Board of Education

REGULAR MEETING

Thursday, December 15, 2016 – 6:30 p.m. Waterbury Arts Magnet School, 16 South Elm Street, Waterbury, CT

AGENDA

- 1. Silent Prayer
- 2. Pledge of Allegiance to the Flag
- 3. Roll Call
- 4. Communications
- **5. Approval of Minutes:** December 1, 2016 Regular Meeting.
- **Output**Public Addresses the Board: All speakers are encouraged to submit prepared written statements to the Commissioners. Comments shall be limited to a maximum of five minutes. There will be no responses this evening to any questions or concerns raised; they will be referred to the Administration for review and response.
- 7. Superintendent's Announcements
- 8. President's Comments
- 9. Consent Calendar
- 9.1 *Committee of the Whole:* Request approval of the 2017-2018 School Year Calendar.
- 9.2 Committee on School Facilities & Grounds: Use of school facilities by school organizations and/or City departments.
- 9.3 *Committee on School Facilities & Grounds:* Use of school facilities by outside organizations and/or waiver requests.
- 10. Items Removed from Consent Calendar
- 11. Committee on Grievances Vice President Rodriguez
- 11.1 WTA grievance 16-17-07.
- 11.2 WTA grievance 16-17-08.
- 11.3 WTA grievance 16-17-09.
- 11.4 WTA grievance 16-17-13.

12. Superintendent's Notification to the Board

12.1 Athletic resignations effective immediately:

Flammia, Pete - JV Baseball Coach, WCA.

Palermo, Stephen – Intramural Soccer Coach, Duggan.

Palermo, Stephen – Rod Dixon Run Club.

12.2 Grant funded appointments effective immediately:

Callahan, Jessica – Grants Specialist, Competitive Grants Office, 30 hours p/week @ \$25.00 p/hour, non-union with benefits governed by UPSEU, funded by Title I and General Fund.

Francis, Sherene – Substitute Recreation Specialist, SDE & 21st Century Afterschool Programs, maximum of 10 hours per week @\$12.00 per hour, non-union and without benefits.

12.3 Extended School Year appointments effective immediately:

Cassella, Andrea – Substitute Teacher, Regan School.

White, Phyllis – Substitute Teacher, Regan School.

Williams, Kim – Teacher, Regan School.

12.4 Teacher new hires:

Name		Assignment		Step		Effective
Byrd	Diana	CHS	Business	MA+15	2	12/15/16
Russo	Stephanie	WHS	Special Ed	BA	2	1/3/17
Strumi	Manuela	Chase	Gr. 2	MA+15	2	12/8/16
Wells	Traci	CHS	ELA	6 th	6	12/5/16

12.5 Resignations:

Benedict (Coords), Elizabeth – NEMS Special Ed, effective 12/23/16.

Mangi, Theodore – Reed grade 7, effective 12/19/16.

Stankus, John – Kingsburg Physical Education, effective 01/02/17.

13. Unfinished Business of Preceding Meeting Only

14. Other Unfinished, New, and Miscellaneous Business

15. Executive Session for discussion concerning the appointment, employment, performance, evaluation, health, or dismissal of a public officer or employee.

16. Adjournment

Waterbury, Connecticut

COMMITTEE OF THE WHOLE

Item #9.1

December 15, 2016

To the Board of	Education
Waterbury, CT	

Ladies and Gentlemen:

With the approval of the Committee of the Whole, the Superintendent of Schools recommends approval of the 2017-2018 School Year Calendar as attached.

Respectfully submitted,

Approved:	
Felix M. Rodriguez	

Waterbury, Connecticut

COMMITTEE ON SCHOOL FACILITIES & GROUNDS

Item #9.2

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

With the approval of the Committee on School Facilities and Grounds, the Superintendent of Schools recommends approval of the use of school facilities, at no charge, by the following school organizations and/or City departments:

GROUP	FACILITIES AND DATES/TIMES
R. O'Neill	Carrington café: Wed., Feb. 8, 6:30-8:30 pm
	(Anti Bullying/Laser Light Show Family Night)
M. A. Marold	Career Academy café, gym & classrooms: Sat., Jan. 14, 8 am – 2 pm
	(2 nd Annual Dr. Martin Luther King, Jr. Youth Day)
J. Hilbert	Wilby LCC room and Library, hallway: Thurs., May 4, 2017
Sch. Governance Council	6:00-8:00 pm (Wilby Showcase)
D. Bakewell	Sprague gym: Tuesday, Dec. 13, 4:45-8:00 pm
	(Family Literacy Night)

