



SHIPMAN & GOODWIN LLP^{PC}
COUNSELORS AT LAW

**MANSFIELD BOARD OF EDUCATION
POLICY RECOMMENDATIONS
SEPTEMBER 2013**

Introduction

This memorandum sets forth the suggested revisions to Board policies, regulations and accompanying model documents we are recommending as a result of the 2013 legislative session, as well as changes based on legal trends or best practices. We include any changes that have been made since September 2012. The bases for our recommended changes to the Board's existing policies for each respective series are discussed below.

Given that many of these changes should be implemented with the commencement of the 2013-2014 school year, we recommend that the Board act as rapidly as possible to enact the newly revised manual.

Section 1: By-Laws

CHAIRPERSON/ OFFICIAL DUTIES

The Board's policy pertaining to the duties of the Board Chair has been revised to reflect that the Board Chair has the authority to consult with legal counsel, without the need for an authorizing Board vote.

EXPENSES OF BOARD MEMBERS

This by-law was added to provide for reimbursement of Board member expenses.

MINUTES

Legislative references updated.

For the remainder of the Board's By-laws in Section 1, we have no suggested changes.

Section 2: Fiscal Management

BOARD BUDGET PROCEDURES AND LINE ITEM TRANSFERS

This policy was revised to comply with Public Act 13-60. Effective October 1, 2013, a municipal board of finance (or other authority that makes appropriations for the local school district), in reviewing the itemized estimate submitted by a local board of education at budget time, will be required to make spending recommendations and suggestions as to how the board of education may consolidate non-educational services and realize financial efficiencies. The local board of education may either accept or reject these recommendations. However, if the local board of education rejects such recommendation, it is required to provide a written explanation of the reason for the rejection. The new legislation also mandates that local board of education provide written explanations of transfers to the legislative body of the municipality (or to the board of selectman when the legislative body is the town meeting) when a designated person makes limited transfers under emergency circumstances, as is already authorized under state law.

PURCHASING

The Board should review the bidding thresholds within this policy to see if they continue to be appropriate.

For the remainder of the Board's Policies in Section 2, we have no suggested changes.

Section 3: Instruction

CURRICULAR EXEMPTIONS [NEW]

The policy, formerly titled "Instruction on Acquired Immune Deficiency Syndrome (AIDS)" was revised and retitled to incorporate the requirements of Public Act 13-273, allowing students to be excused from curricular activities involving animal dissection. We have also added reference to the statutory exemption for family life curriculum in order to provide a comprehensive policy relative to curricular exemptions.

For the remainder of the Board's Policies in Section 3, we have no suggested changes.

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

Section 4: Personnel

ATHLETIC COACHES/EVALUATION, TERMINATION AND NON-RENEWAL OF ATHLETIC COACHES

This policy was revised to more clearly distinguish between the rights of coaches who have not been employed for three or more consecutive years in the same coaching position, and the rights of coaches that have served in the same position for three or more consecutive years. The revisions also better track the statutory language requiring a superintendent to “inform” the coach about any decision not to terminate or non-renew.

BLOOD BORNE PATHOGENS

The bloodborne pathogen regulations have been amended to better align with the applicable OSHA regulation in this area.

CERTIFIED STAFF/DEVELOPMENT

The policy has been revised to reflect the requirements of Public Act 13-3, An Act Concerning Gun Violence Prevention and Children’s Safety, pertaining to mental health first aid training as an area for mandatory professional development.

CHILD ABUSE AND NEGLECT REPORTING

Consistent with the requirements of Public Act 13-53, this policy was revised to add language to explicitly prohibit any employee from preventing or attempting to prevent any employee from making a DCF report.

EMPLOYMENT CHECKS

This policy has been revised to add a procedure for conducting credit checks for prospective employees for certain fiduciary and/or management level positions where the district’s receipt of a credit report is substantially related to the employee’s potential job.

NON DISCRIMINATION

In order to ensure a comprehensive non-discrimination policy, we have revised the policy to include “any other basis prohibited by state and federal law.”

SECTION 504/PERSONNEL

We have clarified this policy to apply only to personnel, while ensuring that the student/parent non-discrimination Section 504 policies and procedures are addressed within the relevant sections of the manual. In addition, on the basis of feedback from investigations that we have had with clients, we made changes to the grievance procedures designed to ensure that they will meet the standards of oversight agencies such as OCR, the EEOC and the CHRO.

SOCIAL MEDIA

The policy and regulation have been amended to reflect current legal standards in this rapidly evolving area of law and technology.

