

**Special Darien Board of Education**

**Policy Committee Meeting**

**Wednesday, March 24, 2021**

**8:30 a.m.**

**Darien Public Schools' Administrative Offices  
35 Leroy Avenue  
Board of Education Meeting Room**

**AGENDA**

- 1. Proposed Policy 2700 "Retention of Electronic Records and Information"**
- 2. Proposed Policy 2800 "Holds on the Destruction of Electronic Information and Paper Records"**
- 3. Proposed Policy 3175 "Code of Conduct Governing Procurements under a Federal Award"**
- 4. Discussion about Policy Audit**
- 5. Public Comment\***
- 6. Adjournment**

**Due to the current COVID-19 regulations and restrictions pertaining to public indoor gatherings, the Board of Education meeting will be available to the public via Zoom.**

**Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnvyKBFbFrTWQRuoB6OZA>**

**Those members of the community wishing to participate in public comment should join the meeting via Zoom.**

**<https://darienps.zoom.us/j/97235865084>**

**In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.**

# Memorandum

To: Policy Committee

From: Katie Stein  
Marge Cion

Date: March 24, 2021

Re: Adoption of New Board Policies 2700, 2800 and 3175 and Proposed Plan for Policy Audit

The administration is requesting the Policy Committee review and recommend the Board of Education adopt several new policies that reflect current legal requirements and District practice. Adoption of these policies serves as notice to our employees about best practices in record keeping and federal procurements.

**Board Policy 2700, “Policy Regarding Retention of Electronic Records and Information”** codifies Connecticut statutes regarding the retention and disposal of electronic records, including email. The policy describes the different kinds of emails and the rules regarding storage of each kind of email. The Policy also addresses requirements for the digital imaging of paper records. The District complies with all of the requirements contained in this Policy.

**Policy 2800, “Policy Regarding Holds on the Destruction of Electronic Information and Paper Records”** codifies the process the District already uses when it is put on notice of potential litigation. The District works with either CIRMA or counsel to ensure that no relevant records are destroyed.

**Policy 3175, “Code of Conduct Governing Procurements under a Federal Award”** satisfies the requirement that the District enact a code of conduct for Federal procurements. Federal law requires non-Federal entities, including school districts, that receive Federal funds to develop and implement a written code of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and/or administration of federally funded contracts. This means that, in all applicable cases, property and/or services purchased with Federal awards must be purchased in accordance with a written code of conduct. Federal law also requires that the school district’s code of conduct provide for disciplinary actions to be taken for violating the standards set forth in its code of conduct.

## **Policy Audit**

The administration is recommending the Policy Committee conduct a comprehensive policy audit. The Policy Audit will include a review of the existing policy manual and website to delineate missing, incomplete and out-of-date policies and suggestions and recommendations for future policy work. The administration will present the Policy Committee with a template of the proposed work, timeline and audit process at the Committee’s April meeting.

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

**Series 3000**  
**Business**

**Policy 3175**

**CODE OF CONDUCT**  
**GOVERNING PROCUREMENTS UNDER A FEDERAL AWARD**

**In compliance with Code of Federal Regulations 2 C.F.R. § 200.318**

In accordance with Federal and State regulations, the following Code of Conduct applies to the selection, award, and/or administration of a contract procuring property or services under a Federal award, including the expenditure of Connecticut School Nutrition Program (“School Nutrition Program”) funds, if applicable, by any Darien Board of Education (“Board”) employee or agent.

**Article I. Purpose**

The purpose of this Code of Conduct is to establish standards of conduct covering real or apparent conflicts of interest and governing the actions of Board employees engaged in the selection, award, and/or administration of contracts procuring property or services under a Federal award, including expending School Nutrition Program funds on goods and/or services, if applicable. This Code of Conduct also sets forth discipline that may result from violating these standards.

**Article II. Code of Conduct Provisions**

In addition to other applicable policies and regulations promulgated by the Board, the Board expects the following conduct of all persons who are engaged in the award and administration of contracts supported by Federal funds, including School Nutrition Program funds, if applicable:

1. No employee, officer, or agent of the Board shall participate in the selection, award and/or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in, or a tangible personal benefit from, the firm selected for the award:
  - a. The employee, officer, or agent of the Board;
  - b. Any immediate family member of the Board employee, officer, or agent (spouse, sibling, parent, child);
  - c. The partner of the Board employee, officer, or agent; or
  - d. An organization that employs or is about to employ one of the above.

