

Around the World – Education is Power

Patrice McCarthy

Executive Director & General Counsel, CABE

One of the joys of vacation travel occurs when there is a serendipitous opportunity to visit a school. While not on our itinerary, I was welcomed to the Namib Sky Community School in Sossusvlei, Namibia. The school is located in the middle of a vast desert, isolated from towns and cities and without public transportation. 48 students attend the school, currently serving grades PreK-4, with plans to add additional grades. The school was created to provide access to quality education, nutri-

tion, and health care to children in the region – some of whom travel over 100 miles each way to take advantage of this educational opportunity.

Until the school was created, the only way children in the region could access education was to be sent to live with other family or friends. Parents have access to self-improvement programs, including parenting workshops and skill-building through a computer literacy center and sewing workshop.

The students were joyous and engaged, whether in the class-



room or playing football (American soccer). A bulletin board in one classroom had the names of all the students with the message

“Our Classroom Is Sprinkled with Leaders”.

This visit was a reminder of

See **EDUCATION** page 16

Unlocking Student Success Through High-Dosage Tutoring

Isaak Aronson

CEO & Founder, SmartStart Education, LLC

Kayla Lowe

Grantwriter, SmartStart Education, LLC

In recent years, public education has confronted substantial challenges, particularly exacerbated by the COVID-19 pandemic. While educational institutions have implemented various adaptations to recover students’ learning loss, significant gaps persist. Student progress is maximized when evidence-based, scalable strategies are deployed.

One method that continues to gain prominence nationwide is high-dosage tutoring (HDT). Distinctive for its frequent and consistent sessions, conducted during school hours and in small groups, HDT is one of the few rigorously evaluated interventions

that exhibit the capacity to yield accelerated learning gains.

Moreover, the advantages of HDT extend beyond academic achievement. Findings reported in *Education Week* highlight that students receiving in-school tutoring show improvements in attendance and stronger social bonds with peers and educators. As Connecticut districts strategize for the future, HDT should be viewed not just as a temporary fix but as an essential tool for promoting equitable recovery and sustaining academic success for all students.

WHAT IS HIGH-DOSAGE TUTORING?

High-dosage tutoring (HDT) is an evidence-based intervention

See **TUTORING** page 14

2025 CABE/CAPSS CONVENTION: Lighting the Way for Student Success

Lisa Steimer

Deputy Executive Director, CABE

The CABE/CAPSS Convention, which will be held November 21-22, provides Connecticut board of education members and superintendents the opportunity to acquire knowledge through general sessions and workshops that can help them prepare students to be successful in the 21st Century. Plan to attend the Convention and experience two days focused on student growth. Hear from top-level thought leaders on the latest educational initiatives, celebrate Connecticut’s talented students, and network with school leaders from across Connecticut. In addition, be certain to visit the Exhibit Hall, which is filled with

representatives from businesses with whom school districts do business.

BENEFITS OF ATTENDING

- Ensure you understand the skills that will enable students to be successful in the 21st Century by attending a variety of workshops, clinics, and general sessions delivered by local and national experts.
- Potentially save your district money and enable staff to be more efficient by speaking with vendors in the Exhibit Hall.
- Connect with other members of Connecticut’s educational leadership community to find invaluable support by sharing experiences and solutions with others.

See **CONVENTION** page 9

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Leadership
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PRESIDENT COMMENTARY

Welcoming a New School Year with Purpose and Partnership

Leonard Lockhart
President, CABE

As summer winds down and the first cool breezes of autumn make their way into our mornings, schools across Connecticut are coming alive once again with the sound of eager footsteps, the laughter of children, and the warm greetings of teachers welcoming their students back. The first day of school is always more than just a date on the calendar; it is a moment of renewal, possibility, and promise. It is the season when our communities turn their attention toward the hopes and dreams of our children, and when educators, families, and school leaders unite in a shared mission: to provide every student with the opportunity to thrive.

For Board of Education members, the start of the school year is an equally important milestone. It is both a celebration of the work you have already done to prepare for this moment and the beginning of the work yet to come. Your role in ensuring the success of the academic year ahead is vital not only because you serve as the stewards of local educational policy, curriculum oversight, and fiscal responsibility, but also because you help define the vision and tone for your district. The decisions you make, the partnerships you nurture, and the priorities you set in the months ahead will directly influence the quality of education for thousands of students across our state.

The start of a school year brings unmatched energy into our communities. Children arrive with sharpened pencils, brand-new notebooks, and a mix of curiosity and anticipation. Families stand behind them, placing their trust in our public schools to nurture not just academic skills but also the social and emotional development that shapes them into thoughtful, engaged citizens. Teachers, having spent their summer months planning, learning, and recharging, step into classrooms ready to guide students toward new challenges and discoveries.

This collective excitement is a reminder of the trust placed in public education and, by extension,

in your leadership as a Board of Education member. It is an opportunity to honor that trust through intentional collaboration, thoughtful governance, and a commitment to keeping students at the center of every decision.

A school board's most important relationship is with its superintendent. This partnership is the foundation of effective governance. The superintendent serves as your district's chief executive officer, responsible for implementing the policies you adopt, executing the vision you set, and managing the day-to-day operations of schools. Your role is to govern, not to manage, but the line between the two requires constant clarity and mutual respect.

In the months ahead, working closely with your superintendent will ensure that policy decisions translate into concrete action and that the district's goals remain aligned with community priorities. This means:

1. Maintaining open communication so you are fully informed about successes, challenges, and emerging needs.
2. Supporting professional leadership by providing clear direction, setting measurable goals, and trusting your superintendent to carry out the operational work.
3. Holding the district accountable for results through thoughtful evaluation and data-driven decision-making.

When this partnership is strong, the district can respond quickly to challenges, innovate to meet evolving student needs, and keep every stakeholder (parents, teachers, and students) confident in the district's direction.

Policy is not merely a collection of rules. It is the framework that shapes the culture, priorities, and operations of your schools. The policies you adopt establish the vision for how the district serves students and ensure equity, fairness, and excellence.

As the year begins, now is the time to review your policies to ensure they are current, relevant, and aligned with the needs of



your community. Are your equity policies ensuring that every student has access to high-quality learning opportunities? Do your safety policies address not only physical security but also emotional well-being? Are your policies on curriculum adoption ensuring that materials reflect both academic rigor and the diverse perspectives of our communities?

Once policies are in place, implementation is key. It is not enough to pass a policy and move on; boards must follow through, monitoring the superintendent's progress in carrying out those policies and assessing whether the intended outcomes are achieved. A policy without implementation is like a lesson plan without instruction; it will never reach its intended impact.

At the center of every student's daily experience is the curriculum — the lessons, materials, and activities that shape their intellectual growth. As a Board of Education member, you play a crucial role in approving and overseeing curriculum decisions NOT designing daily activities and lessons. This responsibility is more than procedural; it is deeply connected to your community's values and your district's educational mission.

Curriculum should prepare students not just for the next grade, but for life beyond school. That means ensuring it is:

1. Standards-aligned so students are meeting and exceeding state and national academic expectations.
2. Culturally responsive so students see themselves reflected in what they learn while also expanding their understanding of the wider world.
3. Future-focused so students are building skills for an economy and society that



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

Vision: CABE 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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EXECUTIVE DIRECTOR COMMENTARY

The Excitement of a New School Year

Patrice McCarthy
Executive Director & General Counsel, CABE

September brings the excitement of a new school year for students, staff, and board of education members. Boards of education, like students, can use this opportunity for a fresh start in their learning journey. The coming months contain many opportunities for board members to engage in professional development through webinars, the annual CABE/CAPSS Convention (November 21-22), and the New Board Member/Leadership Conference (December 9). In addition, CABE staff will continue to provide in-district learning opportunities on roles and responsibilities, goal setting, and board self-evaluation. Candidates for the board can be prepared to hit the ground running by attending our “So You

Want to Be a Board Member” webinar on September 24 or 25.

The new school year is an ideal time for boards of education to renew their commitment to supporting their administration and staff, as well as engaging with their community. Working together collaboratively at board meetings and interacting with civility sets the tone in the board meetings and for the district. Community members, especially students and parents, expect the board to model the behaviors we want to instill in our students.