For the remainder of the Board's Policies in Section 4, we have no suggested changes.

Series 5: School, Community and Home Relations

USE OF SCHOOL FACILITIES

The policy has been updated to explicitly reference the Boys Scouts of America Equal Access Act. Local educational agencies that receive federal education funds must make available information regarding the provisions of this Act. This information must be made available in a manner designed to inform people of the protections provided under the Boy Scouts Act and its regulation. Given that the Boys Scouts of America Equal Access Act provides for facilities access, we are recommending that districts include reference to the Act within their facilities policies and procedures. In addition, the forms associated with the Use of School Facilities policy have been revised for clarity and consistency.

SECTION 504/COMMUNITY

From time to time, we recommend changes to Section 504 policies and procedures to reflect changes suggested by the Office of Civil Rights as we work with that federal agency in complaint investigation and compliance efforts on behalf of school districts. The Board's policy has been updated for clarity and consistency.

SEX OFFENDERS ON SCHOOL PROPERTY

The Board should affirmatively consider the highlighted text and make a decision as to whether the Superintendent should post notifications pertaining to sex offenders on the Mansfield Public Schools' website.

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

VISITORS

In response to school safety issues, we revised this policy and the corresponding administrative procedures to provide further clarification and additional precautionary measures for schools to implement when allowing visitors into school buildings.

For the remainder of the Board's Policies in Section 5, we have no suggested changes.

Series 6: *Students*

ADMINISTRATION OF STUDENT MEDICATIONS IN THE SCHOOLS

The legal references have been updated.

BULLYING BEHAVIOR IN THE SCHOOLS

This policy and accompanying Safe School Climate Plan were revised to comply with Public Act 13-3 (the gun violence bill) regarding the implementation of school security and safety plans. In addition, specific references to protected class nondiscrimination were added. As bullying complaints often implicate discrimination/harassment issues on the basis of protected classifications (disability, sex, race), we believe this revision is an important reminder for school districts to ensure that bullying complaints are treated as protected classification discrimination complaints when appropriate.

In addition, we added a section entitled "Improving School Climate/Specific Implementation Steps" to the Safe School Climate Plan. This section is intended as a cross-reference of the safe school climate plan elements with the specific personnel and timelines for ensuring appropriate implementation of the plan. This format is in use in many districts, and we believe it may have originally been developed by EastConn as a rubric for districts.

Consistent with the requirements of Public Act 13-3, we added mental health training requirements to the annual notices and training required under the safe school climate plan.

As recommended by the State Department of Education, we added a new Appendix E to the safe school climate plan, intended to be completed at each of the schools. This rubric is to be used by the safe school climate committees to measure the school's efforts in this area against the National School Climate Standards.

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

We revised this policy to add bullying records to the recommended classification and retention appendix.

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

DRESS CODE/STUDENTS

The Dress Code/Students policy has been amended to explicitly address student dress that includes violent images.

FOOD ALLERGY AND GLYCOGEN STORAGE DISEASE MANAGEMENT PLAN AND GUIDELINES

We revised the food allergy management plan and guidelines to track the state's revised guidance in this area and to clarify references to diabetes throughout. Legislative references have been updated.

FUNDRAISING ACTIVITIES

The Board should review and consider the fundraising limits in the policy.

GIFTED EDUCATION SERVICES

The policy has been updated to reflect the provisions of the new special education regulations.

IMMUNIZATIONS OF STUDENTS

These regulations have been updated to delete obsolete language.

NONDISCRIMINATION/STUDENTS

A minor change was made to this policy to explicitly provide that a board of education will not discriminate on basis of any other basis protected by state or federal law, regardless of whether such classification is listed explicitly in policy. In addition, investigation/grievance procedures were modified for consistency with best practices and OCR guidance in this area.

PHYSICAL ACTIVITY AND STUDENT DISCIPLINE [NEW]

Public Act 13-173 requires boards of education to adopt a policy, as the board deems appropriate, concerning the issue regarding any school employee being involved in preventing a student from participating in the entire time devoted to physical exercise in the regular school day. We recommend this policy to comply with this new legislation.

RESIDENCY/PROOF

At the request of the administration, we revised the residency forms to make the standards for proof of residency more stringent.

RESTRAINT AND SECLUSION

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

These administrative regulations were revised to incorporate changes to state special education regulations, which went into effect July 1, 2013.

SECTION 504/STUDENTS

From time to time, we recommend changes to Section 504 policies and procedures to reflect changes suggested by the Office of Civil Rights as we work with that federal agency in complaint investigation and compliance efforts on behalf of school districts. The Board's policy has been updated for clarity and consistency.