Approved:	Respectfully submitted,
	Dr. Kathleen M. Ouellette
John E. Theriault	Superintendent of Schools

Waterbury, Connecticut

COMMITTEE ON SCHOOL FACILITIES & GROUNDS

Item #9.3

December 15, 2016

To the Board of	Education
Waterbury, CT	\

Ladies and Gentlemen:

With the approval of the Committee on School Facilities and Grounds, the Superintendent of Schools recommends approval of the use of school facilities by outside organizations and/or waiver requests, subject to fees and insurance as required:

GROUP	FACILITIES AND DATES/TIMES
Triple Threat Dance Studio	Rotella aud., café, gym: Sat., June 3, 2017, 10 am – 7 pm
Jeffrey Pelletier	(Dance Recital)
Taft Pointe Condo Assoc.	WSMS café: Mon., Jan. 23, 6:00 - 8:30 pm
Karina Smith	(association meeting)
GROUPS NOT SUBJECT T	O FEES OR WAIVER DUE TO TIME OF USE OR PREVIOUS WAIVER:
	O FEES OR WAIVER DUE TO TIME OF USE OR PREVIOUS WAIVER: WSMS café & 2 rooms: Jan. 2017 thru Jan. 2018
GROUPS NOT SUBJECT T Ct. Rivers Boy Scouts Brian Fasci	O FEES OR WAIVER DUE TO TIME OF USE OR PREVIOUS WAIVER: WSMS café & 2 rooms: Jan. 2017 thru Jan. 2018 1st Monday each month for District Leaders Roundtable

Approved:	Respectfully submitted,
	Dr. Kathleen M. Ouellette
John E. Theriault	Superintendent of Schools

White-Permittee

Goldenrod-School Business Office

Pink-Principal

Blue-Custodian

Waterbury, Connecticut

COMMITTEE ON GRIEVANCES

Item #11.1

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Committee on Grievances recommends WTA Grievance 16-17-07, heard by the Committee on December 13, 2016, be

Respectfully submitted,

Approved:	
Felix M. Rodriguez	

Waterbury, Connecticut

COMMITTEE ON GRIEVANCES

Item #11.2

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Committee on Grievances recommends WTA Grievance 16-17-08, heard by the Committee on December 13, 2016, be

Respectfully submitted,

Waterbury, Connecticut

COMMITTEE ON GRIEVANCES

Item #11.3

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Committee on Grievances recommends WTA Grievance 16-17-09, heard by the Committee on December 13, 2016, be

Respectfully submitted,

Approved:	
Felix M. Rodrigu	uez

Waterbury, Connecticut

COMMITTEE ON GRIEVANCES

Item #11.4

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Committee on Grievances recommends WTA Grievance 16-17-13, heard by the Committee on December 13, 2016, be

Respectfully submitted,

Approved:		
Felix M. Rodri	guez	

Waterbury, Connecticut

SUPERINTENDENT'S NOTIFICATION TO THE BOARD

Item #12.1

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Superintendent of Schools notifies the Board of Education of the following athletic resignations effective immediately:

Palermo, Stephen – Intramural Soccer Coach, Duggan. Palermo, Stephen – Rod Dixon Run Club.

Respectfully submitted,

Waterbury, Connecticut

SUPERINTENDENT'S NOTIFICATION TO THE BOARD

Item #12.2

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Superintendent of Schools notifies the Board of Education of the following grant funded appointments effective immediately:

Callahan, Jessica – Grants Specialist, Competitive Grants Office, 30 hours p/week @ \$25.00 p/hour, non-union with benefits governed by UPSEU, funded by Title I and General Fund.

Francis, Sherene – Substitute Recreation Specialist, SDE & 21st Century After-school Programs, maximum of 10 hours per week @\$12.00 per hour, non-union and without benefits.

Respectfully submitted,

Waterbury, Connecticut

SUPERINTENDENT'S NOTIFICATION TO THE BOARD

Item #12.3

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Superintendent of Schools notifies the Board of Education of the following Extended School Year (ESY) appointments effective immediately:

Cassella, Andrea – Substitute Teacher, Regan School. White, Phyllis – Substitute Teacher, Regan School. Williams, Kim – Teacher, Regan School.

