

WEST HAVEN BOARD OF EDUCATION MINUTES
November 7, 2011
Regular Board Meeting
Council Chambers

The Regularly Scheduled Meeting of the Board of Education was held in the Council Chambers of the City Hall, 355 Main Street, West Haven, CT on November 7, 2011. The meeting was called to order by Howard Horvath, Chairman of the Board of Education at 7:00 p.m. The meeting opened with a pledge to the flag.

**BOARD MEMBERS
IN ATTENDANCE:**

Howard Horvath Jr., Chairman
Sean Maher, Vice Chairman
Eric Murillo, Secretary/Treasurer
Dorinda Borer
M. Toni Paine
Robert Saley

BOARD MEMBERS ABSENT:

Mark Palmieri
Cebi Waterfield
Patrick Egolum

ADMINISTRATORS PRESENT:

Neil Cavallaro, Superintendent of Schools
Dr. Anne Druzolowski, Assistant Superintendent
David Cappetta, Director of Finance

CITY OFFICIALS PRESENT:

STUDENT REPRESENTATIVES

PRESENT:

Marium Majid
Stacie Hurley
Abdul-Razak Zachariah

Howard Horvath welcomed everyone to the meeting and said prior to public portion the superintendent will kick off some of the recognitions that we are going to do tonight and then we will come back to the public portion.

C. REPORTS

C.1.a. Administration/Status of Schools

Superintendent Cavallaro introduced the two new student representatives to the Board of Education. Neil welcomed Stacie Hurley who is a junior, a member of the student council at the high school, a member of Children's Theatre and Theatre Workshop, and volunteers extensively. Stacie's main goal on the Board of Education is to bring the students, teachers, parents and the Board of Education together to improve the school system for everyone. The board welcomed Stacie.

Neil introduced the second new board member Abdul-Razak Zachariah who is also a junior. Abdul is involved with Bell Canto, Theatre Workshop, Globe (global learning observations that affect the environment), a member of the soccer and tennis teams, and a member of the DTP (Developing Tomorrow's Professionals Program). Abdul's essay was read at the culminating recognition event. Neil congratulated him for this. Abdul wants to see the Board of Education and the student body work together in creating the best school environment imaginable. The board welcomed Abdul.

Stacie and Abdul join Marium Majid who is now in her second year as a student representative with the Board of Education.

Neil said we always look forward to your reports which provide us a lot of valuable information as to what is happening at the high school. We always welcome your input and you are free to be part of the discussion and ask as many questions as possible. If you need information prior to coming to the meeting you can feel free to contact one of the administrators at the high school and they will get in touch with us and get you what you need to prepare yourself to be active members of the board of education.

Neil didn't see Samatha Garcia but wanted to recognize her accomplishments at tonight's meeting. Samatha is being recognized for the National Hispanic Recognition Program which identifies nearly 5,000 outstanding Hispanic Latino students each year from the United States, Puerto Rico, U.S. Virgin Islands, Guam and Marshall Islands as well as U.S. citizens attending school boards. Students must be at least one quarter Hispanic Latino descent, achieve a grade point average of 3.0 or higher by the end of their junior year and be a citizen or permanent resident of the United States. Samantha's name along with a list of all recognized students is sent to colleges and universities that are particularly interested in academically outstanding seniors of Hispanic Latino heritage.

Samantha is a senior, captain of the girls' swim team, a member of the Mock Trial Team. She has a cumulative GPA of 4.7 and is currently ranked 2nd in the senior class. (Applause)

Neil recognized John Birch who is here with his parents. John is being recognized tonight for the National Merit Scholarship Program. Last year we had a winner. More than 2/3rds or 34,000 of the approximately 50,000 high scorers on the PSAT and MSQT received letters of commendation in recognition of their outstanding academic promise. Commended students are named on the basis of a nationally applied selection index score. Commended students become candidates for special scholarships sponsored by corporations and businesses. Scores are reported on a scale of 20 to 80 and John scored 72 in critical reading and 69 in math and 69 in writing on the PSAT in his junior year so congratulations. He is a CAPT scholar and has a GPA of 3.85 and is currently involved with the Chess Team and the Mock Trial Team. (Applause)

Howie thanked Neil and echoed the welcome to the student representatives and said it is great to see our students doing so well academically.

B. Public Portion

David Carr, 29 Lake Street spoke to the board and was kind enough to include a typed version of his presentation which is attached. (Schedule A) The board gave thanks.

