

New Milford Board of Education
Policy Sub-Committee Meeting Motions and Minutes
November 5, 2025
Sarah Noble Intermediate School Library Media Center

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TOWN CLERK *MHP*

Present:	Mrs. Tammy McInerney, Chairperson Mrs. Sarah Herring Mr. Dean Barile	2025 NOV 10 A 8:30 NEW MILFORD, CT
Absent:	Mr. Randall Scofield	

Also Present:	Dr. Janet Parlato, Superintendent of Schools Ms. Holly Hollander, Assistant Superintendent of Schools
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1.		Call to Order The New Milford Board of Education Policy Sub-Committee was called to order at 6:30 p.m. by Mrs. Tammy McInerney, Chairperson.	Call to Order The meeting was called to order at 6:30 p.m.
2.		Public Comment None	Public Comment None
3.	A.	Discussion and Possible Action Policy Revisions for First Read: <ol style="list-style-type: none"> 1105 Non-Discrimination (Community) 4111.1 Non-Discrimination (Personnel) 4211.1 4118.113 Prohibition of Sex Discrimination and Sexual Harassment (Personnel) 4218.113 5000 Non-Discrimination (Students) 5145.7 Prohibition of Sex Discrimination and Sexual Harassment (Students) <p>1105, 4111.1 4112.1 and 5000 Dr. Parlato walked through the changes for each policy revision, stating there are three non-discrimination policies: community, personnel, and students. The three policies all have the same changes. There will be a companion document showing all the changes at the full Board meeting.</p>	3. Discussion and Possible Action Policy Revisions for First Read: <ol style="list-style-type: none"> 1105 Non-Discrimination (Community) 4111.1 Non-Discrimination (Personnel) 4211.1 4118.113 Prohibition of Sex Discrimination and Sexual Harassment (Personnel) 4218.113 5000 Non-Discrimination (Students) 5145.7 Prohibition of Sex Discrimination and Sexual Harassment (Students)

