DANBURY BOARD OF EDUCATION MEETING
WEDNESDAY, APRIL 22, 2020 - 6:00 PM
VIRTUAL MEETING VIA ZOOM
LIVE STREAM
https://youtu.be/Ctyj46FVW-o

MISSION STATEMENT
Danbury Public Schools, in partnership with families and the community, provides transformational learning experiences designed to nurture thoughtful and prepared graduates.

2019-2020 District Goals
Goal 1: Growth in Student Learning and Achievement and College and Career Readiness for All Students
Goal 2: Family and Community Engagement
Goal 3: Fiscal Responsibility and Planning for Growth
Goal 4: Professionalism, Accountability, and Organizational Learning

AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL
Joseph Britton, Rachel Chaleski, Kate Conetta, Gladys Cooper, Loren Daly, Joseph DaSilva, Kathryn Hodgdon, Richard Jannelli, Kathleen Molinaro, Albert Russo, Amy Spallino

IV. RECOGNITIONS
- Westside Students Excel at Regional Virtual CT History Day Competition

V. PUBLIC PARTICIPATION
Due to the unique nature of the COVID-19 crisis and the limitations of technology, members of the public who are Danbury residents are invited to send brief comments and questions via email in advance to DPS publiccomment BOE@danbury.k12.ct.us.

VI. CONSENT CALENDAR
MOTION: that the Board of Education approves the items on the Consent Calendar, Exhibit 20-41 through Exhibit 20-42, as recommended:
MINUTES
4/1/20 Special Board Meeting ................................................................. 20-41 (pg.5)
4/8/20 Regular Board Meeting ............................................................... 20-42 (pg.12)
VII. EMPLOYEE REPRESENTATIVE

VIII. STUDENT REPRESENTATIVES
DHS Representatives: Larissa Costa, Claire Moreira, Jake Goodwin, Rebecca D’Ostilio; ACE Representative: Tamara Souza

IX. PRESENTATION
A. Update on Distance Learning
   1. Connectivity/Engagement
   2. Professional Development
   3. Grading Update

X. ACTION ITEMS
A. Healthy Food Certification

MOTION: Healthy food option: Pursuant to C.G.S. Section 10-215f, the Board of Education or governing authority certifies that all food items offered for sale to student in the schools under its jurisdiction, and not exempted from the Connecticut Nutrition Standards published by the Connecticut State Department of Education, will comply with the Connecticut Nutrition Standards during the period of July 1, 2020, through June 30, 2021. This certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but not limited to school stores, vending machines, school cafeterias, culinary programs, and any fundraising activities on school premises sponsored by the school or non-school organizations and groups.

MOTION: Food exemptions: The Board of Education or governing authority will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food items are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The “regular school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held and must be the same place as the food sales.

MOTION: Exemptions for beverages: The Board of Education or governing authority will allow the sale to students of beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on
the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held and must be the same place as the beverage sales.

B. March Operating Results Analysis (General Fund & Grants)  
MOTION: that the Board of Education accept the March 2020 Operating Results Analysis (General Fund & Grants) in accordance with .......................... 20-44 (pg.29)

XI. SUPERINTENDENT’S REPORT  
A. Graduation  
B. School Opening  
C. CARES Act Summary/Governor’s Executive Order 7R .......................... 20-45 (pg.35)

XII. DISCUSSION

XIII. INFORMATION

XIV. BOARD CHAIRPERSON’S REPORT

XV. BOARD REPORTS, COMMUNICATIONS AND COMMENTS

XVI. EXECUTIVE SESSION  
MOTION: that the Board of Education convene in Executive Session for the purpose of discussing vendor negotiations and legal strategy.

XVII. PUBLIC SESSION

XVIII. ADJOURNMENT

FUTURE MEETINGS AND DATES TO REMEMBER  
April 29 Policy Committee Meeting  5:30 pm  
May 13 Board of Education Meeting  6:00 pm  
May 27 Board of Education Meeting  6:00 pm  
June 10 Board of Education Meeting  6:00 pm  
June 24 Board of Education Meeting  6:00 pm
FOR IMMEDIATE RELEASE
Date: April 7, 2020
Contact: Robin Provey or Dr. Sal Pascarella, Danbury Board of Education
Phone: (203) 942-1302 or (203) 797-4701
E-mail: robinprovey@aol.com or pascas@danbury.k12.ct.us

DHS, Westside students excel at regional virtual CT History Day competition

DANBURY, Conn. — Eight students from Westside Middle School Academy and 17 Danbury High School students earned awards for their history research projects at the Connecticut History Day regional competition. This year the competitions were virtual, and students submitted their work on March 21.

Connecticut History Day, an affiliate program of National History Day, is for students in grades six through 12 and encourages historical exploration through research, analysis and interpretation. This year's theme is “Breaking Barriers in History.”

The Danbury student winners are as follows:

**Category: Junior Individual Documentary**
**Third Place:** Viewing Barbara Walters. Westside Middle School: Jenna Saltzman

**Category: Junior Individual Website**
**Second Place:** Space: To the Moon and Back. Westside Middle School: Zachary Wright

**Category: Junior Group Exhibit**
**Second Place:** Chicago Freedom Movement School. Westside Middle School: Aekom Diogun, Colin Gordon, and Xavier Going
**Third Place:** This Project Won’t Put You To Sleep. Westside Middle School: Emili Lopez-Gibbons, Chloe Djilani, and Ethan Kennedy

**Category: Senior Group Documentary**
**First Place:** Breaking Barriers: The Danbury Railroad Station. DHS: Valentina Ramos, Amy Cordova, Megan Bhatti, and Hibba Qureshi

**Category: Senior Group Website**
**First Place:** Breaking Barriers: The Danbury Fair. DHS: Melissa Jimenez, Allyson Vecchia-Spooner, Caitlin Van Tronk, and Sarah Barta
**Third Place:** King of the Court: Billie Jean King. DHS: Juliana Wiseman, Riya Patel, and Kaya Fahsbender

**Category: Senior Group Exhibit**
**First Place:** Breaking the Ice: Welcoming Antarctica to the World. DHS: Faith Thomas, Ana Dela Cruz, Sarah Hwang, and Laura Snow
**Second Place:** Breaking Barriers During the Kosovo War. DHS: Arta Berisha and Patriot Berisha

The state level of the competition will also be held virtually at a date to be determined. The National History Day competition, also virtual, will be held in June.

#Danbury Board of Education#

Exhibit #2040
PLEDGE OF ALLEGIANCE
The Co-Chairperson, K. Conetta, called the meeting to order at 4:41 pm and those assembled recited the Pledge of Allegiance.

ROLL CALL
Present: Joseph Britton, Rachel Chaleski, Kate Conetta, Gladys Cooper, Joseph DaSilva, Richard Jannelli, Albert Russo, Amy Spallino, Kathryn Hodgdon
Absent: n/a
Also Present: Dr. Pascarella, Courtney Leborious, Kelly Truchsess, Kevin Walston, Kim Thompson, Kara Casimiro

PUBLIC COMMENT
- No public emails/comments as of 4:45 pm.

INFORMATION
- Current Status of District Operations
  - K. Casimiro spoke about the Distance Learning rollout.
  - The original website set up when school closed was designed primarily for the continued practice of what was being taught in school, until the current website of Distance Learning was up and ready.
  - Able to communicate use of the K-12 learning while concurrently developing the continuous learning website. Within a couple of days of closing, the district was able to distribute learning packets to K-5 families.
  - 6-12 students had access to online websites.
  - The pre-launch week was held from 3/23/2020 to 3/27/2020.
  - District was able to get staff trained on continuous learning. All while distributing laptops, getting parents set up on Parent Portals, updating parent email addresses and getting students their emails.
  - District website was updated on 4/1/2020 along the lines of student privacy and guidance on virtual tools.
  - Phases of implementation and staff expectations are included on the website as well.
  - Goal of the first ten days in Distance Learning is to build relationships, connect with students and make sure they are on the other end of the computer.
  - Right now orienting students and families, will get more detailed as connectivity occurs in each of the classes.
  - Compliments from one of the assistants in the Commissioner's office. Quite

Exhibit # 20-41
surprised at what they considered to be a very organized plan and the district is right on track.

- Because we were up and running with continued learning right after we closed, those days will count for us as educational days.
- Internal capacity with staff members that are called “super users” in Distance Learning. Dr. Frank LaBanca, Principal at Westside Middle School Academy, has taken the lead. 113 DPS staff members have volunteered to support their colleagues in helping with the technological shift to Distance Learning. Also stepped up to lead professional learning were Dr. Kristy Zaleta, Laura Mead and Marc Poliquin to name a few.
- Huge demand for more professional training and staff are eager to get going.
- Every classroom teacher has to have a separate Google Classroom for each of their rostered classes.
- There are some special exceptions such as Special Education, privacy issues and delivery of services.
- Expectation is that teachers post their lesson content by 9am every day.
- Teachers post a message as a way to track attendance and the students have to check in. The district is working through attendance piece and simplifying a way to take an accurate attendance daily.
- At 6-12 level, there are many teachers and students who are already familiar with the Google Classroom platform. District knew the technological shift would be toughest at the K-5 level.
- M. Poliquin, coaches and supervisors are designing a K-5 Google Classroom model.
- Continuing to refine how teachers provide assignments and grade them.
- Next piece is working on what expectations for classroom behavior and etiquette are in the virtual environment.
- Recreating every system for the way that we operationalize and communicate.
- G. Jasmine spoke on the technology rollout piece.
  - There are three phases to the technology rollout happening at the same time.
  - About a month ago all K-5 families received letters encouraging them to sign on to the Parent Portal. On that letter was also the child’s school email. These are already common practices in 6-12 but not K-5. Over 89% of all families are now on the Parent Portal (over the past two weeks). This has increased the capacity in communicating with families.
  - A Chromebook request form was created for each school, available on each school website.
  - Distribution of those Chromebooks have been available at schools in a drive-up fashion. This was a combination of Chromebooks already at the schools and with ones that needed to be purchased.
  - Chromebooks are tracked to which student they are assigned to.
  - Goal was to get a Chromebook to each family. To date every request that has been submitted has been fulfilled.
  - Each school has a help desk to support any issues that may occur.
  - IT workers are helping unbox and prepare devices and then continue to
distribute to students.

- 60,000 windows laptops are being made available by the state to senior citizens and high school students. DPS has applied to that with an expectation of getting 1500 devices. Expect to be delivered sometime in May.

