

## View from the Capitol

**Patrice McCarthy**  
 DEPUTY DIRECTOR AND GENERAL COUNSEL, CABE



Legislative committees have embarked on the challenging process of conducting fully virtual public hearings. Legislators remain committed to transparency and access to the public for all of their proceedings. This sometimes results in the need to pause while a technical issue is addressed.

In addition to the opportunity to testify remotely, testimony can also be submitted electronically. Just as local boards have been working through the process needed to conduct public meetings in a virtual environment for the past year, legislators and staff are learning the strategies and techniques that are most effective.

With the release of **Governor Lamont's** proposed 2021-2023 budget, there will be increased focus on fiscal issues.

CABE's Virtual Day on the Hill on March 17 is well timed to impact actions by both the Education Committee, with a deadline for action of April 5, and the Appropriations Committee, with a deadline of April 23.



Spring Ahead!

## DEI Committee Refocuses Its Work

**Dr. Martha Brakeen-Harris**  
 EQUITY CONSULTANT, CABE

**Bob Rader**  
 EXECUTIVE DIRECTOR, CABE

At its meeting on February 9, 2021, the CABE Diversity, Equity and Inclusion (DEI) Committee, under the leadership of Chairman **Leonard Lockhart** (Area 2 Director and Chair of the **Windsor** Board of Education) approved an action plan for the Association on Diversity, Equity and Inclusion efforts.

The plan is four-pronged: convening affinity groups, strengthening and disseminating our Equity Toolkit, working with individual districts and continuing to work on the overall Association. To ensure that all Board Members know of this plan, we will disseminate the plan widely among our members by using all of our

communication tools, including social media and other channels.

We are encouraging all Board Members to contribute to this effort by becoming engaged with us on these issues in any way that you believe is appropriate. The Committee believes that this work is important in every school district as our State, nation and localities' demographics change.

We are hoping that this effort will:

- Strengthen all Board Members in understanding the needs of their children, staff and members of the public of color in order to make the most effective decisions possible;
- Support all Board Members by providing tools, webinars and other resources in these critical areas, including racial-consciousness training;
- Help all Board Members serve as models in fostering diversity and multiculturalism; and,
- Be a model for other associations across the country.

As we did in 2017, we will be

See **DEI COMMITTEE** page 12

## CURTAINS UP! Pathways to the Theater and the Fine Arts During COVID-19

**Brian Cyr**  
 DISTRICT FINE ARTS COORDINATOR FOR VISUAL ART, MUSIC AND THEATER, MERIDEN PUBLIC SCHOOLS

It was Thursday, March 12, 2020. After nine weeks of production and six months of planning, this was opening night of the Broadway Musical *Mamma Mia!* at **Maloney High School**. With an amazing cast, beautiful sets and hundreds of tickets sold, this was set to be the school's biggest theatrical event in years. The cast was in make-up, the pit was warming up and the doors were opening in an hour when the call came in.

The superintendent began a conference call with our directional team, where we quickly learned that our school system would close effective the next morning, we would begin something called remote learning, and most impactful at the moment: opening night was now closing night of the show. For the next three hours, life went back to normal and the cast and crew performed the most incredible and emotional performance of *Mamma Mia!*

As the fall school year started, our arts programs built on the successes of the spring remote session. We returned to in-person learning (with an option for distance learning) and a whole new set of norms. Active arts programs remained a priority, but the new realities presented a wealth of challenges. Marching Band began with field shows written for social distancing, all wind instruments were fitted with MERV-13 bell covers, indoor band rehearsals

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## PRESIDENT COMMENTARY

# Makes Me Proud

**Donald Harris**  
PRESIDENT, CABE

This month's article will not be published until March but is being written in the middle of the February celebration designated as **Black History Month**.

**Dr. Miguel Angel Cardona**, a Hispanic-American, the current **Commissioner of Education** in the State of Connecticut is the one who makes me proud. Dr. Cardona is **President Biden's** choice to be the next **United States Secretary of Education** who will serve in the cabinet. This is a monumental choice by the President, because he is a person of color, a Hispanic American, a relatively young man and he was born and raised in one of the smallest states in the country.

Miguel Cardona, 45, was born and raised in **Meriden**, CT to Puerto Rican parents. He was brought up speaking Spanish which caused him to struggle when he began school. Miguel has an amazing story that needs to be told again and again. He grew up in a housing project and graduated from the **Wilcox Technical High School** where he was a part of the automotive studies program. He did not stop there.

He went on and earned a Bachelor of Science degree in education from **Central Connecticut State University**. He went from there to **UConn** where he earned a Master of Science in bilingual and bicultural education. Continuing his studies, he completed 30 more credit hours to achieve a professional sixth year certification. All this education was accomplished while serving as a fourth (4<sup>th</sup>) grade teacher

at **Israel Putnam Elementary School** in Meriden. In 2003, he was promoted to the position of principal at **Hanover Elementary School** making him the youngest principal in Connecticut history.

Dr. Cardona applied and was accepted in the Doctoral program at UCONN. In 2011, Miguel was awarded a Doctor of Education degree and wrote a dissertation entitled, "Sharpening the Focus of Political Will to Address Achievement Disparities", which focused on the gaps between English language learners and their classmates. Dr. Cardona continued as a building principal for 10+ years until being selected to serve as the Assistant Superintendent for Teaching and Learning, all in Meriden.

Additionally, Dr. Cardona served as an adjunct professor of education in the University of Connecticut's Department of Educational Learning. Somewhere in the middle of all his educational learning and accomplishments, he met **Marissa Perez**, a family school liaison team member, and a former Miss Connecticut (2001). Marissa worked at **ESPN** as a production assistant in the International Soccer Department. At the Miss America pageant, she sang Alicia Key's song "Fallen". They were married in 2002 and have two school age children.

In August, 2019, **Governor Ned Lamont** appointed Dr. Cardona as the Commissioner of Education in Connecticut succeeding **Dr. Dianna Wentzell**. Dr. Cardona hit the ground sprinting from the time he was appointed, and he has not stopped. The **Connecticut State Department of Ed-**



ucation staff is charged through their leadership to research, plan, provide data analysis and evaluate programming to ensure equal opportunity and excellence in education for ALL Connecticut students, to include the entire technical and career system.

Dr. Cardona for the past 18 months in office has demonstrated an unlimited amount of energy performing the work of the department, overseeing the budget, addressing the concerns of community, distributing funds to all Connecticut public school districts which also includes the **Connecticut Technical Education and Career System**. He has made efforts to continue to communicate with **CABE**, **CAPSS**, the **CEA** and **AFT** teacher unions, the news media, and multiple visits to school systems across the state.

**Linda Darling-Hammond** was one of the leaders of Biden's transition team. She and Dr. Cardona had worked together in the past on multiple projects.

It is for all these reasons that I believe President Biden selected Miguel Cardona as his choice to be the next Secretary of Education. As of the publication of this article, Miguel has gone through a lengthy interview and was confirmed by the **Senate Committee on Health, Education, Labor and Pensions** on February 11, 2021. He awaits full Senate confirmation.

When Dr. Cardona is confirmed as the Secretary of Education, Governor Lamont will be naming an Interim Commissioner that the State Board of Education will be charged to begin working with. When this transpires, I will be both sad but also enormously proud of the job that Dr. Miguel Cardona has done within the State of Connecticut with the hopes that his presence at the national level will be inspiration for all educators and children in this United States.



**Mission:** To assist local and regional boards of education in providing high quality education for all Connecticut children through effective leadership.

**Vision:** C.A.B.E. is passionate about strengthening public education through high-performing, transformative local school board/superintendent leadership teams that inspire success for each child.

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The CABE Board of Directors met on February 9 to discuss issues related to public education and the Association.

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## EXECUTIVE DIRECTOR COMMENTARY

# Truth, Trust and Transparency

**Robert Rader**

EXECUTIVE DIRECTOR, CABE

While speaking on a recent news program, **Wolfgang Ischinger**, former German ambassador to the United States was asked how to repair the damage done by the Trump Administration to our relationship with the European Union. His answer was that the relationship must be based on three words: “truth, trust and transparency.”

In this commentary, I want to address the issue of trust... Why is it so important for Board Members and Superintendents?

Trust may seem to you to be so easy to define that you needn't spend your time reading about it. However, before you turn the page, please answer one question: what can you accomplish if you don't trust others or they don't trust you?

Over many years, I have used a book by **Jeswald Salacuse, Professor Emeritus, Henry J. Braker Professor of Law Emeritus at the Fletcher School of Law at Tufts**. In *Leading Leaders*, he wrote about how CEOs of corporate boards have to develop good relationships with their board members. These corporate board members are usually wealthy, have their own constituencies and can probably easily walk away from the board if they disagree with the CEO's opinions or actions.

Though not written for school boards, much of the advice he gives regarding how to work with or for others on a board is extremely beneficial. In a nutshell, he explains that the best way for a leader to gain the support of others on the board, is to get to know what drives them. Those interests will drive people to action. He believes that one doesn't get to know what those interests are without getting to know people on a deeper level than merely what you read about them in the media or hear from them across the board table.

So, a school board member might have gotten on the board to give back to the community, to keep taxes low, to strengthen a specific program or for a myriad of other reasons. Once you

know what is motivating the individual members of the board, the leader can be sensitive to their desires.

Salacuse argues that you get to know other people by spending time with them away from the board table. Sharing a meal and discussing your lives away from board business—learning about their families, why they ran for the board and similar information can help the leader as he/she tries to move the action of the board. Of course, until we end this crisis, a zoom call may have to suffice.

