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THE PUBLIC IS REQUESTED TO TURN OFF CELL PHONES OR PLACE THEM ON VIBRATE PRIOR TO THE START OF THE MEETING

PLEASE NOTE
6:00 PM START TIME

Board of Education
Fairfield Public Schools
Fairfield, CT

Tuesday, February 28, 2012

REGULAR MEETING
6:00 P.M.

501 Kings Highway East
2nd Floor Board Conference Room

AGENDA

I. Call to Order and Roll Call

II. Pledge of Allegiance

III. Presentation

A. Presentation of Elementary Art Curriculum

IV. Approval of Minutes

A. Approval of Minutes of the Special Meeting of January 17, 2012

Recommended Motion: "that the Board of Education approve the Minutes of the Special Meeting of January 17, 2012"

(Enclosure No. 1)

B. Approval of Minutes of the Special Meeting of January 19, 2012

Recommended Motion: "that the Board of Education approve the Minutes of the Special Meeting of January 19, 2012"

(Enclosure No. 2)

C. Approval of Minutes of the Regular Meeting of January 24, 2012

Recommended Motion: "that the Board of Education approve the Minutes of the Regular Meeting of January 24, 2012"

(Enclosure No. 3)

D. Approval of Minutes of the Special Meeting of February 8, 2012

Recommended Motion: “that the Board of Education approve the Minutes of the Special Meeting of February 8, 2012”

(Enclosure No. 4)

V. Student/Committee/Liaison Reports

Emma Sweet/Sara Wiant	Fairfield Ludlowe High School Student Liaison
Stephanie Teixeira	Fairfield Warde High School Student Liaison
Brand, Sue	Board of Health Member
Convertito, John	Special Projects Standing Building Committee Member
Dwyer, Philip	Building Projects Review Committee Member Cooperative Educational Services (CES) Council Member
Fattibene, Paul	Stratfield Building Committee Liaison Transportation Advisory Committee Member
Gerber, Jessica	Parks & Recreation Commission Member
Iacono, Pamela	Representative Town Meeting (RTM) Liaison
Kennelly, Jennifer	Policy Committee Chair SEPTA Liaison
Kery, Tim	PTA Council Liaison Board of Finance Liaison
Liu, Perry	Fairfield Woods Building Committee Liaison

VI. Superintendent's Report

VII. Old Business

A. Update on Understanding on Health Insurance

B. Discussion and possible action on Board of Education By-Law items that were postponed from the December 13, 2011 Board of Education Meeting

(Enclosure No. 5)

VIII. New Business

A. First Reading of Policy #5119, Student Discipline, Revised

(Enclosure No. 6)

IX. Public Comments and Petitions

During this period the Board will hear comments and receive petitions from any citizen present at the meeting. Any single presentation must be limited to two minutes, and audio-visual equipment cannot be used without the advance authorization of the Chairman. **The Board will not hear comment on individual personnel matters or comments addressed to a specific member(s) of the Board.** Decorum will be enforced. Citizens are asked to comment on any voting item at the time the item is under consideration by the Board.

X. Open Board Comment

XI. Adjournment

CALENDAR OF EVENTS

March 13, 2012	Board of Education Regular Board Meeting	7:30 p.m. 501 Kings Highway East 2 nd Floor Conference Room
April 10, 2012	Board of Education Regular Board Meeting	7:30 p.m. 501 Kings Highway East 2 nd Floor Conference Room

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Pupil & Special Education Services
501 Kings Highway East
Fairfield, CT 06825
Telephone: (203) 255-8379

FAIRFIELD BOARD OF EDUCATION
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF EDUCATION
Tuesday, January 17, 2012

FEB 28 2012

Minutes of the Special Meeting of the Board of Education held Tuesday, January 17, 2012, at 501 Kings Highway East, 2nd Floor Conference Room.

The meeting was called to order at 7:33 p.m. by Ms. Pamela Iacono, Chairman. Other Board members present were: Mrs. Sue Brand, Mr. John Convertito, Mr. Philip Dwyer, Mr. Paul Fattibene, Mrs. Jessica Gerber, Mrs. Jennifer Maxon Kennelly and Mr. Perry Liu. Mr. Tim Kery was absent. Also in attendance were Superintendent Dr. David Title and members of the administrative staff. Approximately 125 people comprised the remainder of the audience.

1. Ms. Iacono led the Board and audience in the Pledge of Allegiance.
2. Discussion of the Superintendent's Recommended 2012-2013 Budget Request-

Chairman Iacono stated that tonight is a Special Meeting where the Board will be discussing the Superintendent's Recommended 2012-2013 budget request. Board members sent questions ahead of time to Dr. Title and his staff. Dr. Title will go over some of the questions tonight and some will take a little more time to get answers. After that Board members will have an opportunity to ask additional questions they may have. Ms. Iacono stated that she would like to hold off on discussing the medical fund until Thursday since she anticipates that being a lengthy discussion.

Dr. Title stated that he will take some of the larger themes and try to tackle some of the bigger questions on the budget.

Q. Why didn't you put back in "x" that was cut last year or why didn't you put back in everything that was cut last year?

A. The budget was built based on the current budget that was adopted by the Board after the cuts were made. That is the base line and that is what the percentage increase is based on. Anything that is added to that is contractually required or has to compete with other priorities and needs to be fiscally responsible. For example, at the high school level additional staff is really needed to handle the increase in enrollment. That took priority over other things. The Special Ed Staffing Model may have crowded out some other things, and the extension of the Math Model from the elementary schools to the middle schools and the high school is also a priority. Basically, it becomes a matter of priorities.

Q. Budget versus Actual?

A. An example is teaching staff. When the budget is built, it is based on actual people and their actual salaries. If positions are added, an estimated or average dollar value for that position is used. Teachers transfer from one school to another, so if a number of higher salaried people move, the estimated expenditure at a particular school is going to be higher than budgeted, but somewhere else the opposite is going to be the case. When people retire and get replaced with a lower salaried person, the actual would be down. Occasionally a position will go either in or out of a grant and that will change the number in the operating budget. You have to look at it overall, the total estimated expenditure versus the total budget in a category. The change is the budget to budget differential, not the budget to actual; and the 2.6% is budget to budget.

Q. Since it reflects relative income of an individual, does it also reflect relative experience of the teachers and are we dispersing those equitably throughout the district?

A. The more experienced teachers make more money than less experienced teachers. There are numerous reasons why people might transfer. For example, if a section is collapsing, a teacher would have to go somewhere else so they float out and are placed in the best possible spot. We try to move people around equitably but experience is definitely correlated with salary.

- Q. Several questions revolved around the issue of budgeted, actual and the change.
- A. Estimated expenditures on something like salary are pretty accurate in terms of what we are going to see year end; although that could change because someone could take a leave of absence or resign in the middle of the year and there could be movement but this is pretty accurate. Others are projections based on three, four or five months, and those are less reliable indicators of where we are going to be.
- Q. Are the numbers that are used on the staffing model hard numbers for the current staff?
- A. Yes.
- Q. When adding staff, what number is used for a placeholder?
- A. MA-1 step, which is \$55,000 and a single benefit is added which runs \$8,000-\$9,000.
- Q. Is turnover built into the budget?
- A. Some turnover is built into the budget. Just under 12 retirements were built in this year and another \$350,000 is budgeted for certified staff turnover, where someone is going out on a leave of absence and is going to be replaced with a lower paid person or someone is going to resign and that is a different figure.
- Q. Explain the new Special Ed Staffing Model?
- A. Ms. Leonard explained the process used to develop this model. Months of study took place about what a school needs, what our kids need and what is the best way to do that. Special ed staffing for certified teachers and paraprofessionals was looked at from a zero base. Some of the parameters were to look at this from a school size level first and then from an individual student level. We didn't want to create a model that had huge swings of staffing year to year based solely on numbers of students. Some assumptions were also made about prevalence rates because we did not want to create a system that inadvertently awarded over identification of students with disabilities. While paraprofessionals play a critical role in the education of children with disabilities, from an instructional perspective the quality of instruction from certified staff took priority. A model approach was created to look at both what a whole school needs with a 10% prevalence rate, and our students who are going to be at the elementary level for the 2012-2013 school year based on their unique educational needs. About two-thirds of the para decreases are related to the model. The other one-third is related to a very large and needy fifth grade group moving on to the middle level. An additional complexity to paraprofessional staffing in special education is that 25 FTE paraprofessionals are budgeted in the IDEA grant and a commitment was made to continue to do that so the decrease in paraprofessionals would affect the Board of Ed side and not the grant. Paras may move from school to school based on need, but the total FTE in the grant stays the same. This model looks at increasing teachers; almost 11 teachers are being added across the elementary level based on size of school and a significant reduction in the total number of paraprofessionals at the elementary level as an offset. We believe this will provide a high level of support and structure to the kids instructionally at that early intervention time.

