

## **Questions for the Board of Education from Tim Vaillancourt**

1. I have heard citizens say they support “fully funding education”. I’ll admit I don’t know what that means. How does the BOE interpret those concerns?

We don’t believe it’s our place to make assumptions about the comments of the citizens of Colchester.

2. It has been reported the Superintendent should have had a raise in January; however, the BOE has pushed this increase until after the budget discussions. Assuming the superintendent is getting a raise, where did the BOE pad the budget to create room for this raise?

It is important to note that the budget is a projection of need based on as much information as we have available. The BOE strives to adopt a budget that meets the educational needs of the students in a way that is transparent with the public. As such, no padding is added for decisions that haven’t been made, including the Superintendent’s salary adjustment if any.

The BOE is committed to a compensation philosophy that pays employees based on their responsibilities in a way that is competitive with the median salary range of districts identified as DRG D, similar in size and within an easy commute of Colchester.

a. Does the BOE recognize that citizens see this issue as a transparency issue?

It is a common practice in many communities to determine the Superintendent’s salary after the budget process as the budget is one of the Superintendent’s most important responsibilities.

It was very similar to Dr. Hewe’s last massive raise. It’s unclear if that large (12% from memory) raise was intended to keep Dr. Hewes in the district or to allow Ms. Kuckel to join the district with a very minimal increase from South Windsor.

Dr. McDowell was transparent with the Board and the public when he indicated that Dr. Hewes would complete the 22-23 academic year on his previous salary but would need to be paid a regionally competitive salary for the Assistant Superintendent role in the next budget cycle. That salary was negotiated in the spring of 2023. In August of 2023 Dr. Hewes was approached about the Deputy Commissioner position and was appointed in September of 2023.

In terms of how this salary compares to Jessica’s position in South Windsor, her response is in pink font below:

While I understand that people would make the assumption that I would only change jobs and districts for a pay raise, the reality is that while I received a bump in title from Executive Director of Student Services to Assistant Superintendent of Schools, I actually make \$2,125 less per

year. At the time of my decision, I was motivated by the opportunity to advance my career in a community where there were a few people I knew, respected and trusted. While it was never my intention to bring up salary, especially having signed a three year contract, given that it has been part of the public conversation I am certainly open to renegotiating the terms of my contract to address the disparity in compensation.

3. A Colchester parent has brought a civil matter against other students regarding the incident that occurred on a bus that resulted in the canceling of the football season in 2021. Interestingly, no case has been brought against Colchester Public Schools. The school has never publicly addressed disciplinary measures for employees or staff, nor has the school ever addressed how they resolved the issue with the student. It was observed there has been a large increase in special education spending.

For the public's knowledge, the referenced matter above is not part of the special education budget or the overall proposed operating budget.

a. If a student were to require special education because of something other than a traditionally recognized learning disability, would the costs associated with that student appear in the special education budget? There are 13 legally recognized disability categories as outlined in the IDEA. Only educational costs for students eligible for special education are reflected in the special education budget.

b. Does the special education budget include items other than the actual cost of educational services, as billed by special education providers? For example, cash settlements paid to students or their parents. No. There are no cash settlements as alluded to. Additionally, we have found no evidence of any cash settlements under previous administrations. All items in the special education budget are for educational services pursuant to the required services as outlined in the students IEP/504 plan.

c. With respect to the student identified in the above incident, please provide a breakdown of the costs associated with their education and any settlement offered and where they can be found in the proposed budget or past years Budgets. It would violate federal law if we were to provide the breakdown for any specific student of any age in any program in or out of the district.

d. With respect to the incident above please provide any corrective actions including discipline for any employees or staff. It is not appropriate to comment on personnel issues. Additionally, the current district administration was not employed by Colchester Public Schools at the time referenced. We are also not sure how this is a budget workshop question.

4. It appears Bacon Academy is unlikely to receive an artificial turf field this summer. Given the incredible interest from the community in the fields, what steps will the BOE take to make the fields playable for the 2024/2025 school year? The long-standing relationship between the town and schools states that all grounds are maintained by the town of Colchester so this is likely a better question for the town's next budget workshop.

