

CONNECTICUT STATE BOARD OF EDUCATION

CONNECTICUT STATE DEPARTMENT OF EDUCATION,	:	SECTION 10-4b
	:	HEARING PANEL
Complainant,	:	
	:	
v.	:	
	:	
KILLINGLY BOARD OF EDUCATION,	:	
Respondent.	:	FEBRUARY 8, 2023

**CONNECTICUT STATE DEPARTMENT OF EDUCATION'S
MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS
THE COMPLAINT AND INQUIRY FOR LACK OF JURISDICTION**

The Complainant, Connecticut State Department of Education ["CSDE"], hereby submits this memorandum in opposition to the Killingly Board of Education's January 7, 2023, Motion to Dismiss the Complaint and Inquiry for Lack of Jurisdiction. In its motion, the Killingly Board of Education ["Killingly"] asserts that both the original April 5, 2022, Complaint that was collectively filed pursuant to Section 10-4b of the Connecticut General Statutes by 57 Town of Killingly residents under the caption "Concerned Residents/Parents of Killingly Students" ["Concerned Residents"] and the Connecticut State Board of Education's subsequent inquiry should be dismissed on both procedural and substantive grounds. With this opposition memorandum, the CSDE respectfully requests that Killingly's dismissal motion be denied in its entirety.

I. INTRODUCTION

Killingly predicates its motion on two claims, the initial of which is that under Section 10-4b(a), “a resident of the local school district **first** must file a Complaint with the **local school district,**” Dismissal Motion, p. 1 (emphasis in original), prior to submitting a Section 10-4b complaint to the CSDE. Killingly argues that in the present case, the Concerned Residents allegedly failed to seek a resolution of their complaint with Killingly prior to filing their Section 10-4b complaint with the CSDE, thereby depriving the Section 10-4b Hearing Panel of subject matter jurisdiction. The CSDE disagrees with these assertions on both legal and factual grounds, noting that there is absolutely nothing in either Section 10-4b or in its implementing regulations that mandates the filing of an actual complaint with the school district and characterizes it as a jurisdictional prerequisite to an inquiry thereunder. Conn. Gen. Stat. § 10-4b(a); R.C.S.A. §10-4b-8(2). Furthermore, in both their initial April 5, 2022, Section 10-4b complaint and in their subsequent May 16, 2022, reply to Killingly’s initial, May 3, 2022, response to the complaint, the Concerned Residents set forth in great detail their multiple attempts to resolve this issue with Killingly.¹

The second argument on which Killingly bases its dismissal motion is that the Concerned Residents’ complaint raises “only a non-justiciable discretionary political question.” Dismissal

¹A copy of the Concerned Residents’ April 5, 2022, complaint and May 16, 2022, reply brief are submitted herewith as, respectively, Exhibits A and B.

Motion, p. 3. Killingly notes that the “political question doctrine is based on the principle of separation of powers,” Id., p. 4, and asserts that the State’s executive branch, of which the CSDE is a part, “cannot mandate performance of a constitutional duty of voting on issues before it by a policy making body such as a local Board of Education.” Id., p. 5. The crux of Killingly’s claim is that it is a legislative body, and that the Connecticut State Board of Education’s November 2, 2022, finding that there was reasonable cause to believe Killingly has failed or refused to implement the educational interests of the State is an impermissible attempt to dictate to Killingly how it must vote on the establishment of a School-Based Health Center [“SBHC”] at Killingly High School.

In fact, the Concerned Residents expressly stated in both their April 5, 2022, Section 10-4b complaint and their subsequent May 16, 2022, reply brief that the SBHC was but one option to address their concerns. This was also expressly noted in the CSDE’s October 24, 2022, Investigation Report Regarding Killingly Board of Education Conn. Gen. Stat. §10-4b Complaint. Id., pp. 1-2, 24. Furthermore, a local board of education such as Killingly is considered to be a subdivision of the State, specifically of the executive branch. As such, Killingly is not a separate branch of government from the CSDE.

In any event, on both the federal and state levels, the “separation of powers” doctrine pertains to the executive, legislative, and judicial branches of government; it is not applicable to

different levels of government. In other words, the federal government has oversight over many aspects of state government, and the State has oversight over local and regional governmental bodies. This is reflected in statutory enactments such as Sections 10-4a and 10-4b as well as Section 10-220, which delineate the educational interests of the State and mandate functions that a local school board such as Killingly must fulfill. Under Killingly's reasoning, such legislative provisions would be constitutionally invalid, a proposition for which there is no legal basis.

As for Killingly's coterminous claim that the Connecticut State Board of Education's inquiry violates the political question doctrine, the present case is not a court proceeding, nor is any party seeking to have a court determine a matter that has been committed to another branch of government. To the contrary, the Connecticut State Board of Education is a creature of the executive branch that has been invested by the legislature with responsibility for carrying out this executive branch proceeding.

II. LEGAL ARGUMENT

A. There Is No Basis For Dismissing The Present Matter Based Upon The Concerned Residents' Alleged Failure To Seek A Resolution Of Their Section 10-4b Complaint With Killingly Prior To Filing It With The CSDE.

As noted, the initial basis upon which Killingly predicates its dismissal motion is its claim that the Concerned Residents purportedly failed to attempt a resolution of their concerns with Killingly prior to filing their 10-4b complaint. Killingly contends that that is a mandatory, and, in

fact, jurisdictional prerequisite to a 10-4b filing, writing that “a resident of the local school district **first** must file a Complaint with the **local school district.**” Dismissal Motion, p. 1 (emphasis in original). There is, however, no such requirement in Section 10-4b that a resident “must file” an actual complaint with the school district that they believe is either failing or unable to implement the educational interests of the State. To the contrary, Section 10-4b(a) merely provides: “Any resident of a local or regional school district, or parent or guardian of a student enrolled in the public schools of such school district *who has been unable to resolve a complaint with the board of education* of such local or regional school district may file with the State Board of Education a complaint in writing.” *Id.*, (emphasis added). The implementing regulation contains an almost verbatim replication of this statutory provision. Conn. Agencies Regs. §10-4b-3(a)(1).

As is evident from the relevant language, neither the statute nor the regulation mandates the filing of an actual complaint with the local or regional school district, nor does the phrase “unable to resolve a complaint” suggest such a formal filing. In fact, the legislative language suggests the opposite. Both Section 10-4b(a) and Section 10-4b-3(a)(1) reference two separate complaints, specifically “unable to resolve a complaint with the board of education” and “may file with the State Board of Education a complaint *in writing.*” Conn. Gen. Stat. §10-4b(a)(emphasis added). It is significant that while the legislature required that the actual 10-4b complaint be “in

writing” it did not attach that same “in writing” requirement to the complaint a resident is “unable to resolve” with a local or regional school board.

After all, a fundamental tenet of statutory construction provides “that the legislature [does] not intend to enact meaningless provisions.” State v. Brown, 345 Conn. 354, 379, 285 A.3d 367 (2022). To the contrary, “in construing statutes, we presume that there is a purpose behind every sentence, clause, or phrase used in an act and that no part of a statute is superfluous,” Id., and because “[e]very word and phrase [of a statute] is presumed to have meaning . . . [a statute] must be construed, if possible, such that no clause, sentence or word shall be superfluous, void or insignificant.” Id. (internal quotation marks omitted in original). See also Lopa v. Brinker International, Inc., 296 Conn. 426, 433, 994 A.2d 1265 (2010). Consequently, when reading Section 10-4b(a) as a whole, one can only conclude that the Concerned Residents were not required to file a formal, written complaint with Killingly; rather, the complaint could have been transmitted orally or by the complainants’ actions.

This reading would be equally applicable to the implementing regulations. In iterating the contents of the 10-4b complaint, Section 10-4b-3(c) of the Regulations provides in part: “The complaint shall contain . . . [a] description of prior good faith efforts to resolve the complaint with the board of education.” Id. As the complaint need not be in writing, it stands to reason that these “prior good faith efforts” can also be in the form of oral communications or actions. Regardless

of their form, what constitutes “prior good faith efforts” is clearly a subjective determination, one which falls squarely within the discretion of the CSDE. In any event, discretionary scrutiny was not even required in the present case, as the Concerned Residents’ submissions made it abundantly clear that they had engaged in such efforts prior to their April 5, 2022, filing.

Both the Concerned Residents’ original April 5, 2022, Section 10-4b complaint and their subsequent, May 16, 2022, reply brief discuss at length their efforts to obtain from Killingly the mental health supports for Killingly students, the rejection of which such efforts form the basis for their 10-4b complaint.

For example, in their 10-4b complaint, the Concerned Residents asserted:

Despite an extensive advocacy campaign and overwhelming community support for the SBHC, the Killingly Board of Education voted down the proposal [Killingly High School] School Counselor Erika Ponciano spoke during public comment, informing the Board that she cannot meet the mental/behavioral health needs of all the students who need service. She informed the BOE that she does not have the same level of training as the Generations licensed therapists. Killingly Intermediate School Social Worker, Nancy Grandelski stated that she is being pulled to cover lunches and classrooms due to the staffing shortages. This impacts her ability to meet with special education students.

4/5/2022 Complaint, p. 2. Similarly, the Concerned Residents stated:

Members of the Killingly community reached out to the Board of Education via e-mail to have their voices heard regarding the proposed School-Based Health Center At the March 16, 2022, BOE meeting, Board member Susan Lannon informed the other Board members that there were 84 e-mails received in favor of the SBHC and 7 were opposed. However, on February 23, 2022, Board Chairperson Janice Joly [had] addressed the public and stated that there was no law that required them to read our e-mails. Therefore, we do not know if all the e-mails sent were read. Many did not receive a response.