Salacuse uses the last chapter of *Leading Leaders* to discuss trust. Here are some of his insights:

- People will trust you, “not because of your charisma, your charm, or your vision”, but because they have concluded that your leadership will advance their interests.
- Trust building is a time-consuming investment, but, worth the effort.
- Try to “find ways to demonstrate that your interests are the same” as those you hope will support you, whether board members or your constituents. This does not mean giving up your principles, rather it encourages showing how you or your board's action is consistent with their interests.
- “To gain the trust of others, you must trust first”. Obviously, you should not trust blindly, but a leader can show good faith and raise some “capital” if they show they, too, have skin in the game.
- “Trust building proceeds by increments.” Establishing trust usually takes many little steps, not one big leap.
- Providing information and showing “your openness to those you lead are important building blocks of trust.”
- “Be consistent and predictable in your actions as leader.” Building trust and credibility for yourself as reliable team member will pay dividends.

Salacuse also writes that these are obstacles to building trust: “a lack of



time” since leaders often want to act quickly; “leadership mobility”, because trust is not attached to a specific position or title, but, is anchored in a person; an “overly competitive environment”, where people try to move ahead by getting ahead of others; and “exaggerated manifestations of leadership ego”—as we know, leaders can manifest their egos in extreme and exaggerated ways, such as in their language, “how they decorate their offices to the way they treat subordinates.”

CABE's *Guide for Board of Education Chairs* was primarily written for chairs and aspiring chairs, but, it contains good lessons for everyone who wants to be a successful board member. Here are some tips from former or current chairs that will help you build trust:

- “Listen”;
- “No tricks. I do meet regularly with the other officers... and try to communicate regularly with the Board”;
- “I have tried to include all board members in making, decisions, especially those who are against me”;
- “Be open, honest, forthright and use all the knowledge you have been able to gather — make fair decisions.”
- “Learn to listen and don't rush to judgement.”
- “Treat people the way you like to be treated. Respect other opinions even if you disagree.”

While one Chair humorously suggested “prayer” and then, “more prayer”, every Board Member and Superintendent can build trust, even if making controversial decisions. Just as “truth, trust and transparency” will help restore frayed ties across the Atlantic, it can go a long way to helping you and your Board be successful, even in these difficult times.



Dr. Miguel Cardona testifies before the U.S. Senate Committee on Health, Education, Labor and Pensions.

# Congratulations to Connecticut's Miguel Cardona



Senator Chris Murphy endorses Dr. Cardona's appointment at Secretary of Education.



February 1, 2021

The Honorable Patty Murray  
Chairwoman

The Honorable Richard Burr  
Ranking Member

Committee on Health, Education, Labor and Pensions (HELP)  
U.S. Senate, Washington, DC 20510

Re: Nomination of Dr. Miguel Cardona to Serve as U.S. Secretary of Education

Dear Chairwoman Murray, Ranking Member Burr, and Members of the Committee on Health, Education, Labor and Pensions:

The National School Boards Association (NSBA) and the Connecticut Association of Boards of Education (CABE) strongly support the nomination of Dr. Miguel Cardona to serve as our next U.S. Secretary of Education. On behalf of NSBA's federation of state school boards associations, and the more than 90,000 local school board members throughout this nation, NSBA is focused on the recovery of our 14,000 public school districts from COVID-19 while continuing to advance equity in education. CABE's priorities also are focused on helping Connecticut's boards of education through the pandemic and ensuring equity for all students.

Both NSBA and CABE applaud President Biden for his nomination of Dr. Cardona as U.S. Secretary of Education and look forward to the confirmation hearing.

Dr. Cardona has been working in Connecticut to ensure that students and their families, educators, and school districts have the support they need to persevere through the COVID-19 pandemic. NSBA and CABE appreciate his experience, leadership, commitment to community, and enthusiasm for public education. He has worked closely with school boards, superintendents, and teachers across Connecticut to provide the best possible education for students during these unprecedented times.

It is clear from his record that Dr. Cardona cares deeply about the need to ensure equity for all students, including those who are not English speakers and those with disabilities. As a student who entered the public schools as an English-language learner, Dr. Cardona, understands the need to transform public education to advance equity and achievement among all students. As a lifelong educator he has an unwavering commitment to student achievement, both locally and nationally, having taught students in the same school district from which he graduated.

At this difficult time Dr. Cardona's leadership and expertise are critical. As our education system is reeling with the anxiety stoked by the uncertainties of COVID-19, our schools suffer from a lack of resources that strains our capacity for safe, in-person schooling. The digital divide that has been exacerbated during the crisis hinders our many students' transition to high-quality online or blended learning. From classroom instruction and hybrid learning models to schoolcommunity engagement and intergovernmental partnerships necessary for the success of our school districts, Dr. Cardona's leadership will help our states and districts build greater capacity for student-centered learning and improve educational outcomes.

NSBA has launched our Public School Transformation Now! Initiative to ensure our students' individual needs remain at the center of learning, as we fight for a more just and equitable education system. As Commissioner of Education in Connecticut, Dr. Cardona displayed his willingness to collaborate with others, an ability to build enduring relationships and a continuing sensitivity to the needs of ALL students. This background will ground his thoughts and actions as we go forward.

NSBA, CABE and other members of our federation will continue to champion federal investments in the Individuals with Disabilities Education Act, Title I programs, online learning, and related priorities for elementary and secondary education. We will also seek the flexibility our districts need to deliver educational services across a range of platforms and circumstances. Having Dr. Cardona's experience and support for these and other priorities is indispensable in equipping, empowering, and educating the next generation of American leaders so that one day, they, too, can take up our nation's fight for a better tomorrow.

We look forward in partnering with Dr. Cardona in his new role.

Sincerely,

Anna Maria Chavez, Esq.  
Executive Director & CEO  
National School Boards Association

Robert J. Rader  
Executive Director  
Connecticut Association of Boards of Education



Education Committee Chair Senator Patty Murray.



Senator Richard Blumenthal introduced Dr. Cardona to the Committee.



Senator Richard Burr, Education Committee, Ranking Member.

## U.S. SECRETARIES OF EDUCATION

SECRETARIES	YEARS	APPOINTED BY PRESIDENT
Betsy DeVos	2017-2021	Donald J. Trump
John B. King	2016-2017	Barack Obama
Arne Duncan	2009-2015	Barack Obama
Margaret Spellings	2005-2009	George W. Bush
Rod Paige	2001-2005	George W. Bush
Richard Riley	1993-2001	William Clinton
Lamar Alexander	1991-1993	George H. W. Bush
Lauro Cavazos	1988-1990	Ronald Reagan
William Bennett	1985-1988	Ronald Reagan
Terrel Bell	1981-1985	Ronald Reagan
Shirley Hufstедler	1979-1981	Jimmy Carter

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## See You in Court – The Nutmeg Board of Education

# COVID, Lacrosse and Free Speech

**Thomas B. Mooney, Esq.**  
SHIPMAN & GOODWIN

*The Nutmeg Board of Education makes many mistakes. The latest imbroglia created by the board will be reported here each issue, followed by an explanation of what the board should have done. Though not intended as legal advice, these situations may help board members avoid common problems.*

Bob Bombast, veteran member of the Nutmeg Board of Education, has been concerned about the continuing impact of the COVID-19 pandemic, and he proposed on his Facebook page that the Board should cancel all spring sports this year. As might be expected, Bob's proposal met with fierce criticism from the Nutmeg sports community. The harshest criticism came not from the parents and boosters, however, but rather from Alex Agile, a star lacrosse player and captain of the lacrosse team.

Bob was used to being criticized, given the impressive number of bad ideas he has had over the years as the senior member of the Nutmeg Board of Education. However, he and the other Board members were shocked and disturbed by Alex's vituperation. Alex had posted a series of vulgarity-laden rants on Instagram, calling Bob an idiot and demanding that he resign from the Board.

Bob was incensed at Alex's impertinence, and he called Mr. Principal at Nutmeg Memorial School to demand action. Mr. Principal assured Bob that he was already aware of Alex's posts, and he was ready to take appropriate action. After all, he told Bob, student athletes are role models, and we cannot have them making vulgar posts or insulting elected officials.

True to his word, Mr. Principal called Alex and his parents for a pre-suspension hearing on Zoom. It was a short conversation, because Alex proudly admitted that he is responsible for the posts attacking Bob. Mr. Principal asked Alex if he would take down the posts and apologize to Bob for his vulgarity. However, Alex and his parents were adamant that Alex's posts on Instagram were none of the school's business and that Alex would continue to demand Bob's resignation on his Instagram account.

Mr. Principal decided not to suspend Alex, given that his posts were all off campus. However, he felt that he did have to take some sort of action. So he sent an email to Alex, the entire lacrosse team, and their coach announcing that he was removing Alex from the lacrosse team. None of them took it well.

Coach Rock was particularly infuriated. Alex was clearly the best player on the team, and losing Alex

for the season would be a huge blow. So Coach Rock went on social media to complain that Mr. Principal's actions were unreasonable. "Where does Mr. Principal get off destroying the Lacrosse Team to curry favor with some school board member?" he posted on his Facebook page. "As coach of this team, I will not rest until Alex is reinstated to his rightful place on our team." To make matters worse, many others added comments to Coach Rock's post, demanding Bob's resignation.