Respectfully submitted,

Waterbury, Connecticut

SUPERINTENDENT'S NOTIFICATION TO THE BOARD

Item #12.4

December 15, 2016

To the Board of Education Waterbury, CT

Ladies and Gentlemen:

The Superintendent of Schools notifies the Board of Education of the following teacher new hires:

Name		Assignment		Step		Effective
Byrd	Diana	CHS	Business	MA+15	2	12/15/16
Russo	Stephanie	WHS	Special Ed	BA	2	1/3/17
Strumi	Manuela	Chase	Gr. 2	MA+15	2	12/8/16
Wells	Traci	CHS	ELA	6 th	6	12/5/16

Respectfully submitted,

Waterbury, Connecticut

SUPERINTENDENT'S NOTIFICATION TO THE BOARD

Item #12.5

December 15, 2016

To the Board of Education Waterbury, CT

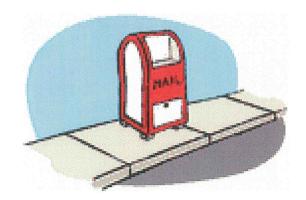
Ladies and Gentlemen:

The Superintendent of Schools notifies the Board of Education of the following resignations:

Benedict (Coords), Elizabeth – NEMS Special Ed, effective 12/23/16. Mangi, Theodore – Reed grade 7, effective 12/19/16. Stankus, John – Kingsburg Physical Education, effective 01/02/17.

Respectfully submitted,

Communications



Packet week ending_

12/13/16



236 Grand Street Waterbury, CT 06702 (203) 574-6761

The City of Waterbury

Connecticut

Department of Human Resources
Office of the Civil Service Commission

December 6, 2016

Ivette Feliciano 295 Raymond St. Waterbury, CT 06706

Dear Ms. Feliciano:

Welcome to employment with the City of Waterbury. Your name is being certified to the Education Department for the position of Administrative Associate I @ Gilmartin Elementary School (Req. #2017264) at \$14.48 per hour. Please contact Jennifer Dwyer, Principal @ Gilmartin at (203) 574-8175 with any questions you may have in regards to this position.

We have scheduled your orientation for Thursday, December 8, 2016 at 9:30 a.m. at the Department of Human Resources located at 236 Grand Street in Waterbury. You must attend this orientation session in order to work for the City. Your first day reporting to your new department/supervisor will be December 9, 2016 at your regular scheduled time.

At the orientation, we will provide you with a brief overview of the City, review its employment practices and complete all required paperwork. You will also be required to provide documentation, mandated by the federal government, to establish your right to work in this country. We have included a sheet that outlines the documents that are acceptable to meet this requirement. You cannot start work without providing us these documents. In addition, if you are an employee eligible for benefits, it is useful to bring the social security numbers and birth dates of your spouse and children in order to complete the insurance enrollment forms.

Please call us prior to the orientation session if you should have any questions regarding the process.

Your new probationary period in accordance with your applicable contract will be 6 months in duration. The department head will be responsible for executing your probationary evaluation no later than 6 months from your first day in your new position.

Again, welcome to the City of Waterbury.

Sincerely

Carlyne St. Felix

Human Resources Generalist

CSF/sd

cc Board of Education

Dr. Ouellette, Supt. of Schools Jennifer Dwyer, Principal @ Gilmartin



December 7, 2016

CERTIFIED MAIL #: 7003 7110 0004 0248 5057 Michael J. Dalton, City Clerk City Hall 235 Grand Street, Courtyard Level Waterbury, CT 06702

CERTIFIED MA!L #: 7012 2920 0000 9761 5470
Board of Education, Waterbury Public Schools
Chase Municipal Building
236 Grand Street, 3rd Floor
Waterbury, CT 06702

CERTIFIED MAIL #: 7012 2920 0000 9761 5463
Kathleen M. Ouellette
Superintendent of Schools
236 Grand Street
Waterbury, CT 06702

CERTIFIED MAIL #: 7012 2920 0000 9761 5456 Jade Gopie Crosby High School Principal 300 Pierpont Road Waterbury, CT 06705

Notice is hereby given pursuant to Connecticut General Statutes Sections 7-465, and 52-557n, that the person hereinafter named, specifically John Laurie, c/o Erick Laurie, Parent, Next Friend, of 434 Baldwin Street, Waterbury, Connecticut 06706, sustained personal injury because of the negligence of Crosby High School, an employee of the Crosby High School, and its agents or employees, and as such, the above municipality and/or the Board of Education and/ or its agents, servants or employees are liable for the personal injuries of John Laurie, the particulars of which are as follows:

DATE:

November 7, 2016

TIME:

Approximately 12:00 PM

PLACE:

Crosby High School, 300 Pierpont Road, Waterbury, CT

06705

INJURIES:

John Laurie sustained injuries which have resulted in

right shoulder scapula nondisplaced fracture.

