

MAY 11 2010

REVISED**APPROVED**

FAIRFIELD BOARD OF EDUCATION
MINUTES OF THE EDUCATION/BUSINESS MEETING OF THE BOARD OF EDUCATION
Tuesday, April 27, 2010

Minutes of the Education/Business Meeting of the Board of Education held Tuesday, April 27, 2010, at **Fairfield Ludlowe High School-Auditorium.**

The meeting was called to order at 8:15 p.m. by Chairman Mrs. Sue Brand. Other Board members present were: Mrs. Catherine Albin, Mrs. Sue Dow, Mr. Paul Fattibene, Mr. Tim Kery, Mr. John Mitola, Mr. Perry Liu, Ms. Stacey Zahn and Mrs. Pamela Iacono (arrived 8:16 p.m.). Also in attendance were Superintendent Dr. Ann Clark, Fairfield Ludlowe High School Student Representative Sarah Finlaw and members of the administrative staff. Approximately 40 people comprised the remainder of the audience.

1. Mrs. Brand led the Board and audience in the Pledge of Allegiance.
2. Ms. Zahn moved, seconded by Mr. Liu that the Board of Education approve the Minutes of the Business Meeting of March 23, 2010 and the Special Meeting of March 31, 2010.

Motion carried: 8:0:0.

3. New Business

- A. First Read of Policies-

- #5128 -- Foreign Exchange Students, Draft
- #5119/#5120 -- Suspension and Expulsion, Revised
- #5313 -- Substance Abuse, Revised
- #5320 -- Weapons, Revised

Attorney Don Houston was present at the Board table to answer questions Board members might have on any of the policies.

#5128 - Foreign Exchange Students – Mr. Boyle stated that this is a new policy. Presently there are foreign exchange accepted in the district, but there is no policy that addresses this. The high school administration has worked to outline a policy, the attorneys at CABA have drafted language, and the Policy Committee has reviewed the draft. There will be administrative regulations to go with policy which will identify the organizations that the high school administration will entertain for sponsors for foreign exchange students.

Board questions followed.

#5119/#5120 – Suspension and Expulsion – Mr. Boyle stated that these two policies are related, and the idea was to make the policies and the high school handbook more consistent and to address extraordinary behavior that may take place off school grounds that would impact the educational process. Attorney Houston drafted the language.

Board questions and comments followed on the substance abuse and weapons policies.

Policy #5313 – Substance Abuse, the last sentence of the first paragraph will be modified by adding language to make it clearer. “This policy is also intended to prohibit the sale, use or possession of prescription medication except as otherwise allowed by school policy dealing with the presence of prescription medication on school grounds.”

Policy #5320 – Weapons – Mr. Liu asked to add “explosive materials or devices” to the list of weapons.

Board discussion followed on policies and administrative regulations. The Board sets the policies and the administration sets the administrative regulations. The Board reviews and modifies policies; policies are the purview of the Board of Education. The Board of Education may review administrative regulations to be sure they are consistent with the policy. The Board does not vote on the administrative regulations but can have input.

- B. Dr. Rosato presented two textbooks for the Board's consideration. They are both for advanced placement courses; Advanced Placement Chemistry and Advanced Placement Biology. Both textbooks have been realigned by the College Board to reflect the new AP curriculum in these subject areas. They were reviewed by Ms. Faggella and the AP teachers and also have excellent on-line resources for the students to use. These textbooks were brought before the Board of Education subcommittee at their last meeting for review.

Board comments and questions followed.

4. Old Business

- A. Mr. Liu moved, seconded by Mrs. Dow that the Board of Education approve Policy #5145 – Use of Breathalyzers

Mr. Liu moved to amend the policy, seconded by Mrs. Dow and add the following language to the fifth sentence: “that commitment in place, both high schools will administer breathalyzer tests at school sponsored school dances both on site and off site to all students and their guests entering and exiting in order to provide a safe and healthy environment for the students, staff and community-at-large. In addition, the Board of Education authorizes the high school administrative upon their discretion and with reasonable notice to use breathalyzers at other times and at other school sponsored events when they determine it necessary in order to provide a safe and healthy environment for all attending....”

Board comments, questions and discussion followed on this amendment.

Mr. Liu modified the amendment to just add the second paragraph and delete the third paragraph. This was accepted by Mrs. Dow as the seconder.

Board comments followed on the amendment.

Mr. Liu read the amendment in its entirety.

(as written) The Fairfield Board of Education, consistent with its mission, is committed to the promotion of healthful living and to the safety and well-being of its students. Research findings on underage drinking coupled with incidents where students were found to have been drinking alcohol before or during high school dances and other high school events have heightened that concern. With that commitment in place, (new) both high schools will administer breathalyzer tests at school sponsored dances both on site and off site to all students and their guests entering and exiting in order to provide a safe and healthy environment for students, staff and community-at-large.

