LYME-OLD LYME SCHOOLS

Regional School District #18

A Private School Experience *in a Public School Setting*

Regular Board of Education Meeting
February 5, 2025

Board Present: Jason Kemp, Chair; Anna James, Vice Chair; Christopher Staab, Treasurer; Martha Shoemaker, Secretary; Scott Brown; Laura Dean-Frazier; Susan Fogliano; Gavin Lodge; Alexander Lowry

Administration Present: Ian Neviaser, Superintendent of Schools; Mark Ambruso, Principal of Lyme-Old Lyme Middle School; Michelle Dean, Director of Curriculum; Melissa Dougherty, Director of Special Services; Kelly Enoch, Principal of Mile Creek School; Allison Hine, Principal of Lyme Consolidated School; Sean Kennedy, Assistant Principal of Mile Creek School; Holly McCalla, Business Manager; Jeanne Manfredi, Assistant Principal of Lyme-Old Lyme High School; Ron Turner, Director of Facilities & Technology; Noah Ventola, Assistant Principal of Lyme-Old Lyme Middle School; James Wygonik, Principal of Lyme-Old Lyme High School

Others Present: Olivia Hersant and Heather Saia, RETA Co-Presidents; Chloe Datum and Ada LaConti, High School Student Representatives; 20 community members from LOL

I. Call to Order
The meeting was called to order at 7:00 p.m. by Chair Jason Kemp. The Pledge of Allegiance was recited.

II. Consent Agenda
1. Approval of Minutes
MOTION: Mr. Lodge made a motion, which was seconded by Mr. Staab, to approve the minutes of Regular Meeting and Executive Session of January 8, 2025 and Special Meetings of January 15, 22 and 29, 2025.

VOTE: the Board voted unanimously in favor of the motion.

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III. Visitors

1. Students from Lyme Consolidated School

Allison Hine, Principal of Lyme Consolidated School, explained that each month the school holds a town meeting to share what the students are doing in the classroom with the wider school community. She introduced several students from the first-grade class of Lisa McDermott and Missy Campbell who performed a skit for the Board of Ed.

2. Report from Student Representatives

Chloe Datum and Ada LaConti reported on the following activities taking place at the schools:

At LOLHS: This January, the students got right back into the swing of things as they prepared for midterms after the break. Starting off the month strong, we had six students recognized by the Connecticut Scholastic Art Awards, with Janna Graves receiving a gold key and continuing on to have her portfolio judged at the national level. We also had 29 students achieve their National Financial Literacy certification. Midterms went well with student council hosting study with a buddy, where students got to study with friends, eat popcorn and see Kona the therapy dog. Thirty-eight students traveled to Chinatown this past Friday to celebrate the Chinese New Year. Winter sports are starting to wrap up, and spring sports are getting ready to begin their seasons in March. Students also began their new Wildcat Wednesday advisory groups today, which was a great success. We are looking forward to February break, when the music department will be traveling to England and Wales to perform with local groups and have a workshop with the royal marine band.

At LOLMS: At the middle school, we are excited to announce this year's musical, MTI's Broadway Junior Review: Pure Imagination! After a series of auditions, the cast has been selected and rehearsals are underway. With approximately 80 students involved, we are eagerly preparing for the March performances. Meanwhile, the 8th graders have begun their transition to high school. High School Assistant Principal Jeanne Manfredi spent two days meeting with them, including hosting a Q&A panel with current high school students to help answer their questions. The 7th and 8th graders have been working diligently on their National History Day projects. The 8th grade team also hosted its annual evening parent showcase, providing students the opportunity to present their work to families and the community. Additionally, six students recently presented their Invention Convention ideas at town hall showcasing their creativity and problem-solving skills.

At Mile Creek School and Lyme Consolidated School: At both Lyme and Mile Creek, we have been completing some benchmark testing and holding data team meetings. These are opportunities for us to examine student growth and achievement and make plans to continue to support kids with their learning. On February 4, we ventured to Southington for a CAS banquet for the arts at the Aquaturf. At this event, students from both Lyme and Mile Creek were celebrated for outstanding hard work and achievement in the visual and performing arts. Both schools have kicked off the Healthy Heart Challenge and will report out about this at the next Board Meeting. Thank you to our PE teachers for championing this fun event. Fourth graders at both schools are working hard on their HTTP and Me projects, part of a program put on

collaboratively with LYSB.

At Mile Creek School, the annual Winter Wonderland event was held. The students enjoyed a full day of winter themed activities, including our annual winter door decorating contest. The first selectwoman, Martha Shoemaker, visited grade three students as part of their study of local government. Representatives from the Connecticut Audubon visited with members of the Green Team, who are learning about the effects of habitat destruction on bird populations. They are learning ways to protect the bluebirds found around Mile Creek. The school has been a flurry of activity after school as students in grades 3-5 participate in writing and publishing the school newspaper, and students in grade 5 hold their rehearsals for the upcoming musical performance. On February 8, the PTO will host a pasta dinner and bingo night for families in the high school commons.

At Lyme School, we are gearing up for our Talent Show, which will take place on February 12. Students from all grades are practicing and polishing their acts in preparation for their performances.

In the Preschool Program: January was an exciting month at the preschool. We started the month by celebrating the new year, and we learned about shadows and groundhogs ahead of Groundhog Day. Students completed the mid-year PALS assessment, which assesses early literacy skills including letter sound identification and alphabet awareness, and we took advantage of the snow cover to learn about the freeze/thaw cycle. We also visited the Phoebe Griffin Noyes Library and welcomed our new middle school book buddies. Teachers are currently hosting parent-teacher conferences. In February, we will celebrate the Lunar New Year, learn the letters Q, R and S and study shadows and patterns. Jim Dine is the artist of the month, pink is the color of the month and the heart is the shape of the month.

3. Public Comment

There was no public comment.

IV. Correspondence

Mr. Kemp reviewed a summary of the correspondence that the Board received over the last month. The correspondence is attached to the minutes for informational purposes. *The opinions expressed in the attached correspondence are solely those of the authors. They do not purport to reflect the position of the Regional School District #18 Board of Education or its employees.*

V. Administrative Reports

1. Superintendent's Report

Mr. Neviaser reviewed the February personnel report which reflected the following:

Vacancies	
Instructional Assistants	All Levels
Kindergarten Teacher (long-term substitute position)	Mile Creek School

School Nurse Supervisor with School Nurse Duties	Districtwide
Custodian	LOLHS

Appointments			
Name	**Position**	**Location**	**Effective Date**
Joseph Zebrowski	Physics Teacher (long-term substitute)	LOLHS	February 10, 2025
Resignations/Retirements			
Name	**Position**	**Location**	**Effective Date**
Laura Wade	School Nurse Supervisor	Districtwide	December 31, 2024
Angelo Granell	Custodian	LOLHS	February 13, 2025

Mr. Neviaser reviewed the February enrollment report which reflected a total of 1,280 students in-house, a decrease of one student from last month this time.

Mr. Neviaser gave an update on the progress towards the district goals.

Curriculum
Utilize Panorama to track and monitor progress across all domains in order to make informed decisions about individual student programming.
Working with Panorama trainer based on usage experience and needs.

Human Resources
In alignment with state guidelines, implement the newly created Region 18 Educator Support Plan and gather feedback on the process to inform any plan revisions for year two.
PDEC survey is out to teachers. So far, very favorable responses.

Community
In order to streamline communication to our students and families, evaluate school and district processes to determine the most efficient and effective methods of disseminating information.
No new updates.

Facilities
In preparation for construction to begin, develop strategies to minimize classroom disruption, adhere to the approved budget and design, and continue to maintain existing facilities via the five-year plan.
Mile Creek School property abutter and parent meeting. HVAC Phase 1 almost complete. Ground breaking planned for February 13. Beginning progress payment submissions.

Sustainability

Maintain and expand "Green Teams" at each building to identify, address, and support student, staff and community-driven sustainability initiatives.