Id., p. 6. See also 5/16/2022 Reply Brief of Concerned Residents, p. 14. Additionally:

A rally and a march was held on March 9, shortly before the BOE meeting. Students, parents, staff, and other members of the community showed up in the snow to show their support for the SBHC. The news outlets were contacted to highlight the importance of this issue. At the March 9 Board of Education meeting, KPS staff member Lisa Higgins read a statement during public comment on behalf of the Killingly Education Association (KEA) in support of the SBHC

A second rally and march was held shortly before the March 16 Special BOE meeting show our support for the SBHC. Members of the community again filled the meeting room, hoping to speak during public comment to have their voices heard. The BOE Chairperson ended public comment at 21 minutes so not all who signed up to speak were able to do so Final Action by the Killingly Board of Education was a 6 to 3 vote opposing the SBHC.

Id., p. 7. See also 5/16/2022 Reply Brief of Concerned Residents, p. 7. Furthermore:

A public information session and presentation was held on February 7, 2022, at Killingly High School. The public information session included a presentation on the need for a SBHC, including data and benefits. There was a panel comprised of district staff, Generations staff, and other healthcare professionals to receive public comments and answer questions After the presentation and during the public comment portion of this meeting, Killingly BOE member Jason Muscara stated he does not support the SBHC because schools are for learning.

On February 9, 2022, the Board of Education had on the agenda a discussion and vote on the school-based health center. Eight parents, school staff and mental health professionals spoke in favor of the SBHC during the public comment period. No one spoke against it. Each concern raised by a Board of Education member was addressed BOE member Kyle Napierata made a motion to table the vote.

Students wrote e-mails, letters to the editor, made signs and attended rallies and marches and spoke to news reporters. They wrote speeches and signed up to speak during public comment. Sadly, on March 9 and March 16, public comment ended at 21 minutes and a

motion to extend public comment was defeated. Students, many of whom were facing their own mental health challenges, walked away from the Board meeting feeling unheard and powerless.

Id., pp. 8-9. Finally:

On April 28, 2022, a public hearing that was petitioned by the community to get answers to the following questions, “We, the undersigned, all duly qualified voters in and for the Town of Killingly, County of Windham, and State of Connecticut, respectfully request the Killingly Board of Education (KBOD) hold a public hearing on the School Based Health Center to hear testimony about the SBHC. We respectfully request the 6 members who voted NO . . . provide during this hearing, the reasons why they voted NO and how their NO votes were in the best interest of the children they serve.” The Board stated they would not respond that evening to any questions the community asked.

5/16/2022 Reply Brief of Concerned Residents, pp. 15-16.

Given these multiple, detailed examples of the Concerned Residents’ ongoing attempts to resolve what would form the basis for their 10-4b complaint -- namely the need for additional mental-health supports for Killingly students -- there is clearly no basis for Killingly’s claim that the Concerned Residents failed to include within their complaint a “description of prior good faith efforts to resolve the complaint with the board of education.” Conn. Agencies Regs. §10-4b-3(c). Similarly, it cannot be credibly disputed that the Concerned Residents demonstrated in their April 5, 2022, Section 10-4b complaint and May 16, 2022, reply brief that they had “been unable to resolve a complaint with the board of education.” Conn. Gen. Stat. §10-4b(a).

Similarly, it cannot be reasonably argued that the CSDE somehow violated Section 10-4b by determining that the Concerned Residents had made such prior good faith efforts to resolve

their complaint with Killingly prior to filing their April 5, 2022, complaint. In the first instance, the CSDE does not necessarily believe that a failure to demonstrate these efforts would, in and of itself, have deprived the Connecticut State Board of Education of subject matter jurisdiction over an inquiry under Section 10-4b(a) and Regulation 10-4b-8(2). Nonetheless, even were one to assume, *arguendo*, that it did, the Concerned Residents clearly satisfied any such prerequisite. Thus, there is no foundation for Killingly's demand that either the 10-4b complaint or the present matter be dismissed for lack of subject-matter jurisdiction, and its motion to dismiss should be denied.

B. There Is No Basis For Dismissing The Present Matter Based Upon Killingly's Claim That It Is A Political Question And Violates The Separation of Powers Doctrine.

The second basis for Killingly's Motion to Dismiss is its assertion that the Concerned Residents' Section 10-4b complaint raises "a non-justiciable discretionary political question," Dismissal Motion, p. 3, and that the State's executive branch, of which the CSDE is a part, "cannot mandate performance of a constitutional duty of voting on issues before it by a policy making body such as a local Board of Education." *Id.*, p. 5. In essence, Killingly asserts that the Connecticut State Board of Education's November 2, 2022, resolution that there was reasonable cause to believe Killingly had failed or was unable to implement the educational interests of the State is a means of compelling Killingly to vote in a prescribed manner and is therefore a political question. Therefore, Killingly goes on to claim that the Section 10-4b Hearing Panel's subsequent inquiry

violates the separation of powers doctrine. These contentions, however, are both factually and legally inaccurate.

As Killingly notes in its motion, the “political question doctrine is based on the principle of separation of powers.” Office of Governor v. Select Comm. of Inquiry, 271 Conn. 540, 572, 858 A.2d 709 (2004)(citing Board of Educ. v. Naugatuck, 257 Conn. 409, 424, 778 A.2d 862 (2001)). In Office of Governor, the Connecticut Supreme Court wrote: “We long have recognized that the separation of powers ‘is one of the fundamental principles of the American and Connecticut constitutional systems.’” Id., 271 Conn. at 557-58 (citing Stolberg v. Caldwell, 175 Conn. 586, 598, 402 A.2d 763 (1978), appeal dismissed *sub nom.* Stolberg v. Davidson, 454 U.S. 958, 102 S. Ct. 496, 70 L.Ed.2d 374 (1981)). “The essential purpose of the separation of powers is to allow for independent functioning of each coequal branch of government within its assigned sphere of responsibility, free from risk of control, interference, or intimidation by other branches.” Nixon v. Fitzgerald, 457 U.S. 731, 760–61, 102 S. Ct. 2690, 73 L.Ed.2d 349 (1982). These coequal branches of government are set forth in the Connecticut Constitution, which provides in relevant part: “The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.” Id., Amend. XVIII. See also Office of the Governor, 271 Conn. at 558

As is evident, the separation of powers doctrine applies horizontally to Connecticut's executive, legislative, and judicial branches; it does not apply vertically. To argue otherwise would be to vitiate the State's oversight of any municipal body or school district, for such a proposition would equate any such oversight with a violation of the separation of powers doctrine, thereby rendering unconstitutional a substantial majority of Connecticut statutes, including much of Title 10. It would also be contrary to both statutory enactments and Connecticut caselaw that recognize school districts as being subdivisions, or agents, of the State.

For example, Section 1-200(1)(a) of the Connecticut General Statutes defines "public agency" in relevant part as "any executive, administrative or legislative office of the state or any . . . school district . . . or other political subdivision of the state." *Id.* (emphasis added). Similarly Section 7-467(1) provides: "Municipal employer" means any political subdivision of the state, including any . . . school board." *Id.* See also Town of Middlebury v. Fraternal Order of Police, 212 Conn. App. 455, 463 n.4, 275 A.3d 664 (2022). Of particular note, over 45 years ago, the Connecticut Supreme Court held in Horton v. Meskill, 172 Conn. 615, 376 A.2d 359 (1977) "that providing for education is a state duty and function now codified in the constitution, article eighth, s 1, with the obligation of overseeing education on the local level delegated to local school boards, which serve as agents of the state." *Id.*, at 647 (emphasis added). The court went on to recognize the validity of Section 10-4a -- which sets forth the educational interests of the State -- holding:

“The General Assembly has by word, if not by deed, recognized in the enactment of §10-4a of the General Statutes . . . that it is the concern of the state that ‘each child shall have . . . equal opportunity to receive a suitable program of educational experiences.’” Id.

The Connecticut Supreme Court subsequently discussed in even greater detail the right of the Connecticut State Board of Education to proceed against a local or regional board of education pursuant to Section 10-4b(a), writing that the statute:

provides that any resident, or parent or guardian of a student, of a local school district, who has failed to resolve his complaint with his local board of education, may file a complaint with the state board alleging a failure of the local board to comply with the state’s educational interests as defined in General Statutes § 10-4a. If the state board finds the complaint to be substantial, it then initiates an investigation by an agent of the state board, who has subpoena power. If the agent finds reasonable cause, the state board, which also has subpoena power, then conducts an inquiry, at which the local board has the power to be heard, under General Statutes §§ 4-176e through 4-184 of the UAPA.

Subsection (b) of § 10-4b then provides, in general terms, insofar as this case is concerned, that if the state board finds that the local board has failed to provide educational opportunities to meet the requirements of law, specifically including § 10-15c, the state board shall require the local board “to engage in a remedial process ... [to] develop and implement a plan of action through which compliance may be attained” If the state board finds that the local board “is responsible for [the] failure,” it may order the local board “to take reasonable steps to comply with the requirements of section 10-4a....” General Statutes § 10-4b(b).

Under subsection (c) of § 10-4b, the state board may seek an order from the Superior Court if the local board fails to carry out the order of the state board.

Commission on Human Rights & Opportunities v. Board of Education of the Town of Cheshire, 270 Conn. 665, 716-17, 855 A.2d 212 (2004). As such, Killingly's claim that the current matter violates the separation of powers doctrine is utterly baseless.