Public Session closed at 7:15 PM

C. REPORTS (Continued)

C.1.a. Administration/Status of Schools

After the Public Portion Gina Prisco, Principal of Pagels School spoke. Gina thanked Sean and Margi Maher for the wonderful presentation of Joe Sent Me last Friday night along with the theatre group. They raised \$3,300.00 toward their playground and everyone had a great evening. Mayor Picard with Mr. Cavallaro's support gave the news that Yale was making a generous donation. Bruce Alexander from Yale presented them with a check for \$50,000.00 as a donation; that brings us very close we are a little above \$90,000.00. We started with a donation from our PTA last year of \$3,000 and This year we raised over \$40,000.00 plus this donation so we are just about there. Everyone's support is appreciated.

Neil thanked those who participated including Mayor Picard, Rob Saley and Bruce Alexander who not only gave the check but ran the race. It was a great day. Laurie Nacca the Chairman has done a remarkable job and certain Sean and Margi Maher have done a remarkable job.

Neil called attention to the positive email to Raffaella Fronc from Megan Alubicki. (Item F.1. under informational) Raffaella did a lot of work revamping our curriculum last year in our bi-lingual program last year and we are already starting to see some of the benefits.

Although the final numbers aren't in we believe we have made all of the goals that have been set forth in our district improvement plan and our kids are benefiting from this. Raffaella will attend a meeting so she can inform the board and we can thank her for her hard work and effort.

Neil also pointed out (Item F.3. under informational) the letter from NEASC where they have decided to continue the high school's accreditation. What they are looking for is a more detailed plan on the timeline of the construction of the high school. The two items we are in most need of are the improvement of the science labs (which would be addressed if and when we are to proceed with the new high school). They want to know when the city portion of the funding is put in place and when the council would actually bond for this and formally make the money available so that would match the state's grant of up to eighty million dollars for the new building. It is good news. There is another report and we are about half way through the accreditation process and they will be filing the report half way on March 23rd. We will keep you up to date on that. Neil thinks it is important to have the architect for this project come before the board. He said that Rob would have some information on the architect interview process. The concern from the Council's point of view is that we haven't really appropriated the money yet and Ken Carney says that we can't pick an architect until we actually do but he will get it down and be ready to go when the process is ready to begin and try to streamline things. We believe in redoing the building with the grant money we have available is the way to go but at this point no money has been set aside officially for the process.

Dave Cappetta said the audit was started on October 25th and J. H. Cohn was doing the audit for the city. It normally starts in May or June but they are a little behind so we are in the process and had our first meeting on November 2nd. Neil stated one of his concerns that he asked about at the initial meeting was that the company was not put in place until around October and they will gather information hopefully prior to the end of the year and the report hopefully will be issued right after that. Neil's concern just as with last year's was that we didn't receive until April is if you are going to do an audit which says this is what you are doing well and here is where you need to make improvements how do you do that half way through the fiscal year. They had a pretty good explanation and a lot of it was due to circumstances beyond their control that they were brought on late so it is not their fault. They said because it is their first year the process will take a little longer to look at a lot of the things we do that they aren't familiar with. Next year they will be in place and will start the process in May and we will have it in a more timely fashion. We will keep you informed. David gave the board the financial monthly report which had been requested.

Neil said tonight there is a resolution that we ask you to approve in regard to Special Education and due process. Member of the Special Ed Department Joe Lucibello, Ginny Bauer, and Stefania Izzo are here to explain what the board will be asked to do this evening.

Ginny said this year there has been a big push by educators in the state including CASE which is the Connecticut Association of Special Education Administrators to have our

Special Ed Regulations at the Connecticut level align more with the federal level. Right now as it stands in Connecticut the burden of proof falls upon the Board of Education no matter what. If a parent brings a due process hearing or a complaint to the board they do not have to say why they feel that way it is our burden of proof to say that we are doing a free and appropriate public education. The best way to explain it is to say if you are bringing a law suit the burden of proof always falls on the plaintiff; we are the exact opposite in Connecticut it always falls on the Board of Education whether we are bringing the complaint or defending the complaint. We are one of four states that go that way. In 2005 there was a Supreme Court case Schaeffer vs. Weast where the federal Supreme Court said that the burden of proof should fall on the litigating party and that is what we are trying to get in the Connecticut State Statutes. As Special Ed administrators across the state we are looking to our boards and our Superintendents to show the State Board that you do agree with this. In Fairfield County four boards have passed resolutions similar to the one you have before you in your packet. The rest of the state boards have it on their dockets for November.