LOLHS: Bench project with Old Lyme Open Space on Sunday, January 26. Students worked with members of Old Lyme Open Space to build a bench. It was installed in the Rooke Meadow on the McCulloch property on Whippoorwill Road. Beginning battery recycling at LOLHS. Considering collections for all types of batteries

LOLMS: Eco-Warriors continue their mission of stewardship and hiked the marshland at Rocky Neck to learn more about the marsh restoration project going on at the park. Also hiked the Nehantic State Forest parcel off Town Woods Road where we coordinated with the DEEP to remove a truckload of tires out of the woods and send them on their way to the Old Lyme Transfer Station.

Mile Creek: The Green Team met last week with the Connecticut Audubon staff to learn about the effects of habitat destruction on bird populations. The Green Team is learning ways to protect the bluebirds found around the campus of Mile Creek School.

Lyme School: Students have been utilizing donated hydroponic systems to grow a variety of plants. There are a number of herbs and lettuces that are ready for harvest.

Center School: Students enjoyed playing in classroom igloos and "hibernation stations" which were created from recycled cardboard boxes. Continue to recycle paper, cans and bottles in the classrooms, and this month we will begin recycling the hot lunch containers in the cafeteria.

Board of Education

Attend professional development opportunities offered through CABE including the CABE/CAPSS Convention and other statewide board of education activities.

No new updates.

2. Business Manager's Report

Mrs. McCalla reviewed the Executive Budget Summary as of January 31, 2025. Fluctuations of note: While there are varied fluctuations among line items when compared to last year, the percent to budget for total district spending is slightly below last year. This is mostly attributed to lower spending in facilities and maintenance and contingency. As previously reported, special education overage is based upon student need and stipulated financial obligations.

	2024-2025 Received YTD
Town of Old Lyme	$15,740,653
Town of Lyme	$3,551,120

Mrs. McCalla reviewed the Contingency Maintenance Report. Net decrease in spending of $2,368 is due to actual invoices vs. what was encumbered. The balance stands at $179,098.

VI. Educational Presentation

1. Use of Artificial Intelligence (AI) in the Classroom

Michelle Dean, Director of Curriculum; Bruce Hrozenchik, 5th Grade Teacher at Lyme School; Marc

Vendetti, ELA Teacher at LOLMS; and Juan Jo Vazquez-Caballero, Spanish Teacher at LOLHS, gave a presentation on the various ways artificial intelligence is used in their classrooms.

The Board followed up the presentation with discussion on student feedback on use of IA; challenges of IA usage between seasoned and new teachers; drawbacks/negatives from using IA; usage of IA at elementary level; how it is used in world language instruction at LOLHS; and how it has helped students who are not necessarily outgoing.

VII. Chairman & Committee Reports:

a. *Facilities*. Mr. Staab reported that this group met earlier in the evening at Lyme School and reviewed the current phase one renovations. There seems to be limited disruption to the staff with the exception of the teachers having to pack up classrooms at the end of day. The committee also reviewed the five-year plan and the projects they want to move forward with over this period.

b. *Finance*. No report.

c. *Communications*. No report.

d. *Policy*. No report.

e. *LEARN*. No report.

f. *LOL Prevention Coalition*. No report.

g. *PreK-8 Building Committee*.

Mrs. Fogliano gave the following update on the PK-8 Renovation Project:

Construction on the three projects for Lyme, Mile Creek and the Middle School is well underway starting in early November 2024. Downes Construction is moving through phases of each building in preparation for tying the entire HVAC system (ductwork, VAVs, wiring) in the ceilings to the rooftops units. Local building officials will soon be inspecting the work to date above the ceiling grids before closing most of them up.

Construction work on the security vestibules for each of these school buildings will happen over the summer. (It would be unacceptable to remove secure entries while students and staff are in our buildings). There has been a slight change to the Lyme School vestibule design. Since we have removed the fire sprinkler systems from the scope of work, we have had to change the glass in the Lyme School entry. It must be not only bulletproof and blast proof (ballistic rated) but fireproof. This is a code requirement. There are very few suppliers in the country who do this type of glass work, and it is not cheap ($400 per square foot). Part of our BOE agenda will reflect a change order for that cost for your approval.

At Mile Creek, where construction commenced on December 23, 2024, the construction trailer will be delivered and fully installed soon. There will be activity to prepare for more subcontractors to appear on site, including installation of construction fencing and lighting. If you have not had a chance to read over

the PowerPoint presentation about the impact of the Mile Creek construction on the surrounding residential areas, I urge you to do so, as it gives a great summation of the expected activity and timeline there. Downes Construction plans to do tree removal and grading for the Mile Creek addition site during the February school break during daytime hours.

Our architects are currently doing some re-design work on the Mile Creek School ductwork for the existing building to allow for fire dampers to be installed. Again, this is code work that is necessary now that fire sprinklers have been removed. It seems that Lyme Consolidated School has much more room above the ceiling grid for this additional equipment than does Mile Creek School. These design changes will not impact our progress on the Mile Creek School addition itself but may slow completion of the work on the existing building by about a month. This will not jeopardize any of our grants or State reimbursement.

On our BOE agenda for February 5 is a request to approve a "not to exceed" amount of $178,000 to be spent from our Owner's Contingency budget line for fire suppression code modifications to Lyme Consolidated School. This includes the installation of fire dampers, fireproof glass at the entry as previously described, and any other related work. Frankly, we really have no choice but to approve this, as the work is required by code. It is still all within the overall budget and has been approved by the Building Committee.

Despite our weekly vigilance at our Owner's Meetings, with Alan Scheiness of Lyme scrubbing the numbers, there was no allowance in the GMP (Guaranteed Maximum Price) for these fire protection addbacks at Lyme School. Suffice it to say, the administrative team and the building committee were not at all pleased to discover that Downes Construction had failed to include monies for these obviously needed addbacks for Lyme School. While it is true that the money all comes from the same budget, it spoke to a lack of attention to detail that was unacceptable to us. We are insisting that some allowances and estimates of costs for similar line items are included in the finalized Mile Creek School budget, as the same situation exists there: we have removed fire sprinklers and must add back some other code modifications that are not without cost. These allowances will appear as line items in the Mile Creek School budget GMP to be approved in March, and we should not need to come to you separately.

As we get deeper into actual construction, I have requested that Downes present to the Building Committee an itemized accounting each month of our Owner's Contingency monies ($2.7 million of the total budget), how much we started with, what has already been deducted from this budget line, what dollars we have left in contingency on all aspects of this project, and any potential items that might be coming down the road. We want a firm handle on our spending.

In looking back to the original renovation referendum as proposed, the Mile Creek School addition was slated to be 12 rooms instead of its current six, so we have adjusted scope so as to not overbuild. Even with the recent slight reduction in enrollment, the Superintendent considers Mile Creek School to be at capacity now with no ability to absorb growth. Of the total renovation budget not to exceed $57.5 million

dollars, the Mile Creek School addition itself represents $9 million.

There is approximately $12 million dollars in HVAC funding from the State of Connecticut that we will receive for completion of work at the three HVAC schools, and some additional reimbursement at 36% of "eligible items" on the Mile Creek School project, as it is considered an "Addition and Alteration." These reimbursements are also considerably more than anticipated at referendum. As the District begins to get monthly billings from Downes Construction, we can also start applying for these State reimbursements in real time. We will monitor how quickly these partial State reimbursements arrive and adjust future borrowing accordingly.

As Building Committee Chair, I have pledged public and transparent reporting of all financial and construction activity on this project, regardless of whether the news is good or bad. Actual construction seems to be moving along at a good pace with minimal disruption to students and staff, which is excellent. The administrative team and the building committee have high expectations for completion of this work, both logistically and financially. We will continue to challenge and scrutinize to deliver our level best to the communities we serve.

Mr. Staab asked for a report on items that are not being done that were originally included in the project plan that went to referendum.