2. The Board's employees, officers, or agents shall neither solicit nor accept gratuities, favors, travel packages, incentives or anything of monetary value from contractors, potential contractors, or parties to sub-agreements related to programs funded by the Federal government, in whole or in part.
3. The Board's employees, officers, or agents shall disclose any actual or potential conflict of interest to the Superintendent of Schools or his/her designee. Thereafter, as required by law, the Board shall disclose in writing any potential conflict of interest to the Connecticut State Department of Education.

Failure of any Board employee to abide by this code of conduct may result in disciplinary action, up to and including termination. The Board reserves the right to pursue legal actions for violations as permitted by law.

#### Legal References:

##### Federal Regulations and Guidance

2 C.F.R. § 200.112 Conflict of Interest.

2 C.F.R. § 200.318 General Procurement Standards.

2 C.F.R. § 400.2 Conflict of Interest.

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for School Food Authorities, [https://fns-prod.azureedge.net/sites/default/files/cn/SP40\\_CACFP12\\_SFSP14-2016a2.pdf](https://fns-prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a2.pdf) (May 2016).

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for State Agencies, [https://fns-prod.azureedge.net/sites/default/files/cn/SP40\\_CACFP12\\_SFSP14-2016a1.pdf](https://fns-prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a1.pdf) (May 2016).

United States Department of Agriculture, Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts, SP 09-2015, CACFP 03-2015, SFSP 02-2015, [https://fns-prod.azureedge.net/sites/default/files/cn/SP09\\_CACFP%2003\\_SFSP02-2015os.pdf](https://fns-prod.azureedge.net/sites/default/files/cn/SP09_CACFP%2003_SFSP02-2015os.pdf) (November 2014).

##### Connecticut Statutes, Regulations and Guidance

Conn. Gen. Stat. § 1-79 Definitions.

Conn. Gen. Stat. § 10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

Conn. Gen. Stat. § 10-215b Duties of State Board of Education re feeding programs.

Conn. Gen. Stat. § 10-216 Payment of expenses.

Regs. Conn. State. Agencies § 10-215b-1 Competitive foods.

State of Connecticut, Department of Education, Operational Memorandum No. 10-16, Written Code of Conduct and Performance of Employees Engaged in Award and Administration Contracts,

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2016/OM10-16.pdf>

(August 2016).

7/29/2020

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**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 2000**  
**Administration**

**Policy 2700**

**POLICY REGARDING RETENTION OF  
ELECTRONIC RECORDS AND INFORMATION**

**I. POLICY**

The Board of Education (the "Board") complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and destruction of electronic information and the dissemination of such administrative regulations to all employees.

**II. USE OF E-MAIL AND ELECTRONIC COMMUNICATIONS**

The Board of Education provides computers, a computer network, including Internet access and an e-mail system, as well as any electronic devices that access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. (including but not limited to personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, walkmen, CD players, I-Pads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, I-Phones, Androids and other electronic signaling devices), (referred to collectively as "the computer systems"), in order to enhance both the educational opportunities for our students and the business operations of the district.

Electronic messages sent by school officials and employees as part of their work and/or by using the district's computer systems and/or network are not private communications and are potentially subject to disclosure. Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and may do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

*The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District's computer systems, including any incidental personal use permitted in accordance with the Board's policy and regulations regarding computer use by employees.*

Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval. Consequently, employees should use discretion when using computers or other electronic technology to send, record or retain electronic communications and information.

### **III. RETENTION OF ELECTRONICALLY STORED INFORMATION**

Electronic communications on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

In addition to the retention guidelines established by the Board and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

#### Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. § 7-109

Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Public Records Administrator

Public Records Policy 01, *Digital Imaging*, of the Public Records Administrator (Aug. 2014)

Record Retention Schedules Towns, Municipalities and Boards of Education

Frequently Asked Questions about E-mail, CT Public Records Administrator, available at <https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf>.

