



Minutes
POLICY COMMITTEE MEETING
Avon Board of Education
34 Simsbury, Avon, Connecticut 06001
Via Zoom
Tuesday, November 28, 2023 – 6:00 p.m.

Attendance

Members Present: Ms. Laura Young, Chair; Ms. Nicole Russo; Ms. Thej Singh; Ms. Sarah Thompson

Member(s) Absent: None

Administration Present: Dr. Bridget Heston Carnemolla, Superintendent of Schools; Mr. Jess Giannini, Assistant Superintendent; Mr. Roberto Medic, Assistant Superintendent

Others Present: Ms. Deb Chute, Board Chair; Attorney Sarah Gleason, Shipman & Goodwin

I. **Call to Order**

The meeting was called to order at 6:01 pm by Committee Chair, Ms. Laura Young.

II. **Approval of September 12, 2023 Minutes**

Ms. Thej Singh motioned to approve the minutes of September 12, 2023 Policy meeting,

Ms. Nicole Russo seconded.

The motion passed 4-0-0

III. **Communication from Public**

There was no communication from the public.

IV. **New Business-Items for Review and Discussion**

A. **Policy 5145.4- Nondiscrimination (Student)**

Dr. Carnemolla stated that the Legislature and Connecticut State Department of Education (CSDE) have both been busy this year with many updates. The Nondiscrimination policy has been revised several times in the recent past. Dr. Carnemolla thanked Ms. Gleason for attending and for providing a basis for proposed changes.

Ms. Gleason explained that the revisions were straightforward and focused on two specific changes stemming from recent legislation. The first one discussed was that Domestic Violence has been added to “Protected Classes” and is newly defined in the policy. The second one refers to a revised definition of Sexual Orientation. “Protected Classes” is a term meant to be all encompassing, rather than having to list each class individually and it includes all identified classes. Changes to the Regulations make reference to complaint procedures, more specifically how complaints are to be handled and investigated. Ms. Gleason also noted that the personnel version of the Nondiscrimination policy has the same changes as the student version.

Ms. Russo asked to clarify a portion of the policy where it refers to ‘intent to harm’ out of concern that a younger student may not understand what they are saying or have knowledge of what they are saying. Ms. Gleason answered that

school administrators will treat each set of circumstances individually and consider all aspects including a student's age and other background knowledge etc.

Ms. Singh asked if the policy would need to be revised if/when another protected class was added, and Ms. Gleason confirmed that the definition of that class would have to be added and would fall under the 'umbrella' of a "Protected Class"

Dr. Carnemolla asked Attorney Gleason to convey legal considerations and related guidance for transgender student athletes in Avon. Ms. Gleason clarified that both state law and district policy stipulate that it is illegal to discriminate against transgender students. Shipman & Goodwin LLP anticipates that the state will soon be releasing new guidance pertaining to transgender students, which may or may not include athletics. The Connecticut Interscholastic Athletic Conference (CIAC) has concluded that it would be fundamentally unjust to preclude students from participating in a sport that coincides with their gender identity and/or expression. The United States Education Department has new Title IX eligibility for athletics indicating that a district cannot categorically ban transgender students from participating in a sport by how they identify.

Ms. Singh asked how would a coach know how a student identifies and in what way would such information be provided, verbally or written? Ms. Gleason answered that it is how a student consistently demonstrates their identity.

Dr. Carnemolla brought up a question received from a board member about unsubstantiated complaints of discrimination, such as those not made "in good faith" A discussion ensued regarding how each incident/claim is investigated and if a claim were to be found unsubstantiated or not in "good faith" then the complainant would likely be subject to the discipline policy for lying and/or treating others unjustly. Each complaint takes into consideration the age(s) of any student and their perception of the situation. Every complaint is investigated thoroughly and if necessary, follow-up action will be taken.

***Ms. Young motioned to bring revised policy 5145.4, Nondiscrimination (Student) to the full board, as presented, for approval. Ms. Singh seconded.
Motion passed 4-0-0***

B. Policy 4118.11- Nondiscrimination (Personnel)

Attorney Gleason reiterated that proposed changes to the Nondiscrimination policy for Personnel were the same as the Student version, including the additions of definitions of Sexual Orientation and Domestic Violence. The singular change, specific only to the Personnel policy, refers to situations such in which someone has an erased criminal history, then they cannot be discriminated against, when applying for a job.

Ms. Singh asked if an erased history were related to child endangerment, how that would be addressed in the policy. Ms. Gleason and Dr. Carnemolla confirmed that any charges against someone having had anything to do with harm to children would **not** be something that would be erased off someone's record, so therefore that person would not be able to work in a school district.