VIII. New Business

1. Approval of the 2025-2026 Budget

MOTION: Mrs. Shoemaker made a motion, which was seconded by Mr. Staab, to approve the 2025-2026 budget as presented in the amount of $39,650,803 (a 7.39% increase from the current year's budget).

Mr. Neviaser reviewed the decision-making behind the reduction in staffing in the music program for the following school year highlighting the following points:

- Various teachers travel amongst buildings with many going from Lyme School to Mile Creek School.
- He did not foresee a problem balancing the musical competitions that occur during the year.
- The staff for musical productions are paid via a stipend and are extracurricular activities and can be filled by other staff members should the music teachers not want to take on this extra assignment.
- The instrumental music instruction at Mile Creek is limited to the 5th graders, and the music teacher would have assistance in this area (since her main focus at the middle school was vocal instruction).
- There would be no loss of programming.

Mr. Neviaser stressed that they are being fiscally responsible to assigning staff to the student population, and he believed this was the right staffing choice for the number of students served, noting this has been done in various staffing areas over the years.

Mr. Neviaser also noted that the reduction in the assistant principal position FTE was based on similar reasoning, lower student enrollment at the high school.

VOTE: the Board voted unanimously in favor of the motion to approve the 2025-2026 budget as presented in the amount of $39,650,803 (a 7.39% increase from the current year's budget).

2. Approval of Tuition Student Request at Center School for 2025-2026 School Year
Mr. Neviaser reviewed a tuition request for the 2025-2026 school year for the preschool program and tuition requests (two students) for the current school year at Lyme School.

MOTION: Mr. Staab made a motion, which was seconded by Mrs. Shoemaker, to approve the tuition student request for Center School for the 2025-2026 school year as presented contingent on enrollment numbers.

VOTE: the Board voted unanimously in favor of the motion.

MOTION: Mr. Staab made a motion, which was seconded by Mrs. Shoemaker, to approve the tuition student requests for Lyme Consolidated School for the 2024-2025 school year as presented.

VOTE: the Board voted unanimously in favor of the motion.

3. Approval of PK-8 Building Committee Recommendations
MOTION: Mrs. Shoemaker made a motion, which was seconded by Mr. Lodge, to approve Lyme Consolidated School COP #09 PR #002 Code Updates per removal of fire protection and giving Downes Construction approval to proceed on ordering materials and proceeding with work based on a ROM not to exceed $178,000. PR #002 includes adding fire dampers throughout the school, upgraded ballistic security storefront to fire rated, and upgrading hollow metal frames and door to one hour rated (detailed in attached document).

VOTE: the Board voted unanimously in favor of the motion.

IX. Old Business

1. Bus Contract

Mr. Neviaser explained the need for a decision on moving forward with the bus contract offered by M&J Transportation or going out to bid. Mr. Neviaser noted that what is reflected in the 2025-2026 budget is the M&J offer. Mr. Neviaser stated that it is their belief that going out to bid will result in a higher amount based on input from surrounding school districts. It was noted that the district currently has a good relationship with M&J and that the contract would include many performance guarantees they would be required to meet.

MOTION Dr. Brown made a motion, which was seconded by Mrs. James, to authorize the administration to engage in the bus contract with M&J Transportation.

VOTE: the Board voted unanimously in favor of the motion.

X. Executive Session

There was no need for an executive session.

XI. Adjournment

The regular meeting adjourned at 8:30 p.m. upon a motion by Mr. Staab and a second by Mr. Lodge.

Respectfully submitted,

Martha Shoemaker, Secretary

The opinions expressed in the attached correspondence are solely those of the authors. They do not purport to reflect the position of the Regional School District #18 Board of Education or its employees.

Summary of Communication to Board of Education
February 5, 2025

Sender	Date	Subject
John Flick	January 15, 2025	Commentary on budget presentation of January 15, 2025
Phillip and Victoria Fox	January 22, 2025	First amendment constitutional rights of students / free exercise of speech and religious expression
Bill Fitzgerald	January 24, 2025	PowerSchool Data Breach
Bill Fitzgerald	January 30, 2025	PowerSchool Data Breach
Sheryl Shyloski	February 2, 2025	Concern over staff positions that do not directly interact with students; interest in results of bus survey; large class sizes – 4th grade at Mile Creek

Delaura, Jeanne

From: johngflick@gmail.com
Sent: Wednesday, January 15, 2025 2:30 PM
To: Delaura, Jeanne
Subject: Commentary on 1/15/2025 meeting

I constructed the following from the 25-26 Budget presentation posted on the website.

- This includes only the "School" based sections.
- For consistency, since the Presentation did not include Elementary enrollment data for 22-23 and 23-24, I went back to prior Presentations found on the website.

While tonight's (1/15/2025) presentation focuses on only for a portion of the proposed Budget, the trend is alarming. I make that comment as a retired CFO. What is overlooked in the presentation is that spending is increasing while enrollment is declining.

Given prior commentary, I was under the assumption that enrollment was increasing. This is not the case and projecting out, I don't see an upward trend.

As an overall comment, the presentation is focused on marketing, but not on finance.

If any of my numbers are incorrect, I will gladly revise my analysis.

High School	22-23	23-24	24-25	25-26		Ave
School Based Budget Expenses	$ 598,748	$ 666,612	$ 711,004	$ 759,592		
Year over Year increase		11.3%	6.7%	6.8%		
25-26 iincrease over 22-23				26.9% or	9.0% Ave per Year	
Students	408	397	370	358		
Cost Per Student	$ 1,468	$ 1,679	$ 1,922	$ 2,122		
Year over Year increase		**14.4%**	**14.4%**	**10.4%**		
25-26 iincrease over 22-23				**44.6% or**	**14.9% Ave per Year**	

Middle School	22-23	23-24	24-25	25-26	
School Based Budget Expenses	$ 183,818	$ 193,594	$ 190,218	$ 210,058	
Year over Year increase		5.3%	-1.7%	10.4%	
25-26 iincrease over 22-23				14.3% or	4.8% Ave per Year
Students	268	272	264	280	
Cost Per Student	$ 686	$ 712	$ 721	$ 750	
Year over Year increase		3.8%	1.2%	4.1%	
25-26 iincrease over 22-23				9.4% or	3.1% Ave per Year

Elementary Schools	22-23	23-24	24-25	25-26	
School Based Budget Expenses	$ 247,461	$ 283,232	$ 384,498	$ 352,057	
Year over Year increase		**14.5%**	**35.8%**	-8.4%	
25-26 iincrease over 22-23				42.3% or	**14.1%** Ave per Year
Students	*521*	*528*	560	519	
Cost Per Student	$ 475	$ 536	$ 687	$ 678	
Year over Year increase		**12.9%**	**28.0%**	**-1.2%**	
25-26 iincrease over 22-23				**42.8% or**	**14.3% Ave per Year**

K-12	22-23	23-24	24-25	25-26	
School Based Budget Expenses	$ 1,030,027	$ 1,143,438	$ 1,285,720	$ 1,321,707	
Year over Year increase		**11.0%**	**12.4%**	2.8%	
25-26 iincrease over 22-23				28.3% or	**9.4%** Ave per Year
Students	1197	1197	1194	1157	
Cost Per Student	$ 861	$ 955	$ 1,077	$ 1,142	
Year over Year increase		**11.0%**	**12.7%**	**6.1%**	
25-26 iincrease over 22-23				**32.8% or**	**10.9% Ave per Year**

Thank you,

John G Flick
10 Meetinghouse Ln

Dr. Phillip Fox & Victoria Fox
180 Norwich Salem Rd.
Lyme, CT 06371



January 22, 2025

Principal Hine
Lyme-Old Lyme Board of Education
49 Lyme Street
Old Lyme, CT 06371

Re: First amendment constitutional rights of students/ free exercise of speech and religious expression

Dear Principal Hine and Members of the Lyme-Old Lyme Board of Education:

We hope this message finds you well. We are the parents of two children in the Lyme-Old Lyme school community: Hope, a 6-year-old 1st grader at Lyme School, and Timothy, who will begin PreK in the fall of 2025.