  - K. Casimiro stated that the district submitted a grant application on 4/1/2020 on what numbers were needed for laptops to get us to a one-on-one situation.
  - Scholastic is offering a supplemental backpack of take-home books. For every student we have in the district, they will have an opportunity to get a backpack with three to four books per student. Along with that, some at home learning guides for parents to do with kids. Available for pre-K through 8th grade. Expected in a few weeks and the district will figure out a distribution plan from there.
  - K. Truchsess stated that the Special Education group has been following the district plan with some additional parameters around that population. The state has been issuing guidance and she expects more to come. Every Special Education teacher has set up a Google Classroom for each individual child where they can get all services that they receive.
  - Nearly 1700 Special Education students in the district.
  - Any services provided in IEP with pull out fashion needs to be done on the strictest level of confidentiality.
  - In addition, every staff member is required to keep a communication log to capture all the other things they are doing in relation to that student.
  - Very aware and sensitive to the fact that this time is hard for all children, and exceptionally hard for SPED students.
  - Every service provider is expected to make contact with the parents of the child at least weekly.
  - Implementing the child’s programs to the greatest extent possible.
  - Dabbling in some video conferencing with students in a one-on-one fashion to also provide some direct instruction along with seeing a friendly face.
  - School counselors, school psychologists and school social workers have done a lot with the social emotional supports of students with and without emotional disabilities. Such as how to get internet in the home, how to seek social services, providing other outlets of support and connecting families with resources.
  - K. O’Dowd stated that this situation is changing hourly. Number of positive cases in Danbury is increasing. Everything that medical experts are saying is that April will be a very serious month in terms of positive cases. Due to this we have to err on the side of caution.
  - Doing very best in terms of laptop and food distribution while keeping workers safe.
  - In terms of April break, this situation is taking an emotional toll on everyone, so April break is necessary.

Governor’s Executive Orders affecting operations and school year calendar

  - Executive orders in regard to education can be found on CT.gov under the education department.
  - When we closed school in March, the district posted info and the order to
reconvene. At this point, school closure has been pushed out to 4/20/2020.

- Waiver of 180 days. Dr. Pascarella stated that, with the two weather closures we had as of the day we closed, that puts the district’s last day of school for 6/12/2020.

- Current status of work by Labor Groups
  - K. Thompson stated that when we closed abruptly on 3/13/2020, it was unclear if we would continue working. Became clear early on that we would need to move on to a virtual learning model.
  - District had to negotiate essentially new terms and conditions of employment for teachers.
  - The current existing bargaining agreement needed to be modified to discuss the rules of engagement for teachers who would be providing virtual services to students.
  - The first step was to work on a Memorandum of Agreement (MOA) with teachers and administrators addressing a lot of points such as the hours of the workday and communication with parents.
  - That was accomplished very early on and operates on the premise that we end on 6/12/2020.
  - Trick is to write agreements broadly enough so that way we can be nimble enough to work around them as changes happen.
  - Paraeducators and tutors MOA was finished on 4/1/2020. Plan is to roll them into the Distance Learning program so they can provide support to students in connection with teachers. Not likely that there is enough for them to do in a full day, so the district is working on intense online learning/professional development for certification.
  - The ELP group has been tricky. Those programs run exclusively on receipts from participation. It is unclear to the district how much longer we can continue to keep them with us. District has provided at least the next two paychecks. Working with A. Mead to see if we can extend their time and involve them with programs under the 21st Century Grant money.
  - K. Thompson stated that Governor Lamont’s most recent executive order about paying school employees applies to school day staff with wording of “to the greatest extent possible”.
  - Nurses are connecting with students, particularly the high needs students. Also doing a lot of work with the district on keeping records up to date. Many of our school nurses have offered their services to the city.
  - Custodians have been working through this period of time sanitizing buildings and helping with the distribution of lunches/laptops. District needed to provide greater social distancing. The district began split shifts with the custodians. Still paid for eight hours but they are working four hour split shifts.
  - Danbury High School has been closed as of 4/1/2020 for a period of at least 14 days due to a confirmed case. Any staff members with exposure have also been sent home for the 14-day period.
  - Not sure if we will be able to continue to keep the buildings open at all. More information should be available by the next Board meeting.
  - Similar concerns for the school lunch staff on where they have been in terms of
interacting with the public.

- District looked for volunteers from the school lunch program with experience in preparing lunches at seven different sites across the city. District is reducing staffing at this point. Will use them at a more limited schedule next week and will continue to see how food distribution goes.

- Human Resources and Finance Department teams have been working more or less remotely.

- In the area of new legislation and government orders, there have been new rules on FMLA time in relation for people directly affected by the Covid-19 crisis.

- Benefits Coordinator is currently learning those new rules and guidelines.

- Also working very closely with Cigna. Cigna has been rolling out lots of materials on coping with crisis, telemedicine, tips and webinars.

- Picking up mail several times a week.

- Not a lot of unemployment claims coming in yet. But trying to handle all that virtually for the ones that are.

- Transportation - Busing companies nationwide mounted a serious lobbying effort.

- Governor Lamont issued an executive order, 7R, on 3/31/2020, which requests districts to make best efforts to continue to pay the transportation contracts. It says that when boards of education determine that an amendment to that contract may be appropriate because of this circumstance, boards of education can enter into negotiation to amend the terms of agreement with the terms of covering the cost of the drivers, insurance and anything else that will be critical to reestablish the bus service when the time comes to do so. Executive order also requires bus companies to produce an itemized cost list for the district showing the critical keys to keeping the buses running.

- Board needs to make an amendment to that agreement in order for Dr. Sal to proceed.

- Dr. Pascarella stated that the state is expecting a block grant for Connecticut due to the Covid-19 crisis. With our population percentages on positive cases, Danbury is entitled to quite a bit of money. As that money flows to Hartford, the district hopes to be in line for funds to be reimbursed to us.

- The Governor’s order seems clear that we continue to pay educational employees that work during the school day. Bus drivers are not district employees, they work for STA. Governor Lamont is asking districts to pay that portion of the agreement with transportation companies to be able to keep those bus drivers whole. An assurance of continuity and services.

- K. Conetta then read the following motion:

  - That the Board of Education determines that the contracts related to student transportation and for the provision of special education services by a public special education provider and by an approved private special education provider requires amendment to more accurately reflect the actual costs incurred during the duration of the public health and civil preparedness emergencies hereby authorizes the Superintendent and his designees to negotiate and finalize such Amendment in keeping with the Governor’s executive order.
K. Conetta made the motion, seconded by J. DaSilva. All in agreement.

**Motion Passed at 5:39 pm.**

- J. DaSilva asked if the district could use bus drivers like Norwalk did to distribute food to students. K. Thompson stated that it was a model that C. Leborious had looked at with the cabinet. District found that our current model is the best way right now. Norwalk prepaid their transportation contract, so they had that advantage. As of a few days ago, one of the drivers in Norwalk contracted the virus so they stopped that method.
- K. Truchsess stated that we have about 100 families that cannot access the food sites so a mobile food delivery started on 4/1/2020. A multi day food drop off is occurring three days a week for those families.
- C. Leborious stated that staff have been working on a voluntary basis (two members per site) serving food since 3/17/2020. Offering a five day a week model from 8:00 am to 11:30 am. Looking at a model where workers are out there less frequently. Deliver multiple meals at a time.
- Lunch program is a revenue generating service. School lunch expenses typically run $500,000 dollars every month. Normally we bring in enough revenue to support that. During this time frame, revenue is less because it’s only families that are showing up for food or having it delivered. District is looking at other funding. This will be a deficit area.
- K. Walston stated that Boehringer Ingelheim has a partnership with United Way and through that partnership, Boehringer has offered to support our community. District is now trying to identify areas in town that are not accessing the seven distribution sites. K. Waltton has reached out to the Housing Authority to see if they can identify any food insecurity gaps so one of the volunteer groups (US Food Rescue) can help.
- Dr. Pascarella stated that the district is concerned with continuously putting volunteers out to distribute food and the risk of exposure. Working on alternative ways of food distribution. Also working on obtaining PPE materials for volunteers going out on the frontlines to deliver food. Dr. Pascarella wants everyone to realize that we may have to change our model.
- C. Leborious and Dr. Pascarella informed the Board that the technology lease approved back in June of 2019 was to purchase technology, including Chromebooks, for the high school and for teacher support. It was approved by the city to repurpose that lease to use the devices for students rather than staff right now. This movement does fall under the original lease. The City Council has approved this. Hopes are to get devices distributed in a few weeks.

- **Budget**
  - Impact on current operations
    - C. Leborious stated that the impact on current operations are obvious. Purchase of one-to-one Chromebooks, getting the Distance Learning plan up and running, work that’s being done now with food and safety and purchasing of sanitizing materials were not budgeted before. Hoping that the Cares Act will reimburse the district.
Will see some offset with things we aren’t using such as tutors, coaches, overtime, daily substitutes, some supplies and savings on electricity to name a few.

- 2020-21 Budget request status/referendum
  - C. Leborious stated that with the city, there will likely be a delay on issuance of the budget. Waiting for communication next week. Not likely to be getting the requested $12 million. City just cannot sustain our request at this time.
  - Some executive orders from the government have been pushed off on due dates for taxes and this may affect the city budget.

- Granville Street property
  - K. Thompson stated that the Granville lease is just about done. Will have ten classrooms with the possibility of expansion to 14 classrooms if needed.

BOARD REPORTS, COMMUNICATIONS AND COMMENTS
- G. Cooper requested that the Policy Committee and Finance Committee meet.
- K. Walston stated there are still a number of business operations to review. Will reshare that with the committee. K. Walston, R. Chaleski and the subcommittee will discuss and make a date.
- Dr. Pascarella stated that we may want to revisit the policy on graduation requirements.
- G. Cooper asked if there was any feedback from teachers on students doing work?
- K. Truchsess stated that the first three days have been very positive.
- K. Casimiro stated that there have been some growing pains with handing in assignments and attendance, but it is an adjustment. Seeing the learning that’s already taking place. Off to a really good start. Excited to see where this can take Danbury in the future and how this can transform teaching and learning in the district.
- G. Cooper asked what procedures do we have in place if the Superintendent gets sick and can’t perform his duties?
- K. Thompson stated that there aren’t any policies in place. A natural order would be the Assistant Superintendent, K. Walston, would take over. K. Thompson would have to go back and look at bylaws.

EXECUTIVE SESSION
Executive session was not needed because Governor Lamont’s executive order from 3/31/2020 made it clear what needs to be done in regard to transportation.

ADJOURNMENT
K. Conetta moved, seconded by K. Molinaro, that the Board of Education adjourn its Meeting of April 1, 2020 and the meeting was adjourned at 6:15 pm.