Questions

Dorinda asked if we have any cases against us right now. Currently we do not but we have had them in the past and have chosen not to go all the way to due process where we mediated before hand. The reason for that is because of the burden of proof issue. At least six of our out of district placements are because of resolutions where we have chosen not to go all the way to due process because of the cost factor. Dorinda asked for an example of one of the cases. Joe Lucibello said it is difficult to go into specifics but the bottom line is if a parent. Dorinda said she wasn't looking for specifics. Neil said most of these involve a child's placement; where you may place a child, what type of program you believe is in your child's best interest. A lot of times a parent could fight for an outside placement when we believe we have the exact same program that we can replicate in our school district. Ginny said yes it deals with free and appropriate public education.

Toni Paine said this is all encompassing; it also includes the Gifted Program; if you think your child should be in the Gifted Program. Basically the burden of proof is on the movement whoever initiates that. Yes that is what we are looking at because there are times that we might feel that special education is warranted for that student and the parent might not sign permission for testing. If we were to take that parent to due process then the burden of proof would fall on us. Neil said the Connecticut Association of Public School Superintendents support the position as well. Toni Paine said the Supreme Court agrees with this and she believes that because IDEA is really silent on it that the State of Connecticut ...Ginny said there is no federal law that says where the burden of proof lies. So, what they said in that 2005 decision is that it should go just like if you were bringing a law suit and the burden of proof falls on the plaintiff. They really thought that is where it should go.

Howie said it was said that we are one of a handful of states that do it this way. Is there a comparison this state vs. those states that don't do it? What is the distinction; what will change relative to the results. It sounds like the process remains the same you can still

argue for or against but what changes related to the process and what changes relative to the overall results. Joe said right now if a parent feels we are not providing their child with a free and appropriate education they can make that claim and they don't have to provide any financial piece. Whereas in the other states they have the burden of proof; they have to prove why they feel that so it comes down to the money piece where he thinks you would see less due process hearings because now whoever has the burden of proof has to bring it forward.

Howie said in our school system and nationwide we do have free and reduced lunch which is an attempt to provide more equity and support for those that can't necessarily afford to feed their children. What happens when somebody has that kind of concern but they are in poverty? Obviously they couldn't afford it; whether or not they are right or wrong. The special education procedural safeguards for the parents lay out what the process is for making a due process complaint. There is a whole process and then you go to a resolution meeting and if you can't come up to an agreement at the resolution meetings then you go to mediation and if that isn't going to work then you go to an impartial hearing. Howie said what he (Joe) was saying is that the difference is who pays the bill. Joe said parents in those other states now are going to think about it more; they can't just make this claim. Howie understands no frivolous lawsuits but if they want to make the case but can't afford to are they prevented? Joe said they can still do it there are avenues out there for those parents. Howie asked like what. There are advocates that come and speak for free. Howie said so they can do it so long as they can find a free advocate I guess. A further discussion ensued.

Dorinda asked who we have as an attorney. Floyd is our labor attorney and Michelle Lauder is our special education attorney in most cases.

Rob stated it was said we had six this year that are out of district and asked if we had a lot in the last couple of years. Ginny said this is her third year in this position and she only knows of one that she knows of within those three years. Rob asked if it is a big concern financially for us. We tend to deal with things in house and most of the parents are very happy with Special Ed right now; the concern is that in general we are not aligned with the Federal Regulations. This is just one thing that we are trying to get moving toward. Right now it is not a big deal but can we say in years to come that it is not going to be? Rob said so the resolution is asking the states to get in line with the federal regulations; right. Joe said it is going to the state board and it is going to say to them we want to be in line with the other 46 states that are doing this. Howie said it is not a federal regulation it is a state by state regulation. Ginny said this is asking them to look at the issue that is what you are doing. Joe said this is really a good thing for us. We have four solid votes right now at the state board to pass this.

Eric asked over the past couple of years how many students are being placed into our services. You mean have come back from out of district? Ginny has brought back three students that were out of district in the last couple of years. Joe said we can get you a specific number but it varies every year but our goal is to always bring them back. Ginny said we don't want to bring them back until they are ready or else you are setting them up

for failure so we do have some that come back half day and some that come after two periods a day and go back so they are starting to wean in. Usually our out of district schools are very good about telling us when they think a child is ready to go back to public school.