Despite a challenging budget season in most districts, focusing on the academic as well as the social-emotional needs of students remains a priority. Investments in tutoring, outreach to parents, and meaningful after-school programs enhance student engagement. Board policies are another



tool that can support student well-being and engagement. CABE can support your district if you want to undertake a policy review to ensure that existing policies remain relevant and appropriate.

The school community will benefit from a board of education that demonstrates consistent and stable leadership in challenging times. CABE staff is always available to help your board navigate the challenges.

PRESIDENT
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will look very different from today.

Your role is not to write the curriculum, that is the work of educators and administrators, but to ensure the process is rigorous, transparent, and inclusive. This includes listening to input from teachers, parents, and students, and balancing innovation with evidence-based practice.

Every dollar spent in your district should be in service to student success. The budget is a moral document that reflects not only financial priorities but also the values of the community. As a Board of Education member, you are responsible for ensuring that your district’s budget aligns with its strategic plan, meets legal and contractual obligations, and uses resources efficiently.

This year, the challenge will be to balance rising costs, ongoing needs for special education funding, and investments in programs that close opportunity gaps. Fiscal stewardship requires:

1. A clear link between spending and outcome. Funding decisions should have measurable impacts on student achievement and well-being.
2. Long-term planning to anticipate changes in

enrollment, staffing needs, and facility maintenance.

3. Transparency so the community understands how and why money is being spent.

Your work with the superintendent and business office to craft and oversee the budget ensures that resources remain aligned with the mission of educating every child to their fullest potential.

The start of a school year is not without its challenges. Connecticut, like much of the nation, continues to grapple with learning recovery after the pandemic, evolving technology in the classroom, and the need to recruit and retain a strong educator workforce. But these challenges are matched by opportunities; opportunities to reimagine how schools serve students, to strengthen community partnerships, and to advance educational equity.

As a board member, you have the privilege of leading your district into this new chapter. Your decisions will echo far beyond the school year, influencing the life paths of the children who enter your schools each morning. The stakes are high, but so is the potential for impact.

In every discussion you have this year, whether it is about policy language, a curriculum adoption, or a line item in the budget,

remember that there are children behind every decision. Their success, safety, and sense of belonging are the ultimate measures of your board work.

When the months grow long and the meeting agendas grow crowded, return to the image of those first-day smiles, the spark of curiosity in a child’s eyes, and the deep trust families place in your schools. That is the “why” behind everything you do.

On behalf of all who value public education in Connecticut, thank you for your service, your leadership, and your commitment to students. The start of the school year is a time of joy, anticipation, and renewed purpose. As you step into the year ahead, may you do so with confidence in your mission, clarity in your governance role, and a steadfast partnership with your superintendent and district team.

Together, you will ensure that the policies you set are implemented effectively, that the curriculum you approve inspires learning, and that the budget you steward invests wisely in the future of our children.

Here’s to a successful, meaningful, and inspiring school year; one in which every decision we make as educational leaders brings us closer to the shared goal of providing the very best for Connecticut’s students.

SEE YOU IN COURT – THE NUTMEG BOARD OF EDUCATION

Policies Related to School Library Materials

Thomas B. Mooney, Esq.
Shipman & Goodwin

The Nutmeg Board of Education makes many mistakes. The latest imbroglio 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, prides himself on his constituent service, and some members of the public know that they will get a sympathetic hearing when they complain to Bob about the Nutmeg Public Schools. Over the summer, Bob received two separate complaints from parents of students at Median Middle School about books in the media center, and Bob decided to investigate.

On the first day of school, Bob drove over to the Middle School, and he pressed the bell to be let in to the building. Once admitted, Bob went straight to the library.

Bob checked the list of books that he received from the concerned resident, who described them as “inappropriate,” and he went about his work. After about two hours, Bob found three different books on the list, including *Captain Underpants*, *Gender Queer*, and *George*, which describes the challenges of a transgender girl. Books in hand, Bob went to the circulation desk and asked the library media specialist to check these books out to him. Confused about Bob’s actions, but well aware that Bob was a member of the Nutmeg Board of Education, the library media specialist did Bob’s bidding, and he left with the books.

After looking through these books and taking notes, Bob brought them to the next meeting of the Nutmeg Board of Education. At the end of the meeting, Ms. Chairperson asked the Board if members had any further business for the Board’s consideration, and Bob took the opportunity to make his proposal.

“I value the opinions of Nutmeg residents, and I call upon the Board to address a serious problem. Two concerned parents reached out to me to express concern about books in the library

at our beloved Median Middle School, and I took it upon myself to investigate. I was appalled to find a number of books in the library that were shocking in their content. One book is entitled ‘George,’ for example, but it is about a transgender girl. Other books that I found include discussion of sexuality that are wholly inappropriate for middle school children.”

Fellow Board member Mal Content interrupted Bob. “Bob, I am sick and tired of your ignorant grandstanding! We pay library media specialists good money to decide on what books to include in our school libraries, and you don’t have the knowledge or temperament to make these decisions. What do you want the Board to do?”

“Well, Captain Obvious, how about a quick vote to remove these inappropriate books from the library? That would be a good start,” Bob responded.

“That’s not our job,” Mal shot back. “You need to stay in your lane, Bob.” That exchange resulted in a lengthy discussion among Board members about Bob’s concerns and the proper role of the Board. Some members agreed with Bob and were ready to take action, and others expressed concern that Board members shouldn’t be involved in such matters. To bring the discussion to a close, Ms. Chairperson announced that she is referring Bob’s concerns to the Policy Committee, which will come back to the Board with recommendations on whether to address this issue by policy, and, if so, what that policy should be.

Will it be appropriate for the Nutmeg Board of Education to develop a policy to deal with objections to books in the school libraries?

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Creating such a policy is not only appropriate; such action is now legally required.

Section 321 of Public Act 25-168 requires that boards of education in Connecticut develop three different, but related policies:

Each local and regional board of education, after consulting with the superintendent of schools, the director of curriculum and a librarian employed by such board, shall adopt a (1) collection development and

maintenance policy, (2) library display and program policy, and (3) library material review and reconsideration policy.

This new statutory obligation was effective when it was signed by the Governor on June 30 this year, and boards of education should address this new obligation promptly.

Of the three new policies that are required, the policy directly related to Bob’s concerns is, of course, the “library material review and reconsideration policy.” Public Act 25-168 sets forth specific requirements for each of the three new required policies, and the requirements for the “library material review and reconsideration policy” include the following:

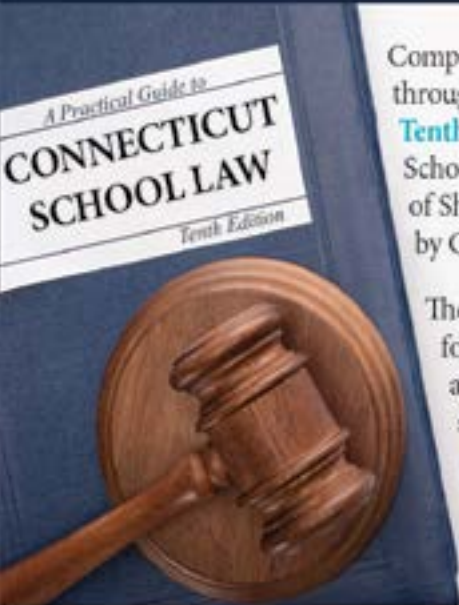
- A provision permitting “persons with a vested interest,” defined in the statute as a staff member, parent or guardian of a child enrolled in the school or a student enrolled in the school, to challenge material maintained in the school library.
- A provision that no material will

be removed from the school library “because of the origin, background or viewpoints expressed in such material, display or program, or because of the origin, background or viewpoints of the creator of such material, display or program.”

- A procedure for creating a review committee when material in the library is challenged, the membership of which is prescribed in detail in the statute. This committee must consider and make a decision on any such challenge as specified in the law.
- A requirement that library books (and other educational material) be removed only for legitimate pedagogical purposes.
- A requirement that the review process “shall neither favor nor disfavor any group based on protected characteristics.”
- The obligation to retain the challenged material in

See **SEE YOU IN COURT** page 6

**THE 10TH EDITION
OF THE PRACTICAL GUIDE TO CONNECTICUT
SCHOOL LAW**



Comprehensively revised and updated through the 2023 Legislative Session, the **Tenth Edition** of this treatise on Connecticut School Law is written by Thomas Mooney of Shipman & Goodwin LLP and published by CABE.