Kathleen Molinaro, Secretary

(Meeting was videotaped)
PLEDGE OF ALLEGIANCE
The Chairperson, G. Cooper, called the meeting to order at 6:03 pm and those assembled recited the Pledge of Allegiance.

ROLL CALL
Present: Joseph Britton, Rachel Chaleski, Kate Conetta, Gladys Cooper, Joseph DaSilva, Richard Jannelli, Albert Russo, Amy Spallino, Loren Daly, Kathleen Molinaro, Kathryn Hodgdon

Absent:
Also Present: Dr. Pascarella, Courtney Leborious, Kelly Truchsess, Kim Thompson, Kevin Walston, Kara Casimiro

RECOGNITIONS
• Dr. Pascarella congratulated Jill Russell-Benner and her music team for its second consecutive year of making the list on the “2020 Best Communities for Music Education” by the National Association of Music Merchants.

PUBLIC PARTICIPATION
• Dr. Kristy Zaleta - It's been amazing to see how across grade levels, departments, and roles DPS staff members have gone above and beyond to do the right thing for kids. I'm extremely proud to be a part of the DPS staff and grateful my two children are reaping the benefit as Danbury students. Teachers and administrators have spent an inordinate amount of time since we got the call to close on March 12th to plan (and learn) for our Distance Learning Program. It's been a 24/7 job for us all. The April break is much needed and appreciated. As is the case in a typical school year, this break allows teachers and administrators the chance to breathe and recharge prior to the last eight weeks of the school year. Considering the extenuating circumstances, we find ourselves in this year, this time is needed more now than ever to ensure lasting endurance for this new way of teaching, learning, and leading.

• Erin Daly - NEA. From a teacher perspective, she is so proud of the accomplishments and growth made since 3/12/2020 and with the collected effort between teachers and administration. Getting kids connected while administration was focusing on getting technology out to kids was not an easy task, especially for elementary kids. Amazing progress in getting everyone connected. Thanked K. Casimiro for putting the DPS document for Distance Learning together. As Union President, appreciated effort and length in including teachers on decision making and sharing of the creation of that document. Moving forward, NEA Danbury has the ability to be the positive conduit for messaging for DPS teachers and to make sure that they are also a positive conduit for problem solving. One of the things NEA Danbury has done is make a question and answer Google Doc that the teachers are sending through E. Daly She can then filter the question to the appropriate administrative department or answer some of the questions herself, which then takes some of the questions off administrators. Maintaining communication moving forward is
going to be very important and hopes that we can continue the open communication. Some important success stories so far have been parades that teachers have had at some elementary schools that have been heartwarming. Tear jerking moment to see staff going to great lengths to make sure they were still connecting with children. Staff volunteering for distribution of meals, packets and devices. Social media accounts that staff have created to provide food and services to those in need. Some concerns still working out are concerns in all districts. Concerns about video meetings with students due to security and privacy. Concerns about the fact that teachers never shut off anymore and creating boundaries. Concerns on challenges of providing services to SPED students. E. Daly keeps reminding teachers of three important keywords: flexible, accommodating and adaptable. Trust and communication is everything and so far it has been great. In light of work hours and the learning curve, an April break could never come at a better time. This April break is one more example of Dr. Pascarella’s positive communication and listening to his staff members. Teachers are communicating their own losses from Covid-19, sicknesses in their homes and their own mental health struggles.

CONSENT CALENDAR
MOTION - K. Conetta moved, seconded by J. DaSilva that the Board of Education approves the item on the Consent Calendar, Exhibit 20-39, as recommended:

MINUTES
3/11/20 Board Meeting 20- (pg.3)

Motion passed at 6:19 pm

ACTION ITEMS
A. 2020 Interdistrict Cooperative Grant
MOTION: K. Conetta moved, seconded by A. Russo that the Board of Education in conjunction with Bethel and New Fairfield Public Schools, and WCSU apply for the 2021 Interdistrict Cooperative grant in an amount up to $100,000.00. The purpose of the grant is to reduce racial, ethnic and economic isolation and increase high academic achievement of all students in reading, writing, math or science and will use a STEM approach for activities and experiences.

R. Chaleski asked if this was a new grant, to which Dr. Pascarella stated that it is not. The district has had it for several years and this is a renewal to the grant.

G. Cooper asked if this would be held at Westside Middle School Academy since it’s a STEM approach. Dr. Pascarella stated that it is held at WCSU and collaborates with New Fairfield and Bethel schools. It is an intercooperative grant.

Motion passed at 6:22 pm

SUPERINTENDENT’S REPORT
- Status of Operations
  - Distance Learning update
K. Casimiro stated that it was a challenge due to all the systems in place having to be recreated to a virtual environment.

- Able to develop a system to reduce and streamline meetings and to provide collaborative spaces to work.
- Building grade level meetings are held with teachers, principal and PPS staff to talk about a variety of topics like attendance, connectivity and wellness. How students are doing and discuss ways to connect with students who have not connected on the virtual level yet.
- Meetings during the week that fall with content area supervisors are along the lines of lesson planning, how to operate in this new environment and how to retool curriculum to function in this environment. Learning new technologies and new ways to convey meaning to students and to interact with that meaning. Some challenges with that is determining workflow at both teacher and student level. How much is too much? Reporting back to one another and drawing information on how students are responding and what seems to be the best plan to move forward.
- Finalizing guidance for all sorts of procedures that we normally have (sub plans, roles and responsibilities, recreating some of the pieces that need to be in place to operate smoothly).
- Conducted at least 10 super user workshops (Google Classroom, Google Tools). Staff have volunteered to run live webinars to show their peers what they have learned successfully. Offering workshops on engagement, live streams using safety features, operationalizing learning templates with students and how to provide assessments. Sessions are 30 minutes long, have been on Tuesdays, all voluntary and over-subscribed. Just the right amount of dosage of information. Based on teacher interest and the topics they are most interested in learning about.
- Sent out a staff survey to:
  - check in and ascertain how Distance Learning is going
  - see how staff is feeling
  - see how the workload is going
  - see what staff feels they need to learn
  - Also put in questions on the percentage of connectivity in individual classrooms

- For students who are not connecting, teachers often have vital information through their communication on why they are not connecting. This feedback is helpful for K. Casimiro and team to develop an action plan on how to best help and problem solve when students aren’t connecting.
- Dr. Pascarella will send a robo survey to families to gather information from the parents on how the district is doing and if their child is connected.
- The biggest challenge is learning how to adjust workflow and for parents to recognize this is a learning curve for everyone.
- There are some vulnerable populations. Has checked in with A. Gomes and T. Swift to see how ESL students are connecting and being supported.
- ESL students' relationship with their teacher is very special and tends to be a safe haven for students who do not have enough language acquisition. Pleasantly surprised to see a nice number of these students who are connecting.
- Students who are not connecting in a classroom are the students who are not connecting in all their other classrooms too. They are usually the same across the board. Will continue to work on those and do everything we can.
- Teachers are doing a phenomenal job and skills are growing by the hour.
R. Chaleski stated that through her understanding, the content being pushed through to students in a distance learning day is not the same as a regular classroom day. Is that understood with all schools? There seems to be discrepancies that certain schools are doing more work.

K. Casimiro stated that on the district side, a K-5 district classroom was developed where supervisors and coaches have divided up grade levels. They are developing lessons and providing two or three lessons on the course of a weekly format to make available to teachers that are standards based on content we would expect to see this time of year. Teachers don’t have to use those but are recommended to use them. In some cases, teachers are taking those lessons and adding more or doing different things based on the needs of their kids. At AIS for instance, students there have been managing multiple Google Classrooms because there are multiple teachers involved. K. Casimiro did speak to the principal and he is working on streamlining that.

R. Chaleski stated that even across middle schools there seems to be a difference in workload. K. Casimiro stated that Westside Middle School Academy has always had a different schedule so the way they are pushing that out looks different than the way Rogers Park and Broadview pushes it out. Dr. Pascarella stated that it is important to remember that there has always been a difference between the schools. The first initial training was to advocate to all not to try to recreate the normal school day. K. Casimiro, Dr. Pascarella and K. Walston meet with the principals and these adjustments are learned across the district but we are still working on those items. Very challenging to make this balance for everyone when everyone comes from a different place. Nine days in and continuing to work through professional development. Have only had a couple of grade level meetings with staff on this and every time we meet, it's a little bit clearer. Believes that it will get better.

K. Casimiro stated standardization is wonderful but if we don’t have someone trying something a little bit differently and gathering feedback on that, then we fail to be innovative in a way that we can improve our practice. If everyone is doing everything the same, we never see which way is better. This will help us make better decisions down the road.

J. DaSilva stated that he was speaking to his sister who teaches in the district. As they were speaking late at night, a student logged in. How do we address that balance, not just for teachers but for students? K. Casimiro stated that with the population of our kids, some parents might be working second or third shift and that may be the time the students are getting help or structure. It is hard to say. As an administrative team, it’s been from the moment you wake up until the time you go to bed, there’s always one more email to answer. Over time, it’s about creating a system. Creating spaces and systems that we become accustomed to operating within. Teachers should be setting office hours and it’s ok to not answer an email late at night. Hopefully students will realize that late at night is not a good time to send an email and send their emails earlier.

A. Russo asked if there is any anecdotal data on how English learners are responding to distance training. K. Casimiro said for students who are connected, they are responding well in their ESL classes. Teachers are experiencing more connectivity, more responses with their students. Working more on having students access the core classroom. Looking at some tools to do that. The district purchased two programs, IXL and Learning A-Z, for K-12 that have a lot of support for ESL students. Have to get up and running with the training. Having
conversations now on how to utilize these tools so that we build in support for ESL students.

- G. Cooper stated that it is healthy for students, parents and teachers to have some type of shut off time. Students need to understand that teachers also have a life and they have a family. There should be a cut off time where teachers can do what they need to do without responding late at night. Something that we need to look at down the road. If you don’t set boundaries, then everyone can do whatever they want to do.

- K. Truchsess gave a SPED update.

- Staff have worked remarkably hard. Commended for going above and beyond continuously.

- For students with special needs, the district is protecting confidentiality. These students are in individual Google Classrooms for any pullout services they would receive. SPED teachers are managing more pages traditionally. Have done that pretty seamlessly.

- A big focus this week was onboarding paraprofessionals and tutors. Have started to work in supporting students in SPED, ESL and beyond. Supporting teachers, working with students and also receiving much needed professional development to improve their skills.

- Challenge in balancing workload across some students that participate in general education and then receive supplementary support. Everyone has started to work collaboratively.