We are reaching out to respectfully bring to your attention the critical importance of protecting and upholding the First Amendment rights of students within Region 18 schools. Attached are educational materials from Alliance Defending Freedom that outline students' constitutionally protected rights in public schools as articulated by the Supreme Court of the United States. We respectfully request that you distribute these educational materials to Region 18 teachers, aides, and other employees to remind them of the rights of students and their obligation to protect those rights.

The included materials are as follows:

1. **Freedom to Exercise Religious Beliefs in Public Schools** – This document details students' rights under the Free Exercise Clause of the First Amendment, ensuring that students may freely practice their faith within public educational settings.
2. **Constitutionally Protected Rights of Students to Promote and Participate in "See You at the Pole"** – This outlines students' rights to engage in voluntary, student-led prayer events and similar activities.
3. **Know Your Rights in K-12 Schools** – A comprehensive guide that informs students, parents, and educators about the broader scope of students' rights in public schools, including free speech and religious expression.

It is our hope that these documents will support Region 18 employees in fostering an inclusive and respectful environment where all students feel empowered to exercise their rights while maintaining the integrity of the educational mission. By ensuring staff members are educated and well-informed, we can collectively uphold the principles of free expression and religious liberty that are foundational to our society.

Thank you for your attention to this important matter. Please do not hesitate to reach out if we can provide further information or assistance.

Sincerely,

Dr. Phillip Fox

Victoria Fox

C.c. Mary Carey, Esq.

ALLIANCE DEFENDING
FREEDOM
FOR FAITH. FOR JUSTICE.

FREEDOM TO EXERCISE RELIGIOUS BELIEFS PUBLIC SCHOOLS

Freedom to Exercise Religious Beliefs – Schools cannot force students to express views or adopt values that run contrary to their religious convictions, nor may they impose special restrictions based on students' religious views or status.

The freedom to exercise one's religious beliefs is enshrined in the First Amendment which declares in part that "Congress shall make no law respecting an establishment of religion or *prohibiting the free exercise thereof*. . . ."[1] The italicized clause—commonly known as the Free Exercise Clause—safeguards the freedom of citizens to practice their chosen form of religion.[2] The fact that one's views differ from those of their church or that one does not belong to an "organized" religious group at all does not limit a person's free exercise rights.[3]

The Free Exercise Clause offers varying protections depending upon whether the government action at issue infringes upon the citizen's *beliefs* or *actions*. The Supreme Court has made clear on several occasions that—under the Free Exercise Clause—the freedom to *believe* and profess one's religious doctrine is absolute.[4] This means that a public school may not regulate religious beliefs, compel affirmation of religious beliefs, punish the expression of religious doctrines, impose special restrictions on the basis of religious views or status, or lend its power to one side or the other in controversies over religious authority or theology.[5] Therefore, the Free Exercise Clause bars a public school from forcing students to change their religious beliefs or from insisting that all students adopt a specific school's dogma, such as "multiculturalism" or "diversity."[6]

The freedom to *act* on one's religious beliefs, however, is not unlimited. The Free Exercise Clause permits public schools—and other government bodies—to enact rules and regulations that incidentally interfere with religious practice, as long as such measures are both "neutral" towards religion and "generally applicable" to members of the school community.[7] So schools cannot

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1 U.S. CONST. amend. I (emphasis added).
2 *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).
3 *Frazee v. Ill. Dept. of Emp't Sec.*, 489 U.S. 829, 834 (1989).
4 *Employment Div. v. Smith*, 494 U.S. 872, 877 (1990) (citations omitted).
5 *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 532-33 (1993); *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).
6 *Barnette*, 319 U.S. at 642.
7 *Smith*, 494 U.S. at 885-86.

directly restrict religion or target it by enacting measures that specifically mention religious practices, that are motivated by antireligious bias, or that affect religious practice alone.[8]

Moreover, even "neutral" and "generally applicable" school rules may be unconstitutional if they affect religious liberty *and* other First Amendment rights, such as the freedoms of speech and association. This is significant because virtually all school policies and/or actions that inhibit religious practices will likewise affect other First Amendment liberties. So, if a school sought to enforce a speech code against a student on the grounds that his religious speech was "offensive," that school action would implicate both the free exercise of religion *and* the freedom of speech, and may be found unconstitutional.

In short, the underlying protection behind the Free Exercise Clause is one of *neutrality*. A public school that treats religious students or student organizations differently than their non-religious counterparts does so at its own peril.

Whatcan students do if their rights are being violated?

Students and parents should attempt to work with school administration to resolve the situation. If unsuccessful, Alliance Defending Freedom may be able to help legally defend the student's rights. Contact Alliance Defending Freedom using the "Request Legal Help" form at www.ADFLegal.org or by calling 1-800-835-5233. A legal representative will review your situation and advise you of a course of action.

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[8] *City of Hialeah*, 508 U.S. at 532-33.

Know Your Rights at

K-12 SCHOOLS



Q. Do I have First Amendment rights at school?
Yes. The U.S. Supreme Court has held that "neither students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." School officials may not censor expression unless it substantially interferes with the operation of the school or infringes on the rights of other students.

Q. Can I express my religious beliefs at school?
Yes. Among other things, and subject to the limitations mentioned above, students have the right to share their beliefs, pray, and read Scripture during free time. They also are free to express their religious views in a class discussion or assignment that invites any personal, religious, or other views.

Q. Can my school tell me not to speak on certain "offensive" topics, such as abortion or religion?
Generally no. As set forth above, administrators may only restrict specific speech if it substantially interferes with the operation of the school or infringes on the rights of other students.

Q. Can I distribute religious material at school?
Yes. Schools may not ban student distribution of literature, and students are permitted to distribute religious materials to the same extent that non-religious literature distribution is allowed.

Q. Can I form a religious club at school?
Religious clubs must be given equal access to all school facilities, resources, and equipment that are available to other non-curriculum, student-initiated clubs.

over please >

Q. Can I wear religious clothing or jewelry to school?
Students may wear religious clothing or jewelry to the extent that other similar articles of dress or jewelry are permitted. Schools may not single out religious clothing or jewelry for unfavorable treatment.

Q. Can schools and teachers provide instruction related to religion as part of the curriculum?
Yes. A teacher may share information in an objective manner so long as it is reasonably related to the curriculum. For example, the Bible can be taught in a school for its historical, cultural, or literary value.

Q. Can I engage in religious expression during school organized events such as a talent show or graduation ceremony?
Yes. Schools cannot censor student expression because of its religious or other viewpoint, even where the event is organized by the school.

Q. I'm just one student. Could I really make a difference by standing up for my constitutional rights?
Yes. With the help of ADF, your courage could pave the way for thousands of students, faculty, or staff members across the country.

Q. What can I do if I have questions or suspect my rights are being violated?
Students and parents should contact Alliance Defending Freedom before attempting to work with the school administration to resolve a given situation by using the Request Legal Help Form at ADFlegal.org or calling 1-800-835-5233. Any advice or assistance ADF provides is rendered free of charge.

Public schools must give all students the same equality of opportunity. The advice provided above is general in nature, and the specific facts of your situation may lead to a different result. If you have any questions about your rights on campus, or if you have been punished for expressing your views, contact us or visit ADFlegal.org/K-12 to learn more about your rights on school grounds.

ALLIANCE DEFENDING
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ALLIANCE DEFENDING
FREEDOM
FOR FAITH. FOR JUSTICE.

Constitutionally Protected Rights of Students to Promote and Participate in See You at the Pole

Every September, students around the United States participate in *See You at the Pole (SYATP)*- a student-organized, student-led gathering at the school flagpole where students pray for their school, friends, teachers, government, and nation. Our government and courts have spoken: Students have a constitutional right to participate in SYATP through prayer and worship activities.