Killingly's parallel argument that the current matter constitutes a political question and therefore cannot be adjudicated by the Section 10-4b Hearing Panel is equally without foundation. The political question doctrine is rooted in "the notion that the judiciary should not involve itself in matters that have been committed to the executive and legislative branches of government." Office of Governor, 271 Conn. at 572. "[I]t is a recognition that the tools with which a court can work, the data which it can fairly appraise, the conclusions which it can reach as a basis for entering judgments, have limits." Id., at 572-73. As is evident from the unambiguous Connecticut Supreme Court holdings in the Horton and Town of Cheshire cases cited, *supra*, Section 10-4b proceedings have unequivocally "been committed to the executive . . . branch[] of government," Id., at 572, specifically to the Connecticut State Board of Education

Furthermore, and equally evident, the political question doctrine is completely inapplicable to this matter, for this is not a case in which a party is seeking to have the judicial branch intervene in a matter that, again, has "been committed" to the executive branch, of which the Connecticut State Board of Education – as well as the CSDE -- is a part. In short, this is not a court proceeding, nor is a court being asked to determine *any* question, much less a political question. Thus, there

is no legal foundation for Killingly's argument.²

Similarly, there is no factual grounds for Killingly's position. As noted, Killingly is claiming that it is a legislative body, and that the CSDE is seeking to supplant that legislative function by dictating how it should vote regarding an SBHC.³ This, in fact, is not the case. Granted, the bulk of the Concerned Residents' Section 10-4b complaint focused on Killingly's actions, or rather inaction, with respect to the placement of an SBHC at Killingly High School. Nonetheless, in their April 5, 2022, complaint, the Concerned Residents wrote:

A school-based health center is certainly not the only way by which a local board of education can meet its obligations under §10-220. Hiring appropriate staff and adequate numbers could achieve the same result. It is clear, however, that the Killingly Board of Education has failed to avail itself of any alternative mechanism of meeting the social, emotional and mental health needs of all its students."

²While Killingly could attempt to argue that an administrative tribunal is analogous to a court in the context of the political question doctrine, that would ignore the fact that the Section 10-4b Hearing Panel is an administrative tribunal of the executive branch of government and determining an issue that the legislature has clearly committed to the executive branch.

³Interestingly, in the context of addressing municipal employees, Connecticut law defines "legislative body" as "for towns having a town council, the council; for other towns, the selectmen; for cities, the common council or other similar body of officials; for boroughs, the warden and burgesses; for regional school districts, the regional board of education; for district departments of health, the board of the district; for probate districts, the judge of probate; for regional councils of governments, the council; for regional emergency telecommunications centers, a representative board; for tourism districts, the board of directors of such tourism district; and in all other cases the body authorized by the general statutes or by special act to make ordinances for the municipality." Conn. Gen. Stat. §7-425(3). Although regional boards of education are expressly cited as the legislative body for regional school districts, Section 7-425(3) does not include any reference to local boards of education being legislative bodies for local school districts. "Under the doctrine of *expressio unius est exclusio alterius* -- the expression of one thing is the exclusion of another -- we presume that when the legislature expresses items as part of a group or series, an item that was not included was deliberately excluded." *DeNunzio v. DeNunzio*, 320 Conn. 178, 194, 128 A.3d 901 (2016)(citing *State v. Bell*, 303 Conn. 246, 265, 33 A.3d 167 (2011))

Id., p. 8. Similarly, in their May 16, 2022, reply brief, the Concerned Residents wrote: “A school-based health center (SBHC) is one of a number of possible ways to deal with the severe mental health crisis among students in Killingly.” 5/16/2022 Reply Brief, p. 4. They further stated: “Complainants are certainly open to other options to address the need.” Id., p. 19.

Of greater note, the CSDE’s October 24, 2022, Investigation Report, unambiguously provides:

Killingly has also argued that neither federal nor Connecticut law require that it establish an SBHC within its schools – in this case, within Killingly High School. They are correct; there is no such legal obligation, and perhaps for that reason Killingly would prefer to narrow the basis of the Section 10-4b Complaint and the scope of the consequent CSDE investigation to the Board’s handling of the SBHC. The focus of this investigation, however, has not been limited to the appropriateness of the Board’s actions with respect to the SBHC. The CSDE made this clear in its August 8, 2022, correspondence to the Killingly Board Chair. 8/8/22 McKeon Letter, p. 4 (“the SBHC is not the singular focus of the CSDE’s investigation, but rather an element of the complaint”). Granted, Killingly’s rejection of the SBHC serves as perhaps the most prominent exemplar of the Board’s indifference to the mental health needs of its students, *but it does not stand in isolation*. To the contrary, the evidence clearly establishes that while the Killingly Board made reference to considering alternatives, they did not do so in any meaningful manner.

Id., p. 24. In short, there is no factual foundation for Killingly’s request that the present matter be dismissed as a violation of either the separation of powers doctrine or the political question doctrine.

It should also be understood that as the Connecticut Supreme Court held in Town of Cheshire, “if the state board finds that the local board has failed to provide educational

opportunities to meet the requirements of law, specifically including § 10-15c, the state board shall require the local board ‘to engage in a remedial process . . . [to] develop and implement a plan of action through which compliance may be attained.’” 270 Conn. at 716-17 (quoting Conn. Gen. Stat. §10-4b(b)). Thus, were the Connecticut State Board of Education to order such a “remedial process,” it would not require a vote by Killingly to render it valid or operative; rather, Killingly would simply be obligated to implement it. To again quote Town of Cheshire: “Under subsection (c) of § 10-4b, the state board may seek an order from the Superior Court if the local board fails to carry out the order of the state board.” 270 Conn. 665, 716-17. Thus, the entire predicate of Killingly’s argument – that the Connecticut State Board of Education would be directing it how to vote – is without merit.

The process under Section 10-4b that the Supreme Court cited in Town of Cheshire is the same process that the CSDE initiated and is pursuing in this case in response to the Concerned Residents’ April 5, 2022, complaint. It is a process that the General Assembly has enacted, and it is one that the Connecticut Supreme Court has acknowledged and affirmed. As such, it is neither unconstitutional nor nonjusticiable, and Killingly’s claim that it be dismissed should be denied.

III. CONCLUSION

THEREFORE, for the reasons set forth herein, the Connecticut State Department of Education respectfully requests that the Section 10-4b Hearing Panel deny in its entirety the

Killingly Board of Education's January 7, 2023, Motion to Dismiss the Complaint and Inquiry for
Lack of Jurisdiction.

THE RESPONDENT,
CONNECTICUT STATE DEPARTMENT
OF EDUCATION

By 

Michael P. McKeon
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CERTIFICATION

This is to certify that a copy of the foregoing Connecticut State Department of Education's Memorandum in Opposition to the Motion to Dismiss the Complaint and Inquiry for Lack of Jurisdiction was sent via electronic and first-class mail, postage prepaid, on this 8th day of February 2023, to:

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By 

Michael P. McKeon

EXHIBIT A

Concerned Residents/Parents of Killingly Students
c/o Attorney Andrew A. Feinstein
86 Denison Avenue
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April 5, 2022

Dr. Charlene Russell Tucker
Commissioner of Education
450 Columbus Boulevard
Hartford, Connecticut 06103

By Email to charlene.russell-tucker@ct.gov and first-class mail
Eleven Pages

Re: Complaint pursuant to CGS §10-4b

Dear Commissioner:

The Constitution of Connecticut, article eighth, § 1, provides: "There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation." Thus, the "state constitution places the ultimate responsibility for the education of the children of Connecticut on the state. *Murphy v. Board of Education*, 167 Conn. 368, 372 (1974); *West Hartford Education Assn., Inc. v. DeCourcy*, 162 Conn. 566, 573 (1972)." *New Haven v. State Board of Education*, 228 Conn. 699, 703 (1994). General Statutes § 10-220 delegates the duty to provide public education to local boards of education. *Waterbury Teachers Assn. v. Furlong*, 162 Conn. 390, 397 (1972). Local school boards must meet the educational interests of the State. Where a local school board fails to meet the educational interest of the state, the State Board of Education is tasked to investigate and take corrective action. C.G.S. §10-4b.

We are Killingly residents and concerned parents of children in the Killingly Public Schools (KPS) District. We bring this complaint to prompt the State Board of Education to use its statutory powers pursuant to C.G.S. §10-4b to investigate and force corrective action against the Killingly Board of Education. We assert that the Killingly Board of Education has failed to fulfill the educational interest of the State of Connecticut by failing to provide the minimum services and supports necessary to deal with the social, emotional and mental health needs of the students of Killingly High School. As you have stated on numerous occasions, meeting the social, emotional and mental health needs of students is a critical part of the educational endeavor. Simply stated, a student's social, emotional and mental health needs must be met before a student is able to learn.

The Killingly Board's failure occurred as follows. KPS Superintendent, Robert Angeli, with the support of KPS administrators, asked Generations Family Health Center to submit a proposal to operate a School-Based Health Center (SBHC) offering mental/behavioral health services to

Commissioner Russell-Tucker

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students who attend Killingly High School (KHS). In addition to students from the town of Killingly, there are 11 surrounding towns that can also send students to Killingly High School: Brooklyn, Putnam, Plainfield, Sterling, Canterbury, Voluntown, Eastford, Pomfret, Griswold, Thompson, and Woodstock.

As you have noted, students across our state are facing a mental health crisis. However, this crisis is even greater for KHS students. Killingly has been identified as a mental health desert. KPS was one of eleven CT towns, and the only rural town, to be recommended for a SBHC by the SBHC Expansion Workgroup, issued pursuant to Section 16 of Public Act 21-35, An Act Equalizing Comprehensive Access to Mental, Behavioral, and Physical Health Care in Response to The Pandemic.