Mr. Principal promptly wrote Coach Rock up for insubordination, and Coach Rock promptly grieved the discipline. Mr. Principal and Ms. Superintendent both denied the grievance, and the grievance is now at Level Three, awaiting consideration by the Nutmeg Board of Education.

Does the disciplinary letter for Coach Rock violate his free speech rights? Were Alex's free speech rights violated when he was kicked off the lacrosse team?

• • • • •

Coach Rock has a weak case, and it is unlikely that a court would find that discipline for his Facebook post violated his free speech rights. To be sure, public employee free speech rights are protected by the First Amendment, but those rights are not absolute. In 1968, the United States Supreme Court ruled that public employees have free speech rights. *Pickering v. Board of Education*, 391 U.S. 563 (1968). There, a teacher in Illinois was fired for writing a letter critical of the board of education and superintendent that had factual inaccuracies. The lower courts in Illinois affirmed the termination, but the United States Supreme Court reversed, ruling that the termination violated the teacher's free speech rights under the First Amendment.

In this case, the Court explained that public employee speech must be subject to a balancing test. The Court refined that test in 1983, announcing the two-part test that guides public employers in addressing most issues of public employee speech. *Connick v. Myers*, 461 U.S. 138 (1983). First, to be protected, speech must relate to a matter of public concern. Second, the importance of the speech must outweigh the disruptive impact of the speech, if any. With one major exception, we rely on this test to determine, for example, whether a teacher's post on Facebook is protected speech.

The major exception relates to employee speech that is "pursuant to duty," *i.e.*, speech that arises out of public employment. In 2006, the United States Supreme Court ruled that such speech is not protected

by the First Amendment. *Garcetti v. Ceballos*, 547 U.S. 410 (2006). The Court reasoned that every employment dispute in the public sector should not potentially be a constitutional issue, and it ruled that First Amendment protections do not apply when employee speech arises out of employment. Here, Coach Rock spoke out "as coach of this team," and his insult of Mr. Principal and Bob Bombast would not be protected speech.

Finally, we must consider the student's free speech rights. The year after it decided *Pickering*, the United States Supreme Court famously announced that "It can hardly be argued that either students or teachers shed their constitutional right of free speech or expression at the schoolhouse gate." *Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969). There, the Court ruled that student speech may be regulated only if school officials reasonably forecast that the speech will cause (or has caused) material disruption or substantial interference with the educational process or violation of the rights of others.

Our Second Circuit Court of Appeals applied the *Tinker* rule in 2008 to deny a claim by a student in Connecticut that school officials violated her First Amendment rights

when they barred her from student government for intemperate remarks about the superintendent and principal. *Donniger v. Niehoff*, 527 F.3d 41 (2d Cir. 2008).

It is not clear whether Alex's vulgar comments truly disrupted district operation as required by *Tinker*. However, in contrast to the *Donniger* case, last year the Third Circuit struck down discipline of a student for vulgarity she posted on Instagram after she did not make the varsity cheerleading squad. Significantly, the court ruled that the *Tinker* rule does not authorize discipline of students for off-campus speech. *B.L. v. Mahanoy Area School District*, 964 F.3d 170 (3d Cir. 2020).

This ruling that school officials do not have any authority to regulate online speech of students could have profound impact on student discipline, raising for example serious questions as to the authority of school officials to regulate cyberbullying. Just last month, the United States Supreme Court accepted the case for review. Stay tuned!

*Attorney Thomas B. Mooney is a partner in the Hartford law firm of Shipman & Goodwin who works frequently with boards of education. Mooney is a regular contributor to the CABA Journal. Shipman & Goodwin is a CABA Business Affiliate.*

## The Ninth Edition – Now Available!

# A Practical Guide to Connecticut School Law by Thomas B. Mooney, Esq. Shipman & Goodwin

*CABA is delighted to announce that the Ninth Edition of Tom Mooney's Practical Guide to Connecticut School Law is now available.*

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*There have been many changes in school law in the last few years, and the Ninth Edition has been extensively revised to provide updated guidance on the legal issues that govern our schools. Changes include descriptions and commentary on:*

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- New requirements concerning student data privacy.
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- Revised requirements governing seclusion and restraint.
- The new "Every Student Succeeds Act" and how it has changed "No Child Left Behind Act" requirements.
- The CCJEF case and ongoing litigation over equal educational opportunities.
- The Minimum Budget Requirement and new duties to collaborate with town officials.
- A host of other changes in the rules that boards of education and school administrators must follow.

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## THE POLICY CORNER

Vincent A. Mustaro

SENIOR STAFF ASSOCIATE FOR POLICY SERVICE, CABE

# Anti-Racism: Confronting Racism in Schools

Protests across the country since the death of **George Floyd** and additional racial incidents give evidence to the need for change. Our society and schools are facing new challenges brought about by the global pandemic and being confronted by brutal examples of racism and wide-spread calls for societal changes. Protests are not new as people of all races have experienced pain, frustration, and anger over the mistreatment of Black people in our nation.

Black people and other people of color are tired of explaining, demonstrating, pleading, recording and articulating the realities of racism. **Tyrone Howard** in *Education Week* summarized it best saying, “Labels such as ‘mistreatment,’ ‘discrimination,’ or ‘prejudice’ no longer describe the depths and breadth of what we are witnessing. We must identify what we are seeing as “anti-Black racism,” and that should inform our current discussions.”

**Gary Orfield** of the **Civil Rights Project** at the **University of California** stated, “We have become a nation that accepts separate and unequal schools as if nothing can be done about segregation. As a nation, we expect our schools to create equal outcomes for students who leave their homes severely disadvantaged by family and community poverty, who arrive at their school to find sometimes unqualified or inexperienced teachers and who leave these schools as soon as they can.”

He goes on to state, “Across 21<sup>st</sup> Century America, segregation has reached levels for millions of students once found only in the Old South. It has produced schools that require massive resources to offer the kinds of opportunities and instruction routinely available to students in privileged schools and communities.”

The global pandemic has illuminated racism in perhaps unforeseen ways. During these tumultuous times the leadership by boards of education and the entire education community is extremely important. This may be an uncomfortable time for many, but it is not appropriate to turn away from this moment.

The protests held across the country and the heightened level of civic

engagement by students and community members provide the impetus to work harder to tackle the racial and ethnic disparities that exist in our schools. Unless concerted action is taken, injustices and inequities will continue to persist for our students, both inside and outside of school.

“We are living at a time of obscene inequities, and merely trying to compensate is not enough,” stated the American Association of School Administrators. The Association called on its members to “become actively anti-racist” and “ensure that cultural responsiveness permeates all levels.” Silence favors the status quo and the violently oppressive harm it does to

*Unless concerted action is taken, injustices and inequities will continue to persist for our students, both inside and outside of school.*

people of color everywhere.

It will not be easy to reduce the harm done to Black children and all students of color and to prepare them for a better future.

### The Work of CABE's DEI Committee

CABE, through its **Diversity, Equity and Inclusion Committee** defined educational equity as access to resources, opportunities, and processes that unleash potential and enhance success and prosperity for each and every child. Equity is NOT sameness. Equity recognizes and responds to the gifts and needs in each individual in each community. CABE, to assist districts, has developed an “*Equity Toolkit for Connecticut Boards of Education*.”

CABE has worked to reconsider its contributions to racial equity in order to ensure that all children are successful in our schools. We can no longer tolerate the racism that students of color face in our schools and in broader society. It is time to think and act differently. Educational excellence cannot exist without equity.

The public school system is the best institution to act as the foundation for reshaping how young adults

and future leaders think and respond to racial injustice. However, more than just expressing a desire for change is necessary. A commitment to action with specific measures taken is required.

The need exists to move from words to measurable actions to address systemic racism in our school systems, communities, state and nation. Schools must become a safe haven for all students, without the structures that breed inequality.

The effort to combat the problem of racism in our society must be guided by the goal to have our students truly representing the diversity of human experience and prepared to

White educators growing up did not have to face the realities of racism. We will need to get out of our personal comfort zones.

The development and implementation of training and support plans is necessary to give teachers the skills needed to better work with students of all backgrounds and to teach with materials and practices that fully recognize the contribution of all cultures and races to our nation.

### Possible Solutions

Black educators have offered the following solutions to confronting racism in schools:

1. Implicit bias and cultural awareness training for teachers, administrators and staff.
2. Trauma-informed school guidance counselors.
3. Culturally inclusive curriculum.
4. Ethnically and racially diverse school boards, administrators, teachers and staff.
5. Alternative disciplinary practices instead of suspensions and expulsions.

The above, in addition to other issues, must be confronted to address ugly racism in our midst. Educators must also recognize and demand changes in the racial conditions outside the school setting that make schooling much harder. These include public policy pertaining to housing, wages, health care, and daycare.

President **Randi Weingarten** of the **American Federation of Teachers (AFT)** stated, “Combating racism is everyone’s responsibility, we must do all we can to create safe and welcoming environments.”

The AFT has called on local school boards to pass and enforce anti-racist policies and encourage and support the efforts of teachers, school support staff and its affiliates regarding the effort to fight the destructive impact of systemic racism and a culture that enables white nationalism and white supremacy.

Professor **Bettina Love** at the **University of Georgia**, in an op-ed appearing in *Education Week* stated, “In the field of education, anti-racism often looks like school districts man-

See **ANTI-RACISM** page 16

Agreeably, many educators will need help in confronting this reality.