The Guide is the must-have resource for school board members and school administrators interested in the various state and federal laws, regulations, and judicial decisions governing school district operations in Connecticut.

The **Practical Guide to Connecticut School Law** book, first published in 1994, is organized in seven chapters dealing with all facets of school district operation:

- Board Organization, Authority and Responsibilities
- Religion and the Schools
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The **Tenth Edition** is updated with descriptions of important new developments in the law, including student free speech, teacher evaluation, bullying, curriculum and graduation requirements, board member training, and affirmative action. It comes with an electronic version that includes links that permit readers to access electronic resources, including judicial decisions, statutes, regulations, and state and federal guidance on school board obligations.

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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:

- Presented a Roles and Responsibilities workshop for the Norwich and Trumbull Boards of Education.
- Responded to 54 requests for policy information from eight districts, providing sample materials on policy 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 were those pertaining to Library Material Review and Reconsideration, Library Collection and Maintenance, Library Display and Program Policy.
- Provided support to board members and central office administrators regarding policy matters.
- Planned and implemented successful 15th Annual CABE Leadership Conference.

◆ By promoting public education:

- Discussed year-round schooling with Hearst Media reporter.
- Worked with Sullivan & LeShane on FOX 61 piece highlighting Windsor's mobile classroom.

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

- Provided two Policy Highlight, via e-mail, with information regarding Due Process Notifications and New

Mandated Library Policies.

◆ By providing services to meet member needs:

- Responded to a variety of legal inquiries from members.
- Facilitated a discussion of Superintendent Evaluation for the Gilbert School Board of Education.
- Facilitated a Board Self-Evaluation and discussed Superintendent Evaluation with the Cheshire Board of Education.
- Working with a district Policy Chair and IT Director on policy components related to AI.
- Working with the State Board of Education and the Digital Learning Advisory Council on developing "AI Best Practices in Schools."
- Working with a district's policy committee for policy development.
- Prepared materials, as part of the Custom Update Policy Service, for New Fairfield, East Hampton, New Hartford and Westbrook.
- Prepared materials, as part of the Custom Policy Service, for the Bridgeport and Shelton Public Schools.
- Preparing a Policy Audit for the Wilton Public Schools.
- Currently assisting Watertown with a superintendent search.

◆ By helping districts operate efficiently and conserve resources:

- Posted policies online, as part of the C.O.P.S. Program for Avon, Bethel, Brooklyn, Danbury, Griswold, Monroe, New Fairfield, New Hartford, Preston, Somers, Region 18, Windsor, Wolcott and the CABE CORE Manual.

- Met with a school communications staff member to discuss rebranding.

◆ By attending Professional Development to strengthen staff knowledge and skills:

- Attended State Association Executive Directors Summer Leadership Conference and facilitated a conversation about onboarding new board members and Board of Directors members.
- Attended a webinar provided by the CT Society of Association Executives (CSAE) on leadership.

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

- Participated in Mandates Review Council meeting.
- Participated in WestEd focus group on special education services.
- Presented to a class for an O93 Certification program at Sacred Heart University.
- Attended a Discovering Amistad Board of Directors meeting.
- Chaired a meeting of the Digital Learning Advisory Council discussing Artificial Intelligence Policy work.

SEE YOU IN COURT (continued from page 4)

the library until the review committee makes a final decision.

- The right of any person challenging material in a school library to appeal the decision of the review to the local or regional board of education, which must then determine "whether the reconsideration process was followed and publish the decision on the Internet web site of the school district."

Removal of books from school libraries has been the subject of litigation, starting with a decision of the United States Supreme Court in 1983 in *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982). There, the Court ruled that the removal of books from a school library violated the First Amendment rights of students. Reflecting the complexity of such issues, however, *Pico* was a plurality decision on the result, but given different views among the justices, there is no majority opinion. The Court announced a more workable standard in 1988, when it ruled that school-sponsored speech can be regulated when school officials have a legitimate pedagogical concern. *Hazelwood School District et al. v. Kuhlmeier et al.*, 484 U.S. 260 (1988). More recently, the courts have addressed claims that the removal of books dealing with

issues of sexual orientation or transgender students has been discriminatory. The new legislation reflects an awareness of the constitutional and other legal issues involved in removing books from a school library.

As boards of education address this new obligation, CABE's Policy Service may be helpful. Subscribers to this service will be receiving recommendations on the specific content of this new required policy (as well as the required collection development and maintenance policy and library display and program policy).

Finally, Bob's actions in Nutmeg raise two separate concerns. First, Bob's simply showing up at the Middle Schools was not appropriate. As a matter of proper protocol, board members visiting schools in their capacity as board members are expected to coordinate such visits with the superintendent. Second, under the Freedom of Information Act, discussion of such issues must occur in public session, as was the case in Nutmeg. However, the discussion and related action should have been included on the agenda for that Board meeting.

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 CABE Journal. Shipman & Goodwin is a CABE Business Affiliate.

"You can do what I cannot do. I can do what you cannot do. Together we can do great things."

– Mother Theresa

CABE ANNUAL REPORT 2024 - 2025

POLICY



- 18 issues of Policy Highlights.
- Approximately 325 requests for policy information and samples.
- 12 districts contracted for Customized Policy Services.
- 87 districts subscribed to Policy Update Service.
- 8 districts completed an audit of their existing manual.
- 13 districts subscribed to the Custom Policy Update Service.
- 43 districts subscribed to C.O.P.S.

LABOR RELATIONS

- Provided legal information on various topics.
- Organized Legal Issues and Collective Bargaining workshops.



ADVOCACY



- Developed Legislative Priorities through Delegate Assembly.
- Engaged in discussions with legislative leaders.
- Tracked 58 bills, and testified on various issues.
- Provided CABE Day on the Hill with direct access to legislators.
- Advocated for a number of issues.

PROFESSIONAL DEVELOPMENT

- 489 registered for the CABE/CAPSS Convention.
- 380 registered for 7 in-person workshops.
- 1,323 registered for 15 webinars.
- Provided 57 workshops for individual school boards.
- Provided 20 board chairs with mentors.



COMMUNICATIONS



- 847 likes and 1.1 K followers on Facebook.
- 453 followers on LinkedIn.
- 3 Op-Eds in Hearst publications and The Hartford Courant.
- Multiple appearances on Fox 61 and WTIC-AM.
- 11 issues of The CABE Journal with a circulation of approximately 1,200 per issue.
- Listservs for board chairs, superintendents' administrative professionals, and Alliance District board chairs.

ADMINISTRATION

- Provided Unemployment Cost Control Program to 21 members.



SEARCH SERVICES



- Conducted and successfully completed searches for Region 17, Region 13, Winchester, Stratford, Region 20, Voluntown, and Windham.

YOU CAN FIND THE FULL REPORT ON CABE'S WEBSITE

www.cabe.org

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The Technology in Education Revolution

Nick Caruso

Associate Executive Director for
Field Services and Technology, CABE

In 1994, I was asked to represent CABE on a new commission charged with focusing on educational technology that was formed by the Connecticut General Assembly.

The Joint Commission on Educational Technology (JCET) comprised representatives from K-12 education institutions (CABE, CAPSS, CEA, AFT, and SDE, among others), libraries, higher education, adult ed, and business.

At that time, there was no Connecticut Education Network (CEN), and many Connecticut schools didn't even have the most rudimentary network wiring, let alone internet access.

CABE, sponsored by a grant from Southern New England Telephone Company (SNET), surveyed all of Connecticut's school districts to get a sense of what the technology landscape looked like, and it was pretty bleak. There was a lot of work to do.

JCET worked hard to create a

vision for how technology could revolutionize education and proposed a statewide network to connect schools and libraries to revolutionize teaching and learning.

We played a lot of "what if?" scenarios where the roles of teachers and students would blur, and we wouldn't be shackled to classrooms led by the "Sage on the Stage", but in a world we couldn't yet envision, technology could revolutionize learning, and the sky was the limit.

Thirty years later, we have a state-of-the-art network connecting all schools, libraries, and municipalities. Schools are full of devices, and schools have access to the internet. I'd like to say that all that technology created a quantum leap in education, but I can't.