A survey of KPS students in grades 7-12, conducted by SERAC in November 2021, revealed that Killingly students are experiencing mental health issues that directly impact their ability to learn. Of the 477 students who responded, 28.6 % felt sad or hopeless almost every day for 2 weeks or more so that it stopped them from doing regular activities; 28.2% admitted to having thoughts of hurting themselves; and 14.7% admitted to having made a suicide plan. School data revealed a 10% increase for 211 requests for mental health assistance as compared pre-pandemic, a 50% increase in last 3 years of visits to the school nurse related to anxiety, depression and PTSD, and that 60% of visits to the school nurse were for somatic complaints related to mental health. There were 500 incidents where students were emotionally unable to stay in class and needed to access immediate counseling in just the first 92 days of school in 2021-2022.

In a region where access to mental health resources are scarce, the SBHC was a tremendous opportunity to bring much needed mental/behavioral health services to our District at no cost to the town or our families. We are a low-income region with many working and single-parent families, some with limited transportation, others with no transportation at all. The SBHC would have removed the barriers to accessing the mental/behavioral health services that our students desperately need in order to learn.

Despite an extensive advocacy campaign and overwhelming community support for the SBHC, the Killingly Board of Education voted down the proposal. This has left KHS students without access to the mental/behavioral health services necessary to support their social-emotional and educational needs. KPS has had difficulty recruiting and retaining staff. The Killingly Board of Education has also taken a number of actions, highlighted by news media outlets, that have negatively impacted the recruitment of staff. KPS has had a school counselor vacancy since August 2021. KHS School Counselor Erika Ponciano spoke during public comment, informing the Board that she cannot meet the mental/behavioral health needs of all the students who need service. She informed the BOE that she does not have the same level of training as the Generations licensed therapists. Killingly Intermediate School Social Worker, Nancy Grandelski stated that she is being pulled to cover lunches and classrooms due to the staffing shortages. This impacts her ability to meet with special education students. We have had a school psychologist opening for years that remains unfilled.

One BOE member suggested hiring one school psychologist for the District and possibly make a part-time counselor position full-time using ESSER grant funding. During public comment, KPS Human Resource Assistant Kristine Cicchetti explained that proposed alternative was not a viable one for meeting the mental health needs of our students. That proposal would only create additional vacancies and our students are in crisis right now. Generations staff would be able to provide services this school year.

Several members of the KPS staff informed the Board that many students are experiencing mental/behavioral health and social issues that are interfering with their ability to learn. There has been an increase in incidents involving student violence and the destruction of school property. There was a recent incident where one student threatened another with a knife. School restrooms were vandalized to such an extent that they only have one restroom open in a large, 3 story building. KPS students have been subjected to code yellow lock-downs and backpack searches, in addition to isolation and anxiety due to COVID concerns.

The Killingly Board of Education had an opportunity to provide the students of Killingly with an equitable, diverse and quality education with adequate supports and resources. Instead, the Killingly BOE chose to ignore the students' voices and those of their parents and educators. We believe that the Killingly BOE's decision to vote no to the SBHC proposal is in direct conflict with the Educational Interests of the state as outlined in the CT State Board of Education's Five-Year Comprehensive Plan 2016-2021. The Killingly BOE is not providing the resources needed to support the whole child and their social-emotional needs, which is necessary for ensuring successful student learning.

In compliance with the regulation, we supply the following information.

(1) Information indicating that the complainant is an eligible person;

1. Marjorie Yater, residing at 41 Soap Street in Killingly, CT is the parent to Alyssah Yater, a 12th grade student at Killingly High School.
2. Misty Murdock & Thomas Murdock, residing at 53 Wright Road in Killingly, CT is the parent to Zach Murdock, an 11th grade student at Killingly High School & Alex Murdock, an 8th grade student at Killingly Intermediate School.
3. Heidi Driscoll, residing at 65 Quinebaug Drive in Killingly, CT.
4. Randie Long, residing at 95 Corrine Street in Killingly, CT is the parent to Jessica Long, a 12th grade student at Killingly High School.
5. Jennifer Senecal, residing at 9 Granite Court in Killingly, CT is the parent to Cameron, an 11th grade student at Killingly High School and Cal Senecal, an 8th grade student at Killingly Intermediate School.

6. Christine Rosati Randall & David Randall, residing at 15 Luzon Avenue in Killingly, CT are the mother & stepfather to James Rosati, a 10th grade student at Killingly High School.
7. Lacey Luneau, MPAS, PA-C & Andrew Luneau, residing at 43 Red Oak Drive in Killingly, CT are the parents of Avery Luneau, a 3rd grade student & Aliza Luneau, a first-grade student in Killingly Public Schools.
8. Kristine Cicchetti, residing at 24 Sunset Drive in Killingly, CT is the parent to daughters, Nicole Cicchetti, a 12th grade student and Kaitlin Cicchetti, a 10th grade student at Killingly High School.
9. David Smith, residing at 104 Reynolds Street in Killingly, CT.
10. Jenelle Provencher, residing at 55 Ladd's Lane in Killingly, CT
11. Nicole Frazier, residing at 59 Red Oak Drive in Killingly, CT is the parent to Mason Frazier, a 10th grade student at Killingly High School, Rowan Frazier, a sixth-grade student & Hayden, a fifth-grade student, both at Killingly Intermediate School.
12. Adam & Emily Griffiths, residing at 98 Griffiths Road in Killingly, CT.
13. Susan & David Griffiths, residing at 70 Griffiths Road in Killingly, CT.
14. Marcia & Elias Scott Farquhar, residing at 139 Griffiths Road are the parents to Laura Farquhar, a 10th grade student at Killingly High School & Elias Farquhar IV.
15. Christina Aldridge Drowne & Stephen Drowne, residing at 305 Ledge Road in Killingly, CT & parents of Ivy Drowne, a 4th grade student, Lily Drowne, a 3rd grade student, & Jack Drowne, a kindergarten student in Killingly Public Schools.
16. Ivy Ross, residing at 36 Picabo Street in Killingly, CT.
17. Margaret and Matthew Morrisette, residing at 151 Maple Street in Killingly, CT are the parents to Julianna Morrisette, a 12th grade student at Killingly High School.
18. Joseph Zornado, PhD & Lori Zornado, LCSW, residing at 32 Foster Street in Killingly, CT
19. Shelly O'Donnell, residing at 168 Green Hollow Road in Killingly, CT and parent to Brady O'Donnell, an 11th grade student & Madison O'Donnell, a 10th grade student at Killingly High School.
20. Billie-Jo Ward, residing at 63 Black Rock Avenue in Killingly, CT and parents to Lola Ward, a 12th grade student & Blake Ward, a 4th grade student at Killingly Memorial School.

21. Sarah McCurdy, residing at 127 Ledge Road in Killingly, CT & parent to Oliver Keating, a 6th grade student at Killingly Intermediate School & Sebastian Keating, a 4th grade student at Killingly Memorial School.
22. Trevor Montville & Danielle Montville, residing at 85 Peep Toad Road in Killingly, CT & parents to Evelyn Montville, a 4th grade student at Killingly Memorial School.
23. Jennifer Horner, residing at 5 Lafantasie Road in Killingly, CT & parent to Paige Horner, a 6th grade student at Killingly Intermediate School, Lucas Horner, a 3rd grade student at Killingly Memorial School & Hunter Reynolds, a 3rd grade student at Killingly Memorial School.
24. Lucille Garcia, residing at 281 Mechanic Street in Killingly, CT & parent to Jaecob Garcia, a Preschool student in Killingly Public Schools, Goodyear Early Childhood Center.
25. Anthony Andrade & Christina Andrade, residing at 24 Glen Rain Road in Killingly, CT & parents to Olivia Andrade, a 9th grade student at Killingly High School & Abigail Andrade, a 5th grade student at Killingly Intermediate School.
26. Jennifer Werb, residing at 21 Gendreau Drive in Killingly CT & parent of Rigel, a 6th grade student at Killingly Intermediate School.
27. Robert J. Lofquist, MA Clinical Psychology, & Robin Lofquist, MBA, residing at 25 Lafantasie Road in Killingly, CT.
28. Janet Gillette, residing at 9 Luzon Avenue in Killingly, CT.
29. Eric Milot & Anna Milot, residing at 16 Laurel Drive in Killingly, CT & parents to Graham Milot, a 6th grade student at Killingly Intermediate School & Brynn, a 3rd grade student at Killingly Memorial School.
30. Jeannie Gardiner & Mark Rhodes, residing at 961 North Main Street in Killingly, CT & parent to Kingston Rhodes, an 8th grade student at Killingly Intermediate School & Caroline Rhodes, a preschool student in Killingly Public Schools.
31. Darlene Gunkel, residing at 961 North Main Street in Killingly, CT.
32. Matthew Brown & Melissa Brown, residing at 954 Upper Maple Street in Killingly, CT & parents to Owen Brown, an 11th grade student at Killingly High School & Bridget Brown, a 6th grade student at Killingly Intermediate School.

33. Elizabeth Malarkey & Christopher Malarkey, residing at 61 Kenneth Drive in Killingly, CT & parent to Adalyn Malarkey, a 5th grade student at Killingly Intermediate School & Illyana Malarkey, a 10th grade student at Killingly High School.
34. Karen Crowley, residing at 40 Jefferson Drive in Killingly, CT & parent to Jocelyn Crowley, an 11th grade student at Killingly High School, Drew Crowley, a 7th grade student at Killingly Intermediate School & Ty Crowley, a 6th grade student at Killingly Intermediate School.
35. Monique Revellese, residing at 14 Palmer Street, Apt. B in Killingly, CT.
36. Laura and Leo C. Dunn III, residing at 29 East Franklin Street & parents to Ella Dunn, an 8th grade student at Killingly Intermediate School & Lilah Dunn, a 9th grade student at Killingly High School.
37. Rene Trafaconda, residing at 513 Wauregan Road in Killingly, CT.
38. Heather Lechene-Duplisea & Dana Cook, residing at 10 North Shore Road in Killingly, CT.
39. Amy Ferland, residing at 73 Morin Avenue & parent to Zachary Ferland, a 5th grader in the Killingly Public Schools.
40. Jennifer Savoie, residing at 180 A Mechanic Street in Killingly, CT.