ADOPTED

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 2000**  
**Administration**

**Policy 2700**

**ADMINISTRATIVE REGULATIONS REGARDING THE  
RETENTION OF ELECTRONIC RECORDS AND INFORMATION**

**I. RECORDS CUSTODIAN**

These regulations are designed to assist in implementation of Board Policy 2700 regarding the retention of electronic records and information. These regulations supplement and do not replace District policy relating to education records.

The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the retention of records, including e-mails and electronically stored information.

**II. DEFINITIONS**

- A. E-mail is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.
- B. Electronically stored information is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.
- C. Public Records are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any method.
- D. Digital Imaging is the process of converting original records on paper or film into electronic images. The process typically requires a document scanner or digital camera, a computer and software to capture the image, and indexing of the digitized images.

- E. Transitory Correspondence consists of communication that does not relate to an employee's job responsibilities or has a short term administrative value.
- F. Routine Correspondence consists of any communication that is part of or relates to commonplace tasks or duties within an office and is done at regular or specified intervals.

### **III. E-MAIL CLASSIFICATION**

The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

Employees shall use the following steps in determining whether to maintain e-mail messages and, if so, for how long:

Step 1: Determine whether the message is a public record or a non-record.

Step 2: If the message is a non-record, destroy at will (e.g., spam and unsolicited advertisements).

Step 3: If the message is a record, determine which records series the message belongs to, for example:

1. If the message is Transitory Correspondence, delete at will.
2. If the message is Routine Correspondence, retain for 2 years.
3. If the message is All Other Correspondence, retain for the equivalent records series.

Step 4: Maintain the messages for the required retention period under the equivalent records series.

### **IV. DIGITAL IMAGING OF PAPER/HARD COPY RECORDS**

Paper records may be digitized and maintained as electronic records; however, in doing so, the District must ensure the authenticity, reliability, integrity and usability of the

reformatted records. If the District uses a vendor for digital imaging services, the District remains responsible for ensuring compliance with this policy.

In its use of digital imaging, the District shall:

1. Establish and maintain a quality assurance process to ensure the creation of accurate and authentic digital images and accurate indexes and production metadata.
2. Create and maintain accurate and authentic digital images in accordance with accepted standards and best practices.
3. Create and maintain accurate indexes and production metadata to properly identify and retrieve digital images.
4. Store and protect digital images against file corruption, alteration, or deletion throughout the designated retention period.
5. Perform periodic backups of all digital images, associated indexes, and production metadata and maintain a geographically remote offsite backup copy to enable recovery and access in the event of a wide-spread disaster or emergency.
6. Perform and certify annual tests of backup media to ensure all files have been backed up and are readable.
7. Migrate digital images, associated indexes, and production metadata to a newer media platform or file format as needed to ensure the content remains accessible.
8. Define and document the normal operations and use of the imaging technology and electronic content management system to ensure system trustworthiness.

If paper public records have been converted to digital images, the District shall retain and/or dispose of the original paper records pursuant to the following guidelines.

Permanent      If records are to be retained permanently or have been designated as archival, they may be digitally scanned and retained in an electronic format, but security copies of the records must be retained in a “human-readable” format, such as paper or microfilm. The Records Custodian must first verify with the Office of the Public Records Administrator for approval of the security copy storage format.

Less than  
Permanent      These records may be transferred to a digital imaging format with disposal of the original, paper records. To dispose of the original records following their digital imaging, the Records Custodian must first obtain prior authorization from the Public Records Administrator and State

Archivist (using Form RC-075, available from the Office of the Public Records Administrator). Following destruction of the original records, the Records Custodian must document that the paper records were destroyed lawfully.

To dispose of digital images once the minimum retention period has expired, the Records Custodian shall obtain prior authorization from the Public Records Administrator and State Archivist. The District must document that the digital images were destroyed lawfully under the appropriate disposition authority. The District shall follow a destruction process by which content is systematically deleted with an audit trail that is legally admissible in court. Destruction should be documented by recording the date of destruction on the form "Records Disposition Authorization" and attaching any supporting documentation, or by following the District's process for documenting document destruction.

## **V. RETENTION OF ELECTRONIC RECORDS**

E-mail and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

The Records Custodian will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected District employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. § 7-109

Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Public Records Administrator

Public Records Policy 01, *Digital Imaging*, of the Public Records Administrator  
(Aug. 2014)

Record Retention Schedules Towns, Municipalities and Boards of Education

Frequently Asked Questions about E-mail, CT Public Records Administrator,  
*available at* <https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf>.