Frankly, the "bolt-on" approach that we used for most technology meant doing things the old way with newer tools. While there have been pockets of truly innovative programs around the country, technology hasn't

revolutionized teaching and learning. In fact, the concept of *One-to-One Computing* is already being replaced by the Yondr Pouch, removing devices from students' classroom activities.

The reason for this brief history is because a new revolution with the potential to (once again) turn education on its head is here, in the guise of Artificial Intelligence (A.I.).

The original JCET was reborn as the Connecticut Commission for Educational Technology (CCET) and charged with creating a five-year strategic plan for educational technology.

About a year ago, a new iteration of that plan was started, but the process had to be temporarily paused to account for a new phenomenon rocketing into our world - Artificial Intelligence. It went from an experimental concept to worldwide embracement in record time.

As A.I. becomes more mainstream and finds its way into every segment of modern life, educators are struggling to see

how teaching and learning will be impacted. The potential is there for amazing things, but only if we allow ourselves to think outside the box.

In truth, we are at a crossroads far more significant than the original inflection point of introducing technology into classrooms thirty years ago.

Where data is available 24/7 without effort, finding the answers to questions becomes less important. The focus on memorization and regurgitating facts becomes almost meaningless. *The Question* becomes more important.

Students will need more skills related to problem solving and analyzing data – the creation of that data will take seconds – the use of the data becomes the purpose of teaching, rather than the collection of it. *The Question* becomes the purpose of teaching!

I recently heard a great quote related to this coming revolution: "*The Promise of Moving vs. The Peril of Staying*". The use of A.I.

See **TECHNOLOGY** page 10

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CONVENTION
(continued from page 1)

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Leveraging Universal Supports for Students and Educators to Build Positive School Culture and Teacher Morale

Amy Conklin
Director of District Partnerships,
Effective School Solutions

Universal supports for all students and teachers, a component of Tier 1 mental health programs, are the cornerstone of a flourishing school environment. Under the pressure of increasing mental health needs and educator burnout, prioritizing Tier 1 strategies is an effective way for school districts to foster positive school culture and enhance teacher morale.

Research shows that students perform better — and teachers stay longer — in schools where they feel safe, respected, and emotionally supported. Building a healthy school consists of clear behavioral expectations, inclusive policies, and environments that reflect dignity and belonging for every student. The SHAPE system, developed by the National Center for School Mental Health, provides tools that help districts assess climate through structured surveys and map their practices against national benchmarks.

Climate also impacts teach-

ers. That is why teacher and staff well-being must be elevated from a wellness initiative to a leadership priority. According to Effective School Solutions' (ESS) Tier 1 model, staff mental health can be supported through practical, integrated practices such as Trauma Attuned Model® learning communities, structured classroom resets, and coaching in emotional regulation. ESS offers professional development workshops such as their Resiliency Series and Transition Reset Series — designed to address stress, regulation, and student connection — that are helping schools shift from reactive to restorative cultures.

Another key pillar of Tier 1 is promoting positive behaviors and relationships. Cultivating school-wide norms around kindness, cooperation, and empathy isn't just about student behavior; it's about shaping an environment where relationships are strong, restorative practices are used proactively, and discipline becomes a tool for growth. As highlighted in the SHAPE Tier 1 Quality Guide (page 20), schools should focus on

building emotionally supportive routines, providing positive reinforcement, and ensuring students are recognized for demonstrating core values.

Equally important is mental health literacy. When students, teachers, and families/caregivers have a shared understanding of what mental health is — and isn't — they're better equipped to support one another. Examples of Tier 1 mental health literacy include teacher training, family/caregiver engagement, and student-led awareness campaigns. These efforts reduce stigma, promote early intervention, and contribute to a school culture that sees mental wellness as foundational to success.

Sustaining Tier 1 work requires infrastructure. Schools must assess needs, track fidelity, and ensure resources align with district goals. Tools like the SHAPE System or ESS's MTSS Playbook Consultation & Design support districts in translating data into action through guided assessments, dashboards, and strategic planning resources.

Ultimately, Tier 1 is more than a framework. It's a commitment to equity, connection, and capacity-building—one that positions students and teachers alike to succeed.

TECHNOLOGY
(continued from page 8)

is one place where that is quite possible. Already, some places are embracing Artificial Intelligence, and others have outright banned its use.

For school board members, we need to exercise some appropriate caution, but we are not going to stuff the genie back into the bottle. Educational leaders are going to need to be bold and innovative, and boards of education need to permit those visionaries. If we are truly going to benefit from the power of our new technologies, we need to attack the future head-on. If we don't, then the next generation of leaders will once again be on the outside looking in and wondering where time went.

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BOOK REVIEW:

Why School Boards Matter, Reclaiming the Heart of American Education and Democracy

Patrice McCarthy
Executive Director & General Counsel, CABE

Why School Boards Matter, Reclaiming the Heart of American Education and Democracy is a recently released treatise by Scott Levy, a member of the Westchester County, New York School Board. Scott served as president of the Westchester Putnam School Boards Association with 54 member districts. He is the former executive director of the Yale Center for Emotional Intelligence and is currently an adjunct lecturer at the Harvard Graduate School of Education.

The author makes many observations about characteristics of effective school boards, including:

- District governance is consistent, stable, and strong
- The Board sets a positive culture and climate, selecting a strong Superintendent and allocates the budget wisely
- The Board Chairman does not seek extra attention or fanfare
- The Board sets the tone for the entire district

A well-functioning school

board can make a district, and a dysfunctional school board can break a district.

He observes that school board members are the largest group of public officials in the U.S. (as are the 1400 volunteer board members in Connecticut). By harnessing their power and maximizing their effectiveness, we can have the biggest impact on K-12 students.

Levy advocates for a better balance in the governance process:

- State and federal policymakers should provide space for local districts to thrive and hold districts accountable for outcomes. They can also play a pivotal role in providing data repositories, benchmarking, and transparency to all stakeholders.
- Parents and community members should become more vested in the school board governance process by understanding the role of the board versus school administrators versus the state, exercising their right to vote, and

engaging with their local board members on wide-ranging governance issues, not just the controversial issue of the day.

- Academia and foundations should allocate more of their time and resources to studying school boards, teaching about governance, and providing more continuing education opportunities directly to board members.
- Superintendents should prioritize building constructive relationships with their boards to ensure alignment of district strategy and to set the tone for the rest of the district and understand the boundaries between the roles of the superintendent and board.
- School boards should prioritize building constructive relationships with their superintendents and must be willing to seek continuing education to master the skills necessary to govern effectively, across policy, finance, leadership, strategy, and curriculum. They should use data to

inform decisions and act as fiduciaries in the best interest of the overall district. They must serve as role models. Board members should stay in their lane and not encroach on the superintendent's day-to-day management responsibilities. They also need to listen to their constituents.

Levy points to the erosion of trust in all civic institutions over the past decade as contributing to more intense debates and less civility at public meetings.

The book will resonate with board members and superintendents and could provide a basis for discussing the applicability of the observations in individual districts. It provides a timely reminder of the important role of boards of education in modeling civil discourse and strengthening American democracy.

Why School Boards Matter: Reclaiming the Heart of American Education and Democracy can be ordered by scanning the QR code.





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POLICY IN PRACTICE

Connecticut School Climate Policy

Jody Goeler

Sr. Staff Associate for Policy Service, CABE

In a recent article in the Harvard Business Review, “Why Kindness Isn’t a Nice to Have”, the authors make a strong argument for organizations to institutionalize kindness. “Kindness isn’t soft. It is not optional, and it can’t be left to chance,” they contend. Instead, “Like safety protocols and performance reviews, kindness must be built into how people work.” (Macklin, Lee, and Edmont. *Why Kindness Isn’t a Nice to Have*. Harvard Business Review, July 29, 2025)

Their research indicates that when organizations don’t take kindness seriously, the negative impact can include increased absenteeism and time devoted to conflict, poor communication, and customers feeling the impact. Differentiating “niceness” from kindness, the authors suggest the latter establishes a climate that supports engaging in challenging conversations or raising concern that demonstrates respect for one another

and the belief “the other person has greater potential or that you want to help your team succeed.” (Macklin, Lee, and Edmont, July 29, 2025)

Policy is the greatest lever boards of education possess for institutionalizing the behavioral norms and expectations of their school district. As schools prepare to meet their obligation to implement the Connecticut School Climate Policy, boards will have the opportunity to allocate resources, employ their governance role, and model civility and, indeed, kindness.