(2) A description of prior good faith efforts to resolve the complaint with the board of education, which shall include information that shows that the board of education has taken final action adverse to the complaint or has refused or failed to take any final action relating to the complaint within a reasonable period of time;

The SBHC announcement was made on February 4, 2022. Please also see the Chronology of Events, below.

Members of the Killingly community reached out to the Board of Education via e-mail to have their voices heard regarding the proposed School-Based Health Center. There are no phone numbers published for the public to call the BOE members. At the March 16, 2022, BOE meeting, Board member Susan Lannon informed the other Board members that there were 84 e-mails received in favor of the SBHC and 7 were opposed. However, on February 23, 2022, Board Chairperson, Janice Joly addressed the public and stated that there was no law that required them to read our e-mails. Therefore, we do not know if all the e-mails sent were read. Many did not receive a response. A FOIA request was made by Killingly resident Andrew Luneau on March 9 that was acknowledged on March 11. He requested all incoming, outgoing, deleted e-mails and text

messages from current BOE members. Another request was made with a different time period on March 17, that was acknowledged on March 18. A third FOIA request was made regarding the March 16 BOE meeting that was not recorded. No documents responsive to these FOIA requests have been received to date.

A rally and a march was held on March 9, shortly before the BOE meeting. Students, parents, staff, and other members of the community showed up in the snow to show their support for the SBHC. The news outlets were contacted to highlight the importance of this issue. NBC CT covered the story. At the March 9 Board of Education meeting, KPS staff member Lisa Higgins read a statement during public comment on behalf of the Killingly Education Association (KEA) in support of the SBHC. Also at this meeting, Putnam (neighboring town) BOE member Mike Morrill spoke during public comment and presented data and testimony about the success of the SBHC in their District. He addressed the BOE's concerns around parental consent by providing data that showed Generations had parental involvement from the first visit in all but one instance over an eight-year period. By the second visit, they had 100% parental involvement.

A second rally and march was held shortly before the March 16 Special BOE meeting to show our support for the SBHC. Members of the community again filled the meeting room, hoping to speak during public comment to have their voices heard. The BOE Chairperson ended public comment at 21 minutes so not all who signed up to speak were able to do so. NBC CT and Channel 8 covered the meeting. Final Action by the Killingly Board of Education was a 6 to 3 vote opposing the SBHC. We cannot provide supporting documents because the March 16 meeting minutes have not been posted and the video recording was "lost" according to the Board of Education. A FOIA complaint is being pursued. We do, however, have the news footage and have included that in section 5 below.

(3) The exact nature of the allegations, including, but not limited to, reference to the provision of Section 10-4a of the General Statutes.

As noted above, the constitution of Connecticut, article eighth, § 1, provides: "There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation." Thus, the "state constitution places the ultimate responsibility for the education of the children of Connecticut on the state. *Murphy v. Board of Education*, 167 Conn. 368, 372 (1974); *West Hartford Education Assn., Inc. v. DeCourcy*, 162 Conn. 566, 573 (1972)." *New Haven v. State Board of Education*, 228 Conn. 699, 703 (1994). General Statutes § 10-220 delegates the duty to provide public education to local boards of education. *Waterbury Teachers Assn. v. Furlong*, 162 Conn. 390, 397 (1972). Local school boards must meet the education interests of the State. Where a local school board fails to meet the educational interest of the state, the State Board of Education is tasked to investigate and take corrective action. C.G.S. §10-4b.

We, Killingly residents and concerned parents of children in the Killingly Public Schools bring this complaint to prompt the State Board of Education to use its statutory powers pursuant to C.G.S. §10-4b to investigate and force corrective action against the Killingly Board of Education.

We assert that the Killingly Board of Education has failed to fulfill the educational interest of the State of Connecticut by failing to provide the minimum services and supports necessary to deal with the social, emotional and mental health needs of the students of Killingly High School. As you have stated on numerous occasions, meeting the social, emotional and mental health needs of students is a critical part of the educational endeavor. Simply stated, a student's social, emotional and mental health needs must be met before a student is able to learn.

C.G.S. §10-220 outlines the duty of a local board of education to "implement the educational interests of the state, as defined in § 10-4a, and provide such other educational activities as in its judgment will best serve the interests of the school district" and, specifically, to "provide an appropriate learning environment for all its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology ... (4) a safe school setting." It is widely accepted that it is the obligation of a school district to provide social, emotional and mental health services because such services are critical to create an appropriate learning environment for all students and because it is critical to provide a safe school setting.

A school-based health center is certainly not the only way by which a local board of education can meet its obligations under §10-220. Hiring appropriate staff and adequate numbers could achieve the same result. It is clear, however, that the Killingly Board of Education has failed to avail itself of any alternative mechanism of meeting the social, emotional and mental health needs of all its students. There is a documented acute staff shortage, and the Board has taken no actions to address that shortage. The Board has not hired, either directly or by contract, the individuals needed to meet the mental health crisis present in Killingly High School. Of course, a school-based health center has no adverse impact on the Board of Education's budget, while hiring or contracting for needed staff would.

Instead, we face a situation in which the Killingly Board of Education has refused to address a critical education need that has been well documented. This is a situation in which a local board of education has willfully and notoriously failed to implement the educational interests of the State, as guaranteed in the State Constitution.

(4) A clear and concise description of the facts which support each allegation;

Chronology of Events Surrounding the SBHC:

A public information session and presentation was held on February 7, 2022, at Killingly High School. The public information session included a presentation on the need for a SBHC, including data and benefits. There was a panel comprised of district staff, Generations staff, and other healthcare professionals to receive public comments and answer questions. Our Board of Education Chairperson, Janice Joly, requested that a mother from outside the KPS service area, named LeeAnn Ducat, be on the informational panel, although she is not KPS staff, Generations staff nor a mental health professional. That request was denied by the KPS Superintendent. Chairwoman Joly was abusing her power as the Board of Education Chair to give a seat at the table

to an opponent of the SBHC. After the presentation and during the public comment portion of this meeting, Killingly BOE member Jason Muscara stated he does not support the SBHC because schools are for learning.

On February 9, 2022, the Board of Education had on the agenda a discussion and vote on the school-based health center. Eight parents, school staff and mental health professionals spoke in favor of the SBHC during the public comment period. No one spoke against it. Each concern raised by a Board of Education member was addressed. Members of the BOE had an opportunity to request additional information, but did not. Some members said they had additional questions and wanted more information before they could make a decision. BOE member Susan Lannon then asked the other BOE members what additional information was needed or what specific questions they had about the SBHC. Nothing specific was stated or asked. BOE member Kyle Napierata made a motion to table the vote.

The SBHC discussion and/or vote was not placed on the February 23 or March 9 BOE meeting agenda. The only reference to the SBHC on the March 9 BOE meeting agenda was the Superintendent's SBHC update. That update was placed last on the agenda. The BOE Chair appeared to be visibly agitated, indicating that she wanted to end the meeting. She stated, "make this quick, we want to get out of here by 11." She was rude to other BOE members and cut them off as they were attempting to ask the Superintendent questions in regards to his updates and left him seconds to present the additional information on the SBHC for the BOE to review.

The Killingly Board of Education held a special meeting on March 16 to discuss and vote on the SBHC. The room was full of interested community members, including KPS students, parents and staff. During public comment, a member of the public referenced the SERAC student survey data showing that 14.7 % of Killingly High School students had a discrete plan to end their own lives. The BOE Vice Chair Norm Ferron said he had a problem with the public comment, indicating he felt it was an exaggeration. He said that 14.7% is not that big of a number. Chairwoman Joly asked why DCF wasn't called if 14.7% of students had a suicide plan. It was explained that it was an anonymous survey. Ms. Joly then questioned why it was anonymous. BOE member Chris Viens replied, stating it was anonymous to elicit honest responses. Ms. Joly responded with, "How do you know they were honest responses? We're dealing with kids. They could have written anything. That's what kids do." Ms. Joly's direct quote was captured by NBC CT which was covering the meeting. One KHS student who was in the room and among the 14.7% who had a suicide plan began crying. She said she wished she hadn't told anyone of her plan. To protect that minor student's identity, that student will not be named here but may be available to answer questions for the State Board of Education.

Students wrote e-mails, letters to the editor, made signs and attended rallies and marches and spoke to news reporters. They wrote speeches and signed up to speak during public comment. Sadly, on March 9 and March 16 public comment ended at 21 minutes and a motion to extend public comment was defeated. Students, many of whom were facing their own mental health challenges, walked away from the Board meeting feeling unheard and powerless. These students faced additional trauma due to the way they were treated and the comments they heard at these

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Board of Education meetings. Although the March 16 meeting recording magically disappeared, there were many witnesses who were in the meeting room and watching at home. Killingly BOE Chair Janice Joly inflicted even more trauma on students with her statements in the April 1 edition of the Killingly Villager. She made threats to Killingly BOE member Susan Lannon and threatened the students, parents, staff and community members, who held peaceful rallies, referring to them as an angry mob. Her letter is in direct conflict with her duties as a Board of Education member. In her letter, she refers to politics, calling people losers and comparing them to Hillary Clinton. Her actions and comments have led to a public outcry for her to step down.

