CHESHIRE BOARD OF EDUCATION

MINUTES OF THE POLICY COMMITTEE MEETING

HELD IN HUMISTON BOARD ROOM ON NOVEMBER 15, 2022

Committee Members Present: Adam Grippo, Chair; Samantha Rosenberg, Tim White

Committee Members Absent: None

Administrators Present: Jeffrey F. Solan, Ed.D., Superintendent of Schools

1. **CALL TO ORDER – 6:30 P.M.**

Mr. Grippo called the meeting to order and led the group in the Pledge of Allegiance to the Flag.

1. **Public Comment.**

Dr. Solan read a letter from Cheshire resident, Michael Sheehan (on file). Mr. Sheehan had numerous questions around transgender students.

1. **Discussion with Attorney from Berchem Moses PC to provide Policy Guidance for:**

**Gender Identity**

In response to questions from the Community, Dr. Solan invited Attorney Rebecca Goldberg from Berchem Moses to the meeting. Attorney Goldberg gave a very thorough presentation on gender identity. She explained there are laws in that apply on the state level, as well as on the federal level with the primary concept in these situations is the concept of nondiscrimination. Some key items she explained included:

* Federal Law - Title IX - requires that recipients of federal funding with respect to education, do not discriminate on the basis of sex. This includes sex, gender identity, and sexual orientation. A Supreme Court Decision stated that “sex” includes concepts like gender identity and sexual orientation. Title IX applies to both employees and students and Title VII, applies only to employees.
* Connecticut State laws say we don't discriminate on the basis of race, color, sex and it specifically identifies gender identity or expression, religion, national orientation or sexual orientation.
* Law #46A-64, which is enforced through the commission on human rights and opportunities, relates to public accommodations. That law says that we cannot discriminate, segregate or separate individuals on the basis of various classes, which again, includes sex, gender identity, or expression. They all boil down to a single theme of we're not going to discriminate against an individual on the basis of their sex or sexual orientation. If you don't allow the person to use their pronouns, or the bathroom, or the locker room that is consistent with their gender identity, then you are discriminating against them on the basis of sex and or gender identity. She said there is a clear concept for what we are supposed to do, when it comes to these matters.
* When parents are on the same page as their student when it comes to their gender identity, it does not pose much of an issue. The issue tends to be more when there's some kind of disagreement. The agencies that enforce these laws have made very clear that the requirement is to follow the student’s lead in those situations, and because of that, because we cannot discriminate, and we will be discriminating because the parent asked us to, essentially, so we are not permitted to accept that option.

Ms. Goldberg responded to a letter from Mr. Sheehan:

* Academic Freedom includes the right of teachers to decide how to teach within certain bounds such as State and district curriculum standards, there is no requirement for parents to be told about teaching methods or materials used, or for consent to be given for any particular instruction.
* There is no minimum age for any particular content, even if content is marketed as being appropriate for a certain age. Of course, teachers use judgments to select supplemental material for their classes. There there are certain very specific situations in which a parent can opt out of certain instruction, such as units on dissection, or Family Life Education programs, but there is no general right to consent or opt out of instruction.
* Districts are required by law to follow the student's requests in terms of gender identity, such as credit pronoun use, even if the parents do not agree. If the parents do not know, the general approach is to work with the child in a counseling setting to help the child make a decision about disclosure to the parents. School personnel are not required by law to disclose this information to parents even if asked, educational records must be provided in accordance with FERPA and if the educational record reveals this information, it may then end up being disclosed.
* There is no law that prohibits teachers from administering surveys that might ask about things like pronouns or gender identity, there's no minimum age, but students should be free not to answer questions they do not wish to respond to on these subjects. And the responses must never be used to discriminate against a student based on any protected status.
* The district is not required to notify parents about school-based counseling. Generally, the counseling relationship is a confidential, subject to certain exceptions about abuse, risk of harm to others, etc.
* Cheshire Public Schools does not have on site behavioral treatment centers

Attorney Goldberg shared a sample policy on Transgender rights and noted it is not required but is helpful for guidance for parents and teachers.

Regarding Nepotism, Attorney Goldberg said she reviewed our current policy and made a few minor changes. Changes include adding wording to state that a Foreman is a Supervisor in respect to our policy. The Committee will review Policy # 4112.8 for a first reading at their next meeting.

(Mr. White left the meeting at 8:30 pm)

1. **Review Policy for First Reading**

#5141.213 – Administering Medication - Opioid Overdose Prevention (Emergency Administration of Naloxone.) Naloxone, or Narcan is a powerful counteractive drug for opioid overdose, including fentanyl. Dr. Solan noted that we were directed through the State Department of Health that we should have a policy recording Narcan. We have stocked this life-saving drug for a number of years in the schools, not necessarily for our students, but for any members of the community that may be using our buildings.

**MOTION** by Mr. Grippo and seconded by Ms. Rosenberg to move Policy #5141.213 to the full Board for a first reading.

**VOTE**: The Motion passed unanimously by those present.

1. **Review Policies for a Second Reading**

Policy 3543 School Activity Fund

There were no changes to this policy since the first reading. Revisions include a small change to the policy itself, updating the title from Director of Management and Personnel to Chief Operating Officer (COO).

Bylaw 9321.2 Electronic Board of Education Meetings

There were no changes to this policy since the first reading. The Bylaw outlines the requirements according to the Freedom of Information Act regarding holding Board of Education meetings remotely.

**MOTION** by Mr. Grippo and seconded by Ms. Rosenberg.

**MOVED** that the Policy Committee recommends Policy 3543 School Activity Fund and Bylaw 9321.2 Electronic Board of Education Meetings for a second reading.

**VOTE**: The Motion passed unanimously 2-0.

1. **Review Policies for a Third Reading**

Policy #3542.43 Food Service Charging Policy

This policy is being revised due to a change in the law. The main revision states, “*In order to sustain the District's food services program, the District cannot permit the excessive charging of student meals. Therefore, if a student’s account reaches a balance equal to 30 days of a student charging negative, the balance and student information will be referred to the homeless liaison.*” The liaison will reach out to the family to be sure there is not an underlying concern.

**MOTION** by Mr. White and seconded by Ms. Rosenberg.

**MOVED** that the Policy Committee recommend Policy #3542.43 Food Service Charging Policy to the full Board of Education for a third reading and approval.

**VOTE**: The Motion passed unanimously 3-0.

1. **Other**

None.

1. **Adjournment.**

On a motion by Mr. Grippo, and seconded by Ms. Rosenberg, it was unanimously agreed to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Adam Grippo, Policy Committee Chair

Attest:

Carol Jesensky, Board Clerk

Filed with the Cheshire Town Clerk’s Office on December 13, 2022.