- Struggling with the balance of some parents asking for more work and some saying slow down. Altering and tweaking the workload.

- Mandated that each staff have a phone call once a week with students who have more significant disabilities that are struggling with virtual learning.

- Next phase is looking to get some packets out once a week, or once every other week depending on the situation. Those are some exceptions to the rule for students who are having difficulty with screen time. Overall, students have enjoyed connecting with teachers and engaged in a more typical routine.

- Pupil Services Staff (PPS) working with families who are struggling with many issues such as economic challenges and food insecurity. They have done a nice job in connecting those families with resources.

- Staff that have been working with students and getting them connected, working through the internet sign up process and delivering devices to homes.

- There are few students who haven’t connected yet. Continue to liaison with families to make sure that all kids are engaged as much as they can be.

- K. Conetta asked if we are using browser extensions as tools. K. Truchsess said that there are two Assistive Technology Specialists in the SPED Department who have been doing daily training for the staff. Using a program called Snap and Read which essentially will read the text on any screen, worksheet and Google Classroom to students to make it accessible. Also working on some Screencastify’s. There are certain technologies that are exclusive to SPED. Some companies have been very generous with programs that are typically very costly, but they have opened up the licenses to the district. One of them is TeachTown which primarily focuses on the autism spectrum that teaches social skills support.

- Pushed so much out that will circle back over break to review all of these programs.
K. Conetta asked for numbers on attendance. Dr. Pascarella stated that he heard 94% but those numbers need to be validated and on how attendance is being taken.

K. Casimiro stated that attendance has slowly been increasing over the last week but there are still questions on how attendance is taken in general. In PowerSchool, attendance defaults to present. Unless a student is marked absent, they remain present. Still working through some of that. Teachers have reported very good connectivity. Worried with one or two elementary schools but once they got connected, attendance shot up. ACE has attendance issues, but attendance has increased this week.

- Services update
  - C. Leborious spoke about food distribution.
  - Seven sites of food distribution. Two times per week. Information is available on the district website. There was a big uptake in participation on 4/8/2020 with 300 extra meals.
  - Meal kits for breakfast and lunch are being served on Mondays (two days’ worth) and Wednesdays (three days’ worth).
  - Also started mobile distribution to about 100 families that were not able to access sites for various reasons.
  - Look to possibly do a three day a week distribution after April break which would be Monday, Wednesday and Friday. That would enable the district to touch people for the weekend so they can get seven days’ worth of meals.
  - Unfortunately, needing to close during April break. Not ideal and would love to stay open but per advice of the district nurse, that for safety of our staff we need a break. Need to pause, restock safety supplies and reassess.
  - Operating safely with social distancing. Short on mask supply so the district is restocking.
  - Able to work with the mobile pantry so they will offer food on Monday. All food pantry information and other organizations will be on the website.
  - Buildings are all closed now with the exception of food sites.
  - Custodians are still doing safety checks, getting mail and getting additional Chromebook. Beyond that, for safety of staff, all school buildings are closed down.
  - K. Walston stated that food security is another one of our high priorities.
  - United Way reached out last week and offered support to address any food security gaps in the district.
  - The United Way has partnered with Boehringer Ingelheim, Food Rescue and Sodexo to distribute meals to families and children from 2:45 pm to 3:15 pm Monday through Friday beginning on 4/9/2020 at 23 Eden Drive and 1 Meehan Place.
  - Boehringer has offered to feed up to 150 families through Sodexo since they are not feeding their staff.
  - United Way has a program called ALICE (Asset Limited, Income Constrained, Employed). Families who qualify for funding or support are eligible for a $200 food gift certificate. Families will be encouraged to register online through the United Way. It is a program for some of our needier families in the district. Looking to connect those families with this opportunity.
  - R. Chaleski asked if over the break, are we planning on taking basketball hoops or locking dumpsters to discourage people from going on property?
Dr. Pascarella stated that he will mention it to R. Jalbert to ask custodians to do building checks.

Technology update

- G. Jasmine spoke about the Parent Connectivity Campaign.
- Getting parents engaged over the past nine days has been a feat.
- On 3/31/2020, the district had about 10,600 email addresses for families. As of 4/8/2020, have over 11,000. That's a lot of phone calls that have been made over the past eight days. Teachers, principals, support staff and secretaries have been calling families and helping them through the process to get online.
- 92% of district families have a valid email address in our system. District has started sending robo calls via email now. We have three ways to communicate with parents; email, robo call and website.
- Parent Portal will help families, especially in K-5 level. 84% of parents have signed up to the Parent Portal. The Parent Portal wasn’t open to K-5 families until three weeks ago.
- At high school and middle school level, report cards have been online through Parent Portal and Student Portal for the past couple of years. Each elementary school is uploading the report card and sending via email. That is one reason why having a valid email is so important.
- Since we started distributing Chromebooks on 3/19/2020, the district has had 4,067 requests for Chromebooks. As of 4/8/2020, 3,767 Chromebooks have been delivered to families. 133 to be delivered on 4/9/2020. 93% of requests have been fulfilled for these families.
- Another 3,750 Chromebooks are coming next week. The IT team will be working to get them unpacked, on the network and ready for distribution with the goal of distributing after April break. That will be for families who need multiple devices. The original approach was to have one device in every family so at least a way to connect. This additional group of Chromebooks will help the district fill in that gap.
- K. Conetta asked if we have a sense on how many kids don’t have a device? G. Jasmine stated she didn’t have a solid number. Only aware of those who have requested a device via document or contact by teacher or principal. In some schools, the parents said they had personal devices at home already and didn’t need school devices. K. Conetta stated that there may be families who are not comfortable asking or know how to fill out online requests.
- Dr. Pascarella stated that is something mentioned on the robo calls. District has also pushed it down to the schools to get feedback from teachers on students who do not have devices and need them. G. Jasmine stated that request forms were in three languages. ESL staff and bilingual volunteers reached out directly to families in anticipation that they would not have the ability to fill out forms.
- G. Jasmine stated that Google Classroom information is limited with reports. There has been such a large increase in usage that Google is about a week behind on data reports. Looking for better information in the reports she can run.
- There was a massive increase in the types of files that students add. For example, on 3/28/2020 there were roughly 2000 google docs in our domain. On 4/3/2020 there were 12,200. That’s just student activity, not counting what teachers are using for their classrooms. When better numbers are available, she will report back to the Board.

Governor’s Executive Orders
- Dr. Pascarella stated that the big question through the governor is “are we coming back?”. May hear something by the end of the week.

- Grading has been a big issue. Particularly high school with seniors, colleges, GPAs, etc. Guiding practices came out on 4/8/2020.

- Commissioner with post-secondary education has come to some agreements on acceptance of standards based on a pass/fail system. Will be discussed on 4/9/2020 with all superintendents. The system that the commissioner is advocating would be consistent with the district’s current pass/fail system.

- It’s standard based but is also one that the state utilizes. This is just for CT colleges, not out of state colleges.

- J. Britton asked if it is up to the district to make a decision on making a change to the grading policy at the high school level? Dr. Pascarella stated that the governor empowered Commissioner Cardona to make modifications, including graduation requirements. The Board and the commissioner have the right to waiver. The commissioner suggested looking at a grading system that all schools should consider, as a state. He offered pass/fail grades (pass/fail incomplete, pass/fail with distinction, pass/fail with restrictions and standard pass/fail).

- Last day of school will be 6/12/2020. Executive Order 7C very explicitly asked if we have ceremonies to follow Governor Lamont’s declaration of social distancing and look into postponement or virtual ceremonies.

- K. Conetta asked about the 7R order which advised to continue paying staff in the school community that are not being utilized. Asked if we are continuing to pay bus drivers? K. Thompson stated that what the governor’s order addressed was there is room to have amended conversations with transportation companies. That’s the next conversation that needs to happen. Transportation company staff are not district employees. The governor’s order was pretty clear that the goal is to keep them employed. The district will have that conversation with the transportation company to amend the agreement. It is evolving and ongoing. C. Leborious stated that the district did pay up until closure on 3/13/2020.

  - End of year commencement and ceremonies
    - D. Donovan and Dr. Pascarella are brainstorming ideas to come up with some kind of graduation ceremony. A platform with valedictorian and student recognition. Advised Board to be prepared.
    - J. DaSilva asked if there was any reason we can't postpone the graduation ceremony into the summer? Dr. Pascarella stated that was part of the commissioner's conversation but not a recommendation at this point.
    - R. Chaleski asked if we are asking students for their input on what they would like for graduation? Dr. Pascarella stated that he will pass that along to D. Donovan.

- Recruitment and Hiring
  - K. Thompson stated that even though Human Resources are virtual right now, time is marching on.
  - Some unemployment claims are coming in. Unemployment compensation is almost at a halt due to the five to seven-week backlog at state level.
  - Lots of questions from people on benefits, life insurance, scope of benefits, etc.
  - The team is really reaching out to staff who have already experienced tragedy and how we can support them.
  - The team is trying to learn a lot about the landscape that is changing to provide support to employees.
• Lots of staff returning from maternity leave and other kinds of leave. Making sure they have the proper training so they can be up to speed and take over their classes.

• In addition, Human Resources is starting to think about next year. Rolling contracts and salary grids to next year. Looking at any remaining reporting that needs to be done. Keeping up with certification.

• Dr. Pascarella stated that Dr. Cronin of Mill Ridge Primary is retiring this year, after 54 years of service. Has been at MRP since 1993 and was at South Street School before that. Tremendous loss to the district and we wish her well.

• Four administrative openings for next year. One Assistant Principal at WSMSA and one Assistant Principal at BVMS. Currently held by interim candidates and will be considered internal candidates. Also, principal at MRP and principal at KSP.

• Whenever we hire a principal or AP, they go through a two-panel system. How would we make a two-panel system work logistically and provide time out for the vast number of people who participate in the regular workday? We don’t have a sub pool anymore and don’t have people to substitute for teachers. K. Thompson asked the Board if they would agree to do a single panel that includes elements of both panels (administrator, Board member, Cabinet, teacher, etc.). Due to the current situation we are in, it would be a challenge holding a two-panel system. K. Thompson stated this is just temporary.

• R. Chaleski asked if we could have more Board members on the panel instead of just one. K. Thompson stated we don’t want to have so many involved that we can’t see candidate and panel at the same time (virtually). Certainly, try to accommodate as many as we could.

• It’s also a challenging position to be in as a candidate. For the people who come from the outside it is a heavy lift to this process.

• J. DaSilva asked if one panel is for all positions or one panel for each candidate? K. Thompson stated that we could do a hybrid model. Prefer not to do more than one session. Important to have the same group for all candidates with a blended panel.