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**BOOK REVIEW****Ten Lessons for a Post-Pandemic World**  
*by Fareed Zakaria***Robert Rader**

EXECUTIVE DIRECTOR, CABE

If you watch CNN's *Fareed Zakaria GPS*, you're probably aware that the author and columnist strongly believes in globalism and collaborative efforts to solve issues like the threat of nuclear war, climate change and poverty. It should, therefore, be little surprise that *Ten Lessons* focuses on issues such as how interconnected the world is and will remain so in the future.

Zakaria does not address educational issues. However, this is an excellent treatment of how America compares to the rest of the world both today and in the future.

**A Lesson for All of Us**

These *Ten Lessons*, which include detailed facts, examples and history, give us much more to contemplate than the COVID crisis. And, yes, Zakaria is a liberal and a globalist. Understanding that is helpful even before you open the book.

Here is one example of an issue which I found relatable to the issues

school district face, in terms of their sizes:

In October 2019, right before we had cases of COVID-19 in the United States, America and other countries were ranked in a **Johns Hopkins University Global Health Security Index**. The Index examined which countries were "best prepared to handle an epidemic or pandemic."

Wow, what timing! It's particularly telling that we can now tell how well we did in an actual pandemic, compared to the results of the Index. It's like comparing the October poll results with the actual elections!

**Hurray for First Place... Maybe!**

America, Zakaria reported, "ranked first overall, and first in four of the six categories--prevention, early detection and reporting, sufficient and robust health system, and compliance with international norms." In addition, America, "has formidable strengths. It is the world's richest country and boasts a scientific and technological establishment that is second to none."

Four months later, "our Nation's

advantages seemed like a cruel joke, as COVID-19 tore across the United States and the federal government mounted a delayed, weak and erratic response."

He compares our country to many others, some ruled by dictators, other ideologies (as he does on his television program, he focuses on China) and others more democratic, on how they did in reacting to the COVID crisis. He writes persuasively that our problem is not so much that we have *too much* government, but, as he branded his second chapter, "What Matters is Not the Quantity of Government but the Quality".

He describes what he saw happening to our public health system:

America's "public health agencies, like the CDC, have been copied across the world, including by the Chinese. But, years of dominance have led to complacency. All the while, Washington has loaded these agencies with mandates and rules while paring back their budgets--a recipe for dysfunction. Coordinating across a federal government as large and complicated as the United States is always a hellish management challenge. Add to this an administration

that openly regarded much of government, a 'deep state' to be dismantled, and the result was an across-the-board failure."

This is an important lesson for public education. We often hear, from members of the public, the media and educational "experts" that that we have *too many* school districts in Connecticut. I don't know what the "right" answer is or even if there is an optimal number. Look at other states who have consolidated and they saved much less money than expected and their educational systems and results did not necessarily improve.

My response is that it is not the *number* of school districts, but the *quality* that matters. And, quality is the constant focus of our Board Members and Superintendents.

This is a well-written, sourced and thoughtful book about government, the world today and how we can maintain our current position, at least on paper, of being first in many areas.

But, as we learned with COVID-19, first place on paper is not always best in the end!

**The Media Message**

by Hannah Borowiec, Project Manager, Baldwin Media Marketing, LLC

**TRENDING: Noticing Positive News in the Media**

At the end of a year filled with negative news, a positive light shined through as then **President-elect, Joe Biden** nominated Connecticut Commissioner of Education, **Dr. Miguel Cardona** to serve as United States Secretary of Education.

Cardona began his career as a fourth-grade teacher in **Meriden**, working his way up to principal and administrator. In August of 2019, **Gov. Ned Lamont** appointed Cardona as Commissioner of Education. If

confirmed by the Senate, Cardona will be the first Latino to be appointed to this position.

During his time as Commissioner, Cardona worked closely with CABE and other education partners. Cardona has advocated for in-person schooling amid the COVID-19 pandemic. In his powerful new position, Cardona will continue to work hard for public education; with a greater group of partners.

This good Connecticut news

reminds us there are effective ways to respond positively to good news in the media.

- Share the highlights (post, blog or republish good news)
- Appreciate the recognition
- Acknowledge those being recognized
- Update testimonials (located on website)

In today's media-heightened world, it's common for people to only pay attention to negative news. At

times it may feel that "good" news no longer exists. For the State of Connecticut, CABE and all educators nationwide, the confirmation of Dr. Miguel Cardona is something that should be celebrated. Cardona is a great champion of equity and diversity for all students; someone who fights for the good of all communities.

Congratulations, Dr. Cardona!



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# CABE AREA BREAKFASTS



**AREA 1 BREAKFAST:** Board members and superintendents in CABA Area 1 and Rep. Mark Anderson, Rep. Jay Case, Rep. Michelle Cook, Sen. Eric Berthel, and Rep. Maria Horn shared information with one another at the February 5 CABA Legislative Breakfast.



**AREA 3 BREAKFAST:** Board members and superintendents from CABA Area 3 and Rep. Tammy Nuccio, Rep. Timothy Ackert, Sen. Catherine Osten, and Sen. Dan Champagne had the opportunity to share ideas and concerns with one another at the February 4 CABA Legislative Breakfast.



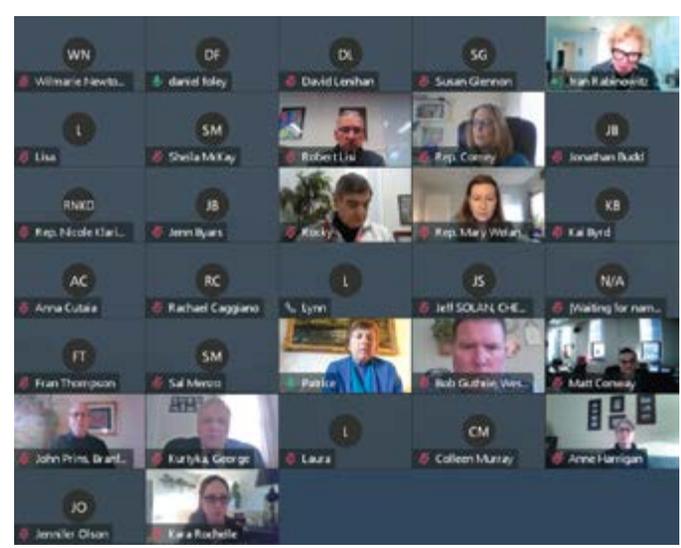
**AREA 4 BREAKFAST:** The CABA Area 4 Legislative Breakfast provided the opportunity for board members and superintendents to share concerns with Rep. Rick Hayes, Rep. Patrick Boyd, Sen. Catherine Osten and Sen. Dan Champagne.



**AREA 5 BREAKFAST:** CABA Area 5 held its Legislative Breakfast on February 1. Board members and superintendents had the opportunity to share with Sen. Julie Kushner and Sen. Tony Hwang.



**AREA 6 BREAKFAST:** The CABA Area 6 Legislative Breakfast was held on January 15. Rep. Jonathan Steinberg, Rep. Joseph Gresko, Rep. Terrie Wood, Rep. Jennifer Leeper, Rep. Laura Devlin, and Sen. Will Haskell engaged in productive conversation with board members and superintendents from Area 6.



**AREA 7 BREAKFAST:** CABA Area 7 held its Legislative Breakfast on January 22. Board members and superintendents met with Rep. Nicole Klarides-Ditria, Rep. Robin Comey, Rep. Mary Welander, Rep. Frank Smith, Rep. Kara Rochelle, Rep. Kathy Kennedy, Rep. Dave Yaccarino, Sen. Jorge Cabrera, Rep. Lezlye Zupkus to share information.



**AREA 8 BREAKFAST:** CABA Area 8 held its Legislative Breakfast on January 27. Board members and superintendents had the opportunity to talk with Rep. Michael Quinn, Sen. Matthew Lesser, Rep. Christine Palm, and Sen. Mary Daugherty-Abrams.



**AREA 9 BREAKFAST:** The CABA Area 9 Breakfast was held on January 21. Joining board members and superintendents were Rep. Kathleen McCarty, Rep. Holly Cheeseman, Sen. Heather Somers, Sen. Paul Formica, Deputy Speaker Kevin Ryan, Sen. Catherine Osten, Rep. Mike France, and Rep. Christine Conley.

## DEI COMMITTEE

(continued from page 1)

conducting a survey on board member ethnicity as we begin to focus on the needs of all Board Members.

### Affinity Groups

To ensure that we reach as many Board Members as possible, the Committee believes we need to start with three groups: African-American, Latino and white. We do not, at this point, know how many school board members will join each group, but, by providing three, we believe that we can provide the opportunity to as many Board Members as possible.

Each of the three groups will have similar discussions on focusing on becoming a safe group and sharing personal identities, sharing experiences as School Board Members and working on a goal to help other School Board Members. Last, all of the groups will meet together to share their experiences and their goals.

### The CABA Equity Toolkit

While the *Equity Toolkit*, which was published and sent out to Board Chairs and Superintendents last February and is a great start for our members, we will strengthen it in certain areas and add resources to it, such as a workbook, video clips, and other

means of supporting the work.

### Continued Addressing of Equity Issues

We can develop strong relationships with individual member school districts by helping our Member Boards develop DEI resolutions and provide policies that support anti-racism. We can help districts which want to engage in “courageous conversations” and helping creating plans for the districts.

### Continuation of Work on DEI

The DEI Committee believes we need to continue to hold webinars, publish *CABA Journal* articles and work with others on DEI issues for all of our members. As our Strategic Plan states, as one of our priorities, to «Serve as the leading institution in helping Boards of Education with internal issues, diversity and inclusion, social-emotional learning and providing best practices in relevant areas.»