CAUSE:

The lack of proper and appropriate supervision in the classroom of Crosby High School and a failure to intervene in order to prevent the assault. Failure to

prevent bullying in conformity with the school's policy.

EDMUND Q. COLLIER, TRIAL LAWYER, L.L.C.

74 CHERRY STREET | MILFORD, CT 06460

EMAIL: EQC@EQCLAW.COM TEL: 203 878 7999 FAX: 203 878 3952



WWW.ATTORNEYCOLLIER.com

Board Certified Civil Trial Attorney by the National Board of Trial Advocacy



Notice is also given that an action will be brought against the municipality and/or the Board of Education and/ or its agents, servants or employees for appropriate damages for the losses herein generally described.

Dated at Milford, Connecticut this 7th day of December, 2016.

John Laurie

BY:

Edmund Q. Collier, Esq. 74 Cherry Street Milford, CT 06460 Juris Number: 432188 Phone: 203-878-7999

Fax: 203-878-3952



CLAIM FORM

City of Waterbury

Office of the City Clerk 235 Grand Street; Courtyard Level, Waterbury, CT 06702 Telephone (203) 574-6741 Fax (203) 574-6745

PRINT NAME: Edmund Q	Collier, Esq	jon be	enair of John Laurie
PRINT STREET ADDRESS: 74	Cherry	Street	
PRINT CITY: Milford			
STATE: Connecticut	ZI	P: 0646	0
HOME TELEPHONE: (203) 878-	1999 CE	LL:	
DATE OF INCIDENT: November			
LOCATION OF INCIDENT: Cros	by High	School	300 Pierpont
Road, Waterbury,	CT 06705	_	
DAMAGE INCURRED: (circle one or more)	PROPERTY	AUTO	PERSONAL INJURY
PICTURES SUBMITTED (circle one)	YES	NO	
NUMBER OF PICTURES (if any):	NA	***	
INVOICES / BILLS SUBMITTED?: (circle one)	YES	NO	
POLICE REPORT SUBMITTED?: (circle one)	YFS	(NO)	

CLAIM FORM CONTINUED PAGE 2 City of Waterbury

Claimant's Name (PLEASE PRINT): John Laurie, Clo Erick Laurie Paren Next Frie	+ +
Claimant's Address (PLEASE PRINT): 434 Baldwin Street, Apt 28	, 10(
City/State/Zip: Water bury, CT 06706	
City of Waterbury Employee: YES NO	
DESCRIPTION OF INCIDENT / ACCIDENT / COMMENTS: See Attached Notice	
· · · · · · · · · · · · · · · · · · ·	
·	



236 Grand Street Waterbury, CT 06702 (203) 574-6761

The City of Waterbury

Connecticut

Department of Human Resources
Office of the Civil Service Commission

December 8, 2016

Shannon Sullivan 14 Lost Acres Rd. Hartland, CT 06027

Dear Mr. Sullivan

Your name is being certified to the Department of Education for the position of School Inspector/School Maintenance Manager (Req. #2017022) at \$105,216.58 per year.

Your official start date was October 31, 2016.

Under the Civil Service Rules, your name will be removed from the eligibility list if you refuse this offer of appointment unless, within seven days from today, you furnish satisfactory evidence acceptable to me justifying such refusal. Please call the Civil Service Office at (203) 574-6761 if you are not interested in the position so that another candidate can be certified. If you have any questions, please do not hesitate to contact us.

Your new probationary period in accordance with your applicable contract will be 6 months in duration. The department head will be responsible for executing your probationary evaluation no later than 6 months from your first day in your new position.

Sincerely,

Scott Morgan

Director of Human Resources

SM/sd

ce: Board of Education

Dr. Ouellette, Supt. of Schools

Robert Brenker, Director of Personnel-Educ.

file

Carrie Swain

From:

Theresa DeMars <noreply@embrams-mail.com>

Sent:

Friday, December 09, 2016 7:04 AM

To:

Carrie Swain

Subject:

CABE Policy Highlights 12-9-2016

Attachments:

Policy Highlights 12-9-2016.pdf



Hello,

Attached you will find CABE's Policy Highlights Publication for December 9, 2016. Policy Highlights are designed to contain informative topics of interest for your district.