• K. Thompson stated we might have to do a teacher panel made of coaches and administrators that deal with both schools. Still have to think more about it. There would be one secondary panel and one elementary panel. Dr. Pascarella asked Board members interested in serving to let G. Cooper know.

• K. Thompson asked for names in the next week or so and if there is a preference for elementary or secondary panel.

• Teacher hiring is on our horizon. Recruiting fairs are not happening but there are some virtual fairs. Will check and see what we can participate in for recruiting. Will speak to administrators after the break to see what the best way is to look at candidates for their available positions in the fall.

• Waiting for guidance from the state on fingerprinting and background checks.

• Court system is also trying to figure out how they will navigate this prolonged closure. The lawsuit that is pending with transgender students is still ongoing. There have been virtual and phone conferences with lawyers, judge and commissioner of human rights.

• K. Molinaro asked Dr. Pascarella if when the superintendents have their meeting, is there something on the agenda to address the schools opening? Eventually we will have to open. Is there a task force for the Board to participate in or talks about forming a task force to help us when we do open? Especially with the overcrowding issues that we have.

• Dr. Pascarella stated that the superintendent’s meeting is to be held on 4/9/2020 and then at 11am with Commissioner Cardona.

• Dr. Pascarella stated that we have signed the contract for Granville location and the extension at Sacred Heart.
o Dr. Pascarella stated while there are a lot of things we need to do and things we need to think about when we do open, he is not sure what the committee would discuss at this time.

o First, we need a decision from Governor Lamont. That will move us into grading requirements, summer school and figuring out the fall.

o K. Thompson stated that it’s all about the planning. We as a team have really learned how we continue to modify our plan for whatever situation we might face. If we can continue planning the way we’ve been doing and make sure that we build it so we can plug in parameters, we will be in much better shape.

o K. Walston stated that he attended training to encourage our district to look at ways to reconstitute how our school community looks when we come back. Looking at a roadmap implementation plan post-incident. We have a significant plan in place now for emergencies that we have been encouraged to revisit. In addition, a plan specifically for re-entering our schools. How we will educate them. How we will free up more space in our respective schools and try to continue to encourage social distancing. We have a lot to consider and are mindful of all those things.

o J. DaSilva asked if we are already planning summer school online? Dr. Pascarella stated that it is being looked at. How we can offer extension for parents that want it and for those who need remediation and support.

o J. DaSilva asked if there is any way of expanding that for kids who don’t need summer school but rather for them to have something to do. Dr. Pascarella stated that his dream has always been to have elective summer school. Thinking of summer school for youngsters that have some gaps and offer it as an elective. It would have to be a paid summer school, like summer camp learning.

o K. Casimiro stated that one question on the staff survey sent on 4/8/2020 was if we did hold an online summer school, would staff be interested in teaching? Would they be interested in teaching only if it was traditional, distance or doesn’t matter? Each year we have always had staff interested in summer school. It really is dependent upon available staff, so time will tell.

o K. Thompson stated that the good news for summer school is that staffing is our own, so we never have to go outside the district to hire teachers and it can be done quickly.

DISCUSSION

- Budget and Referendum
  o C. Leborious stated that the CFO of the State Education Department let her know that there is no indication that there will be any changes to the FY20-21 budget.
  o Balance of current year state grant funds will continue to be paid through the remainder of the fiscal year. Not anticipating any reductions in the current year to state grant funding. Entitlement and calculative grants are not going to be prorated to reflect the modified school year. Will be based on our previous amount for the entitlement grants.
  o In the case of excess cost, we will see a reduced possibly expenditure filing. For example, transportation will be less. May see an adjustment to our grant amount which will be reconciled in FY20-21 payment.
  o The State Education Department is working with OPM to extend the timeline of some of our grants. There will be more guidance on that and C. Leborious will let the Board know as it becomes more clear.
  o Federal Cares Act is about $13.2 billion that will flow through the state education entity. 90% of the funding will come to districts. Looks like it will be an entitlement grant. Not
something we will apply for, will be based on a formula. Further guidance on that as well. That can be used for all the things we’ve been doing associated with the emergency response such as purchases made related to technology, learning software, gloves, sanitizers, etc.

○ Governor is considering using some of that towards offsets to our food program since we are still paying staff but getting less reimbursement from food that we are serving.

○ Likely these federal funds will be able to be extended to FY20-21.

○ Regarding City Budget - The budget piece that applied to the district (Executive Order 71) says that we do not need to hold votes required by city charter but the municipality still has to draft a budget, publish it and have an opportunity for public comment. The city budget director stated that they would be publishing the budget on the third or fourth week of April. The Board still has to meet all of the mandated requirements associated with adopting the budget. The only exception is that there is not going to be a formal comment period. They will likely just get emails from the public and it won’t be voted on by the City Council.

○ Taxpayers have the ability to delay property tax payments by 90 days. The grace period has been extended to 7/1/2020. Residents won’t have to pay the penalty unless they pay after 7/1/2020. The penalty could be up to 18%. If the state changes that penalty fee, that could be up to a $2.5 million exposure risk for the city which would impact our budget.

○ $1.275 million requested and received in our budget.

○ CASBO and CAPSS (two Connecticut business organizations) did a study and with 47 districts reporting, it is estimated that a full school closure might result in very minor school savings, if any. Our biggest cost is personnel. For the most part, we did not lay off any staff.

○ Additional costs with Distance Learning, purchased Chromebooks and additional learning platforms. School nutrition program is running a deficit because we are not being reimbursed. Cost of sanitizing buildings, all the materials that needed to be purchased and custodial overtime.

○ Some offsets which are savings that we had in the budget, offset those costs with subs, coaches, and overtimes.

○ Lost revenue potentially associated with the excess cost grant. Medicaid, pre-k tuition and building use revenues that are down. Not seeing a huge amount of savings.

○ What does that mean for planning? As we get further guidance from state and federal, and as we negotiate the transportation contract, we will have a better picture. That will be made clear to the Board as we move along.

○ The City Referendum was postponed, likely until 6/2/2020. Will not happen on the initial April date. More information to follow.

○ J. DaSilva asked if the district has received any money from the Carbide/Matrix property. C. Leborious said it’s in our allocations. We did get an increase by about $350,000 with that appropriation.

○ R. Jannelli asked for a Finance Committee meeting during April break. Dr. Pascarella stated that he does not know what he is being proposed with in terms of a budget so he is cautious. R. Jannelli will leave at C. Leborious’ discretion on best time and date.

INFORMATION

○ Overview of Healthy Food Certification

○ C. Leborious stated that every year the district votes on the Healthy Food Certification. Asked the Board for an agenda adoption for the next meeting. If we vote to adopt the Healthy Food Certification, it gets us an additional reimbursement for every snack or
item that is sold. Results in $110,000 for the district annually. We have to follow certain products that are considered healthy. Gives us a list of acceptable items that we have to follow with lower salt, sugar and fats in some of the snacks. Required to have it voted on by 4/30/2020. B. Mollengarden from Sodexo has met with the Student Board and they have no problem with it.
   - K. Pompano will share the document with the Board, so they are prepared for the next meeting.

BOARD CHAIRPERSON’S REPORT
   - G. Cooper thanked everyone for coming together and being cooperative. Asked members to inform her or K. Pompano if they cannot attend the full Board meeting.

BOARD REPORTS, COMMUNICATIONS AND COMMENTS
   - R. Chaleski set a Policy Committee meeting for 4/29/2020 at 5:30 pm. Committee members were sent an agenda. Not continuing business as usual but looking at current policies and some new policies impacted by the virus situation.

EXECUTIVE SESSION
   - Per Dr. Pascarella, the situation is still evolving so an executive session is not needed.

ADJOURNMENT
K. Conetta moved, seconded by J. DaSilva, that the Board of Education adjourn its Meeting of April 8, 2020 and the meeting was adjourned at 8:23 pm.

Kathleen Molinaro, Secretary

(Meeting was videotaped)
TO: Sponsors of the National School Lunch Program

FROM: John D. Frassinelli, Bureau Chief
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: January 22, 2020

SUBJECT: Operational Memorandum No. 05-20
Process for Submitting the Healthy Food Certification (HFC) Statement for School Year 2020-21

This memo addresses the requirements for submitting the 2020-21 HFC Statement to the Connecticut State Department of Education (CSDE). Under HFC, public school districts that participate in the NSLP may choose to follow the Connecticut Nutrition Standards (CNS) and receive additional state funding. This memo also provides information on the Connecticut Nutrition Standards (CNS), HFC resources, and state beverage requirements for public schools.

In summary, districts must use the appropriate motion language and schedule the required votes at a meeting of the board of education or governing authority that occurs before April 30, 2020, so the district can submit the final board-approved meeting minutes to the CSDE by July 1, 2020. The three votes include whether to:

- adopt the healthy food option under HFC;
- allow food exemptions to the healthy food option under HFC (if the district votes to implement the healthy food option); and
- allow beverage exemptions under Section 10-221q of the Connecticut General Statutes (C.G.S.) (if the district chooses to allow beverage exemptions).

Please carefully review this memo for detailed information on each requirement. Districts must follow the specified instructions to ensure timely submission and CSDE approval of the 2020-21 HFC Statement.

Requirement for Annual HFC Statement
C.G.S. Section 10-215f requires that each local board of education or governing authority for all Connecticut public school districts participating in the National School Lunch Program (NSLP) must take action annually to certify whether all food items sold to students separately from reimbursable meals will or will not meet the CNS. Public schools include all public schools,
regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools, and endowed academies.

For school year 2020-21, the HFC period is July 1, 2020, through June 30, 2021. All public school districts participating in the NSLP must submit the online Healthy Food Certification Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) by July 1, 2020. The vote by the board of education or governing authority on whether to participate in HFC must occur by July 1, 2020, or the district is ineligible for HFC during school year 2020-21.

**HFC Application Process for 2020-21**

The annual HFC Statement will be completed online in the CSDE’s Connecticut Online Application and Claiming System for Child Nutrition Programs (CNP System), as part of the district’s 2020-21 application module for the U.S. Department of Agriculture’s (USDA) Child Nutrition Programs. The 2020-21 CNP application module is expected to be available in the CNP System in May 2020. The CSDE will notify sponsors when the 2020-21 CNP application module is open, at which time the HFC application module will also be available.

All public school sponsors of the NSLP must follow the procedures below to ensure timely submission of the 2020-21 HFC Statement by the deadline of July 1, 2020.