The Connecticut School Climate Policy marks a significant shift from previous bullying policies, which stemmed from legislation reacting to acts of bullying, which were often cited as a cause of violent attacks against staff and students. For many years, under these bullying policies, administrators were tasked with investigating bullying allegations, determining whether the alleged bullying met the definition, explaining their findings to

the person making the allegation, dealing with the complainant’s disappointment when the investigation determined a contrary finding, and following up with the mandated reports.

In adopting Public Act 23-167, the General Assembly discerned that if districts allocated their resources to implementing a system for improving school climate and responding effectively to “challenging” behaviors, there would be less bullying. In addition, the mandated policy set forth through this Act emphasizes that restorative practices be used in response to challenging behaviors to build relationships among school community members, hold each student accountable, and have students play a role in repairing relationships and reintegrating into the school community.

As with the intentional acts required for institutionalizing kindness in organizations, policies, such as the School Climate Policy, provide the opportunity for boards to have a voice, exert

their leadership, and institute those structures that lead to better student outcomes. Ensuring intentionality appeared to be on the minds of the legislature in its recent session as well, when it adopted statutes requiring boards of education to adopt three policies related to school libraries.

Public Act 25-168 §§ 321-323 requires school boards and public library governing boards to adopt policies on *collection development and maintenance*, *library displays and programs*, and *review and reconsideration of library books and materials*.

The *Collection Development and Maintenance* model policy serves as the standard against which library material complaints are evaluated. Furthermore, this policy directs superintendents to create administrative regulations that establish a procedure for a certified school library media specialist to continually review library and other educational material within a school library media cen-

See **CLIMATE** page 17



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TUTORING

(continued from page 1)

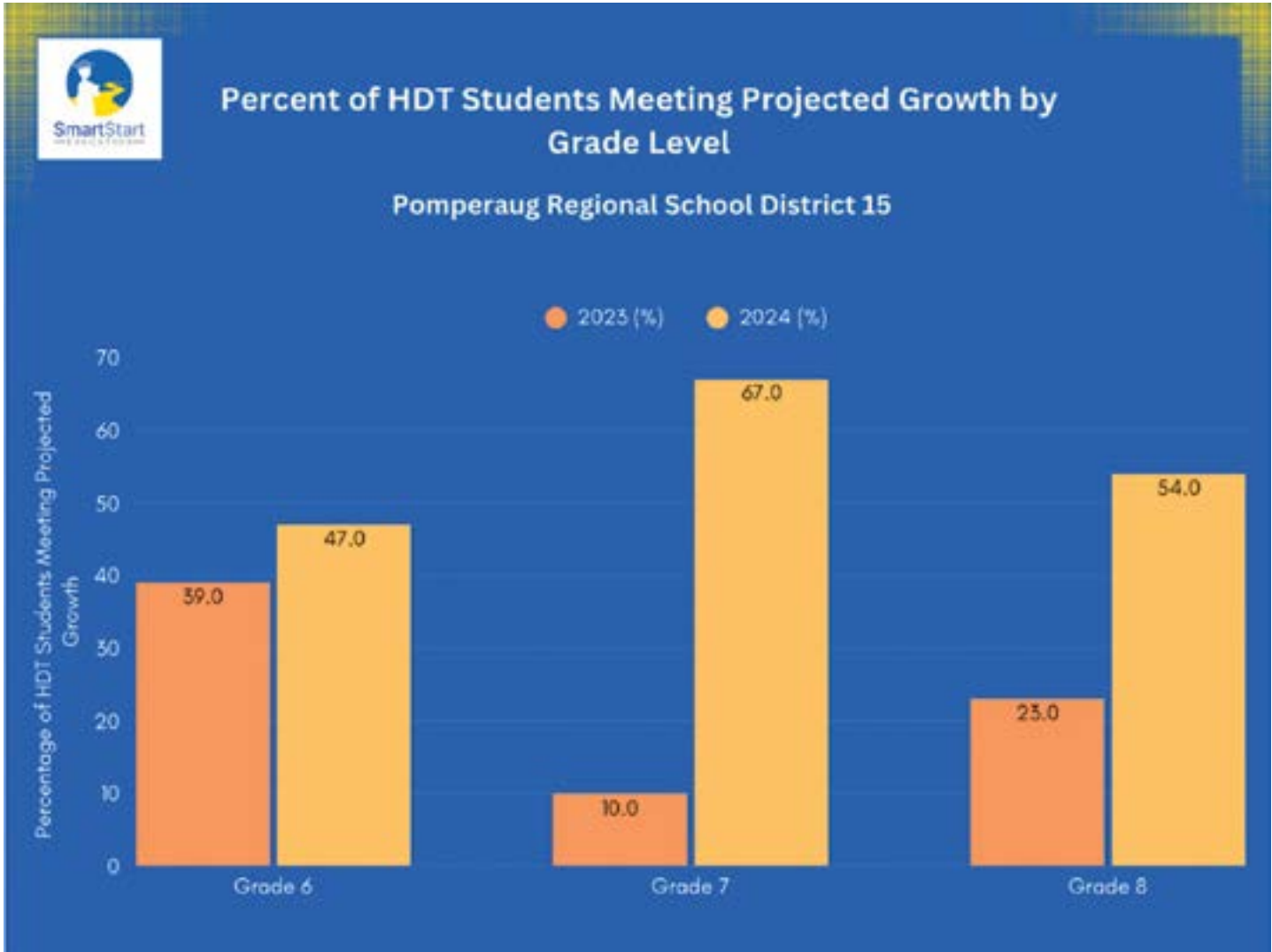
that provides intensive, individualized academic support during regular school hours. Key components of HDT include:

- **Small Group Instruction:** With a maximum group size of four, HDT facilitates personalized instruction tailored to individual learning needs.
- **Consistent, Qualified Tutors:** Professional tutors develop relationships with students to facilitate learning.
- **Alignment with Classroom Curricula:** Tutoring materials are strategically aligned with classroom learning objectives.
- **Data-Driven Methodology:** The HDT model incorporates regular assessments to inform instruction and establish precise learning objectives, enabling adaptive and responsive teaching strategies.
- **In-School Implementation:** An in-school delivery model ensures equitable access and consistent participation across the student population.
- **In-Person:** In-person tutors can better mentor and inspire their students,
- **Frequency:** Students receive tutoring at least three times per week.

HDT transcends traditional homework assistance by providing targeted, relationship-based instruction designed to bridge academic gaps and accelerate student learning outcomes. This method has also demonstrated positive effects on student engagement and attendance metrics. By integrating HDT into the school day, all students gain access to the support they need for academic success.

THE RESEARCH BEHIND HIGH-DOSAGE TUTORING

A comprehensive meta-analysis conducted by Dietrichson et al. (2017) established that HDT stands out among fourteen educational interventions as the most effective strategy for enhancing student achievement. Supplemental reviews from *The Education Trust* and *Education Reform Now* corroborate that intensive tutoring significantly surpasses alternative methods for supporting students lagging in literacy and numeracy, demonstrating favorable outcomes across all



Percent of HDT Students Meeting Projected Growth by Grade, Pomperaug Regional School District 15, 2023–2024.

grade levels. Research conducted by the Annenberg Institute at Brown University, in collaboration with the University of Chicago’s Education Lab, highlights the significant effectiveness of high-dosage tutoring, especially when integrated into the regular school day. National findings, including those from the University of Chicago Education Lab, indicate that students who participate in high-dosage tutoring can achieve two to three times the typical academic growth in a single school year, effectively accelerating learning and closing achievement gaps. This approach has proven particularly beneficial for diverse learner populations, including English language learners and students with special needs. Furthermore, large-scale studies reported by *Education Week* affirm that in-school tutoring not only enhances academic performance but also improves school attendance and fosters greater student engagement. This positions HDT as an effective solution for educational institutions seeking to enhance student outcomes.