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		<p>Discussing policy 5000, Dr. Parlato explained it is a newer version that adds content regarding sex trafficking victims and sexual assault victims as protected classes, which were not included before. Also, the Civil Rights office in Boston has closed and next closest is Washington, D. C. Mr. Barile asked if these changes were on the federal level or if it was state level. Dr. Parlato replied it was both the federal and state levels.</p> <p>Dr. Parlato stated, for policies 1105, 4111.1 (certified staff), 4112.1 (non certified) and 5000 for students, we use model policies based on state legislation after they are vetted through Shipman and Goodman. Mr. Barile stated, to change a protected class it's supposed to go through federal legislation and Congress. Mr. Barile stated the Connecticut Department of Education took it upon themselves to include gender identity and expression. Mr. Barile stated that the concern is that we're not reflecting federal law. Mr. Barile stated that in his research, in Connecticut, no law currently exists that would force a school district to lose federal funding simply by using the federal baseline of Title IX consistent with the 2025 ruling. There is no law that can be applied on a state action as well to withhold funds from a district if it fails to maintain, according to the law. It is a very broad wording. It has not been applied in any circumstance like ours. Dr. Parlato stated she thought Mr. Barile would be happy with the revision to the sexual harassment policy that reverts back to 2020's regulations.</p> <p>4118.113, 4218.113 and 5145</p> <p>Dr. Parlato stated she took the current policy and the model policy and showed the differences between the two. The ruling in Kentucky requires the district go back to the 2020 Title IX regulations. Mr. Barile asked if it included sports in the policy regarding discrimination. Dr.</p>	
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	<p>Parlato stated yes. Mr. Barile stated the revision will mean you cannot file a discrimination suit against someone if you are a biological male and identify as a female you cannot play a biological female sport and vice versa. Mr. Barile stated that if a biological male who identifies as a female wants to play on a girls athletic team, as it stands under 2024, they can play, but under 2020, which we are reverting back to, it is not discrimination by saying you cannot play. Dr. Parlato stated the question she has gotten over the last week is how do the Connecticut guidelines regarding gender identity interface with the 2020 sexual harassment guidelines, and she stated she would gain more information for the Board's review. Mr. Barile stated there is a difference between harassment and discrimination. Dr. Parlato agreed.</p> <p>Mrs. McInerney stated she wondered what it would mean if we did not follow the revision back to 2020. Mr. Barile stated it means we could lose federal funding. Mr. Barile stated that education is at a federal level, and if we do not follow the federal level and we thwart their rules, we could potentially lose federal funding. He stated that the state of Maine is having this issue, and as a Board, if we are worried about litigation, we should worry regardless of who is giving those guidelines. Mr. Barile stated that political affiliation aside, the bottom line is we were quick to adopt the 2024 changes. He continued that it is being said that we overstepped, we cannot just make up classifications, whether your intentions are good or not. It becomes a civil rights violation. Mr. Barile stated that even if it's well intended you cannot add classifications. Adding a classification as a civil right is a federal issue.</p> <p>Mrs. McInerney asked what legal has stated on this matter. Dr. Parlato stated there is some conflict between federal law and state guidelines. Mrs. McInerney asked if we are in non-compliance. Mr. Barile stated technically we are. Dr. Parlato stated we are still following</p>	
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		<p>Connecticut state guidelines regarding our practices with gender identity and transgender youth. Mr. Barile stated that Connecticut is breaking the law, and we are breaking it with them. Mr. Barile stated this is a gamble. He stated that we should look at our community and think about who will file a lawsuit. It will be ugly either way, but odds are if you follow federal law you're on a much better footing legally. Mr. Barile said we should be looking at our community in making these determinations. There should be engagement around this topic since transgender individuals are a very small percentage of the population.</p> <p>Mrs. McInerney stated that we are talking about our kids who cannot thrive because of these laws. She stated that it may be worthwhile to consult legal counsel. We're supposed to be protecting all of our kids and providing a fair and equitable opportunity. Mrs. McInerney expressed concern that our students are facing an identity crisis. Mr. Barile stated he agreed the attorneys should be involved. Mr. Barile stated he knows how much Mrs. McInerney cares about the students, as well as he does, and he believes they are sick and need to be cared for in a different manner. Mrs. McInerney stated she completely disagrees and thinks it's a terrible thing to say someone is sick because they identify a certain way. Mr. Barile stated the only thing that sets someone apart is what they believe. Mr. Barile stated that biologically, anatomically and chromosomally they are a certain gender. To force someone else to share a belief that they are otherwise is going against policy. Mr. Barile stated that it is not ok to capitulate someone else's belief system. Mrs. McInerney stated it is not a belief, it is the way their brains are formed. Mrs. McInerney stated that the whole belief system of whether or not they are sick and need therapy because they believe they are a different gender than what their body tells them they are has been discussed in the medical field. Mr. Barile stated that you cannot substantiate that and you're asking me</p>	