SEX DISCRIMINATION AND SEXUAL HARASSMENT/STUDENTS

From time to time, we revise and update our sexual harassment policies and procedures to reflect changes suggested by the Office of Civil Rights as we work with that federal agency in complaint investigation and compliance efforts, as well as best practices in this area. The Board's policy has been updated for clarity and consistency.

STUDENT DISCIPLINE

This policy was amended to ensure that the bullying definition aligns with state law.

TRUANCY/STUDENT ATTENDANCE AND TRUANCY

In April 2013, the State Department of Education issued guidelines for implementing the definitions of excused and unexcused absences and best practices for absence prevention and intervention. The policy and regulations have been amended to reflect the new standards imposed by the state. Legal references have also been updated. Some additional forms designed to assist in the implementation of the state requirements in this area have also been added.

WELLNESS

Statutory references updated.

For the remainder of the Board's policies in Section 6, we have no suggested changes.

Series 7: Support Services

TRANSPORTATION

Minor changes were made for clarity and consistency.

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

For the remainder of the Board's policies in Section 7, we have no suggested changes.

Please feel free to contact us if you have any questions regarding these proposed revisions.

September 9, 2013

Policy Committee Report: 2013- 2014 MBOE Policy Updates

On September 9, 2013 the Policy Committee reviewed changes in Policy recommended by the MBOE counsel, Anne Littlefield. The changes were primarily recommended as a result of new legislation as well as changes based on legal trends or best practices. The recommended changes (which are summarized in a memo from counsel) involved a variety of topics such as school bullying and use of facilities.

The committee recommends that the MBOE adopt the changes to the changes to policy recommended by Attorney Littlefield, including the minor modifications agreed to during the discussion and the inclusion of missing office names and dollar values to be provided by Superintendent Baruzzi. Following Board policy, the changes should first be discussed at the Sept. 12 meeting and voted on at the subsequent Board meeting.

September 9, 2013

Policy Committee Report: MBOE ETHICS CODE

On September 9, 2013 the Policy Committee reviewed the Ethics Code adopted in 2012 and discussed the advisory opinion issued by the Ethics Board on July 18, 2013. By unanimous vote, the Committee recommends that no changes to the MBOE Ethics Code should be made at this time, and that the Board direct Superintendent Baruzzi to communicate this fact to MBOE employees.

This recommendation is based primarily on three considerations:

1. Both the Board Attorney (Anne Littlefield) and the General Counsel of the Connecticut Association of Boards of Education (Patrice McCarthy) have advised us that as a matter of law boards of education and not municipalities have the authority to regulate board employees through an ethics ordinance.
2. The Ethics Code establishes policy concerning interactions between school staff and students and their families. We consider such interactions to fall within the Board's purview.
3. With regard to ethics, the Board shares the same goals and values as the Town Council and in almost all respects the Board's code is identical to that of the town. In particular, both codes explicitly prohibit the solicitation of gifts, the acceptance of gifts intended to influence the judgments or actions of school employees, and gifts of inappropriately large value. The only differences are that the Board's code does not explicitly limit the monetary value of an acceptable gift, and importantly, it does not limit the cumulative value of all gifts received in a calendar year. The Committee believes that these provisions of the town's code are problematic in a school setting

Finally, it should be noted that the Committee agrees that MBOE members, as elected officials, are governed by the town's Ethics Code.

September 9, 2013

Policy Committee Report: RELIGIOUS PLURALISM/RESPECT

On September 9, 2013 the Policy Committee completed its review of the district's policy concerning religious pluralism and respect. The committee met once earlier (on April 16, 2013) to discuss this policy. To summarize our discussion:

1. Current policy requires that the district and its employees respect all religious beliefs and make accommodations for these beliefs as appropriate. While we appreciate that the implementation of this policy will sometimes involve matters of judgment for teachers and administrators, we conclude that the policy in its current form is appropriate, and no changes to this policy are recommended.
2. We recommend that the MBOE requests Superintendent Barruzi to review administrative regulations and procedures regarding the training of teachers and staff regarding this policy, as well as the opportunities for students, parents, and others to voice concerns about potential violations of this policy, and to report to the Board about practices and concerns relevant to this policy at a forthcoming meeting or workshop.