1. Schedule the HFC votes at a meeting of your board of education or governing authority that occurs before April 30, 2020, so the district can submit the **final board-approved meeting minutes** to the CSDE by July 1, 2020. **Note:** The CSDE cannot accept draft meeting minutes to approve the HFC application. Be sure to schedule the initial board meeting early enough to enable timely submission of the **final** board-approved meeting minutes. If the board of education conducts the HFC votes in June, and final board approval of the June minutes does not occur until the next board meeting in July or August, the district will not be able to submit the final board-approved June minutes by July 1, 2020.

   A. **Vote for healthy food option:** The board of education or governing authority for each public school that participates in the NSLP must vote “yes” or “no” on whether to implement the healthy food option of C.G.S. Section 10-215f, i.e., follow the CNS for all foods sold to students separately from reimbursable meals. The board motion and final board-approved meeting minutes must include the following specific criteria for the healthy food option required by C.G.S. Section 10-215f:

   **Motion language for healthy food option:** Pursuant to C.G.S. Section 10-215f, the board of education or governing authority certifies that all food items offered for sale to students in the schools under its jurisdiction, and not exempted from the Connecticut Nutrition Standards published by the Connecticut State
Department of Education, will comply with the Connecticut Nutrition Standards during the period of July 1, 2020, through June 30, 2021. This certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but not limited to school stores, vending machines, school cafeterias, culinary programs, and any fundraising activities on school premises sponsored by the school or non-school organizations and groups.

B. **Vote for food exemptions:** If the board of education or governing authority votes “yes” for the healthy food option in 1A above, the board of education or governing authority must also vote on whether to allow food exemptions. *(Note: If the board of education or governing authority votes “no” for the healthy food option, a vote on whether to allow food exemptions is not required.)* The board motion and final board-approved meeting minutes must include the following specific criteria for the food exemptions required by C.G.S. Section 10-215f:

**Motion language for food exemptions:** The board of education or governing authority will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food items are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The “regular school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held, and must be the same place as the food sales.

C. **Vote for beverage exemptions:** The beverage requirements of C.G.S. Section 10-221q apply to all public schools, regardless of whether the district certifies for the healthy food option of HFC under C.G.S. Section 10-215f or participates in the USDA’s Child Nutrition Programs. Additional information on the beverage requirements is available on the CSDE’s Beverage Requirements webpage.

Beverage exemptions under C.G.S. Section 10-221q are not part of the annual HFC Statement, which applies only to food sales. If a public school district chooses to allow beverage exemptions, the CSDE recommends that the board of education or governing authority conducts the vote on beverage exemptions at the *same time* as the HFC votes. If the district does not have a beverage exemption in place, noncompliant beverages can never be sold to students on school premises. The board motion and final board-approved meeting minutes must include the following specific
criteria for beverage exemptions required by C.G.S. Section 10-221q:

**Motion language for beverage exemptions:** The board of education or governing authority will allow the sale to students of beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held, and must be the same place as the beverage sales.

D. **Option to combine food and beverage exemptions:** Instead of the two separate food and beverage motions in steps 1B and 1C above, the district may choose to combine food and beverage exemptions in one motion by using the language below.

**Motion language for combined food and beverage exemptions:** The board of education or governing authority will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards and beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food and beverage items are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The “regular school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held.

For more information on food and beverage exemptions, see the CSDE’s handout, *Exemptions for Foods and Beverages in Public Schools*.

2. Conduct the HFC votes for the healthy food option and food exemptions (and the vote for beverage exemptions, if applicable) at the scheduled meeting of the board of education or governing authority in spring 2020. Until the CNP System opens (anticipated in May 2020), maintain a copy of the final board-approved meeting minutes indicating the
results of the HFC votes for the healthy food option and food exemptions (and beverage exemptions, if applicable), as outlined in step 1.

A. The final board-approved meeting minutes must indicate whether the board of education or governing authority voted “yes” or “no” to implement the healthy food option, and must include the specific language under “Motion language for healthy food option” in step 1A on page 2.

B. If the board of education or governing authority voted “yes,” for the healthy food option, the final board-approved meeting minutes must also indicate whether the board of education or governing authority voted “yes” or “no” to allow food exemptions, and must include the specific language for either “Motion language for food exemptions” under step 1B on page 3, or “Motion language for combined food and beverage exemptions” under step 1D on page 4.

C. If the board of education or governing authority voted to allow beverage exemptions, the final board-approved meeting minutes must include the specific language for either “Motion language for beverage exemptions” under step 1C on page 4, or “Motion language for combined food and beverage exemptions” under step 1D on page 4.

3. In May 2020, when the CSDE notifies districts that the CNP System is open and the HFC application module is available, complete the online HFC application module and upload the final board-approved meeting minutes indicating the results of the HFC votes for the healthy food option and food exemptions (and the vote for beverage exemptions, if applicable). The CSDE will e-mail school nutrition programs when the 2020-21 HFC application module of the CNP System is available. Instructions on how to access the HFC application module will be provided at that time. Note: Please do not access the CNP System prior to receiving this notification from the CSDE.

For additional guidance on the HFC application process, review the CSDE’s presentation, Application Procedures for HFC, and visit the “Apply” section of the CSDE’s HFC webpage.

Interschool Agreements for HFC Schools

A public school or district (recipient site) that receives meals under contract from a HFC district (providing sponsor) may choose to certify for the healthy food option and follow the CNS for all foods sold to students separately from reimbursable meals. This must be indicated in section 3 of the Full-service Interschool Agreement Form between the recipient site and the providing sponsor district.
In order for the providing sponsor to receive HFC payments for any recipient sites, the interschool agreement must be submitted to the CSDE by **July 1, 2020**. If the CSDE receives the interschool agreement **after** this date, the CSDE will **not** include the recipient site’s lunch counts in the total number of reimbursable lunches used to determine HFC payments for school year 2020-21. For more information, see CSDE Operational Memorandum No. 4-20: Interschool Agreements for School Year 2020-21.

Schools must e-mail copies of the completed interschool agreements to the CSDE. Interschool agreements are not submitted through the CNP System. The interschool agreements for school year 2020-21 are available in the “Interschool Agreements” section of the CSDE’s Forms for School Nutrition Programs webpage.

**Connecticut Nutrition Standards (CNS)**

The CSDE did not change the CNS for school year 2020-21. For a summary of the CNS, see the CSDE’s handout, *Summary of Connecticut Nutrition Standards for Foods in Schools*. Additional information on the CNS is available on the CSDE’s CNS webpage. The CSDE’s HFC webpage provides numerous resources to assist districts with implementing HFC including:

- Complying with HFC (Presentation);
- Ensuring District Compliance with HFC;
- Guide to Competitive Foods in HFC Public Schools;
- List of Acceptable Foods and Beverages;
- Questions and Answers on Connecticut Statutes for School Food and Beverages;
- Requirements for Competitive Foods in HFC Public Schools;
- Requirements for Food and Beverage Fundraisers in HFC Public Schools;
- Requirements for Foods and Beverages in School Stores in HFC Public Schools;
- Requirements for Foods and Beverages in Vending Machines in HFC Public Schools; and
- Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools.

For questions or additional information, please contact Susan Fiore at 860-807-2075 or susan.fiore@ct.gov or Teri Dandeneau at 860-807-2079 or teri.dandeneau@ct.gov.

JDF:sff

Important: This is a numbered Connecticut State Department of Education (CSDE) operational memorandum that contains important program information. Please read carefully and retain for future reference. All CSDE operational memoranda are posted on the CSDE’s Operational Memoranda for School Nutrition Programs webpage.
# DANBURY PUBLIC SCHOOLS
## MONTH AND YEAR-TO-DATE EXPENDITURE SUMMARY
### April 22, 2020

<table>
<thead>
<tr>
<th>OBJECT CODE</th>
<th>EXPENSE CATEGORY</th>
<th>BUDGET 2019-2020</th>
<th>ANTICIPATED BUDGET 2019-2020</th>
<th>MTD EXPENDITURE</th>
<th>YTD EXPENDITURE</th>
<th>ENCUMBRANCE</th>
<th>BALANCE</th>
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| Salaries Total | $76,240,549 | $548,000 | $6,131,091 | $51,129,470 | $25,699,345 | (40,266) |

Exhibit # 20-44
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<th>OBJECT CODE</th>
<th>EXPENSE CATEGORY</th>
<th>BUDGET 2019-2020</th>
<th>ANTICIPATED BUDGET 2019-2020</th>
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<th>BALANCE</th>
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P/T and Substitutes Total $ 2,680,852 $ - $ 229,838 $ 2,389,961 $ 428,963 $ (137,801)

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<th>ANTICIPATED BUDGET 2019-2020</th>
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<td><strong>$ 1,901,135</strong></td>
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<td>$</td>
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<td>- $ 86,693 $ 960,525 $ 210,586</td>
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<td>BALANCE</td>
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<td>$ 19,120</td>
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<td>Travel-In Town</td>
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<td>ANTICIPATED BUDGET 2019-2020</td>
<td>MTD EXPENDITURE</td>
<td>YTD EXPENDITURE</td>
<td>ENCUMBRANCE</td>
<td>BALANCE</td>
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<td>$ (521,330)</td>
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TO: Superintendents of Schools
FROM: Kathy Demsey, Chief Financial Officer
DATE: April 14, 2020
SUBJECT: CARES Act Summary and Frequently Asked Questions

Under the Education Stabilization Fund, there are two main sources of K-12 funding: the Elementary and Secondary School Emergency Relief Fund and the Governor’s Emergency Education Relief Fund. Each of the portions of funding to Governors and State Educational Agencies (“SEAs”), such as the Connecticut State Department of Education (CSDE), require applications to be submitted to the United States Department of Education Department (“USED”). In both cases the law requires USED to have applications available within 30 days. The application for the Governor’s Emergency Education Relief Fund is being sent to Governor’s today. The application is a certification and agreement form that USED anticipates turning around within 3 days of receiving each state’s application. USED has not yet indicated when the CSDE will receive the application for the Elementary and Secondary School Emergency Relief Funds but we anticipate further information in the next week.

Elementary and Secondary School Emergency Relief Fund
- CT is estimated to receive $111 million
  - SEA may reserve 10% of the funds for state level activities. SEAs may use up to 0.5% for administration costs.
  - SEAs must allocate not less than 90 percent of the funding to Local Educational Agencies (“LEAs”).
    - LEAs may use funds for:
      - Any activity authorized under ESEA, IDEA, Perkins, or McKinney-Vento; and
      - Many other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others).