Furthermore, students have an individual constitutional right to inform their fellow students about the SYATP event as long as they do not materially disrupt the academic process while doing so. In addition, if the school allows individual students or student clubs to advertise events through school bulletin boards, school PA systems, general posting of student flyers, or other means, the school cannot forbid the same means of advertising the SYATP event. It is our hope that the following discussion will clarify this important area of the law and allow school districts and school officials to avoid needless litigation.

A. RELIGIOUS SPEECH IS PROTECTED BY THE FIRST AMENDMENT

It is a fundamental principle of constitutional law that government bodies—including public schools—may not suppress or exclude the speech of private parties—including public school students—just because the speech is religious or contains a religious perspective. *Good News Club, supra*; *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); *Widmar v. Vincent*, 454 U.S. 263 (1981). This principle cannot be denied without undermining the essential First Amendment guarantees of free speech and religious freedom.

It is equally true that religious speech is protected by the First Amendment and may not be singled out for discrimination. As the Supreme Court has stated:

> Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression . . . . Indeed, in Anglo-American history, at least, government suppression of speech has so commonly been directed *precisely* at religious speech that a free-speech clause without religion would be Hamlet without the prince.

Capitol Square Review and Advisory Bd. v. Pinette, 515 U.S. 753, 760 (1995).

Importantly, the Supreme Court stated that public schools cannot restrict religious speech simply because it may be perceived by some as "offensive" or "controversial." *Morse v. Frederick*, 551

U.S. 393, 409 (2007) ("Petitioners urge us to adopt the broader rule that Frederick's speech is proscribable because it is plainly 'offensive' as that term is used in *Fraser*. We think this stretches *Fraser* too far; that case should not be read to encompass any speech that could fit under some definition of 'offensive.' After all, much political and religious speech might be perceived as offensive to some") (emphasis added). As the Third Circuit Court of Appeals explained in summarizing Supreme Court case law, "The Supreme Court has held time and again, both within and outside of the school context, that the mere fact that someone might take offense at the content of speech is not sufficient justification for prohibiting it." *Saxe v. State College Area Sch. Dist.*, 240 F.3d 200, 215 (3d Cir. 2001).

B. STUDENTS DO NOT ABANDON THEIR CONSTITUTIONAL RIGHTS OF FREE SPEECH WHEN THEY ATTEND PUBLIC SCHOOL

"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969); *see also Shelton v. Tucker*, 364 U.S. 479, 487 (1967) ("The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools"). The Supreme Court has squarely stated that a student's free speech rights apply "when [they are] in the cafeteria, or on the playing field, or on the campus during the authorized hours. . . ." *Tinker*, 393 U.S. at 512-13. This includes prayer: "nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 313 (2000) (emphasis added).

Indeed, in *Daugherty v. Vanguard Charter School Academy*, 116 F. Supp. 2d 897, 910-11 (W.D. Mich. 2000), a federal district court rejected a legal challenge to SYATP, holding that student prayer at the school flagpole was entirely permissible.

C. *TINKER'S* "MATERIAL AND SUBSTANTIAL DISRUPTION STANDARD" APPLIES HERE

The Supreme Court has held that student expressive activity—including prayer—cannot be impeded by public schools unless the activity materially and substantially disrupts the school's ability to fulfill its educational goals. *See Tinker*, 393 U.S. at 509. Any attempt to restrict such speech is unconstitutional where there has been "no finding and no showing that engaging [in the activity] would 'materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.'" *Id.* (quoting *Burnside v. Byars*, 363 F.2d 744, 749 (5th Cir. 1966)); *see also C.H. v. Bridgeton Bd. of Educ.*, No. 09-5815, 2010 WL 1644612, at *4 (D.N.J. Apr. 22, 2010) ("[I]f student speech is not lewd, school-sponsored, or advocating drug use, the speech can only be prohibited if it is likely to cause a disruption.").

Moreover, the Supreme Court has stated that the standard of "material and substantial disruption" cannot be met merely by the *possibility* of disruption. *See K.A. v. Pocono Mtn. Sch. Dist.*, No. 3:11-CV-417, 2011 WL 5008358, at *5 (M.D. Penn. Oct. 20, 2011) (noting that "vague concerns over possible disruption" are not sufficient to satisfy "the *Tinker* test"). In the Court's words, "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression." *Tinker*, 393 U.S. at 508.

> In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as

> well as out of school are persons under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expressions of those sentiments that are officially approved.

Id. at 511. This fundamental constitutional principle is applicable both inside and outside the classroom. As the *Tinker* Court noted, when a student "is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions[.]" *Id.* at 512-13. The SYATP event usually occurs before the beginning of classes and is designed to avoid any sort of disruption.

D. THE SO-CALLED "SEPARATION OF CHURCH AND STATE" CANNOT JUSTIFY OFFICIAL SUPPRESSION OF THE SYATP EVENT

Schools and school officials often mistakenly believe that allowing students to engage in religious speech at school would violate the so-called "separation of church and state"—a doctrine often cited in connection with the Establishment Clause of the First Amendment. This very argument has been reviewed and **rejected** by the United States Supreme Court. In *Mergens*, the Supreme Court stated, as a general proposition, that students' private religious expression within a public school does not present any Establishment Clause problem:

> [P]etitioners urge that, because the student religious meetings are held under school aegis, and because the State's compulsory attendance laws bring the students together (and thereby provide a ready-made audience for student evangelists), an objective observer in the position of a secondary school student will perceive official school support for such religious meetings. . . . **We disagree.**

Bd. of Educ. of Westside Cmty. Sch. v. Mergens, 496 U.S. 226, 249-50 (1990) (emphasis added).

The Establishment Clause of the First Amendment merely "requires the state to be a neutral in its relations with . . . religious believers and non-believers; it does not require the state to be their adversary." *Everson v. Bd. of Educ.*, 330 U.S. 1, 18 (1947). Likewise, "[s]tate power is no more to be used so as to handicap religions, than it is to favor them." *Id.* Therefore, the Establishment Clause has no applicability to stop student speech in the SYATP context.

The Supreme Court in *Mergens* explained that a policy of equal access for religious speech conveys a message "of neutrality rather than endorsement; if a State refused to let religious groups use facilities open to others, then it would demonstrate not neutrality but hostility toward religion." *Mergens*, 496 U.S. at 248; *accord Good News Club*, 533 U.S. at 110-19 (student religious speech does not violate the Establishment Clause).

As the Supreme Court has said, "there is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." *Santa Fe*, 530 U.S. at 302 (quoting *Mergens*, 496 U.S. at 250). Private student speech does not violate the Establishment Clause. *Id.* Student SYATP speech is private student speech.

E. STUDENTS MAY DIRECTLY ADVERTISE THE SYATP EVENT TO FELLOW STUDENTS.

Just as the SYATP event itself is protected, so too is student expression advertising the SYATP event. *See, e.g., C.H.*, 2010 WL 1644612, at *9 ("[S]peech (leafleting) is described as the essence of the first amendment."). The *Tinker* "material disruption" standard applies to all student oral expression and literature distribution during non-instructional time, regardless of religious content. School officials may not prohibit this expression out of fear that allowing religious speech will offend some members of the community. As the Supreme Court said, "in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression." *Tinker*, 393 U.S. at 508. If a student wishes to peacefully distribute free literature on school grounds during non-instructional time, there is simply nothing which "might reasonably [lead] school authorities to forecast substantial disruption of or material interference with school activities." *Id.* at 514. In fact, distribution of literature is inherently less disruptive than spoken expression. *United States v. Kokinda*, 497 U.S. 720, 734 (1990). As the Supreme Court stated, "[o]ne need not ponder the contents of a leaflet or pamphlet in order mechanically to take it out of someone's hand, but one must listen, comprehend, decide and act in order to respond to a solicitation." *Id.*