With that said, our athletic director has strong relationships with other schools and facilities and has relocated games and practices when the fields are deemed unsafe. These plans have

already been used several times over the past couple years, but do result in additional expenses and are inconvenient for students and families. They also impact students when they want or need to stay for extra help, club meetings, etc..

5. On Slide 37 of the BOE presentation there is a slide titled, "Impact of Unique Budget Actions". With respect to this slide:

a. What is the intent of this slide? Was it intended to be political? Assuming this slide was seriously presented, isn't it obvious that if the BOE received a larger amount of money in a previous year, and still required the money in the next year, then the next request would be larger?

The intent of every slide is simply to provide information. Slide 37 displays several items of last year's budget that were funded separately. While several of those line items were one-off instances, one is needed again. The difference this year is that the school district will be eligible for excess cost reimbursement. Despite being eligible to receive this reimbursement, we still budget the full amount per our business rules that treat reimbursements as revenue.

b. It seems as if the BOE really only provided half the story on this slide. During last year's budget discussions the BOE (Superintendent/Rivers) made the BOF believe this budget expense would be reimbursed. Therefore, the BOF Chairman offered a unique solution to pay for this one off issue. Are you telling the BOF today that this student's expenses were not reimbursed?

No, we were actually quite clear that we had a conversation with Jeff Currey in the hope of receiving excess cost reimbursement but had a low level of optimism.

To be clear, the Superintendent, CPS Staff, and BOE member Chris Rivers spent a lot of time working on several key areas related to last year's budget:

1. The educational cost-sharing grant scheduled decrease was held harmless. This is keeping over \$480,000 of revenue coming to the town for two years. This was something the Superintendent and Rivers felt optimistic about.

2. Both the Superintendent and Rivers reached out to State Senators, Representatives (The Chairman of the Committee), and our Governor to advocate for reimbursement. We were clear with the BOF that we were not optimistic about that approach. With that said, the district once again worked on this issue this year, and all students who meet the financial threshold for excess cost reimbursement are now eligible for reimbursement.

3. In addition to that, both BOE staff and Rivers have been working with DAS to finalize the WJ Building & Pupil Services Projects. This is typically done by the town, but the process was stalled. These efforts will result in **approximately** 2 million dollars coming back to the town.

i. If not, when did CPS know they wouldn't receive reimbursement and when did they inform the BOF?

We told the BOF repeatedly that we did not anticipate excess cost reimbursement.

Excerpt taken from 4/4/2023 BOF/BOE Joint Meeting -

#### 4.3 Special Education

Amy Emory stated that Mr. Sullivan sent the excess cost information to the Board of Finance in regard to special education. Ms. Migliaccio asked how much is not reimbursable as the Board of Finance is not aware of any expenses in the past that were not reimbursable. Ms. Emory stated that she has to ensure student confidentiality at all times. Ms. Emory stated that in regard to their specific question, due to a student's high level of need, the programs in the State of Connecticut could not meet those needs. Ms. Emory said that the district is still responsible to meet those needs so they looked outside Connecticut for services to assist the student. She stated that the placement of the student is over \$600,000 due to the outplacement out of state and as it was out of state, it was not approved for reimbursement by the State of Connecticut. Ms. Emory explained that she did reach out to the State Department of Special Education in regard to this placement and asked if there was an appeal process and was told that the district is not eligible to appeal. Mr. Rivers stated that he and the Superintendent met with the Representative Jeff Currey, Chair of the Education Committee, and the Board will not know what the legislature can do for the district given the extreme special education staffing shortages across the state. Mr. Sullivan stated that the school district is doing everything it can to minimize the impact.

Ms. Migliaccio asked about gifted and talented programming and special education students. Clarification was made that the transition program (CTAC) is for students 18-22. Art Shilosky asked about the transition program. Dr. Hewes stated that the district is required to provide education to special education students through 22 years of age. Dr. Hewes said that before the district had the transition program, many of those students were outplaced and at a significant cost to the district for programming and transportation. Dr. Hewes said the current transition program is important to have as it helps keep our students home, in the community where they live, and to provide them education where they live.