Governor’s Emergency Education Relief Fund
- CT is estimated to receive $28 million
- Funds are to be administered by the Governor and can be used for:
  - Emergency support to LEAs the SEA deems most significantly impacted by coronavirus;
  - Emergency support to Institutes of Higher Education (IHEs) the Governor determines are most significantly impacted by coronavirus; and
  - Support to any other IHE, LEA, or education related entity within the State that the Governor deems essential for carrying out educational services.
CARES Act
Frequently Asked Questions

Note: These FAQ’s will be updated regularly as additional information becomes available from U.S. Department of Education. This information has been gathered from several sources including the USED, CCSSO, and WestEd.

Use of Elementary and Secondary School Emergency Relief Funds:

1. Will the state reservation of 0.5% for administrative costs be taken from the total state award of Elementary and Secondary School Emergency Relief Funds (ESSERF) or from the 10% that states may set aside for state-level activities (.5% of 10%)?

Clarification from USED provides that the 0.5% state reservation for state administration will be calculated based on the total state ESSERF allocation. For example, if a state receives $100 million of ESSERF funds, it may set aside up to $10 million for state-level uses of funds. Of that $10 million, is it permitted to use up to $500,000 for administrative costs (total state ESSERF allocation of $100,000,000 x .005) and $9,500,000 for other SEA-level uses and activities related to COVID-19.

2. Will the use of the 90% set aside for LEAs be flexible, with LEAs being permitted to spend the funds on all the same activities permitted under all the major programs in the Elementary and Secondary Education Act (ESEA)?

Yes, the uses of funds for this money are very flexible. Under the law funds may be used for any activity authorized by ESEA, IDEA, the Adult Education and Family Literacy Act, the Perkins CTE Act, or the McKinney-Vento Homeless Assistance Act in addition to other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others).

3. Does the CARES act specify funding obligation timeframes?

Funding for the new Education Stabilization Fund will be available for obligation at the Federal level through September 30, 2021. SEAs must award funds to eligible entities within one year of receiving them. Any money that remains unawarded after a year must be returned to USED for reallocation to other states.

4. Does the CARES Act include a supplement not supplant requirement?

No. Neither the Elementary and Secondary School Emergency Relief Fund nor the Governor’s Emergency Relief Fund includes a supplement not supplant requirement.
5. How do SEAs determine LEA allocations under the Elementary and Secondary School Emergency Relief Fund?

SEAs must award at least 90% of their Elementary and Secondary School Emergency Relief Funds to LEAs. LEAs receive funds based on the proportion of Title I, Part A funds they received in the most recent fiscal year. For example, if an LEA received 10% of a State’s Title I, Part A funds in the most recent fiscal year, it would receive 10% of the available Elementary and Secondary School Emergency Relief Funds.

6. Are LEAs that did not receive Title I funds in the most recent fiscal year eligible for Elementary and Secondary School Emergency Relief Funds?

Based on how grant amounts are calculated in the act we don’t believe so. LEAs receive Elementary and Secondary School Emergency Relief funds based on their relative share of Title I funds. If an LEA did not receive Title I funds in the most recent fiscal year – either because it was not eligible or because it declined funding – then it would not generate a share of Elementary and Secondary School Emergency Relief Funds.

7. Could an SEA award some of its state-level Elementary and Secondary School Emergency Relief Funds to an LEA that did not receive Title I funds in the most recent fiscal year?

The act does not seem to restrict SEAs from doing so. SEAs may use their state-level funds to address emergency needs to respond to coronavirus, including through the use of grants or contracts. This could include granting funds to other entities, such as LEAs that are not eligible for Elementary and Secondary School Emergency Relief funds because they did not receive Title I, Part A funds in the most recent fiscal year.

8. Can the Elementary and Secondary School Emergency Relief Funds benefit any school in the LEA, regardless of a school’s Title I, Part A status?

Yes. States must allocate Elementary and Secondary School Emergency Relief Funds to LEAs based on their relative share of Title I, Part A funds, but Elementary and Secondary School Emergency Relief funds are not Title I funds. Therefore, ranking and serving, school and student eligibility, and other Title I requirements do not apply to Elementary and Secondary School Emergency Relief funds.

LEAs may spend their Elementary and Secondary School Emergency Relief funds on any allowable activity listed in Section 18003(d), many of which are likely to be districtwide activities. If an LEA chooses to spend funds to benefit individual schools, for example, to provide principals and other school leaders with resources to address their school’s individual needs (Sec. 18003(d)(3)), it may benefit any school regardless of Title I status.
9. Can LEAs use funds to reimburse expenses they are incurring now? E.G. hotspots and tech?

USED has not yet announced how costs incurred prior to the passage of CARES Act will be covered but has allowed for some level of coverage of pre-award costs under previous funding efforts.

10. Does the CARES Act include funds for compensatory education services for students with an Individualized Education Program (IEP)?

For LEAs, the authorized uses of funds under the K12 portion of the Education Stabilization fund include, among others, any activity authorized under ESEA or IDEA. For the funds 10% of each state’s allocation reserved by the SEA there is no list of allowable uses of funds laid out in the law only that funds need to be used for emergency needs related to COVID-19 as determined by the SEA. Thus, the K12 portion of the Education Stabilization fund could be used for compensatory services for students with disabilities as determined by the SEA and each LEA.

11. Does the Education Stabilization Fund require funds to be reserved for equitable services for non-public schools?

The law requires the use of Title I’s equitable services provisions (Section 1117 of ESEA) in the provision of services to private school children. The funds will be provided to the LEA not the non-public school.

12. Does the CARES Act require LEAs to provide equitable services for private schools?

Yes. Section 18005 of the CARES Act requires LEAs that receive Governor’s Emergency Education Relief Funds or Elementary and Secondary School Emergency Relief Funds to provide equitable services in the same manner as provided under Section 1117 of ESEA (that is, in the same manner as equitable services are provided in Title I, Part A).

13. What maintenance of effort (MOE) considerations apply to CARES Act funding?

There are two MOE issues to consider. First, to receive Elementary and Secondary School Emergency Relief Funds or Governor’s Emergency Relief Funds States must assure they will maintain support for K-12 and higher education in fiscal years 2020 and 2021 at least to the average spent in the last three fiscal years. USED can waive this requirement for States that have experienced a precipitous decline in financial resources. Second, State and local funds spent on supplemental expenses made as a result of a presidentially declared disaster can be excluded from other programs’ MOE calculations (like Title I and other ESEA programs). A mechanism for tracking such spending may be developed to facilitate future calculations.
Use of Funds under the Governor’s Emergency Relief Fund:

1. **How may LEAs spend their Governor’s Emergency Relief Funds?**

   An LEA that receives Governor’s Emergency Relief Funds may spend them on activities to support the LEA’s ability to continue to provide educational services to its students and to support the LEA’s ongoing functionality.

2. **Can the Governor’s Emergency Education Relief Fund (Section 18002 of the CARES ACT) be used to replace state aid?**

   No, the Governor’s Emergency Education Relief Fund cannot be used to replace state aid. These funds must be used for emergency grants to LEAs and IHEs that are significantly impacted by coronavirus, or to support other education related entities within the state the Governor deems “essential for carrying out emergency educational services.” LEAs, IHEs, and other education related entities can use this money flexibly once it is received to provide educational services and to “support ongoing functionality.” A state cannot use the funds as replacement for its normal state aid formula. Instead, the state must decide which entities are most impacted by coronavirus, or are essential for carrying out emergency educational services, and allocate the funds there.
TO: Superintendents of Schools  
Boards of Education  
Municipal Chief Fiscal Officers  

FROM: Jessa Mirtle, Legal Director  

DATE: April 14, 2020  

SUBJECT: Frequently Asked Questions Regarding Executive Order 7R  

This is a working document, which may be updated due to the rapidly changing response to this pandemic emergency and ongoing Federal guidance updates related to the CARES Act.  

General Questions  

1. What is the relationship between the Governor’s Executive Order 7R and the Federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)?  

State Executive Order 7R has the force of state law, and should be read consistent with the language in the CARES Act. In particular, the instruction from our Federal partners in Sec. 18006 of the CARES Act, provides, in relevant part: "A local educational agency, State, institution of higher education, or other entity that receives funds under the 'Education Stabilization Fund', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus."

This language, and similar language in Executive Order 7R, acknowledges the school community is instrumental to continuing the educational interests of the state, and that Boards of Education should compensate their employees and contractors during this period of disruption, to the greatest extent practicable. In accordance with Executive Order 7R, Boards and municipalities should endeavor to keep as many people employed as possible, and focus on maintaining the critical workforce and services necessary to resume operations when schools are able to reopen, at such time as that date is determined.  

2. Who determines that a contract with a transportation company or special education provider must be amended?  

Executive Order 7R allows a Board or municipality to make the determination to pay a contract in full if the Board determines locally that it is appropriate under the circumstances. Alternatively, Executive Order 7R contemplates that a Board or municipality may determine it is necessary to amend a contract with a transportation company or special education provider where there is a need to more accurately reflect the actual costs incurred during the duration of the public health and civil preparedness emergencies.  

Any local decision to pursue an amendment will require good faith negotiation by both parties, and should take into account the educational interests of the state to continue special education during the cancelation of school classes, and for transportation services for students to be available immediately
when school resumes. As indicated in more detail below, generally special education providers will be continuing services during the cancellation of classes and should be paid accordingly.

3. Are Boards compelled to honor contract language requiring payment of all contractual costs under these circumstances, or are Contractors compelled to accept non-payment due to a force majeure clause, under the Executive Order?

Existing contracts may contain negotiated language that includes but is not limited to: (1) excusing a school district from payment under emergency circumstances; (2) defining a payment structure for emergencies; (3) requiring a district honor all costs under the existing contract despite an emergency; or (4) prior prepayment of a full contract. The CARES Act and Executive Order 7R do not directly address reliance on contract language that was previously negotiated in good faith.

Parties should consider, however, that, under some circumstances, holding a party to the originally negotiated terms of an agreement may make the preservation of services in the future difficult, if not impossible. In addition, Boards may run the risk of disqualifying the district for support under the CARES Act for failure to pay a contractor “to the greatest extent practicable.”

The Connecticut State Department of Education (“CSDE”) would encourage all parties to keep in mind the spirit of both Executive Order 7R and the CARES Act and approach this with a unique collaborative effort.

4. If Boards of Education will continue to receive state funding and also federal stabilization funding, why are they not just instructed to fully pay all contracts even when services are not being provided as anticipated?

While funding will continue, budgets of local and regional boards of education did not anticipate costs associated with their response to the COVID-19 pandemic, and may be further strained by lost revenue from cafeteria and other operations due to the cancellation of all public school classes. Therefore, amendments to contracts may be necessary.