Board questions and comments followed.

Mr. Liu again read his proposed amendment.

“(keep as written) The Fairfield Board of Education, consistent with its mission, is committed to the promotion of healthful living and to the safety and well-being of its students. Research findings on underage drinking coupled with incidents where students were found to have been drinking alcohol before or during high school dances and other high school events have heightened that concern. With that commitment in place, (everything below that is omitted). (new language added) both high schools will administer breathalyzer tests at school sponsored

dances and upon reasonable notice at both on site and off site to all students and their guests entering and exiting in order to provide a safe and healthy environment for students, staff and community-at-large.

Board comments, questions and discussion continued.

Mr. Mitola offered a friendly amendment to move the wording "upon reasonable notice" to: upon reasonable notice both high schools will administer breathalyzer tests at school sponsored dances... This was accepted by Mr. Liu.

Approximately one hour of Board comments and questions followed regarding the protocol that is being used now at dances, the 4th Amendment, the number of high school dances each year, the number of students who have been caught drinking either before or during the dance, keeping the students safe, treating all students fairly, if breathalyzers could be obtained in time for this year's proms, training on the use of the breathalyzers, the consequences if a student fails a breathalyzer test, how the students feel about the use of breathalyzers, rewriting this policy at the table this evening, and/or sending the policy back to subcommittee to review again.

Public Comments-

Betty Ann O'Shaughnessy, Queens Grand Road, stated that she would like something done for the upcoming proms. She has checked into it and breathalyzers can be ordered and received in time. She asked the Board to do something tonight and then take this up again later. She stated that the RYASAP report was clear that there is a problem.

Kitty Connor, Primrose Lane, implored the Board to vote yes for this policy. She supports breathalyzer testing both entering and existing. Her motivation is not to catch kids, but not to have them get in their cars and be driving. This policy needs to be consistent and clear to all who it pertains to. It needs to be put into the school handbooks and delivered to the population. There is time left to get this in place for the proms.

Nancy Billington, Fleming Lane, stated that she has done research on this issue for nearly two years and has read the RYASAP report. She is shocked that the Board of Education members are lacking knowledge and have taken no initiatives in response to the RYASAP report. She supports the amendment.

Maureen Barre, Ryegate Road, commented that she supports the amendment. She stated that one of the PTA committee members spoke with CMI, Inc., the largest manufacturer of breathalyzers, and we can have them in one week.

Wendy Bentivegna, Village Lane, commented that at the Freshmen Forum a survey was given to parents and one of the questions was "do you think underage drinking is an issue in Fairfield?" Ninety-seven percent of the parents recognize underage drinking is a big problem in Fairfield. If the Board acts tonight, we can get the breathalyzers in time. She supports the amendment, but if there are issues, the problem can be solved by changing one word, endorses can be changed to requires. "The Board of Education requires the use of breathalyzers."

Katherine Giff, Eleven O'Clock Road, stated that she has concerns with how the amendment will be implemented. She is concerned with providing reasonable notice since some of the junior prom tickets have already been sold. What will be the impact on the post prom, which is a PTA sponsored event that is off site.

Nancy Church, Fleming Lane, asked the Board to consider this policy this evening and not put it off and sent it back to the policy committee.

J. Alfred Dunn commented that this does not have to be returned to any committee if one is alert. Articles in the newspaper about underage drinking in Fairfield have "put other communities in the shadows." He is for the amendment 550%.

Mike Bentivegna, Village Lane, commented that this is not about catching students, it is about preventing and creating a safe environment. Six other towns in Fairfield County have adopted this and he asked if anyone has spoken to people in those towns. He stated that by changing the word endorses to requires you can achieve what is the right thing to do without changing the entire policy.

John Convertito, Oyster Road, stated that the Board spent an hour tonight debating our children's 4th Amendment rights on an amendment to a policy that no one in the audience has in front of them. He opposes the amendment on procedural grounds. If the Board is going to change this policy and vote on it without the public having it in hand, you are doing a tremendous disservice to this town, to this community and to the children.

Vote on amendment carried: 7:1:1. Ms. Zahn voted in opposition, and Mrs. Albin abstained.

Board comments followed on the main motion.

Mrs. Albin moved, seconded Ms. Zahn to table this item and return this policy to subcommittee.

Board comments and questions followed on the procedures that will be in place if this policy is not passed tonight and on the wording in Prom Promise. Dr. Clark commented that if this policy is sent back to subcommittee, the procedure at the proms would be that if a student is brought to the attention of the administrators and they feel there is a suspicion that there has been drinking, they will administer a breathalyzer test, they will call the parents, and will follow all of the regulations.