Stefania said the process is always cyclical we are always looking at benchmarks. Eric asked if there is a savings in bringing them back. Yes, we are very proactive about keeping our kids in district. Eric asked what is the saving we would save. Joe said it would depend on the school. Eric asked for an approximation. Ginny said some of the schools tuition can cost up to \$56,000.00 a year plus transportation. Eric said so if a parent feels we are not providing an education for that child that means that now we can say to them yes we are and you have to prove to me that we aren't and now they have to go out and prove it. Neil said a perfect example might be as a result of some concerns that parents actually raised when we talked about due process the result is a very good program that we are building over at Molloy. Joe said we are utilizing one of the rooms at Molloy as kind of a make sift apartment for our 18 – 21 year old Special Ed student that stayed with us. We have done a lot of work and we have had a lot of support from many people who have helped us with this. There is a big push by the state for transition services for those students so we have been pretty proactive. If this will be good for our students then that is what we want to have and we have been very proactive with this.

Dorinda said before moving off of the Superintendent's report she asked why the auditors were brought in by the city late. We don't know. Neil said that was our concern. Dorinda asked if they went out to bid. Do we know where they came from; the auditors? Do they have experience auditing? Dorinda said they passed the contract but we don't know it went out to bid. Neil is sure there was some process and is sure it went out to bid. Dorinda asked if you are familiar with them did you ever hear of them. She has never heard of them and has been in auditing. Dave said they have experience; and Dorinda asked if they have experience with education and then said oh good OK but they are just six months late. Anne Druzolowski said she was impressed with their knowledge to be perfectly honest with you. OK. Dorinda then asked if on the news letter is there a reason we cut down; was it because of paper and cutting back expenses and who cuts that down the principal. Neil said it was not cut down for expense purposes. It was cut down because we wanted to focus on academics and a lot of information kind of detracted from what is being taught and done at the school; what the focus is on. A further discussion took place. Neil said he would show her what some of their concerns were with the older newsletters. Rob thinks if we put more educational material in the newsletters we would be better off. Dorinda asked if there was a way to reach the PTA parents with the things they like even if they are not geared towards academics. Neil said Rob was at the last PTA Council Meeting and they asked if we could help them with things like fund raisers and other information that was also part of the newsletter and we said we would. One of the school's concern was they wanted to raise money and do a coat and hat collection for winter and we said of course we will pay for those things and of course you should advertise to help our students with things like that.

Dorinda said she gets that but is concerned that if Mr. Carr is actively involved in the PTA and is unsure why it was done maybe if we do things like that or if it is the administration's decision to do something like that there should be communication to the PTA. Neil said there was and his wife is the President of the PTA and he believes there were at least one or two meetings and his wife was at the PTA Council Meeting where that was explained. Dorinda said explained why the newsletter was being cut back? Yes. Dorinda said OK thank you.

Howie said we will move on the Student Representative Reports.

C.1.b. Student Representatives

All three student representatives were present at this meeting: Marium Majid, Stacie Hurley and Abdul-Razak Zachariah. Their report is included as Schedule B. (Thank you very much for the typewritten report). Howie said he can see we are in good hands with our student reps. There has been a high bar set by your predecessors and he can see you will meet it and probably exceed it so thanks for being here.

C.1.c. Board

Rob Saley asked about the security force and asked if we hired three people. Neil said we hired four people but we staggered the time so that if two came in at 6:30 AM and during the busiest time four are there and two stay beyond the school day. Rob said and they are all in uniforms? Yes they are in uniforms.

Dorinda Borer wondered where we were going with the rest of Neil's contract and increase. Neil said he sent an email to Floyd the day after our last meeting but for some reason he didn't get back to him until Thursday. Toni said she has it and needs to look at it and has to meet with them. Dorinda said that is alright she just didn't know.

Sean Maher wanted to welcome Stacie and Abdul to the Board. He spent countless hours with them in Theatre Workshop. They are two terrific kids and they are going to do a great job on the board and he is happy they are here. He also wanted to commend Mrs. Prisco and her cohorts on raising funds for the playground. It was a joy to be a part of raising the funds; we had an incredible time the other night during Joe Sent Me and \$3,300.00 just bowled him over so congratulations to them.