Mr. Vaillancourt asked if the district was aware that the town would not be compensated when the student was outplaced and how long does the district have to provide the program for the student. Dr. Hewes and Ms. Emory reiterated that they could not give out that information as it is highly identifiable to the student. Mr. Vaillancourt then asked if this was part of a settlement agreement and did a guideline change? Ms. Emory stated that per the Individuals with Disabilities Education Act (IDEA) an annual review is required to create and review a student's

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plan and is reviewed annually by the district to see if their needs change. Ms. Emory stated that the district follows the law in regard to a student's program and it is the district's obligation for every student. Mr. Sullivan said that they need to be careful in regard to the ongoing conversation. Mr. Sullivan stated that while he respects the questions and rationale behind the questions with this expense, it is important to understand that this is a child in our district and the family lives in the community. He would not want the family to be subjected to ill will due to this line of questioning.

full minutes here :

[https://www.colchesterct.gov/sites/g/files/vyhlf4286/f/minutes/4-4-23\\_boe\\_of-04142023102449.pdf](https://www.colchesterct.gov/sites/g/files/vyhlf4286/f/minutes/4-4-23_boe_of-04142023102449.pdf)

- ii. If not, why hasn't this student been transitioned to a State of Connecticut approved program that is eligible for reimbursement?

While we cannot comment on individual student needs, we can restate that the Special Education process is collaborative and occurs through the PPT process, a process in which the family also has a great deal of say and legal rights. While we are now at a place where we are eligible to receive excess cost reimbursement for all students who meet that threshold, we are not able to change a student's school placement without a formal process.

**c.** This particular expense is transitory (this one student's special education costs). From a fiscally conservative perspective, it doesn't make sense to build a \$430k transitory expense into the permanent budget. The BOF doesn't have line item budget authority on BOE, and the BOE is asking for this expense to be a permanent increase.

**i.** Last year at a BOE meeting, a member of the BOE treated the public to a sermon on how they were fiscally conservative. Given those comments, there's at least one member of the BOE who believes themselves to be fiscally conservative. How does a fiscal conservative on the BOE explain permanently adding a transitory expense to the budget?

**ii.** Can the BOE think of a better way to handle transitory expenses?

**iii.** If there's no other process to handle transitory expenses, how will the BOE secure the public's trust that this won't simply become padding in future budgets?

It's our obligation to build a budget that reflects the needs of staff, students and the day-to-day operations of schools and programs. That budget includes special education, as special education students are regular education students first. How the Board of Finance wants to approach these needs is not for the Board of Education to decide.

Nonetheless, we do want to offer a fair budget comparison in terms of year-to-year needs during the presentation process. That necessitates looking at all funding sources including unique methods when offering a year-to-year analysis.

**6.** At the previous workshop, the Director of Pupil Services claimed the district doesn't receive reimbursement from the Connecticut Medicaid School Based Child Health (SBCH) Program.

**a.** Data shows Colchester participates in this program:

<https://portal.ct.gov/-/media/departments-and-agencies/dss/health-and-home-care/reimbursement/school-based-healthcare-program/11-30-2021-october-2021-monthly-payments-email.pdf>

Yes, we do. As was shared at the last Board of Finance meeting, Colchester does indeed participate in the Connecticut Medicaid School Based Child Health (SBCH) program, which for the public's knowledge is the mechanism by which a school district may seek federal Medicaid reimbursement for the Medicaid covered services that are provided to eligible students pursuant

to the student's IEP/504 plan. What was shared and may have caused some misunderstanding is that our community does not have School Based Health Centers at present.

**b.** Do we still participate in this program, and if not, why not? Yes, our school district does participate in the Connecticut Medicaid School Based Child Health (SBCH) program. School district providers actively record and submit reimbursement for the students who are Medicaid eligible on a monthly basis. As was shared in the previous BOF meeting, this reimbursement presently off-sets the cost of one school district paraprofessional.

**c.** Are there any other BOE revenue streams not reported to the BOF? While Medicaid reimbursement is a relatively small dollar amount, it goes directly back to the support of our students and currently off-sets the cost of one school district paraprofessional. There are no other revenue streams to the BOE and if an opportunity were to present itself, it would be clearly and transparently communicated to the BOE, which is the school district's governing body.

**7.** Can the BOE assign priorities to items in their capital plan? We believe we have when you look at the age and life expectancy lines in the plan.