POSITIVE DATA FROM THE DISTRICTS SMARTSTART EDUCATION SERVES

HDT programs led by SmartStart in Connecticut are delivering measurable results:

- **Case Study:** Recent results from Pomperaug Regional School District 15 highlight the effectiveness of high-dosage tutoring. In 2024, Grade 6 students experienced a 21 percent increase in performance from 2023 to 2024. Grade 7 saw a remarkable 570 percent increase, and Grade 8 demonstrated an increase of over 116 percent. These results indicate significant academic gains and strong year-over-year improvements across grades 6 to 8 (see figure above).
 - **Statewide Progress:** 58% of HDT students raised their SBAC Math scores from the previous year, and 60% improved their i-Ready Benchmark from fall to spring.
- These results highlight the positive impact of HDT in Connecticut, with students making real academic gains and maintaining strong engagement throughout the year.

CHALLENGES AND THE CASE FOR INCREASED FUNDING

While HDT has delivered clear, research-backed results, its continued success depends on sustained investment. High-quality tutoring requires significant funding for skilled staff, training, and materials. With the end of federal pandemic relief funding, many districts face a critical

capital gap that could jeopardize recent academic gains and limit future progress. It is essential that policymakers and education leaders not only advocate for increased funding at the state level but also make HDT a top priority within current district budgets. District leadership must recognize the proven impact of HDT and allocate available resources to ensure these programs remain accessible, particularly for students who are most at risk. Federal Title I, III and IV funds can all be used for HDT. Without dedicated and strategic funding, school districts risk losing ground on academic recovery and widening achievement gaps. Prioritizing robust support for HDT, with existing and future funding, is necessary to sustain momentum, advance equity, and secure lasting success for all students.

CALL TO ACTION

High-dosage tutoring is the most effective tool available for accelerating learning and closing gaps. Connecticut’s schools and districts have seen real, measurable progress, and now is the time to ensure that this momentum continues. By investing in high-dosage tutoring, we can build on these gains, create equitable opportunities, and give every student the support they need to succeed.

15TH ANNUAL

CABE SUMMER LEADERSHIP CONFERENCE

AUGUST 7, 2025



Over 50 board of education members, superintendents, and other administrators gathered for the 15th Annual CABE Summer Leadership Conference.



CT Commissioner of Education **Charlene Russell-Tucker** provided remarks via video.



CABE Area 3 Co-Director **Sara Kelly (Stafford)** and **Jody Goeler**, CABE Sr. Staff Associate for Policy Services presented a session on Board Culture.



CABE First Vice President **Meg Scata (Portland)** encouraged those in attendance to become involved with CABE.



Superintendent **Joe Macary (Vernon)** and CABE Associate Executive Director for Field Services and Technology **Nick Caruso** presented *The Relationship's Start: Onboarding New Superintendents and Board Members*.



CABE President **Leonard Lockhart (Windsor)** facilitated the opening session of the conference.



CABE President **Leonard Lockhart (Windsor)** and CABE DEIB Consultant **Martha Brackeen-Harris** presented a session on belonging.



CABE Immediate Past President **Liz Brown (Waterbury)** engaged with presenters.



CABE Area 8 Co-Director and State Relations Chair **Lindsay Dahlheimer (Region 13)** and CABE Associate Executive Director for Government Relations **Sheila McKay** presented a session on advocacy.

New Reporting Rules for Nonlapsing Accounts

Conrad Vahlsing
DEPUTY GENERAL COUNSEL, CABE

For the second year in a row, the state legislature created rules for board of education “nonlapsing” accounts. Sometimes called a carry-over account or unspent funds account, these accounts are subject to specific rules and limitations. This year’s rules relate more to reporting than usage.

Under Public Act 25-93, beginning with the fiscal year ending June 30, 2026 (i.e., this fiscal year), local boards of education must annually create a report related to the nonlapsing account that contains, but is not limited to:

- the total balance of the account,
- the amount deposited into the account in a fiscal year, and
- an accounting of the expenditures made from the account

These reports must be submitted to the State Department of Education and the exclusive bargaining representative for certified employees.

Under the same Act, local boards of education also must notify, within 30 days of the adoption of the board’s budget, the

exclusive bargaining representative for certified employees of:

- the establishment of a nonlapsing account, or
- the board’s intended uses for funds in the nonlapsing account during the next fiscal year

As a bit of review, under last year’s Public Act 24-45, local boards of education were enabled greater freedom in establishing such an account. That Act allowed local boards of education to decide whether to establish the account, where, under the old nonlapsing account rules, the board of finance/selectmen/etc. had the permissibility to establish it.

But even with both this and last years’ changes, three general statutory rules for nonlapsing accounts remain the same:

- (1) amounts deposited into the account cannot exceed two percent of the prior fiscal year’s appropriated budget;
- (2) expenditures from the account can only be for educational purposes, and;
- (3) expenditures must be authorized by the local board of education. The amount was previously capped at one percent, but was

bumped up to two percent in 2019.

Although these accounts were again contemplated by the state legislature, they still may be a bit mysterious to some boards of education, not to mention a possible point of contention between a board of education and the local fiscal authority. Even though boards of education have the authority to establish the accounts, there is the need to consider the effect that having such an account could have on the relationship with local fiscal authorities.

As a related note, some Connecticut boards had established MOUs (memoranda of understanding) or other agreements with town authorities in order to delineate the character and uses for the account, especially when establishing the account had not been the express prerogative of the board of education (pre-2024). For example, an MOU may have stated that funds would go into the account for additional expenses related to the COVID-19 pandemic. Any previous MOUs should be revisited to see if they still align with current law.

Regional boards were also affected by both this and last

year’s changes to such accounts, called a “reserve fund” for regional boards in statute. This year’s changes were very similar, but not identical to those for local boards, as there is a bit of difference in how the annual report is disseminated (see Section 37 of Public Act 25-93 for reference).

Even prior to 2024, regional boards were allowed to create a reserve fund by a majority vote of the regional board of education, but the language that previously limited use of such accounts to “capital and nonrecurring expenditures” was replaced with language requiring that it be for “educational expenditures” by last year’s Public Act 24-45. That Act contained other rules for such regional boards’ accounts, including when the regional board is, due to unforeseen circumstances, unable to spend appropriations related to the account.

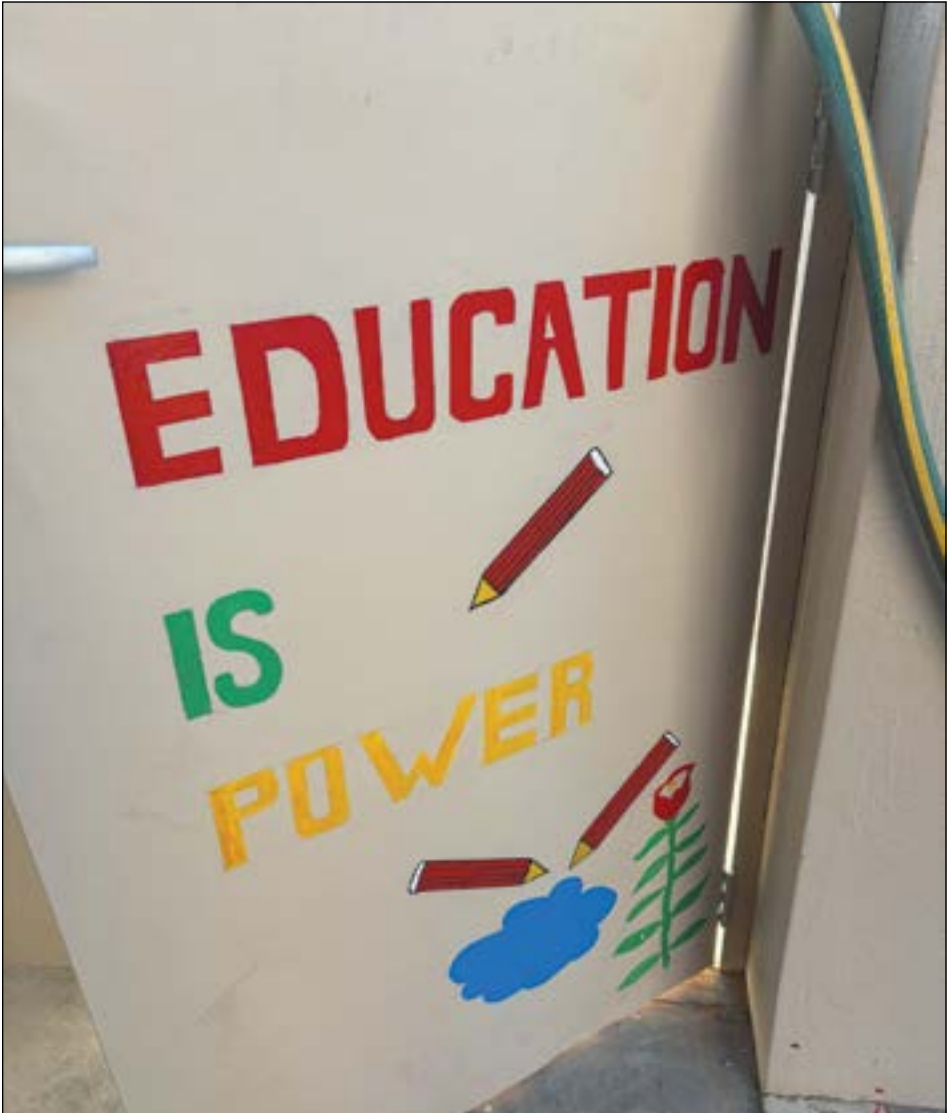
For reference and further reading, Section 36 of Public Act 25-93 relates to local boards of education, and Section 37 of the Act relates to regional boards. Those sections amend parts of the Connecticut General Statutes, Section 10-248a for local boards and Section 10-51 for regional boards.