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		<p>just to believe it. Mr. Barile stated there are doctors who would disagree with what Mrs. McInerney is stating. Mrs. McInerney stated Mr. Barile's words are cruel and they are cruel to our kids that are in a crisis. Mr. Barile stated sometimes truth is hard. Mrs. McInerney stated it will be brought before the full Board and we can make this decision. Mr. Barile stated there is also the fact we could be sued. Mrs. McInerney stated that Mr. Barile was the one who always said he was not afraid of being sued. Mr. Barile stated he is not afraid of being sued for doing what he knows is right. Mrs. McInerney ended the discussion, noting that it had become unproductive and that no such issue exists in our district. She reminded everyone of the pressing work that needs the Board's attention. Mr. Barile stated their children's health is real work to him. It has a term, it's called gender dysmorphia.</p> <p>5145.7</p> <p>Dr. Parlato reviewed the changes. The definition for sex based harassment is a narrower definition under federal and Connecticut law. The whole point of the 2020 regulations is that it narrows the definitions and some of the terminology around Title IX. It is the same with hostile environment, it is narrower and has a higher threshold. The sexual assault definition is different, the 2020 version gives a very detailed appendix giving all the terms. The ability to file a complaint is more restrictive. The investigation needs to have a separate investigator and separate decision maker. The evidence review time frames have changed. There are differences in the review process, the questioning process, informal resolution, and appeal timeframes.</p> <p><i>Mr. Barile moved to bring the following policies to the full Board for first read: 1105, 4111.1, 4211.1, 4118.113, 4218.113, 5000, 5145.7. Seconded by Mrs. Herring. Motion passed unanimously.</i></p>	<p>Motion made and passed unanimously to bring policies to the full Board for first read: 1105, 4111.1, 4211.1, 4118.113, 4218.113, 5000, 5145.7, to the full Board for first review.</p>
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	<p>B. Policy 9125 - Attorney</p> <p>Mr. Barile stated the proposed amendment is about providing responsibility and equal access. Every Board member shares the same fiduciary duty, therefore each should have the same ability to consult with our attorney to ensure informed, lawful decision making. Allowing Board members to consult with council would remove bottlenecks. Right now, it goes through the Board Chairperson or Superintendent, which could cause delays or discourage legitimate inquiries. This amendment would encourage engagement. The amendment allows for direct access, definement, transparency is maintained, and there are safeguards built in for work load. If the attorney requests become excessive, the attorney can request to have further guidelines set. The amendment has safeguards for work load and does not allow Board members to seek legal advice for personal matters. It does not bypass the Board as a collective body, or final decision making. It does not create secrecy. All final legal opinions would be shared with everyone. The benefits for the Board and community would mean better decision making. Members would be better informed, legal risks would be reduced, there would be more participation, trust and transparency, and no single officer can filter access. If you're in the process of cultivating an idea, you don't want someone to have a presupposition before you get a chance to work it out. The legal advice would help articulate the proposal. This would position the attorney as a resource for the entire Board. It would allow the Board to better serve the staff, students, and community, giving a balance between open inquiry and responsible governance.</p> <p>Mrs. Herring stated she understands where Mr. Barile is coming from. The downsides are it could possibly put the attorney in an awkward position, knowing something that you have discussed with them cannot then be discussed with Dr. Parlato or the rest of the Board. Mr.</p>	<p>B. Policy 9125 - Attorney</p>
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	<p>Barile replied that it is not about secrecy, it's about developing ideas. When the final decision is made, it goes before the full Board. Mrs. Herring stated, but up until then, anything you discuss with the attorney you would not want shared with anyone else, correct? Mr. Barile replied that was correct in the context of fleshing out ideas. You don't want to have people form opinions until they're fleshed out. It's about developing your thoughts and there are times where you might require legal counsel during that development, and when you do, this is where it would be beneficial to be able to contact the attorney directly. For everyone, not just me. He is happy to put in guidelines so that it will not overload the attorney or become a financial burden. Right now, Board members do not consult each other, so he does not foresee a lot of questions being asked, but the ability to do so would be worth it.</p> <p>Mrs. McNerney stated she had no problems putting this through to the full Board, but she believes this amendment is worrisome in the fact there can potentially be nine people contacting the attorney with questions. Mrs. McNerney stated, what she doesn't mind is a Board member working alongside the Board Chair if they need something explained from legal counsel. The Chairperson is the elected spokesperson for the Board. The Chair should attend to ensure that the discussion remains within the scope of the Board's obligations and responsibilities. Mrs. McNerney stated she is concerned about the secrecy here. Mr. Barile explained it is not about keeping secrets, it is about engagement and not having any preconceived ideas regarding the direction those questions are going in, or forming opinions until the ideas are ready to be articulated. It would be great to have nine people reach out to the attorney, that means we're engaged. Right now we're going along to get along and that's not the way a Board should be run. We should be doing everything to improve and we all have questions. There are times I do not want the</p>	
