3 or 4

ELA	Brooklyn 2022	Brooklyn 2023	State 2023
Grade 3	35.0%	47.5%	45.5%
Grade 4	52.0%	38.9%	48.8%
Grade 5	49.0%	64.5%	51.3%
Grade 6	54.0%	56.1%	48.0%
Grade 7	52.0%	56.9%	48.8%
Grade 8	54.0%	52.0%	48.5%
All Grades	49.0%	52.7%	48.5%



Brooklyn Elementary School

ELA SBAC By Grade: Increase 3, 5, 6, 7. Exceeded State 3, 5, 6, 7, 8



Brooklyn Middle School

ELA SBAC Scores 2022 to 2023 % of students scoring level 3 or 4

ELA SBAC Scores 2022 to 2023 % of students scoring level 3 or 4					Grade level		Cohort Analysis	
ELA	Brooklyn 2022	Brooklyn 2023	State 2023	Compared to State	BPS Growth	State Growth	BPS Growth	State Growth
Grade 3	35.0%	47.5%	45.5%	Exceeded State	12.5%	-1.2%		
Grade 4	52.0%	38.9%	48.8%	XXX	-13.1%	-0.4%	3.9%	2.1%
Grade 5	49.0%	64.5%	51.3%	Exceeded State	15.5%	-0.6%	12.5%	2.1%
Grade 6	54.0%	56.1%	48.0%	Exceeded State	2.1%	0.1%	7.1%	-3.9%
Grade 7	52.0%	56.9%	48.8%	Exceeded State	4.9%	-0.9%	2.9%	0.9%
Grade 8	54.0%	52.0%	48.5%	Exceeded State	-2.0%	-0.7%	0.0%	-1.2%
All Grades	49.0%	52.7%	48.5%	Exceeded State	3.7%	-0.6%	-1.3%	-0.7%
					BPS Growth Rates Exceed State= Highlighted Cells			



Brooklyn Elementary School

ELA BPS Growth Rates: by Grade Level and Growth by Cohort are Highlighted



Brooklyn Middle School

SBAC Scores 2022 to 2023 % of students scoring level 3 or 4

Math	Brooklyn 2022	Brooklyn 2023	State 2023
Grade 3	50.0%	58.6%	49.8%
Grade 4	44.0%	44.4%	48.3%
Grade 5	22.0%	40.9%	41.8%
Grade 6	31.0%	41.5%	39.6%
Grade 7	39.0%	46.1%	39.9%
Grade 8	27.0%	34.7%	36.2%
All Grades	37.0%	44.9%	42.5%



Brooklyn Elementary School

Math SBAC By Grade: Increased ALL grade levels. Exceeded State: 3, 6, 7



Brooklyn Middle School

Math SBAC Scores 2022 to 2023 % of students scoring level 3 or 4					Grade level		Cohort Analysis	
Math	Brooklyn 2022	Brooklyn 2023	State 2023	Compared to State	BPS Growth	State Growth	BPS Growth	State Growth
Grade 3	50.0%	58.6%	49.8%	Exceeded State	8.6%	2.4%		
Grade 4	44.0%	44.4%	48.3%	XXX	0.4%	3.0%	-5.6%	0.9%
Grade 5	22.0%	40.9%	41.8%	XXX	18.9%	-4.7%	-3.1%	-3.5%
Grade 6	31.0%	41.5%	39.6%	Exceeded State	10.5%	-5.8%	19.5%	0.8%
Grade 7	39.0%	46.1%	39.9%	Exceeded State	7.1%	2.0%	15.1%	2.8%
Grade 8	27.0%	34.7%	36.2%	XXX	7.7%	1.9%	-4.3%	-1.7%
All Grades	37.0%	44.9%	42.5%	Exceeded State	7.9%	8.2%	17.9%	8.2%
					BPS Growth Rates Exceed State= Highlighted Cells			



Brooklyn Elementary School

Math BPS Growth Rates: by Grade Level and Growth by Cohort are Highlighted



Brooklyn Middle School

Sci SBAC Scores 2022 to 2023 % of students scoring level 3 or 4					Grade Level	
N.Gen Sci	Brooklyn 2022	Brooklyn 2023	State 2023	Compared to State	BPS Growth	State Growth
Grade 5	54.8%	66.7%	51.0%	Exceeded State	11.9%	.5%
Grade 8	57.1%	Embargoed	47.6%	TBD		1.0%
All Grades	56.0%		49.3%			



Brooklyn Elementary School

Science BPS Growth Rates: by Grade Level

Areas of Success:

- ELA scores in Brooklyn increased in 75% of the grade levels
- ELA grade 3 and 5 had double digit growth at the grade level. This growth is excellent and far exceeds the growth of the state and other grade levels.
- Overall ELA scores exceeded that State scores in 83% of the grade levels.

- Math scores in Brooklyn increased in all grade levels.
- Math scores exceeded the State math scores in 50% of the grade levels.
- The rate of growth in Brooklyn exceeded the state in almost every comparison.

- Science scores increased by almost 12% and for exceeded the State Scores in grade 5. Our grade 8 scores are still being reviewed.

Areas for Growth:

- ELA overall is showing growth, but there is plenty of room to continue this growth.
- The current grade 5 ELA scores are the lowest and are lower than than the State. We will monitor intervention at this grade level.
- ELA growth rate in grade 4 is concerning. The cohort of students increased minimally from grade 3 to 4 but this is the current grade 5 that will need monitoring.
- ELA Grade 8 scores decreased slightly and the cohort remained flat. We will monitor this for expected growth.

- Math scores in grades 4, 5, and 8 were lower than State averages. We will need to continue to monitor the implementation of the new curriculum.
- Math for the current grade 5 and 6 are the lowest in the district. We will need to monitor the intervention groups for these students.
- Implementation of the new math programs will be monitored closely.



Brooklyn Middle School



Brooklyn Elementary School