Please consider becoming part of this critical work. You will see more about what we are doing in the weeks to come.

## What is an affinity group?

An affinity group provides a safe opportunity for people who share a common identity, especially when aspects of their identities are in the “minority” or are marginalized. Affinity groups provide the opportunity to connect, share experiences, support each other, wrestle with questions, and strategize solutions.

## Why an affinity group?

One way to help any group that experiences situations where some members feel as though they are in the minority, either in thought or numbers, is to establish affinity groups.

## Members of the DEI Committee

Leonard Lockhart, Chair,  
Windsor

Elizabeth Brown, Waterbury

Bryan Hall, East Hartford

Ann Gruenberg, Hampton

Ayesha Clarke, Hartford

Michelle Ku, Newtown

Ethel Grant, Naugatuck

Yesenia Rivera, New Haven

Sharon Thomas, Simsbury

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Dr. Martha Brackeen-Harris,  
Equity Consultant, CABA

Robert Rader, Executive  
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# CABE: Working for YOU

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Below are the highlights of activities that the CABE staff has undertaken on your behalf over the last month.

We did this:

## ■ By providing opportunities for members to learn how to better govern their districts:

- Responded to 52 requests for policy information from 22 districts, providing sample materials on 39 topics. Further, districts continue to access CABE's online Core Policy Reference Manual and/or online manuals posted by CABE for policy samples. The topics of greatest interest continue to pertain to Title IX, in addition to budgetary issues, student discipline, and special education.
- Held CABE webinars on *Civility and Relationships Matter!*
- Facilitated **Middletown** Board of Education retreat.
- Met with **Enfield** Superintendent Chris Drezek to discuss roles and responsibilities.
- Facilitated Board Chair Check-ins and Updates.
- Held meeting of the CABE **Diversity, Equity and Inclusion Committee**.
- Facilitated Board Self-Evaluations in **Canton** and **New London**.
- Facilitated roles/evaluation meeting for the **Voluntown** Board of Education.
- Facilitated conversation on leadership with the **Thomaston** Board of Education.

## ■ By helping school boards to increase student achievement:

- Sent two issues of "Policy Highlights" via e-mail listserv covering topics that affect student achievement. Included topics pertained to online posted policy manuals, website accessibility for the disabled, Title IX, gifted students, special education, transgender students and COVID -19 leave policies.
- Presented in national webinar on the Lighthouse Project.

## ■ By ensuring members receive the most up-to-date communications:

- Prepared materials, as part of the Custom Policy Service, for **Ansonia, Cromwell, New Haven** and **Region # 15**.
- Revised policies in the master resource file of policies and in the online Core Manual.
- Completed and mailed the latest edition of the *Policy Update Service* quarterly publication.

## ■ By promoting public education:

- Met with various legislative leaders to discuss CABE priorities.
- Participated in bi-weekly Board Chairperson teleconferences.
- Participated in a meeting of retired superintendents.

## ■ By providing services to meet member needs:

- Participated on a panel for **CAS** workshop on school climate.
- Facilitated **Ashford** Board of Education workshop on the superintendent search process.
- Completed the updating of the CABE Model Student Handbook.
- Posted policies online for districts utilizing the Connecticut Online Policy Service (COPS) for **Avon, Branford, Brooklyn, Canton, Canterbury, Griswold, Killingly, Monroe, Orange, Portland, Region # 18, Westport, Windsor** and **Woodbridge**.
- Revised policies for **East Hampton, New Fairfield, New Hartford, Marlborough, Sterling** and **Windham** as part of the Custom Update Service.
- Developed a new policy pertaining to Therapy Dogs in Schools.
- Facilitated a discussion on crisis communications with the **Region #4** Board of Education Supervisory Board.

## ■ By attending Professional Development to strengthen staff knowledge and skills.

- Attended NSBA Update for state association executive directors.
- Attended **American Society of Association Executives (ASAE)** meeting.
- Participated in **SELACT** meeting.
- Attended workshop on the Lighthouse Project, a program to help Boards better understand student achievement.
- Attended virtual legal workshops on COVID-19 issues.
- Attended bi-monthly webinar of the **Federation of NSBA Association** trainers (**FEDTRAIN**).
- Participated in two NSPRA webinars, *Simple Steps to Transform Your Communication To-Dos Into a Strategic Communication Plan* and *Uncomfortable Conversations: How to Engage Your School Community in Equity Work*.
- Participated in **EdWeek** webinar on *Branding Matters: Learn from the Pros Why and How*.
- Participated in webinar on Strategic Planning.

## ■ By representing Connecticut school boards on the state or national level:

- Attended **SDE/DPH** weekly webinars.
- Participated in **SDE Partners** meetings (**CABE, CAPSS, CAS, CEA, AFT-CT**).
- Attended **Governor's** Meetings with Municipal Officials.
- Participated in quarterly meeting of the **SDE Minority Teacher Recruitment Policy Oversight Council**.
- Met with the **New London Day's** Editorial Board on CABE priorities for the Legislative Session.
- Met with the Founder of **LiveGirl**, a nonprofit aimed at raising the confidence of girls.
- Attended NSBA Platform Orientation for upcoming NSBA Convention workshop on

avoiding legal liability.

- Attended **NSBA Liaison Committee Meeting**, bringing together representatives of the state association executive directors and NSBA Executive Director **Anna Chavez** and her Cabinet.
- Met with NSBA Executive Director **Anna Chavez** and executive directors from the Northeast.
- Attended the **NSBA Equity Symposium**.
- Participated in **Juvenile Justice Diversion Work Group** meeting.
- Participated in **NSBA State Association Counsel** calls.
- Attended **Hartford Area Superintendents** meeting.
- Participated in interviews on **FOX 61, WTIC, and WFSB**.
- Attended **CAS** Board meeting.
- Participated in **Aspiring Special Education Leaders** meeting.
- Participated in **Jump Start Financial Literacy** Board meeting.
- Attended various legislative committee meetings and public hearings.
- Participated in legislative breakfasts in **East Hartford**, CABE Areas 1, 3, 4, 5, 6, 7, 8, 9, and University Area Superintendents.
- Attended **ACES** Board meeting.
- Attended **SEL Collaborative** meetings.
- Attended **Family-School Partnership** meeting.
- Participated in **NSBA Convention Managers Work Alike** meeting.
- Participated in **CAPSS International Education Committee** meeting.
- Participated in a webinar on superintendent preparation programs.
- Chaired Executive Search Committee for **Discovering Amistad**.
- Chaired meeting of the **Digital Learning Advisory Council** for the **Connecticut Commission for Educational Technology**.

## CURTAINS UP!

(continued from page 1)

took place in auditorium seating areas to allow for distancing, and performances were live-streamed to audiences.

While plans were in place for most of our K-12 arts programs, theater still presented us with the greatest challenge: how to safely sing, act and dance together on a stage for an audience. As we progressed into mid-September, we met with local health officials and central office administration. District leadership was supportive of theatrical programs continuing, and all parties agreed to support productions if a safe process could be devised.

A show on Zoom or Google Meet could work, but we felt that process would take away many of the critical teaching aspects of the show such as blocking, personal interaction and ensemble work and would eliminate many aspects of stagecraft that create the magic of the theater: lights, costuming, sets, effects and more. We felt some sort of in-person show was a must. As the discussions continued, the narrative began to sound as though we were making a movie more than a show. That was the moment we realized how to create a show safely and provide an incredible learning experience to our cast, crew and orchestra performers: we needed to create a

movie; we decided on the Broadway musical *Little Women*.

Our local health department gave us the green light to produce the show provided singers in masks remained at a six-foot distance. If the masks came off at any point, the distancing was 12 feet apart and for very short periods of time. No audiences were permitted, and all aspects of the show needed to be strictly monitored. The show needed to be designed in a manner that prevented any spread of COVID-19, and any positive cases in households or classes would result in quarantine of cast/crew members.

### Health and Safety

The design of show was developed based on health and safety guidance. Blocking was done with six to twelve-foot spacing at all times and masks were used in all rehearsals by all cast and crew members. Blocking with distance created challenges when the scene was intimate or very emotional, or when group dancing would normally take place. The role of Laurie would normally kiss Jo in *Little Women*. In our production, he leans in for the kiss, but he's still six feet away. This was initially our biggest challenge. We were worried that we simply could not tell the story without the close proximities. As production developed, we learned how to maintain distances while still connecting characters and

we worked to create camera angles that gave the appearance of cast members being closer than they actually are.

Singing always created the most questions. We reviewed the latest aerosol studies, reviewed state guidance and worked with local health officials and all agreed that singing was safest at twelve-foot intervals and for shorter periods of time. All rehearsals were done in masks and scenes with singing were blocked with greater scrutiny and greater distancing.

We used a live orchestra. All players were seated a minimum of 12 feet apart in the pit area. In-ear monitors were used to connect all players and vocalists together and the pit conductor was on a microphone through the monitor system. All pit musicians used MERV-13 bell covers and masks when they were not playing. Non-wind players and the conductor were always wearing a mask.

### Quarantining Necessary

No transmission of COVID-19 occurred during any aspect of this production, but we did have positive cases in the cast/crew because of transmission within households. The mitigation strategies we put in place prevented transmission of the virus. Throughout the eight weeks of production three pit musicians and eight cast members including two of the leads needed to quarantine due

to possible exposure. We brought our quarantined cast members in via Google Meet and rehearsed synchronously on-screen and in-person.

