

# Current Policy Issues in Connecticut

CABE/CAPSS CONVENTION

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# Overview

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- I. Introduction: the Philosophies of Policy
- II. Recent Policy Issues and Updates

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I. Introduction: the Philosophies of Policy

# Fundamentals of policy

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A school district is a **political entity** with 3 critical attributes:

1. **Scarcity** - never enough resources
2. **Diversity** - different opinions
3. The result of the above is **CONFLICT**, both interpersonal and substantive

**Wisdom** in policy is anticipating potential conflict, and uncodified wisdom is lost

Policy has the **ability to speak for the board across time**

A comment to consider in your policy role: “**policy suffers from being important, but not urgent**”

# What is the board's work?

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The focus is on **student achievement and student well-being**

Boards **determine the results desired** for a district's students

- What should students know?
- What should students be able to do?

The primary role of the board is to **improve** student achievement

# Governance as a board

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A board of education is a **governing entity**

Aspects of governance:

- **directing and guiding** the organization
- defining the **purpose** of the organization
- **developing policies** that define roles and responsibilities
- identifying responsible parties

Overall, governance for a school board is **transforming the needs, wishes, and desires of the community into goals and policies that direct the schools**

# How does the board govern?

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The board has several **functions of governance**:

- determining **educational philosophy**
- complying with **laws and regulations**
- developing and adopting **policies**
- **budgeting** adequate financial resources
- providing **physical facilities**
- providing for **instruction**, and for **personnel**

The board sets **educational goals and determines policy** based on: state law, federal law, and community values

# The board's relationship with policy

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The board is not just *making* policy, its relationship to policy is more involved

The board's **policy role** is:

- leading the district and determining policy needs
- developing policy
- monitoring policy implementation
- understanding the separate roles of the board and the administration
- holding the superintendent accountable for policy implementation
- evaluating the board itself, and the superintendent



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## II. Current Policy Issues and Updates

# Remote learning

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A lot has changed over the course of the past few years in regards to remote/virtual learning

Summary of the current remote learning landscape in Connecticut:

- remote learning is allowed in high schools (began this school year, 2022-23)
- remote learning will be allowed in K-12 (starting 2024-25 school year)
- dual-instruction is prohibited
- course-sharing is allowed

Further details/discussion included on the next several slides . . .

# Remote learning (cont'd)

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## Important updates:

- September 2022, the CSDE issued **remote learning guidance**, primarily about the prohibition on “dual-instruction” and the permissibility of course-sharing
- July 2022, PA 22-80 **expanded remote learning to K-12** starting in 2024-25; also **prohibited dual-instruction** for both the K-12 expansion and the current allowance in high schools
- February 2022, the CSDE published **standards for remote learning**
- July 2021, PA 21-46 **allowed remote learning in high schools** starting in 2022-23

# Remote learning (cont'd)

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September's remote learning guidance (the guidance), approx. 4 pages, and February's remote learning standards (the standards), approx. 27 pages, are central to understanding the landscape of remote learning in the state right now, and **what districts can begin to implement, or plan to implement**

As a high-level summary, under the guidance, remote learning is allowed when a remote learning program is aligned with the standards outlined by the state, AND:

- dual-instruction is prohibited
- course-sharing is permitted

Discussion of the standards is on the next slides . . .

# Remote learning (cont'd)

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Summary of the standards, entitled “Standards for Remote Learning, Grades 9-12”:

- remote learning can be offered as one or more courses, or a full high school program (CSDE suggests starting small)
- remote learning must be aligned with the standards
- the standards are divided into **eight “domains,”** with each domain containing as few as three standards, to as many as sixteen standards
- each domain not only contains standards, but also related guidance

*A very brief* outline of the domains follows on the next slides . . .

# Remote learning (cont'd)

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The Eight Domains (with one or two example standards for illustration):

## Domain 1: Professional Responsibility and Community Building

Standard 1.2: Students **demonstrate daily attendance** through synchronous and asynchronous learning models.

Standard 1.5: All learners including students with disabilities, multilingual learners, and students from low-income families are **ensured equitable access** to the program.

## Domain 2: Digital Citizenship and Social-Emotional Learning and Personal Skills

Standard 2.6: **Digital literacy and communication skills** are incorporated and taught as an integral part of the curriculum.

Standard 2.8: The online teacher employs **learner-centered instructional strategies** and current practices that leverage technology for learner collaboration.

# Remote learning (cont'd)

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The Eight Domains (cont'd):

## Domain 3: Online Curriculum and Instruction

Standard 3.7: The online course's **content and learning activities** promote the achievement of the **stated learning objectives or competencies**.

## Domain 4: Online Teaching and Learning

Standard 4.3: The online teacher uses **different types of tools to interact** in online courses to nurture learner relationships, encourage learner interaction, and **monitor and motivate learner engagement**. [note: this standard is also in Domain 5]

# Remote learning (cont'd)

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The Eight Domains (cont'd):

## Domain 5: Online Learner Engagement

Standard 5.3: The online **teacher develops learner agency** to initiate, manage, and maintain **their own learning**.

## Domain 6: Online Assessment

Standard 6.3: The chosen program uses **multiple methods to assess** the degree to which **stated learning goals** are met. This includes assessment practices that provide the learner with the **flexibility to demonstrate mastery of content in a variety of ways**.



# Remote learning (cont'd)

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The Eight Domains (cont'd):

## Domain 7: Flexible Pathways to Learning

Standard 7.1: The online course provides learners with **multiple learning paths** as appropriate, based on learner needs, that **engage learners in a variety of ways**.

## Domain 8: Equitable Access, Accessibility, and Usability

Standard 8.1: The online teacher and support staff, where applicable, monitor and interpret learner progress and **provide reasonable additional supports to all learners**, paying particular attention to **learners with identified disabilities or who represent traditionally underserved groups**.