**a.** What does the BOE plan to act on before the start of the 2024/2025 school year? It depends on the money available at the end of the year and our final budget number for next year.

**b.** What items do you need BOS/BOF help on? Do you mean in terms of funding or decision-making? There are several items that appear throughout the year that need either BOS and/or BOF support. Most recently, we needed their support to apply for the HVAC grant. When these opportunities arise, we reach out to our fellow boards.

**8.** Can the BOE provide a list of certified staff by school and by union contract step? While we have this capability, we build the budget without names. This is impractical and it's important to remember that there is turnover in teaching positions each year for a variety of reasons. The budget was built based upon current staffing, enrollment projections and informed retirements. Known vacancies in our budget at MA9.

**9.** Can the BOE provide a list of Para/Cafeteria/CDA/COTA staff by school and by union contract step?

While we have this capability, we build the budget without names. This is impractical and it's important to remember that there is significant turnover in classified staff throughout the year. The budget was built based upon current staffing, enrollment projections and informed retirements.

**10.** Can the BOE load the proposed 2024/2025 budget into Munis and provide all the detailed reports (with comparisons to 2023/2024)? Once the budget is approved we will enter into Munis. For the current year, we already make monthly budget reports available on the website.

**11.** On April 4, 2024 the BOE had a Colchester citizen served with a cease & desist letter from the BOE's Legal Counsel. The letter indicates a citizen made a public comment about the Superintendent being "personal friends" with a potential contractor on the

Bacon Academy field improvement project; which is apparently disputed. On April 16, 2024 at a BOE meeting the Superintendent confessed a relationship did exist; but they were only a “landlord” and casually joked that they don’t exchange Christmas cards.

- a. Does the BOE understand the EXTREME seriousness of attempting to limit a citizens’ First Amendment Right?
- b. Does the BOE realize the citizen was actually correct? (We’re not going to play games about how much a friend one person is to another. Personal friend, landlord... the relationship existed, and that was the point. The Superintendent chose to keep that relationship undisclosed until after the BOE approved the design contract.)
  - i. When did the BOE learn the Superintendent did in fact have an undisclosed relationship with a potential contractor?
- c. When did the BOE authorize the use of public resources to send a cease and desist letter to a citizen?
- d. In my research, I was unable to find any case where a public board, used public resources, to send a cease and desist letter to a citizen. That should tell the BOE, and the public, how unusual and alarming this was.
  - i. Throughout the entire United States of America, can the BOE cite any precedent for this action? (Public figure, public money, to pay a lawyer for a cease and desist letter over public comments.)
- e. In the letter, Ms. Santiago of Shipman & Goodwin cites Gleason v. Smolinski, 319 Conn. 394, 431 (2015). This is an interesting choice to cite because of the discussion in the case regarding matters of public concern.
  - i. Does the BOE not believe that the Bacon Academy field improvement project is a matter of public concern? Or that the Superintendent steering the contract to an entity he has an undisclosed relationship also isn’t a matter of public concern?

The town of Colchester maintains an ethics policy, and uses the following definitions.

#### **BUSINESS WITH WHICH HE/SHE IS ASSOCIATED**

A business of which the person or a member of his/her immediate family is a director, officer, owner, partner, member, employee, compensated agent or holder of stock which constitutes 5% or more of the total outstanding stock of any class.

#### **INDIVIDUAL WITH WHOM ONE IS ASSOCIATED**

An individual with whom the person or a member of his/her immediate family mutually has an interest in any business.

In terms of the policy itself, it states:

No public employee or public official shall engage in or participate in any business or transaction, including but not limited to outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities in the

public interest or which would tend to impair his/her independent judgment or action in the performance of his/her official responsibilities.

For comparison purposes, Colchester's Policy is quite similar to that of the state of Connecticut.

The State Code of Ethics for Public Officials maintains a conflict of interest exists when a state employee, in the discharge of their official duties, is required to take an action that would affect a financial interest of the employee, the employee's family member (spouse, parent, sibling, child or spouse of a child.), or a business with which the employee is associated. If presented with a conflict of interest, the Code requires employees to prepare a written statement describing the matter and the nature of the conflict and deliver a copy to their immediate supervisor. The supervisor shall assign the matter to another employee who does not directly or indirectly report to that individual.