The final taping was done over the course of two nights. Face masks on lead roles were removed for the final filming with proper distancing and permission from health officials. No live audience was present for any rehearsals or filming. Maloney's production of *Little Women* went live for on-demand viewing on Dec. 21, 2020.

While COVID-19 has changed so many aspects of our lives, the arts can safely remain active within our schools as long as we are willing to transform norms and find new avenues to create valuable learning experiences and provide our students with unique opportunities. The Meriden Public Schools has always been committed to maintaining K-12 arts programming throughout the pandemic and this commitment has not only allowed us to keep the arts alive, but discover new opportunities for student growth. From digital galleries to cinematic theater to socially distant marching band, these new pathways to creation, performance and presentation are driving our student successes during this most challenging time.

*This production of Little Women is available to view on-demand at maloneymusic.com*



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UNDERSTANDING CONNECTICUT'S FOIA

# Investigation of Employee Misconduct and Student Records: Are the Times A Changing (and Can You Still Protect Student Privacy Rights)?

**Mark J. Sommaruga, Esq.**  
PULLMAN & COMLEY, LLC

Connecticut's Freedom of Information Act ("FOIA") contains an exemption from disclosure for "educational records" that are covered by the Family Educational Rights and Privacy Act ("FERPA").

Generally, FERPA prohibits school districts from disclosing educational records (or personally identifiable information concerning students contained in those records) without parental consent. What has been an area of controversy is when a member of the public (or press) requests access to records of complaints of employee misconduct where the victim is a student.

Recent cases indicate that Connecticut's Freedom of Information Commission ("FOIC") is taking a narrower view of what constitutes an "educational record" and school administrators need to know how they can still adequately protect the privacy rights of students.

## The "old" standard

The FOIC had previously ruled that investigatory records (such as complaints, witness statements and even videos) concerning allegations of misconduct by a school employee involving students may be fully exempt from disclosure. The FOIC focused on the fact that the FERPA broadly protects "personally identifiable information" concerning students, and previously found that if investigatory (or similar) records identified a student, such records were exempt from disclosure under FERPA.

The FOIC previously noted that as school districts were prohibited from disclosing such records by FERPA, they were exempt from disclosure under FOIA. (Sorry for the excessive use of acronyms.)

## The "new" standard

However, in 2020, the FOIC issued two decisions involving Connecticut schools in which it appeared to back off such a broad definition of an exempt educational record. In both cases, the FOIC noted that "educa-

tional records" under FERPA are only such records that are "directly related to a student." The FOIC noted that courts in other states had increasingly held that records of complaints and investigations of misconduct by school staff where students are alleged victims and witnesses (and identified in the records) are NOT protected by FERPA because they do not contain information "directly related to a student."

Rather, such records relate to the employee who is a **target** of the investigation and are only "tangentially related" to the student. Likewise, the FOIC found that the records in both cases (which concerned possible misconduct by school employees, including complaints, investigatory findings and witness statements) are not "educational records" exempt from disclosure under FERPA because they related directly to employee discipline and were not directly related to a student.

## So what can be done to protect student privacy?

While 2020 was a dreadful year, and even I was more than a bit concerned when these FOIC decisions came out, our world has not come to an end.

First, there is a separate exemption under the FOIA that protects from disclosure student names and addresses, and this exemption will permit the school district to at least redact student names and other personally identifying information (even if the records themselves may have to be disclosed).

In addition, the FOIA protects from disclosure "preliminary drafts or notes" where the public agency determines that "the public interest in withholding such documents clearly outweighs the public interest in disclosure." There is a bevy of cases where the FOIC has permitted the withholding of personal notes that were taken while conducting an investigation.

The FOIC has logically noted (pardon the pun) that there is an interest in an investigator taking notes in order to recall witness interviews/testimony and relevant details for any final

investigative report; public agencies would understandably fear that investigators would be too circumspect in notetaking if they knew that their notes would eventually be disclosed, thus compromising the effectiveness of investigations.

**Please remember:** This exception will not cover written witness statements or other "completed" documents; generally speaking, the distribution of notes to others destroys any attempt to assert that these notes are "preliminary" or a "draft" (or for merely personal use) subject to protection from disclosure.

## What about investigations of student (as opposed to employee) misconduct?

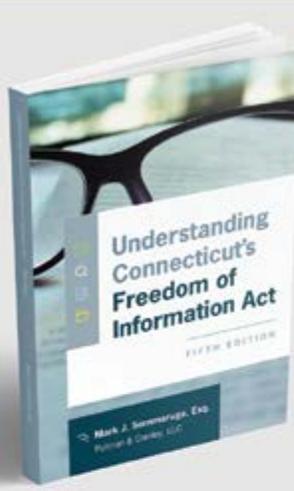
Where the investigation concerns a claim that a student committed misconduct with respect to another

student (for example, bullying claims), a school district can likely still claim that records of the investigation **directly relate** to a student (or students). The school may still have to balance the privacy rights of **all** of the students involved.

Notwithstanding some "new" (December 2017) guidance from the U.S. Department of Education, the FOIC has previously recognized and appears to be sticking with its prior rulings that school districts may withhold access to records to the parents of one student that contain information about other students unless such records can be redacted to remove the ability to identify other students.

*Attorney Sommaruga is the author of "Understanding Connecticut's Freedom of Information Act" (5<sup>th</sup> Edition 2018). Pullman & Comley is a CABA Business Affiliate.*

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## Understanding Connecticut's Freedom of Information Act

### Fifth Edition

By Mark Sommaruga, Esq., Pullman & Comley, LLC

**The Connecticut Freedom of Information Act ("FOIA"), often called the "Sunshine Law," is a series of laws that guarantee the public access to meetings and records of governmental entities in Connecticut. The FOIA also sets forth numerous exceptions to its open meetings and records requirements. Over the years, however, both the FOIA and its exceptions have often been misconstrued.**

**The new Fifth Edition has been updated to now include:**

- The latest statutory changes and important decisions concerning the FOIA
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**ANTI-RACISM**

(continued from page 8)

aging inequality and racism instead of eliminating them.” She challenges us by indicating, “If anti-racism is going to be more than a slogan, then white people must follow the lead of these activists and educators and stop believing they are too fragile to work toward ending racism.”

**Policy Implications**

Schools must be part of the solution in racial reckoning and healing. Deliberate steps must be taken to end racism. Professor **Detra Price-Dennis** of **Teachers College, Columbia University**, indicated “You have to show up for the whole journey to change the culture of the school and the school district to make a difference in the lives of staff and students. Equity, anti-racism, and cultural responsiveness have to be integrated. Multiculturalism is not an add-on.” Students have to be prepared to live in a multicultural society.

The current system of schooling in our nation does not provide white students with anti-racist curriculum, language to call out racism, or teachers of color from which to learn. Many white students complete 13 years of schooling without ever having a teacher of color or being challenged to disrupt their learned racism.

Through policy, the board indicates what it wants to see happen. Therefore, it is appropriate to adopt a policy pertaining to anti-racism. A new policy, #0525.1 “Anti-Racism (Confronting Racism in Schools)” is now available in addition to an administrative regulation. This is considered a recommended policy for inclusion in a district’s manual. A sample board

resolution pertaining to anti-racism is also available.

Every student deserves a respectful learning environment in which their cultural, racial and ethnic diversity is valued and contributes to successful academic outcomes. Districts need to be committed to identifying and correcting practices and policies that perpetuate the achievement gap and

institutional racism in all forms in order to provide all students with the opportunity to succeed.

*Learning and work environments are enriched and improved by the contributions, perspectives and very presence of diverse participants. Therefore, recommended sample policy #0523, “Equity and Diversity,” also pertains to this topic.*



**Mark Benigni**, Superintendent, **Meriden** served as a panelist for the NSBA Virtual Equity Symposium session Equity Starts at The Top! A Panel Discussion with Education Leaders. Fellow panelists included **Nakia Hall**, Director of Field Services, **Illinois Association of School Boards** and **Tamara Young**, Board Vice President, **Country Club Hills School District #160, IL**. The session was moderated by **Samuel King**, Director of Superintendent Searches and Board Development, **Georgia School Boards Association**.



February 10, 2021

Patrice McCarthy, Deputy Director and General Counsel  
Sheila McKay, Senior Staff Associate for Government Relations

**2021-2023 Governor's Budget**

The following are the significant education funding issues addressed in the proposed budget Governor Lamont released today.

**ECS**-- Maintain the 2021 funding level, delaying the formula phase in. The completion of the phase in will be pushed from 2028 to 2030. Districts will be held harmless for the impact of COVID related enrollment volatility on ECS.

**Charter Schools**--\$275 increase in per pupil grant. Currently \$11,250, it will increase to \$11,525, a total cost of \$3 million.

**Pilot Open Choice Program**--50 students from Norwalk and 50 students from Danbury have the opportunity to attend neighboring school districts. \$4,000 per pupil grants to receiving districts. \$1.175 million.

**Technical High Schools**--Delay establishment of the independent agency until 2024 (\$1.7 million savings)

**Other Provisions**

Funding for the following grants is provided at the current statutory level, maintaining the caps on these grants: Excess Cost Student Based, Health and Welfare Services Pupils Private Schools, Adult Education and Bilingual Education.

Reallocate funds from Magnet School Grant to Sheff Transportation Account to match current use of funds.