Please feel free to contact the Policy Department at 860-571-7446 with any questions or concerns.

The publication is attached as a PDF file. You will need Adobe Acrobat Reader which is available by clicking here.

To unsubscribe to this publication, please email Terry DeMars at tdemars@cabe.org and state that you would like to unsubscribe from Policy Highlights.

Connecticut Association of Boards of Education

81 Wolcott Hill Road Wethersfield, CT 06109 Phone 860-571-7446 ~ Fax 860-571-7452



Connecticut Association of Boards of Education

Vincent A. Mustaro, Senior Staff Associate for Policy Services

PRESENTS POLICY HIGHLIGHTS

December 9, 2016

Volume 16 - Issue #12

<u>Observance of Religious Holidays in the Public Schools</u>: The holiday season often brings the question as to the manner in which the various religious holidays can or should be recognized in schools. School populations are increasingly more diverse. The multitude of religions and beliefs present in public schools provide an opportunity to teach, through modern holiday celebrations, not only about history and other cultures, but also about mutual respect, citizenship, tolerance, peace and cooperative learning.

Board policy should provide guidance regarding the role of religion in the schools, not only pertaining to holiday observance, but also to other religion-related issues. The issue of religion in the schools remains a subject often marked by confusion and conflict. Board policy, based on law and judicial decisions, can clarify the district's approach and serve to provide an opportunity for cooperation on what has the potential to be an extremely emotional issue for the community.

Law provides some guidelines for practice and sound policy. Policies and guidelines about the role of religion in the schools should be based on the constitutional guarantee of religious liberty expressed in the First Amendment of the U.S. Constitution. Public schools may neither promote nor inhibit religious belief or non-belief. Schools, as governmental bodies, must remain strictly neutral among religions and between religion and non-religion. Governmental action must have a secular purpose and must not have a primary effect of advancing or inhibiting religion and must not cause excessive entanglement between religion and government. A school, with respect to the Free Speech Clause, cannot discriminate against speech based on the viewpoint of the speaker; however, the courts have distinguished between the religious speech of a private individual, which is protected by the Free Speech Clause, and governmental sponsored or endorsed speech, which is prohibited by the Establishment Clause.

Within the current legal framework, school districts must make many practical decisions regarding religious holidays and related issues. Such policies and decisions must demonstrate sensitivity to the needs of all students and a willingness to provide a course between the avoidance of all references to religion on one hand and promotion of religion on the other.

The adoption of policies pertaining to religious activities in the schools is recommended. Such policies impact instruction, facility usage, curriculum, graduation activities, staff and student attendance. Many samples are available, upon request, from CABE. This "Policy Highlights" review is restricted to religious holidays and how law impacts policy direction, due to this time of year.

The study of religious holidays may be included in the curriculum as opportunities for teaching about religions. Such study serves the academic goals of educating students about history and cultures, as well as the traditions of particular religions within a pluralistic society. On the elementary level, natural opportunities arise for discussion of religious holidays while studying different cultures and communities. At the secondary level, students of world history or literature have opportunities to consider the various holy days or religious holidays.

However, teachers must be alert to the distinction between teaching about religious holidays, which is permissible, and celebrating religious holidays, which is not. Recognition of and information about holidays may focus on how and when they are celebrated, their origin, histories and generally agreed upon meaning. An objective and sensitive approach, neither promoting nor inhibiting religion, can foster understanding and mutual respect for differences in belief. Teachers must not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into the discussions. Activities that clearly promote a particular religious' faith should not be permitted in the schools. "However, school events that involve music and other activities related to various religious faiths, without proselytizing on behalf of any, are permissible," per attorney Thomas Mooney.

The display of religious symbols in the school setting is a common concern. The use of religious symbols, used only as examples of cultural and religious heritage, is permissible as a teaching aid or resource. Religious symbols may be displayed only on a temporary basis as part of the academic program. Students may choose to create artwork with religious symbols, but teachers should not assign or suggest such creations.