(5) Other materials or documents containing information which support or clarify the allegations.

Extensive information about the SBHC proposal for Killingly Public Schools was made available to the public on the KPS website. The SBHC Power Point Presentation specifies how the SBHC aligns with District goals, highlights the need for the SBHC & includes the student survey results:
<https://www.killinglyschools.org/community/school-based-health-centers>

BOE Meeting agendas and minutes can be found here: 3/16/22 minutes are not posted as of 4/4/22:
<https://www.killinglyschools.org/about-us/board-of-education>

Meeting videos of all BOE meetings can be found here (except the 3/16/22 which was allegedly not recorded)
<https://www.nfhsnetwork.com/schools/killingly-high-school-dayville-ct?activity=Meeting&drilldown=on%20demand>

1/13/22 Generations discussed SBHC at Killingly High:
https://www.facebook.com/watch/live/?ref=watch_permalink&v=332934872032996

NBC CT News Clip 3/9/22 Parent Organizing Rally/Quiet Corner Tea Party Counter Rally:
<https://www.nbcconnecticut.com/news/local/mental-health-rally-in-killingly-to-bring-student-based-health-center-to-school/2737099/>

NBC CT News Clip 3/9/22 rally/BOE meeting:
<https://www.nbcconnecticut.com/news/local/push-for-mental-health-services-at-killingly-high-school/2737237/>

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NBC News Clip 3/16/22 BOE rejects SBHC (the only video we have from 3/16):
<https://www.nbcconnecticut.com/news/local/killingly-school-board-rejects-mental-health-center-plan/2742414/>

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WTNH News 8 Clip re: Board rejects SBHC, Not an educational matter:

<https://www.wtnh.com/video/killingly-board-of-education-votes-down-school-based-mental-health-center/7528917/>

3/4/22 Edition of Killingly Villager: 3 letters to the editor regarding the SBHC:

<http://linpub.blob.core.windows.net/pdf/2/f376103a-c6de-4cd4-9545-5eee0df66634.pdf>

3/18/22 Edition of the Killingly Villager: 3 letters to the editor regarding the SBHC:

<http://linpub.blob.core.windows.net/pdf/2/f376103a-c6de-4cd4-9545-5eee0df66634.pdf>

3/25/22 Edition of the Killingly Villager: 8 letters to the editor regarding the SBHC:

<http://linpub.blob.core.windows.net/pdf/2/e47fbecb-0bcd-4a48-b0cc-50fa1ff31ec4.pdf>

The petition filled with misleading information that we believe Town Councilor, Patti George is referring to in her letter to the editor: <https://www.surveymonkey.com/r/w2pssf5>

4/1/22 Edition of Killingly Villager with Janice Joly's letter, along with 3 other letters to the editor regarding the SBHC: <http://linpub.blob.core.windows.net/pdf/2/6d372202-aef6-40b9-aae7-1eff437a47d6.pdf>

Windham County is #1 in the state for least educated:

<https://stacker.com/connecticut/least-educated-counties-connecticut>

Please note that we are working with Attorney Andrew A. Feinstein on this matter. The State Department of Education is authorized and instructed to communicate with him on our behalf. He can be reached at 860-969-0700 or afeinstein@edlawct.com.

Sincerely yours,



Andrew A. Feinstein

Attorney for

Concerned Residents/Parents of Killingly Students

This complaint was reviewed and endorsed by each of the individuals listed in section (1) above.

EXHIBIT B

Concerned Residents/Parents of Killingly Students
c/o Attorney Andrew A. Feinstein
86 Denison Avenue
Mystic, Connecticut 06355

May 16, 2022

Attorney Michael P. McKeon
Director of Legal and Governmental Affairs
Connecticut State Department of Education
450 Columbus Boulevard
Hartford, Connecticut 06103

By Email

Reply Brief of Concerned Residents/Parents of Killingly Students

Dear Attorney McKeon:

I. Introduction

Connecticut has a fundamental, constitutionally-based commitment to provide educational services to all children in the State. Local Boards of Education are empowered to determine how such services are to be provided in their districts, but the State Department of Education (SDE) is made responsible, under C.G.S. §10-4a, to ensure that each district affords its children with the level and type of educational services guaranteed by the State Constitution, article eighth, § 1.

The crux of the current complaint is whether providing adequate mental health services to students is a requirement of the educational interest of the State. The Complainants in this matter assert that it is; that ensuring the mental health, safety, and emotional regulation of students is an inherent and critical part of providing an appropriate education. The Killingly Board of Education (Board) has, both through statements of members of the Board and through

its inaction, promoted the view that public education is limited to academic matters and that public schools have no business delving into the personal lives of students.

The Commissioner of Education has a choice. Dismissing the complaint would be an acceptance of the Killingly Board's truncated definition of the educational interest of the State. Investigating the complaint, and, if found valid, ordering Killingly to create a comprehensive system to address the social and emotional well-being of its students would assert the more comprehensive nature of the educational enterprise. Such a decision would not just impact Killingly but would send the word out throughout the State of what adequate public education requires.

II. Areas of Agreement

Complainants have numerous disagreements with the Board's submission to SDE. Prior to setting forth those disagreements, it is important to identify the numerous areas of agreement. In broad terms, areas of agreement include:

1. Connecticut is a State with strong local control over education. Notwithstanding the local flexibility provided, SDE has the obligation to ensure that the educational interest of the State, stemming from the State Constitution, is met. When a local school board fails to or is unable to implement the educational interests of the State, SDE is obliged to step in and order corrective action.
2. While C.G.S. §10-4a lists four specific educational interests of the State, the language is clear that the duty of SDE does not end with those four specific interests. The statute uses the

language "but not be limited to". In other words, the four enumerated educational interests are examples: not a comprehensive list.

3. The first and fourth enumerated educational interests in C.G.S. §10-4a are directly relevant to this matter. They are "(1) each child shall have for the period prescribed in the general statutes equal opportunity to receive a suitable program of educational experiences;" and "(4) the mandates in the general statutes pertaining to education within the jurisdiction of the State Board of Education be implemented." Student mental health has a direct impact on a student's ability to receive a suitable program of educational experiences. It also is something about which numerous statutes have been enacted over the last few years. Simply put, the educational interest of the State requires efforts by local Board of Education to maintain the social and emotional wellbeing and the mental health of students within the district.

4. Killingly schools and, particularly, Killingly High School faces a serious crisis in student mental health. The Board attempts to paint the Killingly situation as nothing more than a local manifestation of a national trend. While there certainly has been a nationwide increase in students needing help, the statistics from Killingly indicate a far more extreme and far more dire situation, a situation which is directly impacting the educational interest of the students of Killingly. Indeed, the report of the Task Force pursuant to P.A. 21-35 identifies Killingly as a district especially in need of a school-based health service because the mental health needs in the town are especially extreme.

5. Superintendent Angeli and Assistant Superintendent Nash have taken steps to implement a program of social emotional learning in Killingly Public Schools (KPS) and have worked to fill vacant positions of student support providers but have not been successful in filling school psychologist positions. Because they knew their actions were inadequate to meet the severe need that exists in Killingly High School (KHS), the school administrators strongly supported the establishment of a school-based health center in Killingly. It was the Tea Party-dominated Board that shot down the proposal of Superintendent Angeli. It is not accurate to conflate the actions of the school administration with the actions of the Board. The complaint is not directed at the actions of the school administration; it is directed at the actions of the Killingly Board of Education.

6. A school-based health center (SBHC) is one of a number of possible ways to deal with the severe mental health crisis among students in Killingly. The Board has taken no actions this year to address the crisis. Generalized statements of policy are not actions to address the crisis. Adopting a budget with no additional money to provide mental health supports is not an action to address the crisis. Authorizing the Superintendent to fill vacancies is not an action to address the crisis. The Killingly Board of Education put forth an education budget to the Town Council with a \$615,199.93 increase in funding. The Town Council slashed the increase and held education funding flat. At the Annual Town meeting on May 2, 2022, a KPS staff member and Killingly resident made a motion to add the money that was cut back to the education budget. A vote was taken by the eligible voters present. BOE members Norm Ferron, Lydia-Rivera Abrams, Kyle

Napierata, & Jason Muscara, voted no and went against the very budget the BOE had put forth.

These same Board members also voted no to the SBHC proposal on March 16, 2022.

7. The reasons given by school board members for voting down the SBHC proposal are directly relevant to the question of whether a local school board fails to or is unable to implement the educational interests of the State. The concerns recited by the Board in its filing were all directly addressed by Superintendent Angeli and others at various Board meetings. The real reasons for the six negative votes were fully expressed in public comments of Chairwoman Joly and others. Those reasons include the belief that public schools should not intervene in student mental health matters, that doing so interferes with parental rights, and that public schools should limit themselves to academic matters. The statements of Board members are consistent with nationwide attacks on social emotional learning.

III. Inaccuracies in Board Submission

There are numerous specific statements in the Board's submission that require correction or clarification. Among the most egregious are:

Page 5: *"19 FTE Certified Professional (8.5 FTU support Professionals at KHS), 245.4 FTE combined above state average..."*

- The data is from the 2019-20 school year, not the 2021-22 school year.
- As of May 13, 2022, Killingly had more than 33 certified openings, 7 of which were in special education. See, <https://www.applitrack.com/killingly/onlineapp/>
- March 23, 2022, Board of Education Meeting during public comment, Tiffany O'Leary, Special Education teacher stated:

60 Students with the highest needs for specialized instruction were brought back to the district from outplacement without any additional certified staff to teach them. Was that decision made in the best interest of educating our students? According to the State of Connecticut strategic profile from 2009-2010, there were 351 students receiving special education services and 28 teachers. Throughout the district currently there are now over 500 students receiving services and 29.4 special education teachers - 150 more students and 1.4 additional teachers.