EDUCATION

(continued from page 1)

the challenges around the world in providing access to a free education. It was inspiring to see

the impact of this initiative on the students and their families. A poster at the school proclaims “Education Is Power” – an important reminder for all of us.



School Attorneys Hold Mid-Year Meeting, Discuss New Legislation

Conrad Vahlsing
DEPUTY GENERAL COUNSEL, CABE

The Connecticut School Attorneys Council held its mid-year meeting in June to discuss current issues affecting public schools, including new laws from this year's legislative session. President Herbert Rosen (Berchem Moses) chaired the meeting. Due to a vacancy in an officer position, the Council elected Weston Stephens (Berchem Moses) as Secretary. The virtual meeting was attended by attorneys from a variety of firms and organizations from across the state. As an invited guest, the Connecticut State Department of Education's Director of Legal and Governmental Affairs, Mike McKeon, fielded questions from the group. Upon special invitations since late 2022, Director McKeon has

frequently been in attendance at Council meetings. The meeting included a portion dedicated to a discussion with Director McKeon, who offered timely information and in-depth discussion on a variety of topics. The Council was particularly focused on topics related to special education. The group also inquired as to the CSDE's plans to issue guidance on several topics, including suspension and expulsion of students, transgender and gender nonconforming students, civility at Planning and Placement Team (PPT) meetings, and various best practices for mediations. Relatedly, the group voiced concerns over perceived backlogs in issuing determinations on due process complaints as well as how some out-of-state due process mediators and hearing officers may need training and/or support

on Connecticut practices. The Council also inquired about an updated Title IX toolkit. As for discussion of new state laws from the 2025 legislative session, the group was concerned about how certain aspects of Public Act 25-67 may conflict with federal special education laws, especially the IDEA (Individuals with Disabilities Education Act). Entitled An Act Concerning the Quality and Delivery of Special Education Services in Connecticut, PA 25-67 is 40 pages and contains a variety of sections related to special education. As a high-level summary of the Act from the non-partisan, non-profit School and State Finance Project, their website states the Act "contains provisions designed to enhance oversight and increase funding for special education services in Connecticut, with the goal of promoting greater consis-

tency and quality in the provision of services to students with disabilities across Connecticut." As for one aspect of the potential conflicts between portions of the Act and the IDEA, the discussion touched on how language in the Act may set different standards beyond what is commonly referred to as FAPE in federal education law, i.e., that students with disabilities are entitled to a Free Appropriate Public Education. The group was continually engaged during Director McKeon's portion of the meeting and those in attendance were able to participate in important dialogue with the Director. The Council plans to hold its next regular meeting in November in conjunction with the CABE/CAPSS Convention.

CLIMATE

(continued from page 12)

ter. The accompanying regulation provides specific standards for school library media specialists to evaluate material when determining its suitability. The *Library Display and Program* model policy recognizes the purpose and importance of library displays and acknowledges the professional training of school library media specialists who curate and develop such displays and programs. Notably, boards are now required to adopt a Library Material Review and Reconsideration policy. CABE's model policy meets the legislative mandate, laying out a procedure for handling complaints against instructional material available in the school library/media center. It's required that after a reconsideration form is filed by a complainant, the principal of the school in which the material is challenged promptly forwards the request for reconsideration to the district's superintendent. The superintendent then appoints a review committee that includes:

1. The superintendent, or the superintendent's designee;
2. The principal of the school in which the material is being challenged, or the principal's

- designee;
3. The director of curriculum;
4. A representative from the local board of education;
5. At least one grade-level appropriate teacher familiar with the material;
6. A parent or guardian of a student aged 13 years or younger enrolled in the school district;
7. A parent or guardian of a student age 14 years or older enrolled in the school district;
8. A certified school librarian employed by a board of education.

This review committee is called to evaluate the reconsideration request by reading the challenged material in its entirety and evaluating it against the school district's Collection Development and Maintenance policy. The Act establishes that material can only be removed *for legitimate pedagogical purposes or for professionally accepted standards* as adopted in the Collection Development and Maintenance policy or the Library Display and Program policy. The review committee is prohibited from removing any material on the sole basis that an individual finds such material offensive, or because of the origin, background, or viewpoints expressed in the material or by the creator of the material. Within 60 school days, the committee must provide the

complainant and the principal of the school with a copy of its written decision. An appeal can be made against the decision of the review committee to the local board of education, at which point the board of education is tasked to determine whether the *reconsideration process was followed* and to publish the appeal decision on the district website. Along with creating these model policies compliant with

this new mandate, we've also provided accompanying forms that can be used for reconsideration and appeal requests to assist districts in their implementation. Perhaps by providing clear expectations through board policies, students, staff, parents, and community members will experience and share a little more kindness as well.

Upcoming CABE Webinars

- **Changes Made to State Education Funding During the 2025 Legislative Session**
September 17, 2025 | 12:00-1:15 p.m.
- **From Our View: A Book Discussion About Uncomfortable Conversations with a Black Man by Emmanuel Acho**
September 23, 2025 | 12:00-1:15 p.m.
- **So You Want to Be a School Board Member**
September 24, 2025 | 4:00-5:30 p.m.
- **So You Want to Be a School Board Member**
September 25, 2025 | 12:00-1:30 p.m.



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UNDERSTANDING CONNECTICUT’S FOIA

The FOIA and Collective Bargaining

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

As summer unfortunately comes to an end, a new season – certified negotiation season – begins in earnest for many school districts. The Teacher Negotiation Act (“TNA”) has somewhat strict timelines that address the process for negotiating successor collective bargaining agreements with teachers and school administrators. The following should provide a refresher for school board members trying to understand the intersection of the state collective bargaining statutes and Connecticut’s Freedom of Information Act (“FOIA”).

COLLECTIVE BARGAINING, THE FOIA AND “NON-MEETINGS.”

Not every gathering of a public agency constitutes a “meeting” under the FOIA. The FOIA specifically exempts certain gatherings from the definition of “meeting,” thus freeing them from the usual posting and open meetings requirements mandated for “meetings.” These exempted gatherings are often (oxymoronically) referred to as “non-meetings.” Among other things, a “meeting” under the FOIA does **not** include discussions pertaining to strategy or negotiations with respect to collective bargaining. This seems simple enough, but ...

COMPLYING WITH THE FOIA WHEN DISCUSSING STRATEGY

Collective bargaining and the FOIA still serves as a source of some confusion for boards of education. For example, boards sometimes still meet in executive session (and post notice of such “meetings”) to discuss strategy for upcoming collective bargaining negotiations. Simply put, neither a meeting to discuss collective bargaining strategy nor a meeting to conduct the actual negotiations is considered a “meeting” covered by the FOIA. Accordingly, when a board gathers for the purpose of discussing “strategy or negotiations with respect to collective bargaining,” no prior public notice of and no public access is required. Furthermore, since the FOIA is inapplicable for such “non-meetings”, a board can reach a decision as to the direction it wishes to take in collective

bargaining with or without a formal vote and without subjecting itself to the requirement that a record of the board’s action be maintained. Similarly, if the full board wishes to give direction to a board negotiating committee with regard to proposals or counterproposals in negotiations, any such action, whether taken by formal vote or not, need not be recorded. Of course, the actual vote to approve or ratify the contract (once negotiated) must be properly noticed and must take place in public.