Board questions followed on the Special Education Staffing Model. Dr. Title stated that this was in the audit as something to look at; unfortunately, the auditors only counted the paraprofessional reduction in their savings and failed to account for the increase in certified staff necessary to transform the model.

- Q. Allocations were another theme in the questions. How come at school "x" there is a lot less money in "blank" than at school "y"?
- A. Not everything that benefits a school is in what is called their allocation. A per pupil allocation was established; and although the allocation number varies from elementary, middle or high school, it is the same per pupil allocation at each level. Included in the allocation are items such as supplies, books, materials, conferences, localized professional development, etc. At the high school level extra-curricular activities are included. Variances are often a result of a choice the principal or headmaster has made about what their school needs in that area. Substitute teachers are now budgeted centrally. Interns are treated as staff. You can't use your allocation to buy staff; staff is allocated based on formulas which are based on enrollment and student need. The

allocation is \$130 per student at the elementary school, \$157 per student at the middle school and \$490 per student at the high school.

- Q. Page 58, Business Services, line item 52010, Evening/Subs/Overtime, what is the reason for the increase of \$240,000?
- A. Overtime costs have consistently exceeded the budgeted amount. While we are working to bring those down, some of this is contractual; and until contract language is changed, we need to put in a number that is closer to reality.

Mr. Cullen distributed a custodial overtime comparison chart showing last year and year-to-date. Year-to-date is already \$318,981, which shows that we are on track to go over in this account. Some of the big drivers of custodial overtime are summer cleaning, storms, absences and non-billable which is for use of our schools by outside groups who incur overtime charges that we pick up. For example, when the Board of Finance has a meeting in this room, the custodian is here and we incur overtime for that.

Additional questions from Board members followed.

- Q. Why was the Osborn Hill window project moved up to this budget when that was not what was in the Facilities Plan?
- A. There is a long lead time on window projects. In order to do the project in the year it is in the Facilities Plan, the approval process needs to start now. A contract wouldn't be awarded until January 2013, then 16-20 weeks to fabricate the windows, and you are looking at 2013-2014 if all goes well.
- Q. On page 62, Pupil Personnel Services, line item 54935, Gifted Assessment, \$51,353 is allocated, what is that and why is there a disparity in the money allocated to gifted teachers among the schools?
- A. Money allocated to the gifted teachers among the schools is due to different contractual steps. They all have the same FTE for gifted. As part of the Gifted Program some additional assessments are being done this year and are being paid for in a variety of places, including a grant. Since it was scattered and hard to find, all of the gifted assessments have been consolidated into one line item.
- Q. Revenue to the Town-Building Rentals, the \$38,000 seems to be in direct conflict with Connecticut General Statutes that money would go to the Town. What is the history?
- A. Any money that comes in that is contributable to overtime costs is revenue to the Board that we keep. If it is an organization that pays above and beyond the overtime costs, that money goes to the Town. Setting of the fees is done in conjunction with the First Selectman.

Mr. Cullen distributed a sheet showing the current year and the previous two years of custodial overtime fees received based on reservations from groups that paid for custodial fees. The second column of the chart shows building rental fees that were received from agencies or organizations that pay a fee to use a field or room based on the current list of over 5,000 organizations that rent space at the schools. Some are exempt from paying anything, some just pay custodial fees, and some pay a rental fee and a custodial fee. Money that is taken in for custodial overtime is signed out to the overtime budget, and building rental fees is money that goes to the Town.

- Q. Why is it called building rentals?
- A. Agencies pay to rent our facilities. If they request a turf field and are non-Fairfield based, they pay a fee to rent that field. There are agencies and groups that don't pay anything if they are Fairfield based, Fairfield resident, and benefiting Fairfield students. Backup materials were distributed showing some of the agencies that rent space.

Board questions and comments followed regarding revenue received from building rental fees; why the revenue goes to the Town but appears as revenue in the Board of Ed; including a line on page 7 under Other Sources to show an offset of the custodial fees received and remove it from

wherever it is in the budget; State Statute Section 10 Sub-section 222A speaks specifically towards reimbursement for janitorial fees and if a facility is being used after 9 p.m. or on a weekend an overtime fee for janitorial services should be charged; getting assurance that we are in full compliance with State Statute Chapter 70-10-222A that speaks to revenue; since the money from the rental of our buildings is going to the Town, there needs to be something built in for wear and tear and maintenance of these facilities and it was suggested that the Policy Committee look at this. Concern was expressed that we are incurring overtime expense that is truly not an education expense and we need to make sure we are getting reimbursed to the best of our abilities for those expenses, because it is making us look like we are spending a lot more money.

Q. What were some of the educational programs that new money was budgeted for this year and why World Language did not get reinstated?

A. Two of the larger programs are the Special Education Staffing Model at the elementary level and extending the Math Model into the middle school and high school. Some smaller improvements were included in English Language Learners, some additional work with social workers, and covering increased enrollment at the high school level. There are also some increases in instructional programs, particularly elementary music, elementary health, math and language arts that are reflected in the program implementation budgets. They are not staff but are improvements that will help all students. If you added them all together, they probably would not equal what it would cost to reinstate World Language. Dr. Title stated that we are still adjusting to the World Language cut, and he would like to see more about the impact of the cut before \$400,000 is reinstated. Educationally we picked up some instructional time in grades 4, 5, 6. Reinstatement of World Language didn't rise to the priority level of some of these other programs that were put in.

Q. Weren't the World Language cuts more like \$300,000?

A. World Language grade 6 is \$75,000 and at the elementary level it is in the \$300,000 range.

Q. FTE – Where do the actual bodies go in terms of increasing some teachers. Regarding the increasing population at the high school, where exactly are the teachers going to embrace this population?

A. Page 124 shows the staffing changes in the operating budget. Certified staff additions are on the left side. For example, the impact of the Elementary Special Education Model is 11.8 positions, the Elementary English Language Learner increase is .8, there are a few tweaks in the music program at the elementary level and an additional .5 Elementary Language Arts Specialist. Next is the middle school: Special Education; Physical Education; Math Resource, which is the improvement in the middle school mathematics support of one per school, and Speech & Language is an addition based on case needs. At the high school level these are estimates based on the current enrollment and the courses and teacher loads. Once students actually sign up for courses, this can be adjusted. At the Early Childhood Center there is a Speech & Language need. That is the total certified additions of 26.15.

Q. Would a .5 be a part time teacher?

A. If you are a .5, you are working half time.

Q. Is a 1.0 a full time teacher?

A. Yes, except in the case of high school science. Generally we round to the nearest tenth. For example, a .1 at an elementary school is someone who works one morning or one afternoon one day a week. At the high school level, teachers teach 5 classes, and every time you add a class you are adding a .2. In the math model at the high school when two extra classes are added, you need a .4. The exception is science because there are labs that meet additional periods above and beyond. Science teachers teach 4 classes so one additional science class is a .25. In high school science we are estimating to need 3 additional classes and that is how you get the .75.

Q. Is it correct that for the entire district, elementary through high school and early childhood, only 26.15 additional certified staff?

A. Correct.

- Q. How are we going to deal with trying to embrace the population that is moving up from middle school to high school?
- A. We are helped out by some contract language on student load which will allow us to maintain our class sizes and programs at the high school with the additional staff members. Approximately 6 FTEs are being added at the high school level and some additional non-certified staff. The deletions at the middle school are largely a function of the contract language on community size. We are going into the second year of moving kids around; and some of the staff is moving over to Fairfield Woods which will have a greater population next year. The net effect is in the operating budget; the total body count is going down but there is an increase in the certified side. The net increase in certified is 18.80 and there is a decrease in non-certified but there is a cost because certified make more than non-certified. The total staffing is on page 123, which combines the grants and part-time permanent equivalents, who are people paid hourly.
- Q. Page 142, Object Code 313-Maintenance Services, Information Management Software – please elaborate what costs this entails, examples of how the system is used, other districts that have this system, and what will we get for this amount of money?
- A. \$425,478 is the increase for the whole object code of maintenance services. The number we are carrying for the student information system is \$250,000. Deputy Superintendent Karen Parks stated that the new student information management software was suggested in the audit. A committee began working on this about two months ago, it was put out to bid, six vendors sent in bids and the committee still has four vendors to look at. All of the bids included an implementation schedule with training in the price of the software. The training is 1-2 years across the system and is built into their costs. The new system would replace several other software programs in the district. Each of the vendors has provided a list of school districts that are using their programs, but we are not at the stage yet of going out to talk with other districts. She briefly explained the process being used to evaluate each of the programs that were presented. Mrs. Parks stated that she is hoping to bring a final selection to the Board in May and it would be implemented in July. Full implementation will take about two years.