***Ms. Young made a motion to bring revised policy 4118.11, Nondiscrimination (Personnel), to the full board, as presented, for approval. Ms. Thompson seconded.
Motion passed 4-0-0***

C. Policy 4118.235- Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees

Ms. Gleason said the basis of this policy is to help guide those who are mandated reporters. Terms that are used help guide mandated reporters to better understand what needs to be reported and how. The newest legislative change comes under the Appendix of this policy to expand the Sexual Contact definition to include “contact with a deceased person”

Ms. Young made a motion to bring revised policy 4118.235, Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees, to the full board, as presented, for approval. Ms. Singh seconded. Motion passed 4-0-0

D. Policy 6148- Improve Completion of FAFSA

Dr. Carnemolla explained that this was a new policy introduced just last year. The update is that having to complete the FAFSA will now be a graduation requirement, starting with the class of 2025. Attorney Gleason reiterated that while it is a requirement for now, graduation requirements seem to change often. Included in this policy is the option of filling out a waiver which can be submitted in lieu of the FAFSA, so as not to deter anyone from graduating. Dr. Carnemolla confirmed that a waiver may be completed by guidance counselors with a student. Ms. Singh expressed concern about the policy, specifically pertaining to students who may not have legal immigration status. She asked if a student cannot complete the FAFSA under this circumstance, would there be action taken against them? Attorney Gleason responded that institutions of higher learning have their own financial aid forms that can be filled out and immigration status would not be a factor, and filling out the financial aid form for that institution would complete the requirement for this policy. Also, in a situation when a student may not have legal immigration status, a waiver may also be utilized.

Ms. Russo asked how the waiver would work and Attorney Gleason said it was her understanding that it would be an internal process at school and that the state would most likely be looking for a waiver to be signed by a certified educator to show that a student made a good faith attempt to complete the FAFSA with the parent/guardian but was unable to do so. A short discussion ensued about the waiver itself and when it would be made available. Dr. Carnemolla said the waiver could be found on the CSDE website.

Ms. Young made a motion to bring revised policy, 6148 Improve Completion of FAFSA, to the full board, as presented, for approval. Ms. Russo seconded. Motion passed 4-0-0

E. Policy 9325.2 - Construction of Agenda

Dr. Carnemolla stated that this revision is a simple one, specifying that districts should be putting all supplemental materials that the Board will be receiving at a BOE meeting online for the public to see. Avon already has this practice in place, so the policy is essentially catching up to what is already being done.

At this time, Dr. Carnemolla revisited the Nondiscrimination policy, as she had wanted to further discuss a portion of the wording. She mentioned that recent revisions to the policy included some language not outlined in the Shipman Model

policy, but that which the Avon Board of Education wanted to be clearly stated in the policy: “*Gender identity or expression*” includes “*transgender*” and “*gender non-conforming*” Dr. Carnemolla asked Attorney Gleason if this wording was legally acceptable, since it was not in the Shipman model. Attorney Gleason said there was nothing legally wrong with the wording, therefore it was fine to be included in the policy.

Ms. Thompson posed a follow-up question regarding the Nondiscrimination Student policy. She asked about a situation in which a minor aged student who identifies as transgender, but the student’s parents/guardians don’t acknowledge the student as transgender, what would be the school’s responsibility? Attorney Gleason said this is one of the major questions being talked about across the country and that current legal guidance from the state does not address this issue well and there is not enough information available for how to best counsel students and parents on this subject.

Dr. Carnemolla added that Avon’s practice if this situation becomes apparent, would be to work with each student on a case-by-case basis, including the student’s guidance counselor, a social worker, or whomever the student has confided in (a trusted adult) about this issue. School support staff would try to bring the student and their parents/guardians together to facilitate a conversation about the student’s transgender identity. Legal counsel would be solicited to ensure that the trusted adult is handling the matter in compliance with all laws of confidentiality and also to advise on the case itself, to ensure the outcome is beneficial to the student.

Ms. Young made a motion to bring revised policy 9325.2 Construction of Agenda to the full board, as presented, for approval. Ms. Russo seconded. Motion passed 4-0-0

Ms. Young thanked Attorney Gleason for joining us tonight, and Dr. Carnemolla offered to anyone to reach out if they have any further questions.

VI. Future Items for Review

Ms. Young stated that there are no items for review at this time.

VI. Adjournment

Ms. Thej Singh motioned to adjourn the meeting at 6:50 pm, Ms. Young seconded. Motion passed 4-0-0

Minutes prepared by Christine Sardinskas, Recording Secretary
Minutes respectfully submitted by Laura Young, Policy Committee Chair

Minutes approved by Jeffrey S. Fleischman, Board Secretary

Minutes are approved at the next Policy meeting, and any corrections to the minutes, if needed, will be made at that time.