<https://www.nfhsnetwork.com/events/killingly-high-school-dayville-ct/evt1c8d4b6dd1>

- The Board was presented with a packet of information from the administration clearly laying out the need for psychologists, social workers, and special education teachers.

This material was never considered by the Board.

- Killingly Public Schools has over 30 fewer paraprofessionals this school year than last year. There are currently 34 openings for full and part time Paraprofessionals for the 22-23 school year: Paraprofessionals provide support to students and teachers to ensure safe classrooms and are often the go-to adults for many students.

<https://www.applitrack.com/killingly/onlineapp/default.aspx?Category=Student+Support+Services&subcategory=S%2EE%2E+Paraprofessional%2FInstructional+Assistant>

- Killingly does not pay comparable wages to paraprofessionals, leading to shortages. For the 2021-2022 school year, Killingly paraprofessionals start at \$15.23 per hour.

Neighboring school districts like Canterbury have pay ranges from \$18.69-\$21.97 based on experience. Neighboring school district of Putnam has pay ranges from \$17.00-

\$19.00 with a \$.50 increase effective July 1, 2022 at all levels. Many of Killingly's

seasoned paraprofessionals have left the district to seek employment in other districts for more money, better benefits and lower caseloads.

<https://www.canterburypublicschools.org/wp-content/uploads/2019/09/para-contract-2019-2022.pdf>;
https://www.putnamschoolsct.org/sites/g/files/vyhlif7856/f/uploads/afscme_2021-2024_final_signed_1.pdf

- Killingly has only 1 FTE Psychologist for the entire district. Killingly used to have 4 school psychologists to allow for one in every building. The single psychologist remaining is overworked.
- During the public comment period of each Board meeting this year, KPS staff have provided testimony to highlight the need within the District for the SBHC. On March 9, 2022, KEA Vice President Lisa Higgins, on behalf of the KEA executive board, read a letter in support of the SBHC. On May 11, 2022, KEA President Nicola Able provided testimony attesting to the staff shortages and the impact of those shortages on students and staff. The school administration presented the need for a school-based health center based on parent request and concerns before the pandemic. Mental health has historically been a concern in this community. Over the past several years, the administration requested additional counseling and social work personnel in budget decision packages. The Board has rejected these requests. Therefore, last spring the request was made by the high school principal to begin working on a partnership with a local provider to implement a school-based health center to address the rising demand for children's mental health services by providing on-site, direct behavioral health services, with professional licensed providers.

Page 5: *"SBHC won't be able to share information with district about student needs, unless consent was granted for SBHC personnel to speak with school personnel."*

- There has always been in place (and would also be in place with Generations) a form called “Release of Information”, that allows the school personnel and outside agencies to share information. The outside agency has parents sign off in order to allow sharing of information.
- Nevertheless, disclosures by a student to a mental health provider are HIPPA protected health information. Concerns were also raised that mental health services would permit the school to learn confidential family matters. The need for explicit parental consent addresses this concern.

Page 5: *“District is supplementing staff resources to outside agencies “*

- The district contracts for some services, but the contracts were short-term, and the staff vacancies remain.

Page 7-9: *Social emotional learning*

- Social emotional learning initiatives are meant to support teachers and students in creating safe and positive learning environments. These types of programs such as RULER, restorative practices, peer mentoring or anti-hate speech training do not address trauma, anxiety or depression and do not provide one-to-one counseling.
- Killingly was accepted into the State of CT DESSA program but failed to follow through to implement the tool. <https://portal.ct.gov/SDE/Press-Room/Press-Releases/2021/CSDE-Announces-New-Partnership-to-Launch-Statewide-K12-Social-Emotional-Learning-Assessment-System>.

- The data references 2019-2020 training – high staff turnover in the district for the past two years has led to some new teachers not receiving the same SEL training.
- The former Killingly Intermediate School Principal instituted a Restorative Room to provide a place for students to de-escalate and develop coping skills that align with Social-Emotional Learning. This effort was criticized by Board Vice Chair Kelly Martin at the April 27, 2022, BOE meeting, stating “the way that I understand it is if a kid does something wrong they’re sent to this room to get their feelings out....but it seems to me that when you go out to the real world, if you do something wrong at work you couldn’t go into a room and get your feelings out.”
- The paraprofessional that is currently working with the students in the Restorative Room is leaving the District at the end of this school year. This resource cannot be effectively managed without qualified staff to ensure student safety and development.
- BOE member Jason Muscara stated he does not believe in restorative practices and stated that restorative practices led to the school shooting in Parkland, Florida. See the April 27, 2022 BOE meeting recording at the 2:30 mark: [Board of Education - Regular Meeting \(Killingly Town Hall - Town Meeting Room\) - 04/27/2022 | Live & On-Demand \(nfhsnetwork.com\)](#)

Pages 8-9: “Individual student supports”:

- The percentage of Killingly students eligible for special education has increased from 15% to 18.6%. This is strong evidence of the extreme situation in Killingly. While some students are outplaced, those in the district are not receiving the proper support due to

staff shortages. Killingly High School is allocated 7 special education teachers, but only had 4 on staff for most of the 2021-22 school year.

- Killingly Public Schools currently has 7 vacancies for special education teachers for the 2022-23 school year.
- Of course, not all students with suicidal or self-harm ideation are eligible for special education services or for protection under Section 504. The resources within KPS for students not eligible for special education of 504 are even more limited.

Page 8-9: District provides SEL resources online and community resource handouts to families

- Providing a list of community providers does not mean families can get appointments as there are long waitlists, barriers for families due to transportation, and parents cannot take time off from work to take children to outside appointments.

BOE Policies

- Killingly policy 5141.5 states "it is recognized by the Board that suicide is a complex issue and that, while school staff members may recognize potentially suicidal youth, they cannot make a clinical assessment of risk and provide in-depth counseling but must refer the youth to an appropriate agency for such assessment and counseling."
- The student survey presented to the BOE from SERAC showed that 28.2% (133 students) had thoughts of hurting themselves and 14.7% (70 students) stated they had thought about suicide (created a plan). The survey was completed by 477 students, in grades 7-12 out of 1,064 students which is a 45% response rate.

- The Board policy makes clear that it lacks the staff and expertise to deal with these students. These statistics demonstrate that the need exists despite the Board's documented efforts to date.

Board Concerns

- The Board claims concerns about the cost of utilities for a SBHC. There are currently unoccupied rooms in Killingly High School. Killingly is already paying to heat and cool those rooms. At the February 9, 2022, Board meeting, Superintendent Angeli stated there would be no additional cost for custodial staff.
- KHS currently houses Charter Oak Bank and EASTCONN Head Start with no liability issues. The BOE has not expressed the same concerns with housing these outside agencies. They do not pay rent and KPS covers lighting, cooling, custodial, etc.

Page 10: last paragraph-Working Group Report

- Killingly was a recommended site and identified in the State report as a priority. The Working Group combined multiple databases and utilized the CDC Social Vulnerability Index (SVI) and Health Professional Shortages Areas (HPSA) to identify priority schools that presently do not have a school-based health center. As a result, 3 Killingly Public schools were identified. As noted in the School Based Health Center (SBHC) Expansion Working Group Final Report dated February 2022, each school's town was reviewed to see if the school was located in a designated medical and/or mental Health Professional Shortage Area. HPSAs are designated by the U.S. Health Resources and Services Administration (HRSA) to identify areas which are determined to experience a shortage

of healthcare professionals. There are both medical and mental health designations. Each school was then assigned a value of 1 if in a designated area, 0 if not in a designated area, and 0.5 if in a partially designated area. All three Killingly schools were determined to be in areas of the most acute shortage of mental health professionals.

Page 11: Board Meetings

- March 9 & March 16 – The reason the Board held a special meeting on March 16, 2022, to “take action” was because SBHC supporters held a rally on March 9, 2022, with statewide news coverage. Despite numerous requests, the BOE did not have the SBHC proposal on the March 9, 2022, meeting agenda for discussion or action and had not taken action at any other previous meetings since it was first proposed in January 2022. <https://resources.finalsite.net/images/v1646687831/killinglyschoolsorg/v9kyiwsflmzu0x3fsgq1/3-9-22REVISEDBOEMtgAgenda.pdf>. The meeting minutes the Board references on March 16, 2022, are not inclusive or representative of all the discussions that took place as the Board “lost”¹ the meeting video. On April 5, 2022, a FOIA complaint was filed with the State of CT regarding the missing video.

Continued Discussion on Students Mental Health Needs:

- The alternatives proposed are not comparable. None of them provide the level of resources that are needed to meet the mental health crisis in Killingly schools. None

¹ Complainants do not credit the claim that the video was unavailable for some mysterious technical reason. Complainants believe that the intentional destruction of the physical video was to hide incriminating evidence, just like the 18-minute gap in the White House tapes of June 20, 1972 or the missing telephone records of President Trump of January 6, 2021.

provide for diagnosis or on-going therapy. And, indeed, the Board has taken no action to implement any of the alternatives.

Page 12: April 27th BOE meeting-the BOE directed the Superintendent to present additional information on BOTH the SBHC and alternatives at the May 11th BOE meeting

- Patently false. The issue was not on the agenda of the May 11th Board of Education meeting.

https://resources.finalsite.net/images/v1652125593/killingschoolsorg/gmtcvrdfd4ysieqp_xcb8/May112022BoEMtgAgendawithattachments.pdf

- No alternatives with a comparable level of services as those provided by the SBHC have been proposed or implemented.