Mansfield Board of Education Policy

Section: STUDENTS

RELIGIOUS PLURALISM/RESPECT

The Mansfield Public Schools encourage and practice respect for all religious and cultural beliefs with impartiality. The students, faculty and administration are reminded of the pluralism of religious beliefs. Each person should be conscious of and respect the sensitivities of others. In keeping with this philosophy, accommodation for student absences for religious holidays shall be made in accordance with administrative regulations developed and implemented by the Superintendent in furtherance of this policy.

ADOPTED: 9/26/91
REVISED: 1/27/05
REVIEWED: 9/10/09; 9/10; 10/13/11; 9/13/12

Mansfield Board of Education Regulation

Section: STUDENTS

**RELIGIOUS PLURALISM/RESPECT
(ADMINISTRATIVE REGULATIONS)**

In accordance with Board policy, the following procedures shall be followed with regard to student absences due to observance of religious holidays:

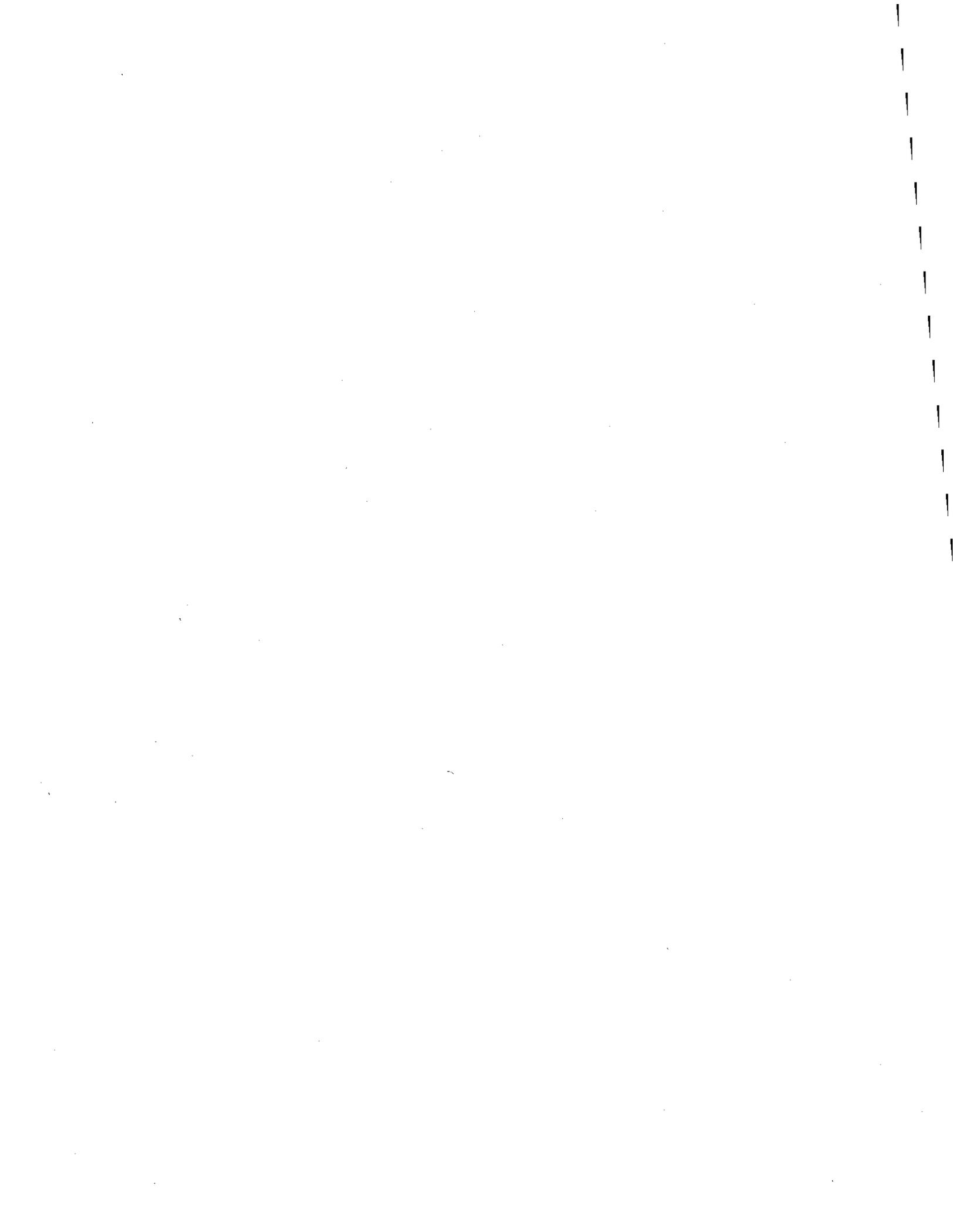
1. At the beginning of each school year, the parents of each student will be requested to notify the building principal of anticipated student absences due to religious holidays that fall on a day or days when school is regularly scheduled to be in session.
2. Upon notification in accordance with paragraph 1, teachers shall be notified of any anticipated absence dates.
3. Each student who is absent in accordance with these regulations shall be provided with a reasonable opportunity to make up any homework and in-school work missed during his or her absences.
4. Absences occurring in accordance with the Board's policy pertaining to Religious Pluralism/Respect and these regulations shall be considered excused absences.