On February 11, C.A.B.E. Deputy Director and General Counsel **Patrice McCarthy** and Sr. Staff Associate for Government Relations **Sheila McKay**, presented a webinar on the Governor's 2021-2023 budget.

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# Connecticut Results in 2019 LGBTQ Survey

**Robert Rader**

EXECUTIVE DIRECTOR, CABE

Over the last few years, I have written about a survey done every two years by GLSEN, the “leading education organization working to create safe and inclusive schools for LGBTQ students”. The 2019 state results have just been disseminated.

According to GLSEN Executive Director **Eliza Bayard**, the slowing of progress reported on in 2017 has continued through 2019:

“Harassment and discrimination remain at unacceptable levels at the national level. However, given the vicious attacks we have witnessed over the past four years, particularly on transgender youth, it is remarkable that dedicated educators and active student advocates have held the line as powerfully as they have. Despite the tenor of our times, we also find that more and more LGBTQ+ youth have access to the vital in-school supports that can change their lives for the better, particularly as GSA [gay, student alliance] student clubs continue to emerge in more schools nationwide. Increasing presence of the supports can be a leading indicator for positive changes in school climate, making this

another sign of hope for the future.”

## What about in Connecticut?

As in other years, the Survey said that “Connecticut schools were not safe for most lesbian, gay, bisexual, transgender, and queer (LGBTQ) secondary school students. In addition, many LGBTQ students in Connecticut did not have access to important school resources, such as an LGBTQ-inclusive curriculum, and were not protected by supportive and inclusive school policies.”

Knowing of all the work that has been done by Connecticut schools, I asked GLSEN to provide more information. I got this from Executive Director Bayard:

“Connecticut has done crucial hard work to lay the foundation for LGBTQ student safety and wellbeing. There is still work to do to ensure that those changes translate into improvements in the day-to-day experience of every child in the state, and that commitments made on paper become real access to supports in every Connecticut school. **GLSEN salutes the work the state has done so far, and is here to partner with school leaders in the state to help make sure their intentions are lived out in every school,**

**every day.”**

The Survey indicated that the “vast majority” of Connecticut’s “LGBTQ students... (sometimes, often, or frequently) heard anti-LGBTQ remarks.” Students also reported that most LGBTQ students “experienced anti-LGBTQ victimization at school.” Forty percent of students reported that they “experienced victimization at school based on disability, race/ethnicity (18%), and religion (16%). Most never reported the incident to school staff (59%).”

Only about a third of LGBTQ students “who reported incidents said it resulted in effective staff intervention...” Many LGBTQ students in Connecticut reported discriminatory policies or practices at their school. Almost half (45%) stated that they experienced “at least one form of anti-LGBTQ discrimination at school during the past year.”

While the survey provided other information on difficulties of LGBTQ students in our schools, what did GLSEN recommend?

School-based supports such as “supportive and inclusive school policies, school personnel who are supportive of LGBTQ students, GSAs, and LGBTQ-inclusive curricular resources

can positively affect school climate for LGBTQ students.” The 2019 Survey results “demonstrate that students attending schools with these resources and supports report more positive school experiences, including lower victimization and absenteeism and higher academic achievement.”

GLSEN stated that, given the results, “it is critical that Connecticut school leaders, education policy-makers, and other individuals who are obligated to provide safe learning environments for all students take the following steps:

- Implement supportive and inclusive school policies, such as comprehensive anti-bullying/harassment and supportive transgender and nonbinary student policies;
- Support GSAs;
- Provide professional development for school staff on LGBTQ student issues; and
- Increase student access to LGBTQ-inclusive curricular resources.

CABE Policy #5145.53, “*Transgender and Gender Non-Conforming Youth*”, is available, in addition to policies pertaining to nondiscrimination and harassment.

## Lessons Learned

*Editor’s note: We recently asked Board Chairs and members of our Board of Directors what they have learned during the COVID-19 crisis. Here are two responses.*

On March 13<sup>th</sup> Waterbury students went home with instructions that in-person education would be suspended until further notice due to the unprecedented COVID-19 pandemic. How could we possibly gear up for online virtual learning for almost 19,000 students? Remarkably, **Superintendent Ruffin**, the Board, and a great leadership team went into action. Enormous challenges faced our district, including health and sanitation of schools; establishing an online digital platform to launch virtual learning where none existed; obtaining computers for all students when most students did not have access to one at home; planning for access to school breakfast and lunch for all students in

22 schools; setting up a communication system that worked for parents and implementing comprehensive teacher training for online learning. A seismic shift for all!

Looking back, it seems a miracle that indeed with financial help from the State and the **Dalio Foundation** all of our students have computers; a robust professional development system for online learning is in place and a new parent-friendly communication system is in place that all parents have access to for timely information.

In the Fall, a hybrid model of education was adopted, a choice of in-person or virtual learning. Logistics remain a challenge, but the City, School Department, and community stakeholders collaborated to tackle the myriad of issues to make it work for students and parents. As a member of the Waterbury Board of Education, I’m so grateful that leadership from the State, City, and School Department, Teachers,

and broad community stakeholders came together to ensure students could continue their education and that their social/emotional needs could be met! Education in 2021 remains a challenge and I hope that students can return to in-person learning as soon as health conditions warrant!

**Liz Brown, Waterbury**

As Board of Education Chair what I have learned this year, is nothing in any book that can guide you how to navigate this National Global Historic Pandemic. Where I found the greatest guidance was with our Superintendent and being on CABE’s weekly/bi-weekly Board Chair sessions. Every Superintendent was trying to navigate uncharted waters and move to remote learning while remaining safe and healthy for all. I was so fortunate to view our Superintendent guide his Admin Team and the District to move quickly to remote learning and onto

Hybrid Learning this school year.

I watched, starting at the top with the Superintendent and Admin Team and moving down to Food Service Director form a plan to provide meals to students as families lost their income and no children should go without proper nutrition. The Director of Technology moved quickly on providing students each with a Chrome Book or Tablet to continue the learning the students were here for and to have local internet companies provide free internet to those who did not have internet access. So many other departments rose above the challenge and provided their best also.

In closing, it comes down to the dedication of everyone in the District of a school to show why they are here and it is simply “Educate the best we can to the students in our district during a National Global Historic Pandemic.”

**Mary Beth Malin, Griswold**

# It's Time for Young Women to Rise

**Sheri West**

FOUNDER & CEO, LIVEGIRL;  
BOARD MEMBER, NEW CANAAN BOARD OF EDUCATION

It is a promising time for women and girls, with the election of the first woman and woman of color, Vice President **Kamala Harris**, and the formation of the **White House Gender Policy Council**. Hopefully, the time has come to restore America as a champion for women and girls. At the same time, women and girls (especially women and girls of color) have been disproportionately impacted during the COVID-19 crisis. Their unique needs are growing more urgent by the day. As state and local leaders work to help communities endure the pandemic, it is critical to pay attention to the needs of our most vulnerable youth.

In 2014, with a passion for girls' leadership and over 25 years of corporate and leadership development experience, I founded **LiveGirl**, a Connecticut-based nonprofit girls' leadership organization. LiveGirl's mission is to build confident, inclusive leaders. We serve thousands of girls annually (grade 5 through college, 65% girls of color) in our innovative, evidence-based leadership development and mentoring programs. Our free-of-charge after-school programs range from our middle school Confidence Clubs, creating a safe space for girls at a crucial developmental stage in their lives, to **She Works**, our career-readiness and internship program for college-aged women. From pre-teen to young adult, we equip young women with the skills, mentors, role models, and experiences necessary to thrive and gain social mobility.

**Why is this work so important? What holds girls and young women back?**

1. {Internal Barriers} **Confidence:** We know that confidence drops almost 30% in girls between 5th and 9th grade and never recovers, and that 7 out of 10 girls don't feel they are enough or measure up in some way. Why? The adolescent years can be especially difficult for girls. Girls who were once confident and outgoing may turn inward and become timid and insecure. Girls who robustly shared their opinions, raised their hands in class, and took healthy risks, suddenly stopped engaging with the same veracity. These digital natives are chasing perfection in an all-about-the-likes toxic social



media culture. No wonder 30 percent of girls with a perfect 4.0 GPA do not think they are smart enough for their dream job.

2. {External Barriers} **Gender Norms/Systemic Barriers:** By age six, when girls tend to outperform boys at school, they become less likely than boys to attribute brilliance to their own gender (*University of Illinois, Lian Bian 2017*). According to *Ruling Our Experiences*, one in three girls stay away from leadership opportunities because they are afraid that others will think they are bossy. Girls of color face additional systemic barriers. According to a Girls Leadership report, Black and Latinx girls internally have significantly higher levels of confidence and leadership skills, but externally they face bias, discrimination, and, in the school environment, punishment and pushout.

3. {Invisible Barriers} **Visibility of Role Models and Representation:** "You can't be what you don't see." While progress has been made, there are more men named John in American leadership roles than women. Women account for only 26.5 percent of the U.S. Congress and 7.4 percent of Fortune 500 CEOs. **Roz Brewer**, recently tapped to become **Walgreen's** next CEO, is the **ONLY** Fortune 500 Black female CEO. Representation matters. We must work to provide our girls visibility and access to fierce female role models and mentors.