# Remote learning (cont'd)

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Summary of the guidance:

- remote learning is permissible when it is aligned with the remote learning standards (just discussed)
- dual-instruction is prohibited in remote learning, but two explanations are important:
  - remote learning involves **students learning in the home**
  - dual instruction is the simultaneous instruction of **students in a school and students in the home** (again, not allowed)
- in light of the above, **course-sharing is okay**, which is when two schools, either intra-district or inter-district share a course but where the students are in classrooms and supervised by instructional and/or support staff

(continued on next slide . . . )

# Remote learning (cont'd)

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Summary of the guidance (cont'd):

- the prohibition on dual-instruction should not apply to students who require remote learning as a part of their access to a free appropriate education under special education laws, these laws (IDEA and Section 504 of the Rehabilitation Act of 1973) will supersede the state law prohibiting dual-instruction
- a remote learning school day would not count towards the mandatory 180 days required if the program is not aligned with the standards
- “virtual monitoring,” where a student follows-along with a class but cannot participate, is okay, but would not count as the student being in-attendance . . . For example, if a student is too ill to attend school but still wants to follow the class. The guidance states that this is not dual-instruction because it is “one-way process” where the student can only observe

# Remote learning (cont'd)

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A final note on remote learning:

If a remote learning program is instituted, especially if a full program is instituted, boards should make sure these aspects of student well-being are not ignored (from the February standards):

- High-quality instruction aligned to rigorous grade-level standards daily
- High-quality instruction with integrated technology daily
- Differentiated/personalized supports based upon the student's individualized needs
- Caring adults
- Technology, including reliable internet
- Healthy food and nutrition
- Health and wellness resources (physical and mental)
- Transportation to access the school facilities, resources, and extracurriculars

# A new protected class in state law

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Connecticut has a robust set of antidiscrimination statutes, in the civil/human rights statutes, Title 46a, and in the education statutes, Title 10

PA 22-82 (approximately Sections 7 through 21) added a new protected class to Title 46a: **victims of domestic abuse**

Title 46a contains a **variety of protections** including, but not limited to:

- employment (Section 46a-60)
- public accommodation (46a-64)
- state services (46a-71)
- state benefits (46a-76)

# A new protected class in state law (cont'd)

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The new protected class may affect several policies, as districts likely have **multiple antidiscrimination policies**, in different series of the policy manual:

- Mission/goals/objectives (0000 Series)
- Personnel (4000 Series)
- Students (5000 Series)

Note that the **personnel antidiscrimination policy** (CABE's #4118.11/4218.11) is particularly affected not only because Title 46a contains employment protections, but because the new law contains provisions with **specific rules around leave** as a victim of domestic violence

The next slide contains some of the rules around this leave . . .

# A new protected class in state law (cont'd)

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Under the new law, victims of domestic violence must be allowed a “**reasonable leave of absence**” for several reasons, including to:

- seek attention for injuries, or for those of a child
- obtain safety planning services
- obtain psychological counseling, or for that of a child
- take action to increase safety, including relocation
- obtain legal services or participate in legal proceedings

An employer is allowed to ask for written documentation “within a reasonable time after the absence,” and the law describes the forms the documentation may take

# A new protected class in state law (cont'd)

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Additional notes about the new protections:

Any mental or physical disability resulting from domestic violence **must be treated as other disabilities**

Employers must maintain **victims' confidentiality** “to the extent permitted by law”



# Some definition changes

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A “child” is now defined as a person **under 22 years of age** in state special education statutes; the former definition was being under 21 years of age. See PA 22-80, Section 31. This amends the definition section in Section 10-76a and carries into subsequent statutes regarding special education (approx. 10-76a to 10-76j)

This has an important effect on special education, as services must now be provided to students until the age of 22

The term “emotional disturbance” is to be used instead of “emotional disability” for the purposes of “the administration and provision of special education related services in the state.” See PA 22-47, Section 67. However, the definition of the new term is to be the same as the IDEA’s definition of emotional disability

An “employee” now also includes elected or appointed officials under our antidiscrimination statutes (Title 46a), so that would include board of education members. See PA 22-82, Section 7

# Board bylaws, censure of a board member

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A board has its own “rules,” called **bylaws**, that are often found in the 9000 series of a policy manual

Many districts have bylaws that discuss **board member conduct and/or civility**:

- # 9222 Resignation/removal from office/censure
- # 9273 Civility
- # 9274 Board member code of conduct

A question often arises: how to deal with a member who is “difficult” to work with?

One solution that has been included in bylaws, and for some time, is that of **censuring a board member**, which can be defined as a board-endorsed, **public reprimand of a board member**

# Board bylaws, censure of a board member (cont'd)

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The discussion of censure in bylaws has often included a **warning that there is an open question as to the legality of censure** (i.e., the First Amendment rights of the board itself versus the individual rights of the board member to be censured)

On March 24, the U.S. Supreme Court issued its decision in *Houston Community College System v. Wilson*, which offered guidance on that open question

The Court held that a public community college board was **indeed permitted to censure one of its own members**

However, note that a censure has **important limits** . . . see next slide . . . and before a board considers moving forward with a censure, **the board attorney should be involved**

# Board bylaws, censure of a board member (cont'd)

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A censure **must not tangibly limit the board member's ability to carry out his or her duties** as a publicly elected official

- in other words, the censure **should not** “have teeth” and is just a reprimand not a tangible punishment
- the Court noted that the censure in *Wilson* **did not involve** “expulsion, exclusion, or any other form of punishment”
- the Court also noted that the censure **did not limit** the board member's ability to speak or work in his role

# Questions?

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