*Page 13: Board Judgment: Conn. Gen. Stat. § 10-220 states specifically that “each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state, as defined in section 10-4a, and provide such other educational activities as **in its judgment** will best serve the interests of the school district”*

The Superintendent and Administration, in their judgment, feel the SBHC is the appropriate avenue to serve the best interest of the school district. The Board is not exercising judgment when it fails to address the severe mental health challenges faces by KPS students. Instead of exercising judgment, the Board is imposing its own extreme political views in a way that undermines the educational interest of the State. Consider the following:

- The alternatives proposed include creating ten new positions with 1-year contracts and \$5,000 sign-on bonuses. Such a plan cannot be funded under the flat budget approved by the Town Council.
- Proposals for peer mediation and Rachel's challenge do not address the severe need for significant mental health interventions.
- As stated by KPS Pupil Services Employee Tiffany O'Leary, "The Board repeatedly conflates "mental health" with "disability" and through their response to the complaint, imply that identifying students eligible for IEPs is somehow addressing the safety of students with mental health needs." Exhibit R.
- The Board's response fails to report the many emails they received in support of the SBHC. The only time these emails were referenced in any response was on March 16, 2002, when Susan Lannon stated that the board had received 84 emails in support of the SBHC and 7 against. (meeting recording lost). Exhibit CC.
- BOE member, Lydia Rivera-Abrams made several egregious and erroneous comments indicating the underlying reasoning for the Board's inaction. Exhibit CC.
- At the March 16, 2022 special BOE meeting, then-Board Vice Chair Norm Ferron stated that the student survey suggesting that 14.7% of high school students had a suicide plan was not a very big number. He explained that he voted against establishing a SBHC at the high school because kids might receive counseling on "controversial topics". He was

quoted stating “They might be giving them counseling directly opposed to the views of the parents.” <https://www.wonkette.com/-2657224808;>

<https://www.surveymonkey.com/r/w2pssf5>

- BOE member Jason Muscara was the Vice President of the CT American Guard, a group the Southern Poverty Law classified as a general hate group. The Anti-Defamation League (ADL) published an article in 2017 identifying the American Guard as having “white supremacist” connections. After the SEL presentation by the Pupil Services Director during the April 27, 2022, BOE meeting, Mr. Muscara said that he does not agree with restorative practices and feels the schools need more disciplinary action to address behaviors in middle and high school.
- The Board voted to reinstate a Native American mascot name that the District is not currently using, costing the District over \$94,000 in grant funding annually.
- None of the six BOE members who opposed the SBHC:
 - Has a child attending Killingly Public Schools. BOE member Kyle Napierata has a child who is home-schooled.
 - Has any mental/behavioral health degrees or certifications.
 - Has ever stepped foot in the KHS counseling office to ask what resources they need to keep the schools and students safe.
- On April 28, 2022, a public hearing that was petitioned by the community to get answers to the following questions, “We, the undersigned, all duly qualified voters in and for the Town of Killingly, County of Windham, and State of Connecticut, respectfully request

the Killingly Board of Education (KBOE) hold a public hearing on the School Based Health Center to hear testimony about the SBHC. We respectfully request the 6 members who voted NO (Janice Joly, Norm Ferron, Lydia Rivera Abrams, Kyle Napierata, Jason Muscara, Jennifer Hegedus) provide during this hearing, the reasons why they voted NO and how their NO votes were in the best interest of the children they serve." The Board stated they would not respond that evening to any questions the community asked. BOE Policy 9325, states "*Board of Education shall acknowledge in writing any citizen who addresses said Board in writing within two weeks of the meeting at which said comments were presented.*" Killingly resident and parent of KHS students, Kristine Cicchetti presented the above questions in writing per Board policy at the April 28, 2022 public hearing. At the May 11, 2022, BOE meeting, during public comment Kristine Cicchetti reminded the Board of the questions and the timeline for their response (the deadline was the next day). This request was ignored, and the Board failed to comply with their own policies.

Page 14: The Complaint is Premature

The Board's filing argues that the 10-4b complaint is premature as the Board has not taken final action on the SBHC. The negative vote on March 16, 2022, was a final action by the Board.

The Board would not have continued to discuss the SBHC after their March 16, 2022, action if not for parents, students and school staff speaking at public comment at every Board meeting. On April 29, 2022, Norm Ferron, the new² Board of Education Chair, went on WINY

² The statements of the prior Board Chair, Janice Joly, were so inflammatory that the Republican Town Committee forced her to resign. Her interview with WINY is attached as Exhibit AA.

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radio and stated that they would not be adding the SBHC to future agendas as they had too many other things to discuss, and the BOE wanted to see how the state investigation would play out. Yet, the Board's 26-page response to the complaint states on page 12 that the BOE will add SBHC and alternatives to the agenda for discussion on May 11, 2022. It did not happen. These facts show that their March 16, 2022 vote was their final action.

The Board was presented with a motion by BOE member Chris Veins on April 27, 2022, to add the issue of the school-based health center to the agenda. The motion was seconded by Susan Lannon. The other BOE members voted no to that motion and it failed.

In addition, at the May 11, 2022, meeting, BOE member Chris Veins made a motion to amend that evening's agenda to add the SBHC discussion and possible action. It was seconded by Susan Lannon. Susan Lannon requested a roll call vote. It was voted down by the other 6 members. BOE member Lydia Rivera-Abrams stated that they had already taken action on the SBHC, and it was a no. Ms. Rivera-Abrams went on to say, if the supporters continue to push it, it will get even worse. (As of the time this brief was filed, the meeting recording has not been posted publicly, however, it should be uploaded shortly. The exchange about the SBHC after the vote against amending the agenda begins approximately 30 minutes into the meeting and continues again during the Town Council Liaison report. The video, when posted, can be found at: [Killingly High School - Dayville, CT \(nfhsnetwork.com\)](https://www.nfhsnetwork.com)).

As of the filing of this brief, no interventions have been implemented to address the mental health crisis the Killingly students face daily. The Board has repeatedly declined numerous opportunities to take action to provide increased resources, supports and interventions

to ensure students safety and provide the supports for the whole child which is necessary in order to learn.

Pages 15 -24: Responses to Allegations

The Board's responses to the allegations in the Complaint have been addressed in this Reply Brief. Rather than repeating what has already been stated, Complainants stand by each of the allegations cited.³ One allegation does need further response. On page 20, the Board states the claimants assert "The Proposed SBHC is the best way to address the mental health care needs of Killingly High School students."

On the contrary, the claimants assert that the proposed SBHC is a useful resource. This issue is not that the Board failed to choose the best possible option. Rather, when faced with a demonstrable crisis in mental health for its students, the Board rejected a demonstrably workable solution for political reasons while going through a meaningless exercise of considering alternative. As noted above, hiring new staff trained in supporting the mental health and emotional needs of students is simply not an option in light of the limited school budget and the extreme difficulty already faced by the administration in hiring additional mental health staff.

³ An example of the Board's misdirection is its statement on page 24: "*Some of the claims made in the Complaint are just plain wrong. For example, the Complaint alleges that the High School has only one operating bathroom when it has 10.*" As Tiffany O'Leary explains, "The vandalism of the KHS bathrooms was discussed in a closed session on March 9, 2022, which I attended, where the principal of KHS did confirm that the majority of bathrooms were indeed closed due to vandalism. While there may be 10 bathrooms within the building, this issue was brought up by a Board member, who had received a parent complaint regarding limited bathroom availability". Exhibit R.

Complainants are certainly open to other options to address the need. They have not seen any alternatives that are viable, affordable, and targeted to the need. A SBHC is viable, affordable and targeted to the need.

III. Exhibits

Attached hereto are statements by various parents, community members, students and school staff concerning the mental health crisis in Killingly and the failure of the Board of Education to address the concern. The following statements of the following individuals are attached:

- A. Nicola Able
- B. Thomas Burr
- C. Kristine Cicchetti
- D. John Day Jr.
- E. Stephen & Christina Drowne
- F. Heidi Driscoll
- G. Marcia Griffiths Farquhar
- H. Lucille Garcia
- I. Elise Geary
- J. Nancy Grandelski
- K. Lisa Higgins
- L. Ken & Randie Long
- M. Jessica Long
- N. Lacey Luneau
- O. Sarah McCurdy
- P. Misty Murdock
- Q. Richard Murray
- R. Tiffany O'Leary
- S. Erika Ponciano
- T. Janelle Provencher
- U. Christine Rosati Randall
- V. Monique Revellese
- W. Patrice Rodgers
- X. Emily Ross
- Y. Ivy Ross
- Z. Alyssah Yater

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Additional Exhibits include:

- AA. Summary of WINY Interview with Janice Joly.
https://www.facebook.com/winyradio/photos/a.616170078395232/5517258018286389?_rdr.
- BB. Email from Board member Lydia Rivera-Abrams to Kristine Cicchetti.
- CC. Index to BOE Meeting Video Recordings.
- DD. Documents in response to FOIA Request.

Conclusion

The issue is whether the Killingly Board of Education has met the education interest of the State by its failure to provide adequate services to the students in Killingly Public Schools. The establishment of a school-based health center would meet the crisis in mental health in Killingly. The Board has disapproved of establishing a SBHC. And, the Board has not taken any action whatsoever to deal with the looming catastrophe. In failing to act, the Killingly Board of Education has failed to meet the educational interest of the State. The State Department of Education is obligated to order corrective action.

Respectfully submitted,

/s/

Andrew A. Feinstein
Attorney for Concerned Residents/Parents
of Killingly Students

cc. by email: Attorney Linda L. Yoder
Attorney Richard A. Mills, Jr.
Attorney Christopher A. Tracey