With all of that said, the Superintendent was up front with members of the board of education about his familiarity with Liberty Landscaping since December 2022 when the topic of addressing the outdoor athletic complex needs first came up. Beyond the fact that he doesn't maintain a personal relationship with the owners of that company in any way, shape or form, it wouldn't violate any ethics policy if he did, thus there also wouldn't be an obligation to disclose.

It's also worth noting that Liberty Landscaping is not Field Turf.

For the record, Liberty Landscaping is occasionally hired to work as a subcontractor for Field Turf. As at least one elected official in Colchester currently works as sub contractor for the Senior Center project that likely wouldn't be an issue either.

Below are tables including towns in our District Reference Group (DRG). Towns in our DRG share similar incomes as Colchester residents; however, there is no consideration for commercial property and taxes. Therefore, many citizens believe the DRG is a poor comparison metric. Towns also included are Putnam, the town the current Colchester Superintendent previously worked as Superintendent, South Windsor, the town where three of the top positions within central office previously worked, and Tolland, a town that many citizens believe is a good comparison town based on the community and enrollment numbers. The data from these tables is from EdSight and specifically the data "Per Pupil Expenditures[(PPE)] by Function (District)" and "Accountability Index". The accountability index score for all districts within the State of Connecticut is 69.3. Figure 1 shows example data from EdSight for Colchester. For the sake of these tables below, "Instruction" is the actual cost of teaching a student, and everything else is "Overhead" which can be summed up into a "Total". Unfortunately, the latest data in EdSight is from the 2022 to 2023 school year; however, it is presented here to discuss broader themes.

**Figure 1:** Data for Colchester from 2022 to 2023



**Per Pupil Expenditures by Function (District), 2022-23**  
**Colchester School District**

[Export csv file](#)

Notes:

- Expenditures exclude food services not funded by local funds, debt, capital (other than equipment), adult education, community services, and state contributions to Teachers' Retirement.
- All amounts include regular and special education.
- This report is based upon data reported by school districts; questions concerning report data should be addressed to the school district.

Pupil Basis: 1 = Enrollment plus outplaced pupils, 2 = Enrollment in district schools, 3 = Total pupils transported

District	Function	Expenditures	Pupils	Pupil Basis	PPE
Colchester School District	Instruction	\$27,313,488	2,289	1	\$11,932
	Support services - students	\$3,022,067	2,229	2	\$1,356
	Support services - instruction	\$986,227	2,229	2	\$448
	Support services - general administration	\$1,802,049	2,229	2	\$809
	Support services - school based administration	\$2,558,188	2,229	2	\$1,148
	Central and other support services	\$1,339,740	2,229	2	\$601
	Operation and maintenance of plant	\$4,638,158	2,229	2	\$2,081
	Student transportation services	\$2,860,511	2,701	3	\$1,345
	Food services	\$0	2,229	2	\$0
	Enterprise operations	\$762,701	2,229	2	\$342
	Minor school construction	N/A	N/A	N/A	N/A
	<b>Total</b>		<b>\$45,395,135</b>	<b>2,289</b>	<b>1</b>

Figure 1: Data for Colchester from 2022 to 2023

Table 1: Comparison of Towns Overhead Education Expenses

Town Comparison vs Colchester; 2022 to 2023							
Town	% of Colchester Total PPE	Total PPE	Instruction PPE	Overhead PPE	% of Colchester Instruction PPE	% of Colchester Overhead PPE	Accountability Index Score
Cromwell	171%	\$33,824	\$20,046	\$13,778	168%	174.4%	74.8
Old Saybrook	133%	\$26,378	\$15,292	\$11,086	128%	140.3%	77.4
Clinton	122%	\$24,251	\$15,475	\$8,776	130%	111.1%	75.2
Stonington	114%	\$22,693	\$12,569	\$10,124	105%	128.2%	77.8
East Granby	112%	\$22,261	\$13,980	\$8,281	117%	104.8%	77.8
Colchester	100%	\$19,832	\$11,932	\$7,900	100%	100.0%	76.9
Putnam	98%	\$19,433	\$11,210	\$8,223	94%	104.1%	64.8
New Milford	98%	\$19,376	\$11,775	\$7,601	99%	96.2%	67.1
Tolland	94%	\$18,686	\$11,688	\$6,998	98%	88.6%	80.3
Bethel	93%	\$18,533	\$10,892	\$7,641	91%	96.7%	78.3
Southington	91%	\$17,952	\$11,377	\$6,575	95%	83.2%	73.2
Ledyard	88%	\$17,413	\$10,075	\$7,338	84%	92.9%	70.2
South Windsor	87%	\$17,234	\$10,760	\$6,474	90%	81.9%	80.5