So, how does LiveGirl build confidence? We provide girls with a safe space to try new skills and experiences themselves. {self-esteem} We give

girls the tools to be self and socially aware and to discover the power of her voice. {social emotional intelligence} We provide opportunities for young women to build authentic bridges to other people whose lives are different from their own. {empathy}. Yes, the pandemic presents a challenge, but we have risen to meet the challenge. We moved all of our regular offerings online and added community programming to help families cope with COVID-19 stress, anxiety and uncertainty. Programs like **She Cares**, which provide free 1:1 mental health mentoring, are helping our girls continue to forge ahead as confident, inclusive leaders.

Post-program, 96 percent of our girls agree "I feel ready to lead" (up 35 percent). Equally as important, I SEE the positive impact that our LiveGirls are having on their local communities. Our leadership development is defined by middle schoolers learning how to lead themselves; high schoolers, like **Olivia Cognetti (Stamford PS '23)** leading others by launching a "Hats for the Homeless" community project; and college students, like **Kellie Taylor (Bridgeport PS '19)** interning and networking through **She Works**, so she is ready to lead in the workforce.

We have partnered with districts including **Bridgeport, New Britain, New Canaan, Norwalk, and Stamford** to build girls confidence. Counselors like **Sarah Beltran** from **Saxe Middle School** see the impact. "Through LiveGirl, girls build self and social awareness and develop their ability to communicate, make sound decisions,

and nurture positive relationships," Beltran said. "LiveGirl complements our school-wide Social Emotional Learning initiatives beautifully."

**Neya Krishnan**, a **New Canaan High School** senior, is a shining example of what young women can gain through LiveGirl. "LiveGirl taught me that anything and everything is possible," Krishnan said. "The specific leadership skills I learned - resilience, public speaking, advocacy, and networking - are the superpowers I need to rise."

So, yes, it is time for young women to rise, and we need to make sure that they have the skills, support, and mentors they need to do so. At LiveGirl, we stand ready to welcome your girls and help prepare the next generation of fierce, diverse female leaders who will undoubtedly make the world a better place.

*About LiveGirl: Founded in 2014, LiveGirl, Inc. is a Connecticut-based nonprofit organization that builds confident, inclusive leaders. Our mission is to prepare the next generation of diverse, brave female leaders with the skills, community, and connections so that ALL girls may thrive and make a positive impact on the world. Learn more [www.goLiveGirl.org](http://www.goLiveGirl.org) or email [info@goLiveGirl.org](mailto:info@goLiveGirl.org).*

*Sheri West has a passion for girls leadership and more than 25 years of corporate and leadership development experience. She is the Founder, CEO & Chairperson of LiveGirl, a non-profit organization that builds confident, inclusive leaders. Prior to LiveGirl, Ms. West spent 17 years as a finance executive at General Electric Co. and PepsiCo. Sheri regularly speaks on the importance of building confidence and resilience and co-hosts the *Confident Podcast* with her 17-year-old daughter. Her honors include being named "Best Friend to Girls" by Mofly Media. She is married with three children (ages 20, 17, and 13) and lives in New Canaan, CT, where she is actively involved in the community and serves on the New Canaan Public Schools Board of Education. Email [Sheri@goLiveGirl.org](mailto:Sheri@goLiveGirl.org).*

Please email [info@goLiveGirl.org](mailto:info@goLiveGirl.org) if you are interested in bringing LiveGirl to your district free-of-charge.

# RESC Alliance and CABE Co-Sponsor a Webinar on Superintendent Preparation Programs

## Nicholas Caruso

SR. STAFF ASSOCIATE FOR FIELD SERVICES AND COORDINATOR OF TECHNOLOGY, CABE

“Superintendent preparation programs and how they have changed to meet today’s challenges”. The one-hour program featured a panel of current and former Connecticut superintendents including:

**Kate Carter, Coordinator, Superintendent Certification Program at CCSU and Superintendent (South Windsor);**

**David Title, Director, Superintendent Certification Program at Sacred Heart University; and**

**Robert Villanova, Director, Executive Leadership Program, Neag School of Education, UCONN.**

The session was facilitated by **Charles Dumais, Executive Director, CES and Adjunct Professor of Educational Leadership at Neag School of Education, UCONN;**

**Esther Bobowick, Director of Professional Development Services, CES; and**

**Nick Caruso, Sr. Staff Associate for Field Services, CABE.**

Much of the focus was directed at the relationship between the superintendent and the board and, in particular, the board chair and the superintendent. All panelists spoke to the benefit of a strong board/superintendent team and talked about strategies for maintaining one.

All three panelists spoke about the challenges facing superintendents in today’s environment. They spoke to the need for continuing education as a process.

Dr. Carter said, “We coach our students to really do their homework around the governance and board culture of the district they’re considering applying to. Just as much as boards are interviewing superintendents, superintendents are interviewing boards and the board culture can really determine the quality of a pool of candidates that will be considering a district to join as a leader.”

Fewer than half the states in the

U.S. have a separate certification program for superintendents. According to Dr. Villanova, “Only about 24 states require a special program for superintendent certification. The vast majority of states have one administrative certification for everybody — principals, assistant principals, superintendents.

The fact that Connecticut has a program and a state-level requirement for elementary endorsement puts us ahead of lots of other states.

Technology was seen as a mixed blessing. It certainly allowed schools to remain functioning during the pandemic, but it also adds a particular issue with superintendents.

Dr. Title stated, “Technology has changed a lot about (the superintendent-board) relationship and that’s something that we are struggling with because it often means it’s getting harder and harder for superintendents to have any time away from their job. There’s got to be some self-care in our programs and we need to teach superintendents how to take care of

themselves in this new world we’re in. And boards need to be understanding of the need for the superintendent to have some space occasionally.”

Finally, Dr. Villanova concluded with a message he gives to aspiring superintendents: “The democratically elected boards of education expect a lot from their executive and that oftentimes means a very difficult, high bar of when you need to be accessible, when you have to respond and how you have to respond. I want to be sure that we give the message to our aspiring superintendents that this is a different level of work. I’m not saying it’s harder but it’s definitely different.

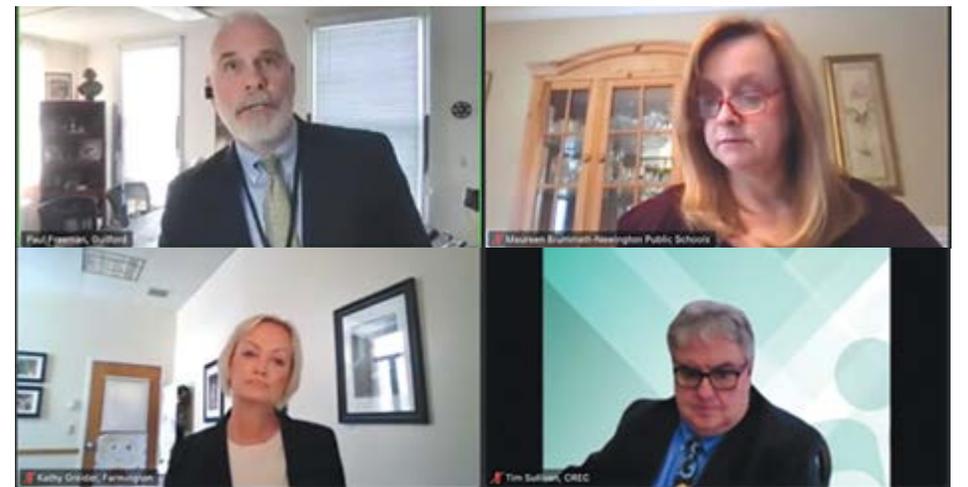
This is not a job not for the faint of heart. You need to be resilient, tough, and have a strong work ethic to have people think you are doing the job well.”

You may view the recorded session at <https://www.youtube.com/watch?v=9oIYcHxz4ac>.

## CREC/CABE AREA 2/HASA LEGISLATIVE FORUM



CREC Executive Director **Greg Florio**, CREC Council Chair **Chris Wilson, (Bristol)**, and CABE President **Donald Harris, (Bloomfield)**, welcomed participants to the legislative forum.



Superintendents **Paul Freeman, (Guilford)**, **Maureen Brummett, (Newington)**, **Kathy Greider, (Farmington)**, and **Tom Sullivan, (CREC)**, discussed *Remote Learning and the Pandemic: Benefits, Challenges and Next Steps*.



CABE Deputy Director and General Counsel **Patrice McCarthy** shared CABE’s legislative priorities.



Sen. **Doug McCrory** and Rep. **Bobby Sanchez** provided closing remarks.

# Trusted Legal Counsel in Extraordinary Times

Now more than ever, school districts, their boards of education and their administrators are turning to Pullman & Comley's School Law practice for informed, accurate and timely information on the unprecedented legal issues they face in the age of COVID-19, including those surrounding the safe reopening of schools, remote learning, PPE protocols, and labor and employment matters.

At the same time, our attorneys are counseling clients on new laws affecting school districts, including the Title IX regulations effective in August 2020, transgender athlete policies and the sexual harassment training obligations mandated by October 2020.

Our attorneys are accessible to their clients, responsive to concerns and always available to answer questions on these issues as well as on the challenges schools face on a routine basis in their daily operations.

Please visit our *Education Law Notes* blog for up-to-the-minute alerts, commentary and insights on critical legal issues affecting educational institutions.

[Schoollaw.pullcomblog.com](http://Schoollaw.pullcomblog.com)

And, for critical information on the legal implications as a result of the COVID-19 pandemic, please visit our COVID-19 Focus page at [pullcom.com](http://pullcom.com) to view recent publications, receive alerts, and to register for and view our webinar series related to the pandemic.

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