Board questions followed on the new software system.

- Q. Page 95, line item 123-Info Tech Support Staff, wasn't this position cut in all the elementary schools?
- A. The position was reallocated. On pages 52 & 53 the line items are eliminated for the elementary schools but are rolled up into the Information Technology Department. There was a reduction in staff as a result of last year's budget, and there are folks who are now rotating between several buildings instead of being assigned to a particular building. As a result of this, the reporting structure changed so we thought it was more appropriate to put them in the Information Technology Department as a group rather than assigning them bit by bit to several buildings. They were shifted from an accounting perspective. We will still maintain the staff we have now.
- Q. Pages 113-116, Enrollment, the averages appear to be the same from one year to the next but the kindergarten class size is going up by 2 or 3 students per section. Specifically, Burr is at 17 & 18 this year and 22 next year, Holland Hill is at 17 & 18 this year and 20 next year, McKinley is at 18 & 19 this year and 19 & 20 next year and Riverfield is at 17 this year and 23 next year. The averages look good except at those particular schools; and third grade at Holland Hill will be at the class size max of 25, one more student and we will have to add a section. Could you comment on what appears to be an increase in class size in the kindergarten area, which generally you try to keep smaller?
- A. Kindergarten numbers are projections. Dr. Title explained the enrollment projection process that was used. MGT was asked to do a very quick one year update based on kindergarten as it landed and a cohort survival analysis on the rest, which is how the short-term projections were done. They went back to their model for projecting kindergarten by school and came up with the figures used for our enrollment. Class size guidelines across the district are then applied. When you have a class size limit of 23 in kindergarten and end up with 66 kids you get 3 sections. However, if 70 kindergarten students actually enrolled, they would be split into 4 sections. The

class size limit of 23 applies to K, 1, 2; the only exception is McKinley, which has a class size limit of 21 for K, 1, & 2. Grades 3, 4, 5 have a class size limit of 25. Sections can go up or down, and sometimes one child causes a section to get created and conversely one child not appearing could cause a section to collapse. This is monitored through the spring when kindergarten enrollment comes in and constantly thereafter. Principals do give additional paraprofessional support in kindergarten.

Q. If the current guidelines resulted in every one of our kindergarten classes with 23 children, would the guidelines find that acceptable?

A. Yes.

Q. Would the Board find it acceptable that slowly this creeps up to 23?

A. One of the items that was in the audit to address was the issue of kindergarten; full day, extended day and blended. Dr. Title stated that he decided not to address that issue this year because he doesn't want it to be a budget issue; he wants it to be a program issue. The kindergarten issue in general will be a topic for discussion next year, pre-budget.

Board comments followed.

Q. Six of the recommendations from the Operational Audit are in this budget. There was also another group of recommendations that may require further study. Is there any intent to look at some of those items toward next year's, 2013-2014 budget? What is in the hopper?

A. Dr. Title stated that the kindergarten program will be reviewed; he is not inclined to undergo a review of the house system in terms of revamping it, it serves us well and he would like to continue that; if we are going to look at anything at the high school level we need to look at the schedule. Purchasing procedures with the Town have been done and were signed off on the by Board of Finance in October. Custodial overtime has already been discussed. A suggestion by the audit team, who were not familiar with Connecticut State Law, was that we could save a lot of money if students were forced to permanently opt out of bus transportation as a condition of parking at the high school. Our attorney checked into this and said it is not legal in Connecticut to say, "use it or lose it" or make students opt out of bus transportation. Our default was to charge for a parking space, which we are doing. The audit team also thought we could save \$400,000 by not transporting private school students, which is also contrary to the law. There is an offset in the security line from the parking revenue. We anticipated taking in about \$50,000 in revenue from parking fees and it would cost us an additional \$10,000 to enforce it, so the net would be \$40,000. It turned out that we haven't spent a lot on enforcement; some of the existing security personnel are able to work that by changing their hours.

Q. On pages 63-67, Utility Services, the reduction in electricity costs appears to be quite substantial. Are those achievable and sustainable?

A. The Town and Board of Ed are together on a joint bid for heating fuel and electricity. The Town took advantage of a drop in electrical rates and locked in at a substantial decrease in the rate through December 2013. Not only is it sustainable through the next budget year but six months into the succeeding year.

Q. Page 61, Instructional Services, line item 52091-Program Assessment, has an increase of \$26,800 for a survey on how we are assessing school climate in our new bullying policy. Since the State is supposed to provide a survey of some nature and this being the first year of the program implementation, it might make sense to see what the State is going to do before spending \$30,000 of our money; maybe wait for the second year?

A. Dr. Title stated that Ms. Leonardi has looked at drafts of the State survey and has some significant concerns. The State does not have a lot of resources to do much developing, and survey development is costly if done well. The concern is that this would serve as baseline data, and if baseline data is lousy, then all of the subsequent data will be based on lousy data. The first year is the one you really want to do right and then in subsequent years if the State comes up with something that is usable at least we know our first year data is valid. We are carrying \$25,000 for the survey; \$26,500 is the whole account.

Board questions and comments followed.

- Q. High school enrollment is increasing, in particular at Fairfield Ludlowe High School. Looking at page 133, Ludlowe is scheduled for a 3.15 FTE increase and Warde is scheduled for a 2.80 FTE increase. Would that be sufficient to accommodate the needs of the students at Ludlowe being that their enrollment is scheduled to increase greater than Warde?
- A. That is our belief now. Based on the enrollment and the projected numbers at each school, there are a greater number of students going into Ludlowe; but you also have to look at what the various capacities are in each department to handle additional kids.

Board questions followed.

Dr. Title stated that this does not make any attempt to reduce class size. With Ludlowe and the increase of staff, it becomes more of a site issue relative to how many kids you can put in a class.

- Q. Do you anticipate what the impact is going to be on class size?
- A. There are only so many classes to put the kids in. Some spaces have been identified in the Ludlowe building right now that are not currently used as full time classrooms that could be recaptured as classrooms with some modest work by our own staff.
- Q. Page 147, Annual Refresh of Computer Hardware, have we priced out whether or not it would be advantageous to lease computers with a service contract as opposed to continuing to purchase?
- A. The Board of Finance and the RTM have prohibited us from leasing computers. They don't want to get into the rental business.
- Q. Can you highlight some of the things in this budget that speak to the District Improvement Plans?
- A. All school improvement plans are in now. Many of the plans do not require additional resources, rather focus on reallocating resources. At the elementary level there are improvements in our curriculum and instructional model in mathematics and language arts and money has been put into those areas. At the middle school and high school level the mathematics support model, which is part of what is called scientifically research based intervention (SRBI), is all part of improvement plans. A lot of what we are trying to accomplish with these improvement plans doesn't necessarily cost additional dollars, so you will not necessarily see huge increases, you may see some individual principal budgets where they direct some of the allocation toward staff training. It is too early to say exactly what the financial impact will be, but a lot is being done at the district level with teachers observing each other and learning from each other. That does sometimes require substitute teacher costs, which were not specifically built in because this is the first year and a lot of this is refocusing existing work.
- Q. Will AON be at the meeting on Thursday? Moving forward would like to have a summary explanation to page 141 that has the insurance.
- A. Dr. Title stated that AON is not available on Thursday. In lieu of that he will try to contact them with the questions that have been put on the table and is hoping to get some written responses.
- Q. The \$80,000 increase in preschool tuition, is that a change in the rates or growth in the program?
- A. The tuition is not increasing for next year. This number is actually very close to what we will get this year, somewhere mid to high \$90's, so we just carried that forward. There is no change in number of kids, number of slots, or tuition.
- Q. Is it more efficient to pay custodial overtime as opposed to hiring an additional staff member?
- A. That is a discussion that needs to take place with the union because there is a past practice. There are some floaters, unassigned custodians, who get full pay and benefits. They are used to do some of the offset but that is not a long-term solution. That is an issue that needs to be looked at. One of the benefits of custodial overtime is that they are custodians we know, they know the buildings, etc., and someone new coming in may not be as efficient.