Table 1: Comparison of Towns Overhead Education Expenses

It should be noted that Colchester enrollment is 2,289 students. With respect to Table 1, I make the following observations:

1. Total PPE does not appear to be an indicator of Accountability Index score; South Windsor and Tolland have the highest scores with a low Total PPE.
  - a. The same can be said for "Instruction PPE" and "Overhead PPE", they do not appear to indicate a district's performance.
2. South Windsor appears to be an excellent district with an accountability score of 80.5. They have a low overhead of \$6,474. It's not an ideal comparison because enrollment is 5,111 students.
3. Putnam appears to be a very low performing district. They have high costs and a lower accountability index score than the state average. It's not an ideal comparison because enrollment is 1,212 students.
4. Tolland appears to be an excellent district with an accountability score of 80.3. They have a low overhead of \$6,998. Tolland is a great comparison because enrollment is 2,361 students.
5. Colchester appears to be a great district with an accountability score of 76.9. This score is a good average within the DRG. Total PPE isn't the lowest, nor is it the highest.

With respect to Table 1, I have the following questions:

1. How can Colchester be more like Tolland, with low overhead costs and high accountability scores? Or why is Tolland not a good comparison district?
2. How does the Superintendent, Assistant Superintendent, and Director of Pupil Services feel about these comparisons between districts they previously worked and how it compares to Colchester?
3. What positive impact on the students of Colchester are achieved with higher overhead Costs?

4. Often citizens are asking for more programs; whether it be a foreign language teacher or a gifted and talented program. If we assume 1 teacher costs about \$100k, and that cost is divided among 2,289 students, the Instruction PPE number would increase by \$44 per teacher. Why doesn't the BOE do that, or am I missing something?

Where was the data from Table 1 and Table 2 taken from? Can you send us the link(s) you used? EdSight is what CT districts use which is also where we pulled the data that we will be presenting on Tuesday. The PPE totals on Table 1 and Table 2 are not all correct and therefore, difficult to interpret or utilize for comparison purposes. Most of the districts listed are not comparable to Colchester. We will share a brief presentation on this topic.

**Table 2:** Colchester Instruction and Overhead PPE Over Time

Colchester Instruction and Overhead PPE Over Time							
Year	Total PPE	Instruction PPE	Overhead PPE	Instruction % Increase since 2017	Overhead % Increase since 2017	Inflation Rate that Year	Sum of Inflation Rate
2022 to 2023	\$19,832	\$11,932	\$7,900	22%	27%	8	20.31
2021 to 2022	\$19,418	\$11,837	\$7,581	21%	22%	4.7	12.31
2020 to 2021	\$19,002	\$11,635	\$7,367	19%	18%	1.23	7.61
2019 to 2020	\$17,767	\$10,723	\$7,044	10%	13%	1.81	6.38
2018 to 2019	\$17,248	\$10,480	\$6,768	7%	9%	2.44	4.57
2017 to 2018	\$15,978	\$9,755	\$6,223	0%	0%	2.13	2.13

Table 2: Colchester Instruction and Overhead PPE Over Time

With respect to Table 2, I make the following observations:

1. Total PPE is increasing faster than inflation.
2. Overhead PPE is increasing at a faster rate than Instruction PPE.
3. Many citizens have been concerned about the increased costs in administration over the past several years; this table appears to support the faster rate of growth.

With respect to Table 2, I have the following questions:

1. Does the BOE feel this table is a fair and accurate representation of how the overhead is increasing at a faster rate than actual instruction costs that affect children's educations?
2. What is the BOE doing to control the increase in overhead costs?
3. What actions, if any, is the BOE interested in doing to reduce overhead costs?