Several courts have held that the distribution of religious literature by students is protected speech under the First and Fourteenth Amendments. *See Morgan v. Swanson*, 659 F.3d 359, 396 (5th Cir. 2011) (en banc) (recognizing that students, regardless of grade level, have "the First Amendment[] right ... to express a religious viewpoint to another student without fear"); *J.S. ex rel. Smith v. Holly Area Schools*, 749 F. Supp. 2d 614, 623 (E.D. Mich. 2010) (issuing preliminary injunction against "school district's outright prohibition upon [elementary school student's] distribution of religious flyers to his classmates"); *Westfield High Sch. L.I.F.E. Club v. City of Westfield*, 249 F. Supp.2d 98, 114 (D. Mass. 2003) ("It is now textbook law" that students carry rights of expression, including the right to distribute literature); *Clark v. Dallas Indep. Sch. Dist.*, 806 F. Supp. 116, 119 (N.D. Tex. 1992) ("It is well settled that written expression is pure speech. . . . It is equally true that the guarantee of free speech encompasses the right to distribute written materials peacefully"); *Baughman v. Freienmuth*, 478 F.2d 1345, 1348 (4th Cir. 1973) ("The regulation complained of reaches the activity of pamphleteering which has often been recognized by the Supreme Court as a form of communication protected by the first amendment"); *Slotterback v. Interboro Sch. Dist.*, 766 F. Supp. 280, 288 (E.D. Pa. 1991) ("It is axiomatic that written expression is pure speech," and that "the guarantee of freedom of speech that is enshrined in the first amendment encompasses the right to distribute peacefully"). Thus, school officials may not prohibit the peaceful dissemination of information by students about the SYATP event.

F. IF THE SCHOOL ALLOWS STUDENTS AND STUDENT CLUBS TO ADVERTISE EVENTS ON SCHOOL BULLETIN BOARDS, PA SYSTEMS, OR OTHER MEANS, THEY MUST ALLOW STUDENTS TO ADVERTISE SYATP IN THE SAME FASHION.

It is also well settled that the government may not discriminate against private religious speech when private secular speech is permitted in the same time, place, and manner. *Good News Club*, 533 U.S. at 111-12 ("[W]e reaffirm our holdings in *Lamb's Chapel* and *Rosenberger* that speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint"); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995) ("In the realm of private speech or expression, government

regulation may not favor one speaker over another"); *Wright v. Pulaski Cnty. Special Sch. Dist.*, 803 F. Supp. 2d 980, 983 (E.D. Ark. 2011) ("[T]he prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible." (quotation omitted)). Again, this principle applies with equal force to religious expression engaged in by students. *See, e.g., Good News Club*, 533 U.S. at 111-12; *Riseman v. Sch. Comm. of City of Quincy*, 439 F.2d 148 (1st Cir. 1971) (striking down an absolute prohibition of student literature distribution at school under First Amendment); *Good News/Good Sports Club v. Sch. Dist. of City of Ladue*, 28 F.3d 1501, 1505-1507 (8th Cir. 1994) (ban on religious expression by student club in junior high school is unconstitutional where student secular expression was allowed).

Any possible misperceptions that the school is "endorsing religion" are cured by the school's ability to require student club posters to contain disclaimers. *Pinette*, 515 U.S. at 769 ("If Ohio is concerned about misperceptions, nothing prevents it from requiring all private displays in the Square to be identified as such"); *id.* at 776 ("the presence of a sign disclaiming government sponsorship or endorsement on the Klan cross, would make the State's role clear to the community.") (O'Connor, J., concurring); *id.* at 784 (disclaimer cures confusion over misperceptions of endorsement) (Souter, J., concurring in part and concurring in judgment). Several Circuits have adopted this position in the school context:

> [I]t is far better to teach students about the first amendment, about the difference between private and public action, about why we tolerate divergent views. The school's proper response is to educate the audience rather than squelch the speaker. Schools may explain that they do not endorse speech by permitting it.

Hills v. Scottsdale Unified Sch. Dist., 329 F.3d 1044, 1055 (9th Cir. 2003) (quoting *Hedges v. Wauconda Cmty. Sch. Dist.*, 9 F.3d 1295, 1299-1300 (7th Cir. 1993) (internal quotations and alterations omitted)).

Thus, if the school generally allows students or student clubs to advertise events by posting flyers on school walls or bulletin boards, having announcements read over the school's PA system, or using some other method, the school cannot prohibit student organizers of SYATP events from advertising in the same way.

CONCLUSION

This annual event is an opportunity for school officials to exemplify constitutional conduct by protecting the ability of SYATP participants to properly exercise their First Amendment rights. Any student who believes that their rights to participate in SYATP have been violated should promptly call Alliance Defending Freedom so that our attorneys may review the matter and potentially provide free legal representation to resolve it. Since each legal situation differs, the information provided above should only be used as a general reference and should not be considered legal advice.[1] If you think that your rights have been violated as a result of participating in "See You at the Pole," please contact our Legal Intake Department so that we may review your

[1] Disclaimer: The information contained in this document is general in nature and is not intended to provide, or be a substitute for, legal analysis, legal advice, or consultation with appropriate legal counsel. You should not act or rely on information contained in this document without seeking appropriate professional advice. By printing and distributing this guide, Alliance Defending Freedom is not providing legal advice, and the use of this document is not intended to constitute advertising or solicitation and does not create an attorney-client relationship between you and Alliance Defending Freedom or between you and any Alliance Defending Freedom employee.

situation and possibly assist you. You can reach us via telephone at 1-800-835-5233, or you can visit our website at www.ADFlegal.org and select the "Request Legal Help" button to submit a request for legal assistance.

Alliance Defending Freedom is an alliance-building legal ministry that advocates for the right of people to freely live out their faith. We seek to resolve disputes through education of public officials regarding the constitutional rights of our clients. When necessary, we litigate to secure these rights. Alliance Defending Freedom has participated in many of the recent court decisions governing students' religious and free speech rights in public schools, including *Good News Club v. Milford Central School District*, 533 U.S. 98 (2001) (recognizing that the First Amendment protects students' religious speech).

Delaura, Jeanne

From: Bill Fitzgerald <bill@funnymonkey.com>
Sent: Friday, January 24, 2025 5:52 PM
To: Delaura, Jeanne
Cc: Brown, Scott (BOE); Shoemaker, Martha (BOE)
Subject: Information from the district about the Powerschool data breach

Hello,

As I assume you are aware, Powerschool had a breach that, per news reports, impacted student data of over 60 million students, including past students. Some districts have reported impacts of past students going back decades. Powerschool's web site states that they have data on 60 million students, which suggests that a vast majority of people with data in Powerschool are impacted.

I am aware that Powerschool is still working through the incident; I am also aware that multiple other districts have reported impacts -- or lack of impacts -- to their community.

Region 18 schools use Powerschool, and have for years: https://www.region18.org/parents/powerschool

The reported details of the breach included a broad range of information, ranging from Social Security numbers to health and medical information, in addition to contact information.

As a past student, past parent, and current taxpayer within Regional School District 18, I would like to know the answers to the following questions:

1. What is your timeline on sharing any information about this breach to the taxpayers, parents, students, and teachers of Lyme and Old Lyme?
2. How have you determined the level of impact on data help and maintained within Powerschool?
3. Given that the cause of the breach was a lack of multi-factor authentication on Powerschool, how many other systems used within Regional School District 18 as of January 1, 2025 do not require multi-factor authentication for either teacher or administrative accounts?

Please respond to this email to let me know you have received it, and when I can expect a response to these questions.

Thank you,

Bill Fitzgerald

Delaura, Jeanne

From: Bill Fitzgerald <bill@funnymonkey.com>
Sent: Sunday, January 26, 2025 1:02 PM
To: Delaura, Jeanne
Cc: Brown, Scott (BOE); Shoemaker, Martha (BOE)
Subject: Update: Information from the district about the Powerschool data breach

Hello,

At the outset, I want to highlight that I work in information security, and have direct experience in both educational and consumer tech. I'd be glad to help work through or talk through the issues I'm raising in this email, and I'd be willing to do it confidentially. But whether you accept this offer of support or not, I'd definitely appreciate an answer to these questions.