- Q. Pages 53-56, \$127,000 for part-time clerical staff and lunch aides at the elementary schools. Why is it a priority over opening up computer labs that were shuttered because of budget cuts and world language classes that were taken away?
- A. Lunch aides are out of the allocations. Most of this is adding part-time elementary clericals in the afternoon. This is an issue of coverage, safety and security at the elementary schools. This is to address the need in the front office of the elementary schools in the afternoon; and rather than adding another secretarial position, we went with a clerk. The elementary school offices basically shut down at 4:00 p.m. when the secretary leaves for the day. At times the buses return to school with children after 4 p.m. because a parent was not home and the bus drivers do not leave students at home alone, or at times parents can't back to school to pick up their kids before 4:00 p.m. and there is no front office staff to cover that. Many times there are meetings or professional development that occurs after school so staff is not available to sit with students or call parents. At the elementary level you are not going to leave a child in the front office alone waiting for their parent. There is also the issue that from about 12:30 p.m. to 4:00 p.m. the front offices are very busy and manned with only one person. The best way to address the issue at the elementary level was to add a part-time clerk in nine of the schools. At this time two of our schools already have a full-time secretary and a part-time clerk.
- Q. Lunch aides at the elementary schools; is the additional cost at some of the schools a result of the paraprofessionals being cut?
- A. Yes and that is out of the allocations.
- Q. Page 17, code 105-Administrators, states that the agreement provides salary increases of 1.75% for each fiscal year of the contract. Salary schedules were not available when the 2012-2013 budget was developed; consequently, salary increases are included in the wage and benefit reserve on page 59. The 1.75% is about \$95,000 and the wage and benefit reserve is \$432,590; is there a status update on that and what else is in the wage and benefit reserve?
- A. We don't have a final signed off salary schedule yet for the administrators. If that comes in time to put the real number in and reduce the wage and benefit reserve before the budget goes to the Town, we can do that. It won't change the bottom line. It is 39 people. The rest is mostly unsettled contracts, and they are for every non-certified bargaining unit with the exception of secretaries. We are talking about ed trainers, paraprofessionals, custodian/maintenance and other non-certified. There is an estimated settlement number that we hold that is lumped together. If there are new positions in the budget that require benefits, that is held in the wage and benefit reserve.
- Q. Page 19, code 207-Pension/Retirement, there is a 17% increase to fund non-certified Board of Education employees. What is that?
- A. Certified employees are not part of the Town's pension program so this is only non-certified employees. Retirees have a defined benefit plan, and every year the actuaries go over the numbers and come up with an estimated contribution that is needed to meet the ongoing obligations of the retirees. The Town hires an outside firm to do this work. They give the number to the Town and it is divided up the same percentage for both sides, Town and Board of Ed. It depends on the performance of the pension fund; if the pension fund does well or if the markets do well, then in a given year our contribution may go down or not go up as much. There is nothing we can do about this, it is a fixed increase.
- Q. Page 169, Food Service Program, Proposed Budget 2011-2012 is that a typo?
- A. The Food Service budget is not done until June. This is included for information purposes. It is a Board discussion item in June when there is a Food Service review.
- Q. Pages 137 & 138 show the staffing cost implications for the special education initiative and the math initiative; and when looking at some line items within the budget there are additional costs for instructional supplies, training or whatever that are connected to those two initiatives. If that is correct, wouldn't it be better to put all of the increased costs associated with the initiatives on those pages and not just the staffing costs? There is a page in the budget where every subject has an extra \$1,000 or \$2,000 but on the math line it is an extra \$20,000?

A. The math initiative is really just a staff increase. On page 73, Program Implementation lines, there is a large increase in mathematics; this page is tied directly to page 139, which is the Curriculum Review Cycle. These numbers will fluctuate every year based on what is happening in the review cycle. Mathematics is a big year coming up at the elementary level PK-2 and grades 6-12. This large increase is related to revamping the curriculum, tying it to the Common Core State Standards, and some professional development, not specifically the math resource positions. The same is true with the Special Education Staffing Model. One initiative that does have a cost is the climate team training. We are carrying an increase in the general staff development line on page 73; a big part of that increase is toward the climate team training. Staff development related to Gifted was moved out of its own line and put in here, as well as the TEAM/BEST requirements. Some professional development lines were also consolidated into staff development.

Q. Relative to the capital projects, have the in-ground oil tanks been tested to be sure none of them are leaking?

A. They have not been tested. Once we test, the tank has to be removed immediately and we need to get funding.

Board comments followed on the oil tanks.

Board comments followed regarding increasing the insurance contribution for non-union employees just as the unions have done, the Gifted Program and how it is working, having the gifted allocation correspond to the volume of students as opposed to site by site, additional clerical staff at the elementary schools, having a time associated with it if it is a safety issue and the possibility that there may not be a need at every elementary school since the workload is related to volume of students at the site.

3. Mr. Convertito moved, seconded by Mr. Liu that this meeting of the Board of Education adjourn at 10:24 p.m.

Motion carried: 8:0:0.

Jessica Gerber
Secretary

FAIRFIELD BOARD OF EDUCATION
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF EDUCATION
Thursday, January 19, 2012

FEB 28 2012

Minutes of the Special Meeting of the Board of Education held Thursday, January 19, 2012, at 501 Kings Highway East, 2nd Floor Conference Room.

The meeting was called to order at 7:35 p.m. by Ms. Pamela Iacono, Chairman. Other Board members present were: Mrs. Sue Brand, Mr. John Convertito, Mr. Philip Dwyer, Mr. Paul Fattibene, Mrs. Jessica Gerber, Mr. Tim Kery, Mr. Perry Liu and Mrs. Jennifer Maxon Kennelly (arrived 7:38 p.m.) Also in attendance were Superintendent Dr. David Title and members of the administrative staff. Approximately 75 people comprised the remainder of the audience.

1. Ms. Iacono led the Board and audience in the Pledge of Allegiance.
2. Discussion of the Superintendent's Recommended 2012-2013 Budget Request-

Dr. Title stated that there were a few items from the last meeting that he thought would be helpful to have an elementary principal and a high school headmaster speak to.

Fairfield Warde Headmaster Mr. Jim Coyne discussed access to computers with the elimination of the computer lab paras. He stated that in preparation for this year, a team from Warde and a team from Ludlowe met to talk about access and how the computer labs would be managed without the paras. A system was developed in which teachers have a sign up process for each house lab and a way to report any problems with the computers in the labs. The one area the sign up process in the three labs did not address was the independent use of computers by students. In the main library there is a bank of 25-30 computers that were made accessible to students on an individual basis and no longer allow those to be signed up for by a class. In addition, the MAC lab in the library media center has been turned into a teacher duty so there is a little more access to the MAC lab. Mr. Coyne stated that so far there has been adequate access for independent use of computers by the students, and the teachers have been able to access the labs through the sign up process. This has been implemented at both high schools, and it is his understanding that it is working just about the same way at Ludlowe.

Board questions and comments followed.

McKinley School Principal Dr. Ginger Vail spoke on the necessity of clerks in the afternoon at the elementary schools. Students at this age need supervision. It is a lot for one person in the afternoon to maintain phone coverage for changes in afternoon dismissal, early dismissals with parents coming in and the various other people who may come into the office. Next is the issue with buses that are arriving late in the afternoon for pick up and parents are calling, students being supervised while figuring out how they might get to their next activity, and there is also the issue of students not being picked up on time or a parent not being home in the afternoon and the student being brought back to school. Often someone is voluntarily giving their time because they don't want to see a student upset or a principal may have to cancel a meeting because a student needs to be supervised. There are after school PTA sponsored clubs where parents don't show up on time to pick up their children and you can't leave a 7 year old alone in a building because somebody didn't show up. It is also a big problem if there are after school programs with no access to the phone in the office because the office is locked at 4 p.m. At McKinley there are over 200 students who stay after school three days a week for activities affiliated with Wakeman and the reading and math clubs. Right now those are coordinated between the morning clerk and the social worker who is helping with the clerical work in the afternoon and taking it home to work on at night and on the weekends. Presently, the social worker, school psychologist or Dr. Vail change their plans and stay to accommodate the students. It is really a voluntary issue; contractually we can't obligate people to stay beyond their work day.

Board questions and comments followed regarding how the schools have been managing; do all of the problems get resolved by 4:30 since that is the suggested end time for the clerk; not just being an extra half hour of coverage but coverage from 12:30 to 4:30 to help with paperwork, phones and the

student load; the possibility of shifting the part-time morning clerk to the afternoon or staggering the hours and if coverage is needed for eight hours, then justify it and hire a full-time person. Concern was expressed that this issue was never discussed before and now it appears in the budget. If elementary principals are having an issue with something, it is incumbent that the Board knows about it long before it shows up as a budget item.