Religious symbols are not permissible seasonable decorations. Religious decorations are prohibited year round. The question is often raised about religious symbols that have become secular. The Supreme Court has held that Christmas trees and a Hanukkah menorah, in some instances, have become such secular symbols of the winter holiday season that their display by a public entity may not be an Establishment Clause violation. However, it is not at all clear that such displays are permitted in public schools. The Court has noted that such displays, "when located in a public school, such a display might raise additional considerations." The Second Circuit in 2006, which includes Connecticut, ruled on a policy of the New York City schools which permits the display of Christmas trees, a menorah, and a star and crescent as "secular" symbols. The Court held that the display of these items served the dual secular purposes of celebrating holidays and promoting greater understanding of cultural and religious differences.

Moreover, religious music may be sung or played as part of the academic study of music. School concerts that present a variety of selections may include religious music. However, concerts should avoid programs dominated by religious music, especially when these coincide with a particular religious' holiday. The overall effect must not endorse religion and must relate to secular educational goals. Students should be excused from participation upon request. The use of art, drama, or literature with religious themes also is permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.

December often poses questions regarding religion in the schools. Decisions about what to do at this time of year should begin with the understanding that public schools may not sponsor religious devotions or celebrations. Holiday programs should be devised that serve an educational purpose for all students. Such programs should not make any student feel excluded or identified with a religion not their own. In short, while recognizing the holiday season, none of the December school activities should have the purpose of promoting or inhibiting religion. In determining whether a particular celebration, song, decoration or display violates the Constitution, the administration and staff should ask the following questions promulgated by the U.S. Supreme Court. To be constitutional, an affirmative answer is required for each question.

- 1. Does the governmental action have a bona fide secular or civic purpose?
- 2. Does the primary effect neither advance nor inhibit religion, i.e. is it neutral toward both religion and non-religion?
- 3. Does the governmental action avoid excessive entanglement with religion?

The Eight Circuit of Appeals in 1980 decided an important case on this subject, holding that the curriculum can include discussion of holidays having both religious and secular significance, and that the study of these holidays could include religious symbols and religious music "in a prudent and objective manner and as a traditional part of the cultural and religious heritage of a particular holiday." (Florey v. Sioux Falls School District).

In summary, public schools can observe, not celebrate religious holidays, which have a cultural or secular component, as well as a religious significance. Teaching about religion is permissible; celebrating religious holidays is not. Schools can teach students about Christmas and have students participate in the cultural traditions of the holiday. The use of religious symbols is permissible as a teaching aid or resource, provided they are used only as examples of cultural or religious heritage. Religious symbols may be displayed only on a temporary basis as part of the academic lesson being studied. Holiday concerts in December may appropriately include music related to Christmas, Hanukkah, and other religious traditions, but religious music should not dominate. Balance is the key or there is a perception the school is sponsoring or favoring a particular religion over other religions. While recognizing the holiday season, none of the school activities in December should have the purpose, or effect, of promoting or inhibiting religion. However, as Thomas B. Mooney indicated in A Practical Guide to Connecticut School Law, "Activities that clearly promote a particular religious faith will not be permitted. However, it is also true that holiday traditions have become a part of our culture. It is not always easy to draw the line. School events that involve music and other activities related to various religious faiths, without proselytizing on behalf of any, will be appropriate under the First Amendment."

Public school teachers do not have the same breadth of academic freedom as university professors, due in large part to the age of the students and to compulsory school attendance laws, which create a captive audience for teachers. Teachers speak on behalf of the school, so they must not use their position to promote outside religious activities or otherwise promote or denigrate religion while fulfilling their teaching roles.

Careful planning in compliance with board policies can result in happy holidays free from legal challenge. Enjoy the holidays and be sure to consult with your local board attorney or the CABE legal and policy staff if you have any questions regarding religion and your school district.

Policy Implications: CABE policy #6115.1, "Religious Observances and Displays" provides guidance on this issue and is available upon request from the CABE Policy Department. In addition, policy #6115, "Separation of Church and State" also provides guidance on this issue. This policy is available in the Core Policy Manual which can be accessed on the CABE website in the member section.

ESSA Update: Just in time to ponder President-elect Donald Trump's choice for education secretary, the U.S. Department of Education (Department) has announced the final version of the regulations for the accountability rules of Every Student Succeeds Act (ESSA). Overall, ESSA hands control over how to define a high quality well-rounded education to the states and local education agencies while retaining much federal oversight on matters of equity. However, some observers suggest that the naming of Betsy DeVos as Education Secretary could cloud the outcome.

Since the passage of the ESSA a year ago, the Department has collected comments about ESSA from teachers; state, district and school leaders; parents; and representatives of education organizations. The final rule reflects the concerns raised during the feedback process, especially related to timing.

