



NEW HAVEN PUBLIC SCHOOLS
NEW HAVEN, CONNECTICUT

Minutes – Board of Education Special Meeting – September 9, 2020

The meeting was called to order at 4:10 p.m. by Mrs. Yesenia Rivera, President. The meeting was held via Zoom.

Present: Mrs. Y. Rivera, President; Mr. M. Wilcox, Vice-President; Dr. E. Joyner, Secretary; Mr. L. Conaway, Mayor J. Elicker, Mr. D. Goldson, Dr. Tracey

Absent: Dr. T. Jackson- McArthur, Ms. L. Arouna, Mr. A. Fiore

Dr. Joyner led the assembly in the Pledge of Allegiance.

Discussion and Possible Action Regarding Use of School Facilities for in-person SAT and PSAT Exams

Ms. Typhanie Jackson led a discussion regarding the use of school facilities for in-person SAT and PSAT exams on October 14th and October 29th. She mentioned that it is voluntary, so we don't anticipate all of the students to take this test. Ms. Jackson explained in detail the safety measures that would be in place. The discussion continued at length.

Mr. Goldson pointed out that Dr. Jackson-McArthur was unable to join this meeting at 4:00 because she still had patients. She should be another 45 minutes. He suggested the vote could be taken after Executive Session so that she would be able to vote. There were no objections.

620-20

Mrs. Rivera made a motion to go into Executive Session pursuant to Conn. Gen. Stat. § 1-200(6) and §1-210(b)(10) re: communications privileged by the attorney-client relationship concerning the proposed impact of U.S. Department of Education decisions on Magnet School Grant funding and Interscholastic Athletics. Also invited to attend: Atty. Michelle Laubin, Atty. Elia Alexiades, Mr. Phil Penn, Ms. Michelle Bonanno, and Dr. Tracey.

Dr. Joyner wanted to know if Mr. Patchkofsky our Athletic Director would be at the meeting and the answer was no. This discussion continued at length.

Mr. Goldson suggested the motion be amended to add the Athletic Director in Executive Session. Atty. Alexiades read the executive session guidelines.

620-1-20
Convene Executive Session @ 4:35 p.m.

On the motion by Mrs. Rivera, seconded by Dr. Joyner, it was voted by roll call to amend the motion to go into Executive Session to include Mr. Eric Patchkofsky, Athletic Director and Title 9 Coordinator, Ms. Carolyn Ross-Lee. Mr. Goldson, yes; Dr. Joyner, yes; Mr. Conaway, yes; Mr. Wilcox, yes; Mayor Elicker, yes; Mrs. Rivera, yes.

Reconvene Public Session 5:50 pm

Mrs. Rivera noted that no votes were taken in Executive Session.



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621-20

Mrs. Rivera made a motion to authorize counsel to seek reconsideration or appeal of any decision by the U.S. Department of Education to decline to certify the release of the MSAP Funding Grant to the New Haven Board of Education. Dr. Joyner seconded.

Mr. Goldson asked if one of the attorneys for the record would explain exactly what we are doing and why we are doing it.

Atty. Laubin explained essentially what is happening is that the U.S. Department of Education is considering not providing a critical certification that would allow the Department of Education to release the district's MSAP Magnet School Grant funding for the upcoming federal fiscal year, which starts October 1st. If that failure to certify materializes, which she expects it will, there is an internal appeals process, they call it a reconsideration process that would allow the New Haven Public Schools to submit documentation in support of a request to reconsider that decision. So it's a decision being made by the Assistant Secretary of Education, Kim Richie, which would be reconsidered. That is the internal appeals or reconsideration process that we are asking the Board to authorize.

Mr. Goldson asked Atty. Laubin to explain, for the record, why we are not signing that document and the possible ramifications for not signing the non-discrimination assurance document.

Atty. Laubin remarked, the document you've been presented with this year, by the Office for Civil Rights, would require the district to exclude transgender athletes from participating in sports competitions on the team of their self-identification and it would also prevent any athlete in the NHPS or any team sponsored by the NHPS from participating in any interscholastic sporting events in or through the CIAC unless and until the CIAC changes its transgender participation policy so that it complies with Title 9.

Mr. Goldson commented so, Madam President the position that we are in is that if we sign the document we are then breaking both State law and the CIAC regulations and will probably be expelled from CIAC or not allowed to participate. If we do not sign the document, the Federal Government could potentially defund us if any of our students participate in CICA activities. He asked if this was a good summation.

Dr. Joyner noted that we are being singled out and he feels it is important for the public to know that this is not being done to everyone. Other people from magnet schools are being funded and they are not having this pressure put on them. Mr. Conaway said, in other words we have to fight.

Mr. Goldson commented there are other states that have the same issues as us and are not being affected by the federal government. We are hoping the Attorney General's Office will be



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very supportive in defending us in this action and, hopefully, the State can help to alleviate any legal costs that we may incur as a result of our action to support State law.

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- 621-1-20**
Authorize Counsel to Seek Appeal to Release of MSAP Funding Grant
- On the motion by Mrs. Rivera, seconded by Dr. Joyner, it was voted by roll call to authorize counsel to seek reconsideration or appeal of any decision by the U.S. Department of Education to decline to certify the release of the MSAP Funding Grant to the New Haven Board of Education. Mr. Wilcox, yes; Dr. Jackson-McArthur, yes; Mr. Goldson, yes; Mr. Conaway, yes; Dr. Joyner, Mayor Elicker, yes; Mrs. Rivera, yes. Motion passed.
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- 622-20**
Authorize Counsel to Explore Judicial Relief
- On the motion by Mrs. Rivera, seconded by Dr. Joyner, it was voted to approve by roll call, to authorize counsel to explore potential judicial relief including possible litigation regarding OCR, OESE and MSAP decisions. Mr. Wilcox, yes; Dr. Jackson-McArthur, yes; Mr. Goldson, yes; Mr. Conaway, yes; Dr. Joyner, Mayor Elicker, yes; Mrs. Rivera, yes. Motion passed.
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- 623-20**
- Mrs. Rivera made a motion to open ten schools to allow SAT and PSAT testing. Dr. Joyner, seconded.
- A discussion followed.
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- 623-1-20**
Amend Motion to Include Safety Measures
- Mrs. Rivera made a motion to amend her previous motion to include what safety measures will be in place, how many students will potentially be attending to take the 11th and 12th grade SAT and PSAT exams.
- A lengthy discussion took place.
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- 623-2-20**
Amend Motion to Include Safety Measures and Volunteer Staff
- On the motion by Mrs. Rivera, seconded by Dr. Joyner, it was voted to approve by roll call to amend the previous motion to include what safety measures will be in place, how many students will potentially be attending, and the appropriate volunteer staff. Mr. Goldson, yes; Mr. Wilcox, yes; Mr. Conaway, yes; Dr. Joyner, yes; Dr. Jackson-McArthur, yes; Dr. Joyner, Mrs. Rivera, yes. Motion passed.
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- 624-20**
Adjournment
- On the motion by Mrs. Rivera, seconded by Dr. Jackson-McArthur, it was voted by roll call to adjourn at 6:20 p.m.

Respectfully submitted,

Ginger McHugh

Ginger McHugh, BOE Recording Secretary

“A video of this meeting is available on the NHPS website, NHPS.net, Public Meetings”