Capital Improvement Projects-

Board questions and discussion followed regarding the need to prioritize the projects, how much it will cost to test the soil around the oil tanks to get an indication of any contamination, is there a contingency built in if something is found when removing the tanks, concern that our buildings have been outfitted with dual fuel devices and the Town has made a commitment to gas moving forward, and concern if oil becomes much less expensive than gas later on.

Dr. Title stated that dual fuel is still advantageous in the sense that it allows us to have an emergency back up in the event the gas line is disrupted for any period of time.

Board questions and comments continued regarding the Osborn Hill window project, tackling a third PCB window project when there are already two on our plate, the Dwight boilers and Tomlinson façade work that didn't get funded last year and what new information will be provided to make it through this time and why wasn't the Tomlinson floor tile replacement done during the major renovation. There was discussion on the Tomlinson traffic improvement project and a suggestion was made to include the Tomlinson Middle School traffic schematic in the book.

3. BREAK – 5 Minutes

Medical Insurance-

Dr. Title stated that Mrs. Munsell will walk the Board through the documents that are at their places this evening. While AON could not be at tonight's meeting, they did respond to some questions in writing which are also at Board members' places.

Mrs. Munsell reviewed the Medical Insurance Profit & Loss Summary, which is the same page that is in the budget book but has been color coded. The proposed 2012-2013 net balance is \$1,868,340, which is the same as the IBNR. The budget was built based on the concept of maintaining a balance of two times the IBNR. In order to calculate the IBNR, the most recent IBNR number of \$1,767,755 was adjusted by 5.69%, for an anticipated increase in cost based on the 2010-2011 actual claims and the 2011-2012 projected claims. That is how an IBNR number of \$1,868,340 was arrived at. The target balance to end with on June 30, 2013 is \$3,736,680, which is two times the IBNR. The total expenses (Anthem BC/BC claims, RX claims & Dental claims), money going out from the medical retention fund, is \$24,958,566, which includes \$207,586 for the the Medicare Supplement Retiree Plan, which is a fully insured medical supplement plan that has nothing to do with the claims that AON gives us renewals on. The second page is the renewal projection from AON with all of the numbers shown on the medical retention summary for a total of \$24,750,979. The sub-total of income includes \$6,950,507 from other income revenue such as employee cost share premiums, retiree payments, COBRA, FMLA/LOA, rebates on prescriptions, food service grants, and any other money taken in that goes into the medical retention fund. The proposed beginning balance for 2012-2013 is \$4,928,437, which would be the ending balance from the prior year. The missing piece of this equation is what we need to fund in the budget, \$16,622,772.

Dr. Title stated that the \$3,736,680 balance as of June 30th is a projection, which we have historically exceeded. These are projections, not actuals. It is quite possible that number could be higher than that balance at year end. What we end up with will depend on the claims experience.

Mrs. Munsell stated that the other two documents are a list of questions from Board members with answers by AON and a list of definitions that she thought might be helpful to the Board.

Approximately one hour of Board questions and comments followed regarding the Medical Insurance Profit and Loss Statement, the prior year's budget amount, the \$450,000 that was allocated to a

capital project that was to be paid for out of the operating budget and needs to be transferred and the annual health insurance increase amount. Mrs. Munsell stated that the annual health insurance increase budget to budget is 1.8%. Page 59 in the budget book, line 201 Health Insurance Totals, shows the budgeted amount for this year is \$16,012,450; the budgeted amount for next year is \$16,622,772, for an increase of \$610,322.

Board questions and discussion continued on the projected cost by AON, the reason why we are budgeting more than the expected cost that is being projected as an increase, how we were able to use a trend rate of 7% instead of 10% which lowered the budget calculation by approximately \$800,000, keeping the Individual Stop Loss at \$300,000, the difference between 125% of IBNR and 200% of that number and going with 125% versus 200%, the option of drawing down the account by \$1 million which goes against the MOU, the difference between this year's budget number and the proposed expenses, working together with the Town to maintain their AAA rating, being tied to the MOU, keeping more in a reserve account than needed, making a decision based on what is best for the Board of Education, concern this does not serve the Board's financial interests and that it is costing the school district more, not less

Ms. Iacono stated that Mr. Tetreau and Mr. Flynn will address the Board on Tuesday night regarding the MOU. They will explain the expenses that the Town carries on our behalf and the benefits that we receive from having the AAA bond rating.

Board comments and questions continued on the Medical Insurance Profit and Loss Summary funding at 125% versus 200%, carrying more money in our budget to help the Town and our claims experience.

Board questions continued from the last meeting on Tuesday.

Q. Give a breakdown of Dues and Fees for the Board of Ed and Dues and Fees for the Superintendent?

A. Dr. Title stated that the difference in Dues and Fees for the Superintendent is for the Connecticut Superintendent's Network that he has been in for nine years. The dues are \$4,500, which makes the number go up from \$5,000 to \$10,000. The Board of Ed dues are basically CABA.

Q. How much is CES dues and how much is CABA dues?

A. They are broken down in the budget book.

Q. Where are we with the gifted program?

A. We have not done an assessment of the Gifted Program. The program has been in place since September. There will be an assessment of the program but we are not prepared to present one to the Board at this time because we have not had enough experience with the program; and it is not a budget issue, it is a program issue.

Q. Is there any sense of how the Gifted Program is going? A lot of the children don't seem to be getting anything and that is a concern.

A. Dr. Title stated that he will get a mid-year status update, but it is not part of the budget program. In terms of an assessment of the program, it is too early. The Program is being implemented the way it was outlined.

Q. Money has been budgeted for the Gifted Program; how is it being used, and is it allocated the same to every school because the populations at the sites are different?

A. The model assigns a .4 gifted teacher to each elementary school. That is how the model was designed, and at the end of the year if that needs to be tweaked based on experience then we will.

Mrs. Brand stated that she wants to make sure it is budgeted relative to the need not to the building because this is about program.

- Q. The Maintenance Budget-There are roughly 2 million square feet of buildings to maintain and we are spending a little more than \$2 square feet to do that. What are the dollars per square foot for commercial buildings in our region of the country for this type of endeavor? Are we spending more than we should be or less than we should be? We need to be able to demonstrate to the Town that we are doing a good job of maintaining the facilities. Perhaps there are some comps available either through the DRG or some type of commercial real estate study that gives a dollar amount per square foot on the maintenance so we could show the rest of the Town that this is where we would like to be eventually.
- A. There really isn't an industry standard. We could look at other districts, but it is hard to gauge in terms of vintage, type of roofs, etc.

Board discussion followed regarding having some type of framework as to what we should be spending on an annual basis for maintenance of our buildings. The difficulty is that every institution has a different accounting system and codes. Finding a benchmark from other than school districts that perhaps have the same accounting code would be a long search.

- Q. Open Choice-62 students are enrolled between grades 1-12. If they start in first grade at a school are they allowed to stay at that elementary school even if suddenly that one student pushes us to another section?
- A. Yes, they stay.

- Q. Is there a sense of how many students request Fairfield that we are not able to accommodate?
- A. Fairfield does not manage this. It is a regional program and parents apply to CES who administers the program. There are a number of school districts that participate. Each school district says here is where we have openings and CES matches them up. CES would have to tell us if there was excess demand but it might not be demand specific to Fairfield, it may just be demand for the program.

- Q. Would CES be able to tell us if they have had requests for Fairfield in the Open Choice program that they have not been able to fulfill because of the number of slots we gave them?
- A. Parents are not allowed to request one specific town. They put in for Open Choice and are given an offer.

- Q. Pages 150-155, Major Maintenance Projects for 2012-2013 - \$75,000 for Mill Hill to replace classroom millwork and sinks which are the original from the reopening of the school in 1991. Have these been replaced at Holland Hill because it would seem that the ones at Mill Hill are newer than the ones at Holland Hill?
- A. Holland Hill was not done. A study was done of what elementary schools were in the worst condition and it was voted that Mill Hill was the worst at this time.

- Q. Fairfield Woods Middle School Jackson Wing locker replacement-why is this not part of the building project? Want to be sure those are the worst lockers in the district that are being replaced first.
- A. The Building Committee is slowly running out of funds and these are not part of the project to be replaced. They were done in the 1990's, and at that time they didn't rip out the old base and the existing system that was there, they just put lockers back in on top of old tile flooring.

- Q. The Tomlinson Middle School retaining wall \$105,000-Is that being done out of the maintenance budget rather than something that is bonded in capital improvement?
- A. It was right on the fence, \$100,000 is supposed to be the minimum.

- Q. Is the façade repair at Tomlinson eligible for educational funding reimbursement?
- A. No.

- Q. If there were any adjustments made in the start times at any schools, would that result in a more efficient three tier use of buses?