Mrs. Iacono offered a friendly amendment to table this to a date certain and put it on the June 8th Board of Education agenda. This was accepted by Mrs. Albin.

Board comments and questions continued.

Public Comment--None

Vote on motion to table this item and sent it back to subcommittee to review and bring back for a vote at the June 8th Board meeting.

Motion carried: 6:3:0. Mrs. Dow, Mr. Liu and Mrs. Brand voted in opposition.

B. Update on Race to the Top Grant

Mrs. Anna Cutaia-Leonard gave a brief overview. She commented that in January the State of Connecticut applied for Phase I of the Race to the Top Grant and was denied by the Federal Government. The State of Connecticut is ready to apply for Phase II, which includes a modified and revised Memorandum of Understanding. This is being brought forward to the Board this evening because of the shortened timeline that the State is offering us to consider the Memorandum of Understanding. We will receive the Memorandum by the end of this week, but it is required that we consider it as a district and as a board of education with a signed Memorandum of Understanding if we decide to move forward with Phase II by May 19. This will be back on the Board of Education agenda for May 11 to discuss and for the Board to decide whether to apply for Phase II Race to the Top Grant. May 19 is when Memorandum of Understanding needs to be sent, signed by the Superintendent, Board of Education Chair and the Union President.

5. Public Comments and Petitions-

Greg Convertito, Fairfield Ludlowe High School sophomore, stated that he does not support the use of breathalyzers because it infringes on almost all of the students attending the dances individual freedoms. He does not see it as fair, especially the part that says "other school sponsored events." What is next? He also thinks it is a conflict of interest to have the administrators administer the

breathalyzer tests because they are the people students are supposed to be able to go to with a problem and trust and now they are breathalyzing the students to turn them in case they break a rule. An anonymous survey has not been conducted among the student body. This needs to be addressed in a different fashion. It is not a deterrent; kids will go somewhere else to drink.

John Convertito, Oyster Road, stated that his position is not against the policy; it is against the procedure being followed. The policy needs to be tightened up and associated with regs that are firm and decisive and don't allow a lot of wiggle room.

6. Reports and Recommendations-

A. Superintendent's Report

Plan to Improve Racial Imbalance--Mrs. Anna Cutaia-Leonard reported that the Board received a copy of the letter from the Commissioner formally notifying us that we are out of balance at McKinley by 28.7%, up again from the 25.45% that we were at last year. Mrs. Cutaia-Leonard spoke with the attorney at the State Department and she understands that our next actions include reviewing and revising our Plan to Address Racial Imbalance. That would include the Taskforce looking at the current Plan to see what is possible to do in order to make a change in that racial imbalance percentage. The State Department attorney feels we need to look at what we can do within our means. Mrs. Cutaia-Leonard shared with the attorney that we expanded the opt in to McKinley to all 10 elementary schools, and she thought that was a great strategy to include in our revised plan. Mrs. Cutaia-Leonard also spoke to her about a new superintendent coming onboard and allowing him the opportunity to lend voice to this plan as well, and she felt we should include that in our letter to the State Department. In 2008 we had a similar situation where we had to review and revise our plan and address the State Department in a letter format, and the State Department attorney advised that that would be an appropriate means of communicating with the State on what our change plans may be. The Taskforce has a meeting scheduled in May to review and make recommendations to the Board of Education on what we can do in the next year. We have 120 days to write back to the State Department.

Mrs. Cutaia-Leonard provided an update on opt out and opt in to McKinley. The application process for opt in to McKinley has closed. There are 12 applications for McKinley, and there is one grade level where there are more applications than slots, therefore, a lottery will be conducted for that grade level, which is kindergarten. Next week opt out of McKinley letters will be sent out. That is done by looking at the sections and grade levels to see where we can comfortably allow students to transfer without having an impact financially by adding sections.

Board questions followed.

7. Board Reports-

Ms. Zahn moved, seconded by Mrs. Albin to waive the Board Reports.

8. Open Board Discussion-

Board discussion followed on the use of breathalyzers, doing an anonymous student survey, reviewing the administrative regulations, an explanation of the consequences if the breathalyzer test is failed, letting students know they will be breathalyzed, and the Prom Promise and other means to compel compliance other than the breathalyzer test.

There was Board discussion on the Open Choice Program and the possibility of suspending it for a year or two due to overcrowding, the economic times, and the budget cuts.

9. Mrs. Albin moved, seconded by Mrs. Iacono that this regular meeting of the Board of Education adjourn at 11:00 p.m.

Motion carried: 9:0:0.

Stacey Zahn
Secretary