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**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 2000**  
**Administration**

**Policy 2800**

**POLICY REGARDING HOLDS ON THE  
DESTRUCTION OF ELECTRONIC INFORMATION AND PAPER RECORDS**

The Board of Education (the “Board”) complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and paper records. The Superintendent or his/her designee shall be responsible for implementing administrative regulations concerning the placing of a “hold” on electronic information and paper records that may reasonably be anticipated to be subject to discovery in the course of litigation.

All school officials and employees have a duty to preserve all paper records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations to preserve records, including e-mails and electronically stored information, that could potentially be related to any matter that is currently in litigation or may be anticipated to result in future litigation. Such regulations shall identify those individuals responsible for identifying those matters for which records must be preserved as well as developing procedures, with the help of technical staff, for the preservation of electronically stored information.

Legal References:

Rules 34 and 45 of the Federal Rules of Civil Procedure  
General Letter 2009-2 of the Public Records Administrator Record Retention  
Schedules Towns, Municipalities and Boards of Education

ADOPTED:\_\_\_\_\_

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 2000**  
**Administration**

**ADMINISTRATIVE REGULATIONS REGARDING HOLDS ON THE  
DESTRUCTION OF ELECTRONIC INFORMATION AND PAPER RECORDS**

**I. RECORDS CUSTODIAN**

These regulations are designed to assist in implementation of Board Policy 2800 regarding holds on the destruction of electronic information and paper records. The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the preservation of paper records and electronically stored information, including e-mails.

**II. HOLDS ON THE DESTRUCTION OF ELECTRONIC INFORMATION  
AND PAPER RECORDS**

Upon receipt of notice that the District is involved in litigation as a party to a lawsuit, the District is issued a subpoena by a party to a lawsuit in which it is not a party, or if the District receives information that would lead a reasonable person to anticipate the possibility of litigation, the Records Custodian is to immediately take steps to ensure that any paper records and electronically stored information that could be related to the litigation or potential litigation are preserved from deletion or destruction. Actions to preserve records and electronically stored information shall include, but are not limited to, the postponing or canceling of any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notification to employees of a “litigation hold” to prevent the deletion and destruction of documents that might be related to the litigation or potential litigation, and the identification of documents and information that are subject to preservation. This litigation hold triggers the duty to preserve documents, such as transitory messages, that otherwise could be deleted under the district’s record retention policy.

The Records Custodian shall issue a “litigation hold” memorandum that specifically describes the types of documents and information that must be preserved and describes how those materials are to be identified, maintained and stored. The memorandum shall specifically state that the duty of preservation is ongoing and that it is the responsibility of employees to continue to identify and preserve relevant documents until notified via a subsequent memorandum that the litigation hold is no longer in effect. All employees who are sent a “litigation hold” memorandum are to acknowledge receipt and understanding of the memorandum in writing, which may be in the form of an e-mail response. A copy of any “litigation hold” memorandum shall be sent to the District IT department.

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The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the litigation hold, including electronically stored information. He/she shall work with the District's IT personnel to ensure compliance with the litigation hold. Specifically, the Records Custodian shall determine the types of electronically stored information that exist and where that information is maintained, identify where both identified paper documents and electronically stored information will be stored, and implement procedures to ensure that District employees are complying with the litigation hold. No system wide process for automatic deletion of electronic information will be implemented while a litigation hold is in effect without prior notice to the Records Custodian and verification by the Records Custodian that the deletion process will not destroy documents or information that is subject to a litigation hold. The Records Custodian may need to periodically reissue the "litigation hold" memorandum and will ensure that the "litigation hold" memorandum is provided to new employees who may have access to relevant information. Finally, the Records Custodian shall ensure that all steps taken by the District to identify and preserve relevant information are documented.

Legal References:

General Letters 96-2, 2001-1, 2009-2 of the Public Records Administrator  
Record Retention Schedules Towns, Municipalities and Boards of Education  
Rules 34 and 45 of the Federal Rules of Civil Procedure  
Silvestri v. General Motors Corp., 271 F.3d 583 (4<sup>th</sup> Cir. 2001)

ADOPTED:\_\_\_\_\_