- A. What prevents you from running buses more than one tier or two tiers is if a bus can't go out and do a loop and get back to pick the kids up. We aren't going to go any earlier, so the question is how much later can you go? Our elementary schools already start pretty late, and if you go too much later in the afternoon, you run into way too much darkness. The research project was if we bought ten minutes, what would the return on that investment be? For ten minutes of time \$30,000 maybe. It was not a substantial sum of money. It didn't seem to be worth the disruption and never amounted to enough to put it forward.
- Q. Why do Burr and McKinley, 2 of our newest schools, have 3 custodians each whereas all of the others have fewer than that?
- A. It has to do with square footage. The square footage at Burr and McKinley is in the 71,000 range and normally elementary schools are in the 46,000-60,000 range. Custodians are allocated based on square footage.
- Q. We have almost 44.95 employees funded with grants, are there any concerns about those sources of funding drying up versus the state and federal level.
- A. There is uncertainty on all of them; it is just a question of degree.
- Q. Page 118, High School Class Sizes – what classes would have under 15 students?
- A. The culminating course in a sequence, some AP Classes, and scheduling quirks. There is a short explanation on page 118.
- Q. What subjects get the carry on affect, the end of the sequence? Is it primarily World Language; do you see it in higher math or science?
- A. There are a number of areas. Some sequences such as technical education have small classes; some are limited, for example keyboarding only has 8 keyboards in the room so we are limited to that number; there are a few World Language classes that are small towards the end of the sequence; and we have combined a number of courses that run two together to maximize the amount FTEs we have.
- Q. The possibility of having video streaming between the two high schools so you could have end of sequence World Language classes with eight kids in each class and one teacher from a distance learning prospective. Would like to explore the use of technology to try to help retain and expand the course work that we are doing.
- A. That has potential if there is space.
- Q. How many people do we employ?
- A. 1,488
- Q. What is the breakdown if we had funded the ISF at the AON 125% and another breakdown if funded at MOU 200%?
- A. At 125% \$2,325,425 at 200 % \$3,736,680.
4. Mr. Convertito moved, seconded by Mrs. Kennelly that this meeting of the Board of Education adjourn at 10:43 p.m.

Motion carried: 9:0:0.

Jessica Gerber
Secretary

FAIRFIELD BOARD OF EDUCATION
MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION
Tuesday, January 24, 2012

ENCLOSURE NO. 3

FEB 28 2012

Minutes of the Regular Meeting of the Board of Education held Tuesday, January 24, 2012, at 501 Kings Highway East, 2nd Floor Board Conference Room.

1. Chairman Ms. Pamela Iacono called the Regular Meeting of the Board of Education to order at 7:30 p.m. Other Board members present were: Mrs. Sue Brand, Mr. John Convertito, Mr. Philip Dwyer, Mr. Paul Fattibene, Mrs. Jessica Gerber, Mr. Tim Kery, Mr. Perry Liu and Mrs. Jennifer Maxon Kennelly (arrived 7:38 p.m.). Also in attendance were Superintendent Dr. David Title, Fairfield Warde High School Student Representative Stephanie Teixeira and members of the administrative staff. Approximately 100 people comprised the remainder of the audience.
2. Ms. Iacono led the Board and audience in the Pledge of Allegiance.
3. Approval of Minutes-
 - A. Mrs. Brand moved seconded by Mr. Kery that the Board of Education approve the Minutes of the Regular Meeting of January 10, 2012.

Motion carried: 8:0:0.
4. Student/Committee/Liaison Reports-
 - ◆ Stephanie Teixeira reported that today was the last day of mid-term exams at Fairfield Warde HS and tomorrow is the last day of the semester. The Fairfield Warde vs Ludlowe basketball game is tonight and the Boys Wrestling Team placed first out of 14 schools at the Warde Invitational on January 7. The Warde Debate Team won the Connecticut Debate Tournament on January 7, and two of our debaters placed first. Auditions for the spring musical and the Interact talent show are being held this week and next.
5. Mrs. Gerber moved, seconded by Mr. Kery to waive the reading of the remainder of the Board reports.
Motion carried: 8:0:0.
6. Superintendent's Report – Dr. Title passed.
7. Old Business
 - A. Mr. Kery moved, seconded by Mrs. Gerber that the Board of Education approve the Understanding on Health Insurance.

Ms. Iacono stated that First Selectman Michael Tetreau and Board of Finance Chairman Tom Flynn are here tonight to speak to the Board about the agreement.

First Selectman Tetreau distributed two documents and reviewed the sheet labeled Town of Fairfield Insurance Fund Analysis first. He thought it would be good to review the Internal Service Fund to give everyone an idea of how it works and to illustrate what they are trying to accomplish on behalf of the Town. These numbers are actual fiscal results from July 1, 2010 to June 30, 2011. The Internal Service Fund is how we handle our self-insurance. Basically, reserves are built up in each account, we budget for what we think we will spend each year and then adjust that number the following year based on whether they went up or down. We take recommendations in the insurance areas from AON and the workers comp area from PMA, which is our workers comp company. These are broken out into three areas: risk management, Town medical and Board of Ed medical. The Town is basically self-insured, we are paying actual claims; there is no premium per se. The reserve encompasses the two insurance funds and the

risk management fund. When the rating agencies look at this report, they don't care which fund balance is plus or minus; they are looking at the net of all three. In one sense this is all about our credit rating which is currently a AAA credit rating with a negative outlook from Moody's. When Moody's gave us that negative outlook a few years ago, they specifically pointed to this fund and said the reserves are not high enough. Moody's is looking at the \$4,738,115; that is the number we don't want to get any more negative. As of June 30th the Board of Ed had a \$3 million positive balance in the reserve fund, the Town was about a quarter of a million dollars to the negative and the risk management number, driven in major part by workers comp, was \$7.6 million to the negative; and that is what we are trying to address. Four to five years ago the Board of Finance made a commitment to fully fund the Town insurance balance, so the Town has been funding their balance as recommended by AON. This has made a difference and the Town's reserve has changed dramatically over the last few years. However, the workers comp number, by virtue of the claims experience, has driven the number in the overall balance to be more negative. The workers comp fund is made up of claims by Board of Ed employees and Town employees, but the expenses have been totally funded out of the Town-side budget. We are trying to manage the balance sheet, which affects all of us and potentially impacts our credit rating. If it impacts our credit rating, that means we pay higher interest, our debt service goes up and the school projects we are trying to fund cost more. Mr. Tetreau stated that it is in everyone's best interest to work together to help manage this. There was an initial proposal to this Board to just focus on the reserve number that is currently in the Board of Ed fund and not lower that. The Town has recently had some very good experience that has helped address the deficit in the reserve fund. However, the issue driving this is the workers comp number. This needs to be addressed if we are going to lose the negative outlook from Moody's. He reviewed the second document which is broken into two tables: unemployment compensation and workers compensation. This breaks out what the workers comp expense has been for the last three years by the Board of Ed and by the Town. Mr. Tetreau stated that he and members of the Central Office met today with a representative from the workers comp company to go through these numbers to get an analysis on what type of claims drives this and how is it broken out between the Board of Ed and the Town. We want to make sure we are doing everything possible to manage this expense and keep that number under control. The Town is asking for Board of Ed cooperation in terms of keeping that reserve number where it is and not drawing it down any more. He commented that there are several expense items that the Town funds, even though they are incurred by the Board of Ed; it is more of a custom and tradition than any rationale for doing it that way. Mr. Flynn noted that both unemployment compensation and workers compensation are not included within the budget that the Board is speaking on. They are both budgeted for and paid for out of the Town side, even though roughly half of the expenditures from both of those funds are due to Board of Education operations. Looking at the insurance fund analysis sheet you can see that general liability claims are also funded on the Town-side.

Approximately one hour of Board questions, comments and discussion followed regarding if AON is recommending an accrual of 1.25% of the IBNR, and the Board of Ed is funding it at 200% of the IBNR, wouldn't it be more prudent to take that .75% and put it on the Town-side; wouldn't it have the same net affect if the Board of Ed budget was reduced by that amount and the Town-side was increased by that amount; why do we need an MOU; concern that the MOU protects the Town but not necessarily does so well for the Board of Ed; maybe it is better to have an agreement that comes after all of the budgeting is done; how long has the Town been assuming the financial responsibility of the workers comp as well as the unemployment; what is the advantage to the MOU versus simply reducing our funding request; are the accounts in which these funds are held an escrow or a trust fund account; is it the Town's intent to control appropriated funds given to the Board of Education and the Board's ability to fulfill their obligation as agents of the State to provide an education to the students of Fairfield; and the wording in the last paragraph of the MOU.