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	<p>opinion of other Board members until I get the legal opinion because we may not see eye-to-eye. They may not like or want to hear from me and it causes people to not move forward with a thought or idea. It's creating a gridlock. Mrs. McInerney stated she wants to make sure there is transparency in this because it can create side conversations and people will feel like they are left out of the loop. This underscores the role of the Chair, who holds the responsibility for initiating contact with legal counsel on behalf of the Board. Dr Parlato added that it should include the CEO of the school district.</p> <p>Dr. Parlato stated I understand your position but the point of having an attorney is to represent the Board as a whole, and the reason you have a Chair and a Superintendent is to help the flow of communication. Nine people communicating with the attorney would be chaotic. Mr. Barile stated that he does not foresee all nine people engaging the attorney. If nine people were that engaged, then the Chairperson and Dr. Parlato would be getting inundated with questions, and they're not. Dr. Parlato stated, respectfully, that Mr. Barile is implying that she would gatekeep what you want to know. Mr. Barile stated he was not, but what if he disagrees with the Chairperson and they have to vote on it. In the end, it would be nice to formulate something and not put it forward until you have developed the framework that will get approval. So you're trying to get the best legal guidance that you need. Mrs. McInerney stated, when you come forward with your idea, we will still need the attorney present to ensure you are discussing everything that actually transpired. How do we filter back the conversations that were had with legal. Mr. Barile stated he has it written that the attorney will email the entire Board regarding the process and final conclusion. It will be totally transparent. If people on the Board were really asking a lot of questions, Dr. Parlato and the Chair would be inundated and they are not. Dr. Parlato stated, that is her job though. Mr.</p>	
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	<p>Barile replied to Dr. Parlato, stating he understands it's her job, and the concern is there will be a bunch of conversations going on with the attorney, if that was the case then all these conversations would be happening with Dr. Parlato, and they're not. Maybe the reason is they don't want to inundate her. Mrs. McInerney asked Mr. Barile how he knows that isn't already happening. She can have a conversation with the Superintendent and ask questions that don't necessarily have to be reported back to the Board.</p> <p>Mrs. McInerney stated she would love the ability to go to the attorney to ask questions to help her understand things better. So if we open this up to the Board, it can become very expensive. Mrs. McInerney stated she was in the minority. Our Chairperson is of a different party, and she trusts the process the way it's set up. We cannot have people jumping over the Superintendent and Board Chairperson. Mr. Barile stated the implications of secrecy and jumping are incorrect. The reason for this would be to get direction and formulate ideas without anyone having preconceived notions of intentions. He is not implying having closed door conversations. Mr. Barile stated that Mrs. McInerney even said she would like the ability to ask questions. It's about having everything spelled out before letting everyone know about it. It's healthy for people to have answers to legal questions to put forth ideas. He does not see communicating with legal as an obstacle or hindrance. Mrs. McInerney stated that her concern is if we send an email to counsel, we are billed. Mr. Barile stated the budget is \$275,000, which is well above most districts. Mrs. McInerney stated that there were times when the district went over the allotted budget for legal fees. This can open a can of worms we won't be able to close and wondered if the attorney would even allow this.</p> <p>Mr. Barile stated to Dr. Parlato he is not looking to circumvent. Engaging with our attorney and</p>	
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	<p>having the ability to have free discussions, in hopes to better our ability as a Board, is a great way to serve our community and our students.</p> <p>Mrs. McInerney stated, in the air of transparency, she will move this motion to the Board for a full discussion, but she does not believe this is the proper course of action for the Board to take.</p> <p><i>Mrs. McInerney moved to bring policy, 9125 - Attorney, to the full Board for first review. Seconded by Mr. Barile. Motion passed unanimously.</i></p>	<p>Motion made and passed unanimously to bring policy 9125 - Attorney, to the full Board for first review.</p>
4.	<p>Items of Information:</p> <p>A. 1105 R Administrative Regulations Regarding Non-Discrimination (Community)</p> <p>B. 4111.1 R Administrative Regulations Regarding Non-Discrimination (Personnel)</p> <p>4211.1 R</p> <p>C. 4118.113 R Administrative Regulations Regarding Prohibition of Sex Discrimination and Sexual Harassment (Personnel)</p> <p>4218.113 R</p> <p>D. 5000 R Administrative Regulations Regarding Non-Discrimination (Students)</p> <p>E. 5145.7 R Administrative Regulations Regarding Sex Discrimination and Sexual Harassment (Students)</p> <p>F. 9125 R Administrative Regulations Regarding Selection and Appointment of Board Council</p> <p>No discussion.</p>	<p>Items of Information:</p> <p>A. 1105 R Administrative Regulations Regarding Non-Discrimination (Community)</p> <p>B. 4111.1 R Administrative Regulations Regarding Non-Discrimination (Personnel)</p> <p>4211.1 R</p> <p>C. 4118.113 R Administrative Regulations Regarding Prohibition of Sex Discrimination and Sexual Harassment (Personnel)</p> <p>4218.113 R</p> <p>D. 5000 R Administrative Regulations Regarding Non-Discrimination (Students)</p> <p>E. 5145.7 R Administrative Regulations Regarding Sex Discrimination and Sexual Harassment (Students)</p> <p>F. 9125 R Administrative Regulations Regarding Selection and Appointment of Board Council</p>

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5.		Public Comment None	Public Comment
6.		Adjourn <i>Mr. Barile moved to adjourn the meeting at 7:21 p.m., seconded by Mrs. Herring and passed unanimously.</i>	Adjourn Motion made and passed unanimously to adjourn the meeting at 7:21 p.m.

Respectfully Submitted,



Mrs. Tammy McInerney, Chairperson