REVIEWED: 9/10; 10/13/11

REVISED: 9/13/12

**Mansfield Public Schools
Enhancing Student Achievement
2013-2014**

School	Gr.	Number Served	Subject	Focus	Activity Name	# of Sessions	Length of Each Session	Instructional Hours Per Student	Start/End Date	Total Cost
SE	3/4	All	Physical Fitness	Improving Physical Fitness	Southeast Running Club	10	1.25 hrs.	12.5	9/13/13-11/15/13	\$1,515.00
SE	3/4	All	Reading	Reading for enjoyment	Battle of the Books	24	1.5 hrs.	36	10/02/13-1/22/14	\$554.40
TOTAL										\$2069.00
REMAINING BALANCE										\$27,931



**MANSFIELD PUBLIC SCHOOLS
MEMORANDUM**

TO: Board of Education Members
FROM: Fred Baruzzi
SUBJECT: Enrollment
DATE: 9/5/13

Goodwin Elementary School							
	8/31/12	6/24/13		8/28/13	8/29/13	8/30/13	Prior Gr. 6/24/13 vs. Current Gr. 8/30/13
Preschool	14, 14	16, 15		15, 7	15, 7	15, 7	n/a
Kindergarten	14, 15, 15	15, 14, 15		17, 18	17, 18	17, 18	n/a
1 st grade	17, 18	15, 16		14, 15, 14	14, 15, 14	14, 15, 14	-1
2 nd grade	19, 20	19, 19		16, 16	16, 16	16, 16	+1
3 rd grade	14, 14	15, 14		20, 20	20, 20	20, 20	+2
4 th grade	22, 22	21, 22		15, 14	14, 14	14, 14	-1
Total	218	216		201	200	200	-16
Southeast Elementary School							
Preschool	15, 14	16, 14		13, 12	13, 12	13, 12	n/a
Kindergarten	17, 15, 18	17, 14, 17		18, 18	18, 18	18, 18	n/a
1 st grade	15, 17, 16	13, 17, 16		16, 15, 16	16, 15, 16	16, 15, 16	-1
2 nd grade	16, 15, 15	14, 14, 15		17, 17, 17	17, 17, 17	17, 17, 17	+5
3 rd grade	19, 18	18, 17		20, 21	20, 21	20, 21	-2
4 th grade	15, 14, 14	15, 14, 14		18, 19	18, 19	18, 19	+2
Total	254	245		237	237	237	-8
Vinton Elementary School							
Preschool	15, 16	14, 16		15, 16	15, 16	15, 16	n/a
Kindergarten	15, 15, 15	14, 15, 13		21, 20	21, 20	21, 20	n/a
1 st grade	15, 16, 15	15, 16, 16		15, 16, 15	15, 16, 15	15, 16, 15	+4
2 nd grade	17, 17, 17	17, 17, 17		14, 14, 15	14, 14, 15	14, 14, 15	-4
3 rd grade	18, 18, 17	18, 17, 17		16, 16, 16	16, 16, 16	16, 16, 16	-3
4 th grade	22, 22	22, 21		17, 16, 15	17, 16, 15	17, 16, 15	-3
Total	270	265		257	257	257	-8
Middle School							
5 th grade	15, 16	140		129	130	130	+1
6 th grade	15, 15, 15	143		135	135	135	-5
7 th grade	15, 16, 15	141		140	140	140	-3
8 th grade	17, 17, 17	141		142	142	142	+1
Total	18, 18, 17	565		546	547	547	-18

Total – PK-4	742	726		695	694	694
Total – 5-8	573	565		546	547	547
Total – PK-8	1315	1291		1241	1241	1241

	Projected 11/11	8/31/12	+/-
preK-4	773	742	-31
5-8	580	573	-7
Total	1353	1315	-38

	Projected 10/12	8/30/13	+/-
preK-4	746	694	-52
5-8	573	547	-26
Total	1319	1241	-78