(and to be clear, I wasn't expecting an answer over the weekend. Work/life balance is a thing)

Since my email that I wrote on Friday, I have seen the email that was sent out of Powerschool to inform current parents of the Powerschool breach. While it's great that this communication occurred, it still leaves many people in the town out of the loop. It's generally best practice to be as transparent as possible, as shown by these schools that put the same message LOL Schools shared in email on their web sites.

* https://www.msd.edu/apps/pages/index.jsp?uREC_ID=4027296&type=d&pREC_ID=2635734
* https://www.uaschools.org/our-district/district-news/district-news/~board/upper-arlington-schools-news-1/post/upper-arlington-schools-statement-on-powerschool-cybersecurity-incident
* https://www.tisd.us/Page/1641

This district provides a model we could replicate to inform people that the news did not impact them.

* https://www.wps60.org/news/what_s_new/notice_regarding_power_school_security_incident

All of these districts demonstrate what transparency looks like, and they all share the same information that went out via a limited visibility email.

Given the email that was sent, this shifts the nature of my questions.

As a past student, past parent, and current taxpayer within Regional School District 18, I would like to know the answers to the following questions:

- What is your timeline on sharing any information about this breach to the taxpayers, parents, students, and teachers of Lyme and Old Lyme in a publicly accessible post on the school board web page?
- How have you verified claims made by Powerschool?
- Can you verify whether or not any data from past students, parents, or teachers have been impacted by this breach? Can you confirm whether or not legacy data is maintained in Powerschool and/or would have been exposed in this incident?
- Given that the cause of the breach was a lack of multi-factor authentication on Powerschool, how many other systems used within Regional School District 18 as of January 1, 2025 do not require multi-factor authentication for either teacher or administrative accounts?

Additionally, the email to families states that it is "not necessary for students or staff" to change passwords. Can you explain why this advice was given so early in the investigation, given that Powerschool clearly does not have their investigation into the scope of this breach completed? Changing passwords is a simple, basic thing, and doing this after a breach is basic security practice. At the very least, it's a good habit, and it does no harm.

I look forward to your acknowledgement of response to this email, and to your answers to these questions.

Thank you,

Bill

On Friday, January 24th, 2025 at 5:51 PM, Bill Fitzgerald <bill@funnymonkey.com> wrote:

> Hello,
>
> As I assume you are aware, Powerschool had a breach that, per news reports, impacted student data of over 60 million students, including past students. Some districts have reported impacts of past students going back decades. Powerschool's web site states that they have data on 60 million students, which suggests that a vast majority of people with data in Powerschool are impacted.
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>
> Please respond to this email to let me know you have received it, and when I can expect a response to these questions.
>
> Thank you,
>
> Bill Fitzgerald

Delaura, Jeanne

From: Bill Fitzgerald <bill@funnymonkey.com>
Sent: Thursday, January 30, 2025 2:57 PM
To: Neviaser, Ian
Cc: Delaura, Jeanne; Brown, Scott (BOE); Dean-Frazier, Laura (BOE); Fogliano, Susan (BOE); James, Anna (BOE); Kemp, Jason (BOE); Lodge, Gavin (BOE); Lowry, Alexander (BOE); Shoemaker, Martha (BOE); Staab, Christopher (BOE)
Subject: RE: Update: Information from the district about the Powerschool data breach

Hello, Ian,

Thank you for this.

RE the notification that may or may not be coming from Experian, it would be great to see this coming directly from the district. A breach of this magnitude creates opportunities for criminals to launch follow on phishing attacks, which is another reason why putting a page on the district web site creates additional protection for families.

Many other districts are being transparent by putting this information on the school web site. This creates a safe resource for people to get information, and allows the district to create a single, coherent, reliable resource.

Two questions:

1. Will Lyme/Old Lyme Schools create an informational page on the district web site?
2. RE multi-factor authentication: can you confirm whether or not the district requires vendors to require multi factor authentication for teacher and admin accounts on systems that hold student data? This is a vetting step that does not list any specific services. I understand the desire to create a sense of security through obscurity, but in practical terms, that just doesn't work.

If the district is currently not requiring MFA for all services that hold sensitive information, that's not ideal, but that's okay. The edtech industry lags far behind best practice. This isn't news.

If the district is currently requiring MFA, then that's awesome! You should say that. Unlike the meaningless statement "we take your privacy very seriously", saying that you require MFA is a good concrete step.

And if you're not requiring MFA, then it's also okay to say, "based on how security is evolving, we are updating our processes to require MFA for teacher and admin accounts on all systems that hold student data. We are currently assessing our systems and evaluating what additional steps we need to take."

Really, the only wrong answer is to withhold information unnecessarily. That erodes trust, and creates the impression that basic steps are being left undone.

Cheers,

Bill

On Thursday, January 30th, 2025 at 2:30 PM, Neviaser, Ian <neviaseri@region18.org> wrote:

> Bill,
>
> As noted in the correspondence sent to families earlier this week which I have copied below, should your data have been compromised, PowerSchool/ Experian will contact you directly. As such, we have no plans or methods to notify anyone outside our current user base. Your question regarding multi

factor authentication is not one I can answer as it is part of our cyber security plan which is not for public consumption.

Thanks,

Ian

Dear Valued Customers,

I am writing today to inform you that our investigation and data review into the scope of the cybersecurity incident has continued in earnest. As part of our commitment to keeping you informed, we are reaching out with an update on the latest steps we have taken in response to this incident and what you can expect over the coming days.

Importantly, this message requires no action on your part and serves simply as an update.

This afternoon, PowerSchool began the process of filing state attorneys general notifications across applicable U.S. jurisdictions on behalf of customers who did not opt-out of our offer to do so. PowerSchool has also started the process of notifying Canadian regulators.

For our U.S. customers, you may also have notification requirements with your state's Department of Education. Since many customers have already notified and are in close contact with their state's Department of Education, PowerSchool will defer to you on making these notifications.

In the coming days, PowerSchool will begin providing formal legal notice of the cybersecurity incident to current and former students (or their parents / guardians as applicable) and educators whose information was determined to be involved.

A direct email notification will be distributed by Experian on behalf of PowerSchool in the coming weeks to applicable current and former students (or their parents / guardians as applicable) and educators for whom we have sufficient contact information. PowerSchool will also launch a website and distribute a media release to ensure we reach as many involved individuals as possible and provide them with resources to protect their information. Importantly, these notices will include instructions for involved individuals on how to enroll in the credit monitoring and identity protection services that are being offered by PowerSchool.

PowerSchool will also be providing you with communications materials to help navigate conversations with families and educators as part of our effort to support you with the expected inquiries from your community members.

Thank you for your ongoing patience and partnership.

Hardeep Gulati
Chief Executive Officer, PowerSchool

From: Bill Fitzgerald <bill@funnymonkey.com>
Sent: Thursday, January 30, 2025 9:57 AM
To: Delaura, Jeanne <delauraj@region18.org>

Cc: Brown, Scott (BOE) <sbrown@region18.org>; Shoemaker, Martha (BOE) <shoemakerm@region18.org>
Subject: Re: Update: Information from the district about the Powerschool data breach

Hello,

I know you all have a lot going on, but could someone reply to me and let me know:

1. that you have seen this email; and
2. an approximate time frame where you will provide answers to the questions in my email

This response doesn't need to be anything big - just a simple, "Hello - we received your email and are looking to get an answer to these questions by February 15th" or something to that effect.