SO, WHAT ELSE IS EXEMPT FROM THE FOIA?

The “collective bargaining” non-meeting exception covers more than the actual negotiations of a new contract. This non-meeting exception is applicable whenever local or regional boards of education “meet and confer” with members of the board of finance as part of the process for negotiations under the TNA. By way of further example, discussions by a board of selectmen with respect to an arbitration award concerning a teachers’ collective bargaining agreement (namely, whether to reject the award, as permitted under the TNA) are likewise covered by the “collective bargaining” non-meeting exception.

SO, WHY IS A “NON-MEETING” PREFERABLE TO EXECUTIVE SESSION?

While discussion of “collective bargaining” is **not** listed as one of the permissible purposes for an executive session, the FOIA does permit executive sessions for discussion of matters that would result in the disclosure of records (or the information contained therein) that are exempt from disclosure under the FOIA. The FOIA exempts from disclosure “records, reports and statements of strategy or negotiations with respect to collective bargaining,” but this provision would only permit an executive session to prevent disclosure of such **documents** regarding strategy for negotiations. If a board of education merely wished to meet to discuss its negotiations strategy but did not rely on any documents to do so, then the board presumably could not meet in executive session. Thus, it may be preferable for boards of education to use the

collective bargaining “non-meeting” exception instead of convening a “meeting” and then going into executive session.

SO, WHAT ABOUT INTEREST ARBITRATIONS?

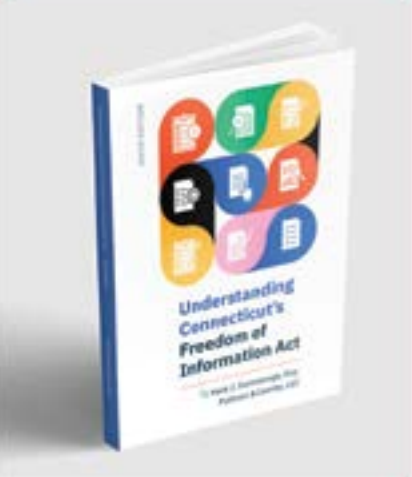
One (fortunately rare) stage of the collective bargaining process is an “interest” arbitration proceeding, by which issues not resolved in contract negotiations between the public agency and an employee union are resolved by binding arbitration. The Connecticut Supreme Court has ruled that binding interest arbitration proceedings held under the TNA are exempt from disclosure, with the Court determining that the entire teacher interest arbitration proceedings– including the evidentiary phases of the proceedings -- could take place in private because the arbitration panel was not a public agency.

SO, WHAT ABOUT A SCHOOL DISTRICT’S NON-CERTIFIED EMPLOYEES?

Interest arbitration hearings

held under the Municipal Employee Relations Act (“MERA”) for non-certified employees are also exempt from the FOIA and its open meetings requirement in light of Connecticut General Statutes §31-100, which requires the State Board of Mediation and Arbitration (the body responsible for conducting these types of interest arbitration proceedings) to “hold confidential all information submitted to it by any party to a labor dispute.” In addition, the above-mentioned FOIA exemptions for the actual negotiation (and collective bargaining strategy) process would likewise apply to the non-certified employee negotiations governed under MERA.

Attorney Sommaruga is the author of “Understanding Connecticut’s Freedom of Information Act” (6th Edition 2023). Pullman & Comley, LLC is a CABA Business Affiliate.



Understanding Connecticut's Freedom of Information Act

Sixth Edition

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

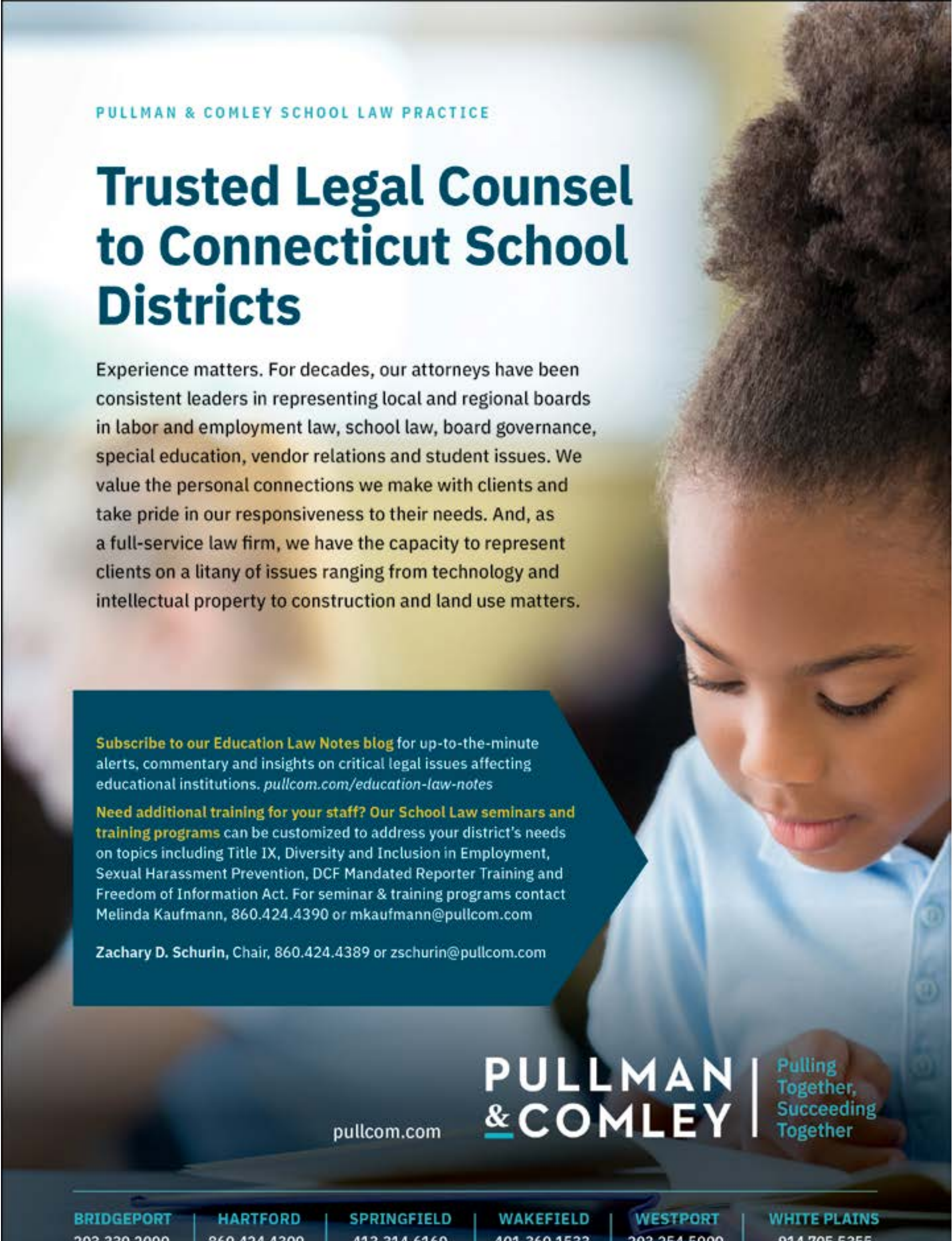
The Connecticut Freedom of Information Act (“FOIA”), often called the “Sunshine Law, is a series of laws that guarantee the public access to meetings and records of governmental entities in Connecticut. The FOIA also sets forth numerous exceptions to its open meetings and records requirements. Over the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

This book should serve to provide guidance to public agencies and their members (not to mention members of the public) seeking to navigate the maze of edicts and exceptions associated with the FOIA.

The new Sixth Edition has been updated to now include:

- New FOIA provision on remote meetings
- New FOIA provision on increased penalties for non-compliance
- The latest developments concerning: Educational records Personnel and investigation records Law enforcement records
- Other statutory changes and FOIC/court decisions
- Additional details on FOIA compliance

Books may be purchased at the CABA Online Publication Store.



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