C.1.d. Committee

Rob said regarding to the architects he did not make it to the last Building Oversight Committee Meeting but did talk to one of the members and they have them down to four and they have to get the process with the Council and he hopes they will do that within the next couple of weeks or within a month or so.

Rob said for the Policy Committee we have some things with Donna Kosiorowski and he would like to schedule a committee meeting for 6:30 PM on Monday, November 21st so

he can get things off of our plate. He will have it all ready before we meet at the meeting so you can review it. If there are any questions just bring it up.

Neil wants everyone to understand why he did architects first and what the next step is. Neil said he thinks he too needs some clarification. Rob would like to see the whole building committee (15 people) instead of just the eight people. He knows it might be somewhat contentious but we really need to address that. They wanted to make sure they had their ducks in a row so that when the thing started and the funding was in place they wanted to show the state that they were heads up. Neil thanked Rob.

Howie said they had an ERIN Committee Meeting where CABE came and talked to us about 21st Century Evaluations and there was a little confusion on his part he didn't think the rest of the board from what he understood was interested but they are happy to come back if that is in fact the case. He will report on this at the next meeting once the minutes have been completed.

D.1. Approval of Minutes

D.1.a. West Haven Board of Education Regular Board Meeting held in the Council Chambers at City Hall, 355 Main Street, West Haven, CT on October 17, 2011 at 7:00 PM

Howard Horvath asked for a motion to approve D.1.a.

Sean Maher made the motion to approve D.1. a.

Eric Murillo seconded the motion

Discussion: None

Howie abstained because he was not there.

All other board members present were in favor

Motion passes

Minutes are approved

D.2. Resignations: (Certified)

11-171 Joel Gargano, Culinary Arts Teacher – WHHS

Effective: January 26, 2012October 13, 2011

Reason: Personal

D.3. Resignations: (Non-Certified)

11-172 Fran Stratton, 10 Month Clerk – Bailey

Effective: November 2, 2011

Reason: Personal

Howard Horvath asked for a motion to approve resignations D.2. and D.3. 11-171 and 11-172 inclusive

Sean Maher made a motion to approve D.2. and D.3. 11-171 and 11-172

Rob Saley seconded the motion

Discussion: Sean Maher said he is very sorry to see Mr. Gargano go he was an asset to the Culinary Arts Department. Sean understands he is going on to much bigger and much better things. Neil said it sounds like he has a bright future ahead of him. He is a talented person.

All board members were in favor

No one abstained

Motion passes

D.4. Leave of Absence: (Certified)

D.5. New Hire: (Certified)

D.6. New Hire: (Non-Certified)

11-173 Patricia Roy, 43 Howe Street, Milford, CT 06460

Literacy Aide – Carrigan School

Effective: October 31, 2011

Salary: \$16.09 Hourly

11-174 Stephen Dionne, 98 Robart Street, West Haven, CT 06516

Math Aide – Washington School

Effective: October 31, 2011

Salary: \$16.09 Hourly

Howard Horvath asked for a motion to approve D.6 11-173 and 11-174

Dorinda Borer made a motion to approve D.6 11-173 and 11-174

Eric Murillo seconded the motion

Discussion: None

All board members were in favor

No one abstained

Motion passes

D.7. New Business

11-175 Request to approve the proposal from ConnCASE that the State of Connecticut Board of Education take immediate action to repeal or revise the regulation concerning burden of proof in special education due process hearings to place the burden of proof on the moving party.

Howard Horvath asked for a motion to approve 11-175

Toni Paine made a motion to approve 11-175

Rob Saley seconded the motion

Discussion: Rob said this is just a request for us to ask them; is this a binding...Neil interjected no it is a resolution that says we are in support of you (ConnCASE) looking at changing this.

Howard Horvath said he would oppose this he knows it is counterintuitive but just based on his experience with his brother in years gone by and this concern about availability of advocates.

Eric Murillo abstained because he would really like to see a presentation on what facilities we have now. It has been about two years now and we haven't heard anything about what we are offering, our curriculum and what facilities we have so I would like to see that before I make the decision even though it is not binding.

All other board members present were in favor

Motion passes

F. Information

Nothing was discussed.

Howard Horvath asked for a motion to adjourn

Sean Maher made the motion

Eric Murillo seconded the motion

All board members were in favor

The meeting adjourned at 7:55 PM

Respectfully submitted,

Marylou Amendola

Board Secretary