In the area of accountability, the final version of the regulations allows states and LEAs to define their own goals and measurements for interim progress on academic outcomes, They'll be able to choose the indicators used to monitor academic progress, school quality and student success. However, those indicators must be backed up by research proving that movement on those measures will likely increase student learning, graduation rates, college enrollment, retention, completion or career success. The overall goal, according to the Department, is that the accountability system pursues a "holistic" view of student and school success, including measures beyond test scores, without losing the focus on students becoming prepared for college and career readiness.

In the area of school support and improvement the final regulations call for "meaningful action" where whole schools or groups of students within schools are struggling. States are also granted the leeway to choose "locally designed, evidence-based strategies" that fit the unique circumstances of the given schools. States have until the 2018-2019 school year to begin identifying those schools that will need "comprehensive support and improvement," either because they fall into the lowest-performing 5 percent of schools in the state participating in Title I or they have a four-year adjusted cohort graduation rate at or below 67 percent or some other higher percentage designated by the state over three or fewer years. After the initial identification, the same process must be followed at least once every three years.

Among schools that require "targeted support and improvement," the initial year of identification is 2018-2019 for low-performing subgroups of students, with identification taking place every three years; and 2019-2020 for "consistently underperforming subgroups," and identification taking place every year. The regulations also indicate that states may identify those underperforming subgroups based on state-developed goals and targets or other definitions tied to the indicators designated for academic progress, school quality and student success.

The final edition of ESSA spells out the "critical role" of stakeholders, including parents, students, educators, principals and other school leaders, to develop and implement school improvement activities. States and local districts are required to identify resource inequities tied to per-pupil expenditures, access to advanced coursework, the professional skills of teachers and access to instructional support personnel and full-day kindergarten and preschool programs.

The final regulations streamline some of the requirements tied to development of state plans, which must be submitted to the Department, either by April 3, 2017 or Sept. 18, 2017, whichever deadline a given state chooses. The plans must reflect "broad, robust, and transparent consultation" with a wide and representative range of stakeholders; they must maintain ESSA's emphasis on equitable access for all students; and they must describe the strategies they'll follow in supporting professional development of teachers and administrators and ensuring that all students have access to excellent educators.

States and local districts must provide "clear and robust" data that shows how students and schools are doing. States may design their own report cards or data dashboards as long as those records include information spelling out student achievement, graduation rates and other critical indicators of school quality, climate, and safety. The process of designing those report cards must incorporate feedback from parents, and they need to be made available no later than Dec. 31 each year, beginning in 2018. The graduation rates must reflect the data of students with significant cognitive disabilities who earn alternate diplomas as well as per-pupil expenditures by district and school level.

The draft version of ESSA stated that all students must participate in state assessments and that accountability systems needed to factor in whether the school assessed at least 95 percent of its students. That draft offered suggestions about how to handle this and also provided an option in which states and LEAs could develop their own proposals and plans for drawing participation in assessments. The final rules retain the state-defined option but also give more flexibility in how to handle schools with low test participation rates.

The final version of the ESSA rules is located on the Department of Education website here.

Source: "Drilldown: Final ESSA Accountability Rules, by Dian Schaffhauser, THE Journal, 11/28//16.

Policy Implications: Despite the lengthy process that resulted in these regulations, the Trump team has promised to closely examine them, along with all Obama-era regulations, and rescind or modify those they don't find acceptable. Therefore, the fate of these new, now final, ESSA regulations is unknown. They could have a very short shelf life. Therefore, until the Connecticut state plan is finalized and approved, policy development pertaining to ESSA, is basically "on hold" at the present time.

MUNICIPAL COMPLAINT 10/07

STATE OF CONNECTICUT LABOR DEPARTMENT CONNECTICUT STATE BOARD OF LABOR RELATIONS

IN THE MATTER OF

Waterbury Board of Education and (RESPONDENT) Kathleen Oullette

-AND-

Erik Brown

(COMPLAINANT)

RESPONDENT'S ADDRESS: Chase Municipal Building, 236 Grand Street, 3rd Floor, Waterbury, CT 06702