Cheers,

Bill

On Sunday, January 26th, 2025 at 1:02 PM, Bill Fitzgerald <bill@funnymonkey.com> wrote:

> Hello,
>
> At the outset, I want to highlight that I work in information security, and have direct experience in both educational and consumer tech. I'd be glad to help work through or talk through the issues I'm raising in this email, and I'd be willing to do it confidentially. But whether you accept this offer of support or not, I'd definitely appreciate an answer to these questions.
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*
https://www.msd.edu/apps/pages/index.jsp?uREC_ID=4027296&type=d&pREC_ID=2635734

* https://www.uaschools.org/our-district/district-news/district-news/~board/upper-arlington-schools-news-1/post/upper-arlington-schools-statement-on-powerschool-cybersecurity-incident

* https://www.tisd.us/Page/1641

This district provides a model we could replicate to inform people that the news did not impact them.

*
https://www.wps60.org/news/what_s_new/notice_regarding_power_school_security_incident

All of these districts demonstrate what transparency looks like, and they all share the same information that went out via a limited visibility email.

Given the email that was sent, this shifts the nature of my questions.

As a past student, past parent, and current taxpayer within Regional School District 18, I would like to know the answers to the following questions:

- What is your timeline on sharing any information about this breach to the taxpayers, parents, students, and teachers of Lyme and Old Lyme in a publicly accessible post on the school board web page?
- How have you verified claims made by Powerschool?
- Can you verify whether or not any data from past students, parents, or teachers have been impacted by this breach? Can you confirm whether or not legacy data is maintained in Powerschool and/or would have been exposed in this incident?
- Given that the cause of the breach was a lack of multi-factor authentication on Powerschool, how many other systems used within Regional School District 18 as of January 1, 2025 do not require multi-factor authentication for either teacher or administrative accounts?

Additionally, the email to families states that it is "not necessary for students or staff" to change passwords. Can you explain why this advice was given so early in the investigation, given that Powerschool clearly does not have their investigation into the scope of this breach completed? Changing passwords is a simple, basic thing, and doing this after a breach is basic security practice. At the very least, it's a good habit, and it does no harm.

I look forward to your acknowledgement of response to this email, and to your answers to these questions.

Thank you,

Bill

On Friday, January 24th, 2025 at 5:51 PM, Bill Fitzgerald <bill@funnymonkey.com> wrote:

> Hello,
>
> As I assume you are aware, Powerschool had a breach that, per news reports, impacted student data of over 60 million students, including past students. Some districts have reported impacts of past students going back decades. Powerschool's web site states that they have data on 60 million students, which suggests that a vast majority of people with data in Powerschool are impacted.
>
> I am aware that Powerschool is still working through the incident; I am also aware that multiple other districts have reported impacts -- or lack of impacts -- to their community.
>
> Region 18 schools use Powerschool, and have for years: https://www.region18.org/parents/powerschool
>
> The reported details of the breach included a broad range of information, ranging from Social Security numbers to health and medical information, in addition to contact information.

As a past student, past parent, and current taxpayer within Regional School District 18, I would like to know the answers to the following questions:

1. What is your timeline on sharing any information about this breach to the taxpayers, parents, students, and teachers of Lyme and Old Lyme?
2. How have you determined the level of impact on data help and maintained within Powerschool?
3. Given that the cause of the breach was a lack of multi-factor authentication on Powerschool, how many other systems used within Regional School District 18 as of January 1, 2025 do not require multi-factor authentication for either teacher or administrative accounts?

Please respond to this email to let me know you have received it, and when I can expect a response to these questions.

Thank you,

Bill Fitzgerald

Delaura, Jeanne

From: Sheryl Shyloski <sheryl.shyloski@gmail.com>
Sent: Sunday, February 2, 2025 3:18 PM
To: Delaura, Jeanne; Neviaser, Ian
Subject: letter to the board

Good afternoon, could you please share my letter with the members of the Board?

I am looking forward to attending the next Board meeting. I have been continually impressed by the Board's efforts to maintain high standards of education within a cost effective approach. During the last Board discussion it was impressive to watch how members considered the different costs, and acknowledged each of the needs facing the district. With that in mind I plan to speak at the meeting to voice my support for the budget as it had been discussed. However, I do have concern for staff positions in schools that do not directly interact with students, such as instructional coaching positions. Personally, I believe that reducing class size and providing teachers support within their classrooms directly with students is a better use of such a resource. An additional concern I have is regarding special education support and services. I am well aware of the cost of these supports, as I have worked in special education for nearly 20 years and [redacted]. As the district moves past the necessary step of budgeting, I am curious to learn how early intervention services might be better implemented to support all learners and reduce the need for outplacements or legal costs.

I plan to voice my ongoing interest in decreasing bus transit times for students, and would be especially interested in viewing the results of the survey that had been sent to parents. I would also like to challenge the board to fulfill stated class size guidelines (https://www.region18.org/academics/class-size-guidelines) for students at Mile Creek, specifically those in the fourth grade who are currently in classes larger than the targeted class size. Students in that grade were once split between three classes, and now are only split between two. In my opinion, this has led to increased difficulty for the students and teachers.

Lyme/Old Lyme is a district that is well regarded throughout the state. My own experiences, as a mother of a fourth grade student, have been somewhat mixed. I am hoping that the district will continue to seek to lead in education through evidence based instructional practices and collaboration with parents in meeting student needs.

Thank you,
Sheryl Shyloski
residing at Fairway Lane in Old Lyme

--
Sheryl Shyloski, NCSP LBA BCBA
School Psychologist ~ Behavior Analyst
she/her/hers

DOWNES

200 Stanley Street
New Britain, CT 06051
860.229.3755
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January 27th 2025

Region 18 Schools

Subject: Downes Building Committee Agenda- Construction

Project Update

A. **HVAC Schools: Construction Update Phase 1:**
   - New equipment installs in progress (VAV's and VRF's)
   - Mechanical Piping to new equipment in progress
   - Power to new equipment in progress
   - Control wiring to new equipment in progress
   - Phase 2 all three schools planning to start mid-February

B. **Mile Creek Schedule Phase 2**
   - Ground breaking ceremony scheduled for February 13th
   - Tree clearing for new addition starting February break
   - Excavation for addition foundation scheduled to start end of February
   - Construction in existing building is on hold pending redesign of ductwork due to code modification requirements. The design team is currently working on locating the fire smoke dampers which are now required due to the existing building not being sprinklered (this effects the critical path for the project).

C. **Mile Creek ITB#04 Fire Suppression**
   - Fire suppression to be bid in ITB#04 early February

D. **Overall Project Budget Update** (see page #3)

E. **Cost Items**
   - **HVAV Schools**
     1) Consolidated School COP #09 PR#002 Code Updates per removal of fire protection.

Downes is Requesting Approval to proceed on ordering materials and proceeding with work based on a ROM not to exceed $178,000.00. PR #002 includes adding fire dampers throughout the school, upgraded ballistic security storefront to fire rated, upgrading HM Frames and door to 1 hr rated.

- **Mile Creek**
  1) COP #04 PR#002 Code Modification Updates. Downes Construction is working the trades to formalize a proposal for review and approval. Current budgeting for PR #002 is $221,000.00

DOWNES CONSTRUCTION COMPANY

REGION 18: HVAC SCHOOLS & MILE CREEK

Date: 1/27/2025

PROJECT SUMMARY	95% CD ESTIMATE	Budget Update 1/27/2025
Center (GMP #1 Executed)	$ 7,737,143	$ 7,410,704
Consolidated (GMP #1 Executed)	$ 8,307,407	$ 8,578,805
Middle School (GMP #1 Executed)	$ 12,679,906	$ 13,392,878
Mile Creek (GMP #2, Under Review)	$ 22,332,662	$ 18,783,889
Mile Creek (GMP 3 Budget)		$ 1,418,276
Recommended Cost Management		w/above
Total Construction Cost	**$ 51,057,118**	**$ 49,584,552**
Soft Costs	$ 6,513,700	$ 6,513,700
Total Project Cost	**$ 57,570,818**	**$ 56,098,252**
Approved Referendum	$ 57,555,000	$ 57,555,000
Total	$ 15,818	$ (1,456,748)