**Board of Education Employees**

5. What if a board of education staff member was already laid off and received unemployment?

Executive Order 7R requires that Boards restore employment to the greatest extent practicable, but does not mandate back-pay, whether the individual received unemployment or not.

6. What categories of staff does the Board need to employ and pay under this order?

The Executive Order anticipates that Boards will continue to pay board of education staff to the greatest extent practicable, and mirrors the Federal CARES Act language about payment of employees and contractors during the period of any disruptions related to coronavirus.

Interpreting the order as it relates to specific employees and positions requires individualized consideration at the local level. For example, the district will need to address what is practicable for
their schools, consider the anticipated duration and the nature of relationship between the individual and the board, and determine if the person would have been separated for other reasons.

If but-for the COVID-19 pandemic, an employee of a board of education would have remained in employment for the remainder of the school year, generally the individual’s employment should continue, to the greatest extent practicable. This includes staff that are not individually enumerated in the executive order, such as health professionals (e.g., nurses, occupational therapists, physical therapists, mental health counselors). Staff should also remain available to provide services and support the students and school district in these new circumstances, consistent with safety precautions.

7. What if I do not have tasks for my staff to perform?

Executive Order 7R acknowledges that some staff may not have tasks to perform during the cancelation of classes, but nonetheless directs Boards to continue compensation and health insurance for such staff to the greatest extent practicable. However, CSDE strongly encourages school administration to consider the myriad of assistance employees can provide, such as virtual student outreach and teacher lesson planning support, to engage the student community. In some situations, this may require consideration of applicable collective bargaining agreements and consultation with counsel.

8. What if I have tasks for my staff to perform, and they do not wish to continue duties, or prefer unemployment?

This would need to be considered on a case-by-case basis. They may be eligible for reemployment and then paid leave under state and federal law, or if the Board had already laid them off indicating no substantial work for them, they may pursue unemployment subject to the applicable laws and regulations.

Special Education

9. Does a Board of Education need to continue to make full payment of tuition to Approved Private Special Education Programs (APSEPs) and other out-of-district placements?

The Connecticut State Department of Education (CSDE) strongly encourages school districts to continue current contracts with APSEPs to allow for the students placed in these programs to receive continued educational opportunities and the special education and related services in their individualized education programs (IEPs), to the greatest extent possible. This was communicated in the below guidance:


While this guidance indicates there may be room for discussion about an amendment, it is likely the scope of such amendment would be narrow because APSEPS are expected to actively participate in continued educational opportunities for students. For example, if there were hourly fees for a specific service that is impossible to provide during the period of school disruption, it would be appropriate
for parties to discuss those costs, but they would likely also need to have a corresponding PPT if there is any change to services for any individual student.

In addition, the local or regional board of education remains legally responsible for the education of each of the students, and the placement at the APSEP or other special education providers has typically been determined by their PPT. Generally, Boards should be continuing to pay APSEPS, and APSEPS should be continuing to provide services.

Transportation

10. What should be the scope of an amendment?

The amendments must be prompt and consistent with the goals outlined in the Executive Order. This includes ensuring the business will be able to provide service when school resumes, paying and insuring active employees, and considering reasonable documentation to safeguard taxpayer monies by ensuring the companies are not enriched beyond the actual and reasonable costs associated with these goals. The Executive Order 7R is not intended to allow for broad renegotiation of contracts; instead, any amendment should be “prompt” to safeguard employees and the continuity of services once classes resume.

11. For a larger company, how is it possible to expect renegotiation of multiple contracts with multiple districts?

Executive Order 7R does not require “renegotiation” of contracts, but prompt amendment where appropriate.

12. What are the minimum requirements for payment to a transportation contractor, or in what cases would a contractor need to pay back a Board that has paid in full? Is a district required to pay all “home-to-school” transportation costs?

The "home-to-school" transportation typically includes fixed costs, which include employees' and drivers' pay. "Home-to-school" transportation does not include field trips or athletic trips, which did not occur. In this context, the goal for “continuity of services” is very important. There is not a minimum requirement for payment, or for reimbursement of pre-paid balances, in the Executive Order. An amendment will need to consider these costs, including home-to-school payments, rent, and other administrative costs as well as potential savings, such as fuel and unnecessary maintenance.

13. Does the Order direct Boards to also pay for maintenance and fixed costs for transportation companies, such as bus maintenance, insurance, etc.?

Executive Order 7R specifically references reasonable “fleet” costs, and therefore contemplates negotiation of certain fixed costs beyond employee-related costs. Again, the delineated goal for “continuity of services” is important. Costs should be limited to reasonable costs.
14. Does the order direct Boards to pay contractors for the salaries of managers and owners?

Executive Order 7R requires contractors pay active employees, to the greatest extent practicable. There is no exclusion for certain categories of employees, including but not limited to managers, owners, IT staff, mechanics, etc.

15. Who has the authority to negotiate the school transportation contracts? Does the Board of Education need to approve the renegotiated contract?

It will depend upon the district and the delegation of authority provided by the local or regional board of education. However, Connecticut Association of Boards of Education (“CABE”) has provided a policy consideration for Boards to address additional delegation of authority to Superintendents in the context of the COVID-19 pandemic, available here: https://www.cabe.org/uploaded/Policy/6114.8_Pandemic_Policy_2020.pdf. Boards may consult with CABE and counsel, and consider if such guidance related to contracts referenced in Executive Order 7R is appropriate.

16. What is the definition of "active" employee for a contractor? Does it include employees that have been laid off/furloughed?

The contractors must consider the input of their legal counsel related to the requirements of the CARES Act in this area. Executive Order 7R does not specifically require transportation companies to rehire laid off employees. This may be negotiated at the local level.

17. What do school transportation operators do if their employee union representatives do not agree with the renegotiated contract or threaten to strike?

Generally, employee salary and health insurance should remain unchanged by contract amendments, given that the amendment scope should be narrow and continued compensation is contemplated by the order.

18. What type of “reasonable documentation” is required to substantiate employee salary and insurance costs? Is there a requirement to provide certified payroll information and hire an accounting firm to perform the audit?

There is no requirement that an audit be performed. Executive Order 7R requires only that reasonable documentation be provided illustrating these costs. For example, a Board could request confirmation of the employees being rehired, and an invoice that shows the bi-weekly payroll based on the number of routes prior to the COVID-19 pandemic disruption, along with the detail of what else the bus company is invoicing, such as fixed costs.

If you have questions, please feel free to contact Attorney Jessa Mirtle at Jessa.Mirtle@ct.gov.
Governor Lamont’s Executive Order 7R Could Have Impact on Local Education Budgets Throughout Connecticut

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< GOVERNOR LAMONT’S EXECUTIVE ORDER 7R COULD HAVE IMPACT ON LOCAL EDUCATION BUDGETS THROUGHOUT CONNECTICUT COVID-19

RON ROSER | APRIL 9, 2020

On March 31, 2020 Governor Lamont signed Executive Order No. 7R, three of the five provisions of which could have an effect on local education budgets throughout Connecticut. The Governor’s Order enacted the following provisions, and local boards of education and city and town governments should take time to assess the impact that could occur as a result.

Continuation of Funding for Boards of Education

The Order requires the Connecticut State Department of Education to continue processing appropriated state grant funds intended to support boards of education through the fiscal year ending June 30, 2020, including ECS grants, payments for special education excess costs, and Choice programming. It also requires municipalities to continue providing funding to local boards of education as set forth in the approved annual school budgets.

Continuation of Payment of Public-School Staff

The Order requires school districts to continue to employ, or restore to employment if already laid off, and pay school staff who are directly employed by the local or regional
boards of education—including but not limited to teachers, paraprofessionals and other support staff, cafeteria staff, clerical staff and custodial workers—to the greatest extent practicable.

**Preservation of Student Transportation Services and Special Education Providers**

The Order requires local boards of education and municipalities to negotiate amendments to contracts related to student transportation and special education services—with the goal of continuing to make payments to transportation and special education providers so they may compensate their active employees, sustain the continuity of service when school resumes, and require the contracted company to attest and provide reasonable documentation of the fact that it is charging only the actual and reasonable cost of sustaining wage and health insurance payments for active employees and fleet.

As a result, there are number of considerations that local school districts need to make.

**GRANT COMPLIANCE RELATIVE TO ALLOWABLE COSTS**

The provisions raise the question of what constitutes an allowable cost under these circumstances. The provisions identify state grant funds that include grant programs that are also funded by federal grant dollars (special education in particular). Many school districts have furloughed non-essential employees, including teacher aids and paraprofessionals whose salaries are often funded fully or partially by these grants. A major question to be resolved is will the Federal Department of Education allow charges to grant programs for salaries of individuals who are not providing services associated with the grant program due to being furloughed.

This may have been addressed prior to Governor Lamont’s signing of this order through U.S. Office of Management and Budget (OMB) memorandums M-20-11 and M-20-17 that were released March 12, 2020 and March 19, 2020. These memos provide relief and flexibility in multiple areas, one of which addresses the ability of an entity to continue to charge salaries and benefits to currently active federal awards consistent with the recipients’ policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, federal and non-federal. A greater understanding as to what constitutes a policy “under unexpected or extraordinary circumstances” will have to be determined in order to fully understand the potential impact on the local budget of the district.

**LOCAL EDUCATION BUDGET IMPACT**
This risk relates to all three of these provisions. In the case of grant expenditures, if grant expenditures were to be considered unallowable costs by the federal awarding agency, those costs will have to be absorbed by the local education budget.

The provision dealing with the continuation of payment of public-school staff will certainly have an impact on the local education budget, in particular when applied to revenue-based programs such as school lunch programs and after-school programs. Due to school closures, the revenue streams supporting or sustaining these programs have stopped; however, with this provision the district will have to continue to pay school lunch staff and after-school staff. This will create a burden on the local education budget as the funds to pay the salaries and benefits will have to come from the local education budget.

Finally, the provision dealing with the preservation of student transportation services and special education providers will have to be evaluated in order to determine which contracts would be subject to renegotiation. It is possible the costs of these services would decline since the renegotiation would likely reduce the contract payments for the remainder of the school year. However, school districts with a significant amount of outsourced services for special education will likely incur additional time and cost renegotiating and monitoring the contracts in question.

Executive Order 7R provides significant benefit and peace of mind to local boards of education, particularly with the assurance that ECS and perhaps other formula grants will continue through the remainder of the fiscal year. However, it will also reach to costs and programs that are typically covered by other sources of revenue, such as federal grant revenue and program fees and charges. It will be important for local boards of education to gain an understanding of the impact these provisions may and likely will have on their local budgets.