RESPONDENT'S PHONE: (203) 574-8000

COMPLAINT

PURSUANT TO SECTION 7-471(5) OF THE MUNICIPAL EMPLOYEE RELATIONS ACT THE UNDERSIGNED ALLEGES THAT THE ABOVE-NAME RESPONDENT HAS ENGAGED IN AND IS ENGAGING IN PROHIBITED PRACTICES WITHIN THE MEANING OF SECTION 7-470 OF SAID ACT, IN THA (PLEASE PROVIDE A CLEAR AND CONCISE DESCRIPTION OF THE ACTS WHICH ARE CLAIMED TO CONSTITUTE PROHIBITED PRACTICE INCLUDING AN ENUMERATION OF THE SUBDIVISIONS OF SECTION 7-470 CLAIMED TO HAVE BEEN VIOLATED AND A STATEMENT OF THE RELIE TO WHICH THE COMPLAINANT DEEMS HIMSELF ENTITLED. FAILURE TO PROVIDE SUCH SPECIFICITY MAY RESULT IN THE COMPLAINT BEIN RETURNED WITHOUT INVESTIGATION.)

Please see attached.

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF DECEmber

NOTARY PUBLIC

5/31/19

CLEAK BOARD OF EDUCATIO

SIGNATURE

PRINT NAME & TITLE

COMPLAINANT'S ADDRESS: 409 Orange Street

New Haven, CT 06511

COMPLAINANT'S PHONE: (203) 624-4666

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT, PURSUANT TO SECTION 7-471-20 OF THE CONNECTICUT GENERAL REGULATIONS, A COPY OF THE FOREGOING WA MAILED TO THE RESPONDENT BY REGISTERED OR CERTIFIED MAIL.

CONNECTICUT DEPARTMENT OF LABOR COMPLAINT

This claim filed with the Connecticut Department of Labor is brought in reference to the Waterbury Board of Education's (Board of Education) denial of Principal Erik Brown's (Brown) four grievances without due process on October 24, 2016. Brown is the first and only African American principal in the city of Waterbury, which has been noted for its poor record in both recruiting and retaining African American administrators. This recent denial of Brown's rights is only the latest event in a long struggle that Brown has had with the Board of Education. In 2013, the Waterbury Board of Education demoted Brown from principal of Walsh to vice principal of Kingsbury High School due to anonymous teachers reporting that Brown intimidated and bullied them.

The arbitrator found that the Board of Education and Superintendent of Schools,
Kathleen M. Ouelette, had bypassed the standard practice of bringing complaints through the
grievance procedure before demoting Brown and also found Brown's promotion to be improper
because the identities of the teachers were kept anonymous. The arbitrator also found that Brown
was given no chance to improve before his demotion despite his positive evaluations.

Consequently, the arbitrator said that Brown had to be promoted back to his previous rank of
principal with backpay. The arbitrator's decision angered many of Brown's opponents such as
Kevin Egan ("Egan"), the President of the Waterbury Teachers Association, who said that he
would inform as many of Brown's new staff as possible as to what Brown did. Fearing the
reaction of the anonymous teachers at Walsh, the district of Waterbury promoted Brown as the
principal of Kingsbury High School where he had been serving as vice-principal. Yet, a
condition was wrongfully placed on Brown's return as he was forced to accept instruction from
retired Principal Maryann Thompson and Instructional Leadership Director Pamela Baim, who

were given the job of improving Brown's performance, despite the fact that Brown was not found to have done anything wrong and had been receiving excellent performance evaluations.

Soon after though, Kevin Egan found a new way to assail Brown despite Brown's victory in arbitration when he used the complaints of one teacher about posts that others Brown's Facebook account to launch an investigation into Brown's Facebook usage. After receiving Egan's complaint, the district of Waterbury Public Schools searched the Facebook pages of Brown and two other administrator's Facebook pages and determined that all of the administrators made potentially inappropriate posts. However, the other two administrators, who were Caucasian, did not receive punishment while Brown was not only suspended without pay for fifteen (15) days but was placed on paid administrative leave for four (4) months. After attempts at reaching a settlement failed, Brown filed four grievances on June 8, 2016. A hearing was scheduled for September 23, 2016, to consider the grievances that Brown filed, but it was postponed in violation of Brown's contract. On October 24, 2016, the Board of Education denied Brown's four grievance despite Brown's protests that the matter should proceed directly to arbitration given that it was not heard in the specified time limit. As arguing the grievances would have been conceding that the matter should not proceed directly to arbitration, Brown refused to make his arguments on October 24, 2016, and the Board of Education wrongfully dismissed his grievances.

> CLAIMANT, ERIK BROWN

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