The First Selectman stated that he is supportive of the first page of Enclosure No. 2 but is not agreeable to the second page of the document.

Ms. Iacono stated that there will be an amendment on the table tonight to amend Enclosure No. 2 to include language that will satisfy the Town.

Discussion followed on the modifications to the memo and that it be a consensus agreement approved by the Board of Education, the Board of Finance and the Board of Selectmen.

Board comments continued on the legality of this document, putting money aside not specifically for education but to help taxes and the Town's AAA rating and by doing so the Board is in violation, an MOU automatically shows a conflict of interest, and has this been reviewed by our attorney.

Dr. Title stated that there were two reviews. Attorney Don Houston reviewed the draft prior to this one which was brought to the Board table and the two attorneys on the Board at that time, Mr. Fattibene and Mr. Mitola, said they wanted to review it. They suggested some changes and Attorney Houston reviewed it again. Attorney Houston has looked at it twice and twice he has been amenable to the agreement as you see it here.

Several Board members indicated that they would be reluctant to approve an amendment to this document when they have not seen the proposed language. If that language was known ahead of tonight's meeting, it should have been presented to the Board for consideration prior to this meeting.

Mr. Tetreau stated that what was presented to this Board in August/September was what was proposed by the Board of Finance and the Board of Selectmen. This Board chose to make significant changes, and those changes didn't meet the objectives in the original draft and really aren't acceptable. Mr. Flynn stated that this document has not gone before the Board of Finance for approval. He has distributed it to them, they have seen the various drafts but it has not been voted on by the Board of Finance. There was a draft that Mr. Flynn was agreeable to as the Board of Finance representative, the First Selectmen was agreeable to it and the working group as a whole thought it was in good enough shape to bring before the Board of Education. We wanted to make sure the communication between the various parties was clear so that we could address any concerns and objections, and we started with the Board of Ed for this specific purpose.

Board discussion continued regarding the amount the Board of Ed is being asked to fund, what part of Enclosure No. 2 is not agreeable to the Town bodies and if there is not consensus on the document why the Board of Ed is being asked to vote on it.

Mrs. Brand asked for a legal opinion in writing and stated that last week she sent a series of legal questions to central office and did not receive a response nor did the public have an opportunity to see those questions.

Ms. Iacono suggested that once the Board has agreed to the Memo, she will collectively ask for the questions from the Board and send them all to legal at one time rather than question by question and running up a legal bill.

Mr. Dwyer moved, seconded by Mr. Kery to amend Enclosure No. 2 and have the Memorandum of Intent stop at "future health insurance costs" on the first page and strike all of the language after that until the signature lines.

Board discussion followed on the amendment.

Mr. Dwyer withdrew his amendment and Mr. Kery was agreeable as the seconder.

Mr. Convertito moved, seconded by Mrs. Brand to postpone approval of the Memorandum of Intent.

Mrs. Brand expressed concern with language on page 2 that says: "Nothing in this Memorandum of Intent on Health Insurance..." The language says intent as opposed to an understanding; and if the Board is going to postpone, she specifically wants a legal validation whether or not we are in compliance.

Mr. Convertito clarified that what Mrs. Brand wants as a condition of the motion to postpone is a legal validation. He stated that he will not take a friendly amendment. The motion is to postpone.

Motion to postpone carried: 9:0:0.

Mr. Convertito called a Point of Order to get a sense of the body while the First Selectman and Chair of the Board of Finance are still here that this Board looks at Enclosure No. 2 less the strike outs mentioned earlier as an approvable draft.

Ms. Iacono stated that the Board has moved off this topic.

- B. Mrs. Gerber moved, seconded by Mr. Dwyer that a budget recommendation in the amount of \$149,464,941 be approved and forwarded to the Board of Finance for its consideration in the preparation of the Town budget for the 2012-2013 fiscal year; further that the Superintendent be authorized to distribute the said amount in a manner agreed to by the Board at this meeting.

Mrs. Brand moved to amend the motion and to deduct \$123,420 from Elementary Clerical to fund World Language Grade 6 and use remaining funds for clerical help at the Superintendent's discretion.

Board questions and comments followed.

Public Comment-

Meredith McCormack, Budget Rep for Sherman School, spoke in favor of clericals at the elementary schools and asked the Board to support the additional clerical help.

Suzanne Miska, Ryegate Road, spoke against the additional clerical help at the elementary schools. She would rather see World Language brought back or if you need to fund clericals, do Band 3 where there is overcrowding and she would rather see the extra secretarial support at the library at the high school.

Amendment: "to deduct \$123,420 from Elementary Clerical to fund World Language Grade 6 and use remaining funds for clerical help at the Superintendent's discretion"

Mrs. Brand stated that leaves \$29,930, so there are funds left over for at least two clerical for the elementary schools.

Dr. Title stated that he is not sure that number is correct because salaries and benefits have to be added back in. There may be a balance, but it may be minimal.

Amendment failed: 4:5:0. Mrs. Kennelly, Mr. Liu, Mr. Fattibene and Mrs. Brand voted in favor. Mr. Convertito, Mrs. Gerber, Ms. Iacono, Mr. Dwyer, and Mr. Kery voted in opposition.

Back to Main Motion.

Public Comment-

Suzanne Miska, Ryegate Road, stated that she is disappointed that things that were removed that caused the Town to go to referendum were not put back in. She is concerned that this budget fields to two sides of the spectrum, special ed and gifted; and that the rest of the student body is not getting what they need. She is also disappointed in the process that took place.

Motion carried: 9:0:0.

- C. Mr. Kery moved, seconded by Mrs. Kennelly that the Board of Education approve the proposed Capital Improvement Projects for 2012-2013 in the amount of \$2,000,000.

Dr. Title stated that at the last meeting there was a request under the Tomlinson project to provide a schematic of that proposal. Mr. Cullen has provided that tonight and if this project is approved and goes forward it will be enclosed in the Capital Improvement Projects document. He briefly reviewed the schematic for the proposed traffic improvement project at Tomlinson.

Board questions followed.

Motion carried: 9:0:0.

8. Public Comments and Petitions – None

9. Open Board Comment –

Mrs. Brand commented on Board Policy #3100, Budget. The first sentence states: “The annual budget preparation process shall include broad-based participation and careful scrutiny of programs and expenditures to help the Board fulfill its responsibilities to the students, staff and Town.” It also states: “The Board shall review projected costs, finalize requirements, establish a desirable budget amount and specify parameters for the Superintendent to use in the development of a proposed budget.” She thinks the budget should be more of a collaborative process and needs to be started earlier. She thinks when we proceed this way the budget is a surprise, and the Board is not involved in the development of it. The public also needs to be included. She also thinks it would alleviate some of the discourse at the 11th hour because people would have a greater appreciation of why things are happening. She doesn’t think the policy was followed.

Mr. Liu agreed and stated that the Board, through policy, should build into the calendar meeting dates that are specific to the goals of what we want the budget to be so that in October and November it can be discussed at the Board table and ideas presented.

10. Mr. Kery moved, seconded by Mrs. Brand that this meeting of the Board of Education adjourn at 9:26 p.m.

Motion carried: 9:0:0.

Jessica Gerber
Secretary

Minutes of the Special Meeting of the Board of Education
501 Kings Highway East
2nd Floor – Superintendent's Room
Wednesday, February 8, 2012

ENCLOSURE NO. 4

FEB 28 2012

Board of Education Chairman Ms. Pamela Iacono called the meeting to order at 7:35 p.m. for the purpose of discussing pending claims and litigation and strategy related to collective bargaining for upcoming employee contracts. Other Board members present were: Mrs. Sue Brand, Mr. Paul Fattibene, Mr. Perry Liu, Mrs. Jennifer Maxon Kennelly, Mr. John Convertito (arrived 7:40 p.m.), Mr. Tim Kery (arrived 7:40 p.m.), and Mrs. Jessica Gerber (arrived 7:45 p.m.). Mr. Philip Dwyer was absent. Also in attendance were Superintendent of Schools Dr. David Title, Assistant Superintendent of Human Resources Mrs. Margaret Mary Fitzgerald, Director of Finance and Business Services Doreen Munsell and Attorney Donald Houston.

1. Mrs. Brand moved, seconded by Mr. Fattibene that the Board of Education convene into Executive Session for the purpose of discussing pending claims and litigation and strategy related to collective bargaining for upcoming employee contracts.
Motion carried: 5:0:0.
2. Return to Public Session
3. Mr. Kery moved, seconded by Mr. Convertito that this meeting adjourn at 8:57 p.m.
Motion carried: 7:0:0. Mr. Liu had left the meeting and Mr. Dwyer was absent.

Jessica Gerber
Secretary

FEB 28 2012

Board of Education By-Law Items for Discussion

1. Agenda & Enclosures

The Board shall have the agenda with its materials, enclosures, etc., five business days prior to the meeting.

2. Board of Education Meeting Minutes

A suggestion was made to limit the Minutes to capturing the final action and some points in summary form as to what caused the vote to go the way it did.

3. Reports

A suggestion was made to have someone reporting to the Board on a regular basis about what is going on in the Legislature and if there are going to be any votes from the State Board of Ed since it has a huge impact on us.

FEB 28 2012

Board of Education
Policy Guide**Students****STUDENT DISCIPLINE - SUSPENSION/EXPULSION****5119****I. Definitions**

- A. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- B. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- C. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.
- ~~D. **In-School Suspension** means an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.~~
- D. **Removal** is the exclusion of a student for a class period of ninety (90) minutes or less.
- E. **School Days** shall mean days when school is in session for students.
- F. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- G. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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H. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below. Suspensions pursuant to this Policy shall be in-school suspensions unless during the hearing held pursuant to Section V of this Policy, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the board of education.

I. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. ***Conduct on School Grounds or at a School-Sponsored Activity:***

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

B. ***Conduct off School Grounds:***

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined below at section VII.B.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, or misidentification of oneself to such person(s).
8. A walk-out from or sit-in within a classroom or school building or school grounds.
9. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object.
11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages). For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
15. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
17. Trespassing on school grounds while on out-of-school suspension or expulsion.
18. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
20. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
22. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized purposes.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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26. Possession and/or use of a laser pointer.
27. Hazing.
28. Bullying is defined under Sec. 10-222d. as amended by PA 08-160 as: any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity, which acts are committed more than once against any student during the school year.
29. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
30. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

IV. Procedures Governing Removal From Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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V. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II and/or Section III of this policy for not more than ten (10) consecutive school days. In such cases, the following procedures shall be followed.
1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which, the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, ~~but only~~ and considered in the determination of the length of suspensions and/or whether the suspension is an in-school or out-of-school suspension.
 3. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
 4. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
 5. In all cases, the parent or guardian or any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
 6. Notice of the original suspension shall be transmitted by the principal or designee to the superintendent of schools or designee by the close of the school day following the commencement of the suspension.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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7. The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.
 8. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
 9. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 10. During the period of suspension, the student shall not be permitted to be on school property (except in the case of an in-school suspension), and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to participate in a particular school-sponsored activity.
- B. In cases where the student has previously been suspended, or where such suspension will result in the student's being suspended more than ten (10) times or for fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing. The principal or designee shall report the student to the Superintendent or designee and request a formal hearing.

~~VI. Procedures Governing In-School Suspension~~

- ~~A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.~~
- ~~B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.~~
- ~~C. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.~~

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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~~D. — The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.~~

VI. Procedures Governing Expulsion Recommendation

- A. A principal may consider recommendation of expulsion of a student in a case where he/she has reason to believe the student has engaged in conduct described at sections II ~~and/or III A. and H.B.~~, above.
- B. A principal must recommend expulsion proceedings in all cases against any student whom the administration has reason to believe:
1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
 4. The following definitions shall be used in this section:
 - a. A "firearm" as defined in 18 U.S.C § 921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device.

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STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- b. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.
- c. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle".
- d. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle and having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined above.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to an impartial hearing officer to hear and decide the expulsion matter.

VII. Procedures Governing Expulsion Hearing

- A. Emergency Exception:

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

- B. Hearing Panel:

~~The Board will hear expulsions within the required time by Statute. In the event the Board of Education cannot seat a quorum (five (5) or more members) to hear an expulsion, †~~The Superintendent will be **is hereby** authorized to retain a hearing officer.

- C. Hearing Notice

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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- a. The date, time, and location of the hearing.
 - b. A short, plain description of the conduct alleged by the administration.
 - c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
 - d. The student may cross-examine witnesses called by the administration.
 - e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
 - f. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
 - g. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- D. Hearing Procedures:
1. The hearing will be conducted by the Presiding **a hearing Officer**, who will call the meeting to order, introduce the parties, ~~board members~~ and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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3. Formal rules of evidence will not be followed. The ~~Board~~ hearing officer has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The ~~presiding~~ hearing officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the ~~Board~~ hearing officer will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel and by the hearing officer ~~Board members~~.
7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the hearing officer ~~Board~~. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the hearing officer ~~Board~~. Concluding statements will be made by the administration and then by the student and/or his or her representative.
8. In cases where the respondent has denied the allegation, the ~~Board~~ hearing officer must determine whether the respondent committed the offense(s) as charged by the Superintendent.
9. If the hearing officer ~~Board~~ determines that the student has committed the conduct as alleged, then the hearing officer ~~Board~~ shall proceed with the second portion of the hearing, during which the hearing officer ~~Board~~ will receive and consider evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the hearing officer ~~Board~~ may review the student's attendance, academic and past disciplinary records. The hearing officer ~~Board~~ may ask the Superintendent for a recommendation as to the discipline to be imposed.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the hearing officer Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the hearing officer Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the hearing officer Board as to the appropriate discipline to be applied.
13. The hearing officer Board shall make findings as to the truth of the charges, if the student has denied them, and, in all cases, the disciplinary action, if any, to be imposed. The hearing officer Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing.

E. Expulsion Notice

The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

F. Presence on School Grounds and Participation in School-sponsored Activities During Expulsion.

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to participate in a particular school-sponsored activity.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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VIII. Board Policy Regarding Mandatory Expulsions

In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for: the conduct described in Section ~~VH~~ VI(B)(1), (2) and (3) of this policy. The hearing officer ~~Board~~ may modify the term of expulsion on a case-by-case basis.

IX. Alternative Educational Programs for Expelled Students

A. *Students under sixteen (16) years of age:*

Whenever ~~the Board of Education expels~~ a student under sixteen years of age is expelled, ~~it shall offer~~ any such student shall be offered an alternative educational program.

B. *Students sixteen (16) to eighteen (18) years of age:*

The Board of Education will provide an alternative education to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, acting through the Superintendent, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

C. *Students eighteen (18) years of age or older:*

The Board of Education is not required to offer an alternative educational program to expelled students eighteen years of age or older.

D. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):*

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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Notwithstanding Sections ~~X~~IX.A. through C. above, if the Board of Education expels a student is expelled who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall be offered ~~offer~~ an alternative educational program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

X.I. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student’s cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The hearing officer ~~Board~~ shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the hearing officer ~~Board~~ may adopt the decision of the student expulsion hearing conducted by such other school district. The hearing officer ~~Board~~ shall make its determination based upon a hearing held by the hearing officer ~~Board~~, which shall be limited to a determination of whether the conduct which was the basis of the previous public school district’s expulsion would also warrant expulsion by the Board.

B. *Student moving out of the school district:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the hearing officer ~~Board~~, the notice of the pending expulsion hearing shall be included on the student’s cumulative record and the hearing officer ~~Board~~ shall complete the expulsion hearing and render a decision. If the hearing officer ~~Board~~ subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student’s cumulative record.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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XII.I. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)

A. *Suspension of students who are eligible for services under IDEA:*

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA (a “student with a disability”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the student with a disability beyond that which is provided to all students suspended by the school district.

B. *Expulsion and Suspensions that Constitute Changes in Placement for students with disabilities:*

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student with a disability who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's IEP team shall consider whether the student's disability caused or had a direct and substantial relationship to the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, and whether the behavior was a direct result of the failure to implement the student's IEP in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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C. Transfer of students with disabilities for Certain Offenses:

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity.
3. Has inflicted serious bodily injury on another person at school, on school grounds or at a school sponsored activity.

As used in this subsection XIII.C., the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. The term “serious bodily injury” means bodily injury which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Student with disabilities under 504”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommended expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion.

XIV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XV. I. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVI. I. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If a student is expelled ~~the Board of Education expels a student~~ for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

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- C. If a student is expelled ~~the Board of Education expels a student~~ for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.

Legal References:

Connecticut General Statutes:

§§ 4-177 through 4-180 Contested cases. Notice. Record.

§§ 10-233a through 10-233e Suspension and expulsion of students.

§ 10-233f as amended by PA 07-66 and PA 08-160

In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).

Federal law:

Honig v. Doe, 484 U.S. 305 (1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq., as amended by the
Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

18 U.S.C. § 921 (definition of “firearm”)

18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)

Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20
U.S.C. § 7151)

Policy Approved: 11/9/2010

Revised and Approved: