

**WESTPORT BOARD OF EDUCATION  
POLICY COMMITTEE  
NOTICE OF SPECIAL MEETING  
AGENDA**

(Agenda Subject to Modification in Accordance with Law)

**WORK SESSION:**

8:30 a.m. Westport Town Hall, Room 307

**DISCUSSION/ACTION:**

1. Minutes: October 13, 2021, *page 1*

**DISCUSSION:**

1. First Reading of the following:
  - Transportation Policies 3541.5 and 5131.1, *pages 2-15*
  - News Media Relationship Policies 1112 and 1112.11, *pages 16-20*
  - Purchasing Policy 3320, *pages 21-49*
2. Continued Discussion of the following:
  - Feedback from Shipman and Goodwin on Policy 6162.51, "Survey of Students/Student Privacy," *pages 50-56*
  - Booster Clubs and Parent Organizations
  - Curriculum Policies 6141 and 6161, and State Statute 10-220, *pages 57-67*
3. Any Other Policy Matters

**ADJOURNMENT**

*It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or [eflug@westportct.gov](mailto:eflug@westportct.gov) at least three (3) business days prior to the scheduled meeting or event to request an accommodation.*

**WESTPORT BOARD OF EDUCATION  
POLICY COMMITTEE WORK SESSION MINUTES**

**Committee Members Present:**

Karen Kleine  
Lee Goldstein

**Administrators Present**

John Bayers, Director of Human Resources  
Anthony Buono, Assistant Superintendent for  
Teaching & Learning (departed 10:07 a.m.)

**PUBLIC CALL TO ORDER:** 8:38 a.m., Westport Town Hall, Room 307

**MINUTES:** ee Goldstein moved to approve the minutes of August 27, 2021; seconded by Karen Kleine. (2-0-0).

**DISCUSSION**

1. First Reading of the following:
  - Policy 4152.6, FMLA (new)
  - Bullying and Safe School Climate Policies
  - Shipman and Godwin Model Policy: Policy Regarding Maintenance of School Facilities and Compliance with Environmental, Health, and Safety Requirements
2. Second reading of:
  - Policy 6161, "Instructional Materials Selection" (revision)
  - Policy 6141, Curriculum Design/Dev/Revision (new)
3. Continued Discussion of
  - Policy 1230, "Booster Clubs and Parent Organizations" (new)

The following items were recommended to go before the full Board for a first reading:

- Policy 4152.6, FMLA (new)
- Bullying and Safe School Climate Policies
- Shipman and Godwin Model Policy: Policy Regarding Maintenance of School Facilities and Compliance with Environmental, Health, and Safety Requirements

The Policy Committee will not be creating a separate Booster Club policy.

**ADJOURNMENT**

Meeting adjourned at 10:46 a.m.

Respectfully submitted,  
Jennifer Caputo

## Students

### Transportation

#### I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.

#### II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from his/her residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Westport Board of Education.
3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.
6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.

7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
8. "Walking route" means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
9. "Bus stop" shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

### III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. ~~The Board will request that parents volunteer to transport eligible students, without reimbursement, in order to reduce the number of students transported on buses to protect the health and safety of students and staff.~~

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
<u>K</u>	<u>1 mile</u>
<u>1-3</u>	<u>1 mile</u>
<u>4-8</u>	<u>1 1/2 miles</u>
<u>9-12</u>	<u>2 miles</u>

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

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### IV. Access to Bus Stops/Transportation

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, ~~compliance with COVID-19 related safety precautions at the bus stop and along walking routes,~~ and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time. ~~Bus pick up/drop off times and routes may change during the school year in connection with the~~

~~COVID-19 pandemic and changing public health conditions. The Board will notify all parents and guardians in advance of such changes.~~

## V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grades K through 3:
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR
    - (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.
  - b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;
  - c) For all pupils:
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR
    - (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grade K through 3:
    - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
    - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
  - b) For all pupils:

- (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
  - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
  - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR
  - (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
  - a) a crossing guard is present; OR
  - b) for pupil under age ten, an automatic control bar is present at crossings; OR
  - c) for pupils over age ten, a bar or red flashing signal light is operational.
- 4. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
  - a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
  - b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
- 5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
- 6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
- 7. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus’s flashing red lights are activated to

stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

## VI. Applicability and Exceptions

1. This policy is applicable to public roads approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

## VII. Complaint Procedure

All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of his or her right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

## Legal Reference:

- 10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
- 10-187 Appeal from finding of hearing board.
- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability.
- 10-221c Development of policy for reporting complaints regarding school transportation safety.

10-273a Reimbursement for transportation to and from elementary and secondary schools.

10-280a Transportation for students in non-profit private schools outside school district.

10-281 Transportation for pupils in nonprofit private schools within school district.

14-275 Equipment and color of school buses.

14-275b Transportation of mobility impaired students.

14-275c Regulations re: school buses and motor vehicles used to transport special education students.



## TRANSPORTATION

### I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

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2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.

### II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from the pupil's residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and the pupil's school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the [ ] Board of Education.
3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.

4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.
6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
8. "Walking route" means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
9. "Bus stop" shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

### III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K	1 mile
1-3	1 mile
4-8	1 1/2 miles
9-12	2 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

#### IV. Access to Bus Stops/Transportation and Behavior

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, **compliance with health and safety precautions at the bus stop and along walking routes,** and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time.

**Students accessing school transportation are expected to behave in an appropriate manner, in accordance with all school rules and regulations. The Board's policies and procedures concerning student discipline shall apply to student behavior while accessing student transportation.**

#### V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grades K through 3:
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR
    - (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from

school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.

- b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;
  - c) For all pupils:
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR
    - (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
- a) For pupils under age ten, or enrolled in grade K through 3:
    - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
    - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
  - b) For all pupils:
    - (i) the presence of human-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
    - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
    - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

- (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
  - a) a crossing guard is present; OR
  - b) for pupil under age ten, an automatic control bar is present at crossings; OR
  - c) for pupils over age ten, a bar or red flashing signal light is operational.
- 4. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
  - a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
  - b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
- 5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
- 6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.

7. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus’s flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus’s flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

#### VI. Applicability and Exceptions

1. This policy is applicable to public road approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

#### VII. Complaint Procedure

1. All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof.
2. Annually, within thirty (30) business days of the end of the school year, the Superintendent of Schools or designee shall provide the Commissioner of Motor Vehicles (“Commissioner”) with a copy of the written record of complaints received during the previous twelve (12) month period.

3. The Superintendent of Schools or designee shall make a written report of the circumstances of any accident within the Board's jurisdiction and knowledge, involving a motor vehicle and any pedestrian who is a student, which occurs at a designated school bus stop or in the immediate vicinity thereof, to the Commissioner within ten (10) business days thereafter on a form prescribed by the Commissioner.
4. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of the right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: Connecticut General Statutes

- 10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
- 10-187 Appeal from finding of hearing board.
- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability.
- 10-221c Development of policy for reporting complaints regarding school transportation safety.
- 10-273a Reimbursement for transportation to and from elementary and secondary schools.
- 10-280a Transportation for students in non-profit private schools outside school district.
- 10-281 Transportation for pupils in nonprofit private schools within school district.
- 14-275 Equipment and color of school buses.
- 14-275b Transportation of mobility impaired students.
- 14-275c Regulations re: school buses and motor vehicles used to transport special education students.

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

REVISED: \_\_\_\_\_

7/15/2021

**Business and Non-Instructional Operations****Transportation and School Bus Stop Safety Complaints/Records and Reports**

The Superintendent of Schools shall:

1. develop procedures for reporting all complaints relative to school transportation safety, including complaints about bus drivers;
2. shall maintain a written record of all such complaints;
3. within thirty days of the close of school each year, submit a report containing all complaints received within the previous twelve month period to the Commissioner of Motor Vehicles;
4. within ten days of its occurrence, the Superintendent shall make a written report to the Commissioner of Motor Vehicles, on the form prescribed by the Commissioner, of the circumstances involving a motor vehicle and any student pedestrian at, or in the immediate vicinity of, a school bus stop;
5. on a regular basis, and upon occurrence as appropriate, review with the Board of Education any complaints received and any accidents reported between motor vehicles and district students, which occur at a designated school bus stop or in the immediate vicinity thereof.

Legal Reference: Connecticut General Statutes

[10-221c](#) Development of policy for reporting complaints re school transportation safety.  
Reporting of accidents at school bus stops.

**Policy adopted: November 19, 2019**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut



## Community Relations

### News Media Relationships

The Board of Education supports the right of the public to be informed on an on-going basis of the conduct of Westport's educational program and encourages a sound relationship with the media. The Board also recognizes its statutory responsibility to maintain a safe and orderly environment for the conduct of the educational program and to protect the interests and well-being of the students and staff members.

In accordance with that philosophy, the Board authorizes the Superintendent to develop administrative procedures regarding access by the media and others to the schools and to students, consistent with appropriate state law and with the Board's responsibilities.

It should be understood that the thrust of this policy (and the regulations to implement it), is not to impede the legitimate activity of the press or other news media but to safeguard the educational function of the school, protect students, and assure appropriate parental notification.

Legal Reference: Connecticut General Statutes

1-226 Recording, broadcasting, or photographing meetings.

**Policy adopted: November 9, 1994**

**Policy modified: October 10, 2000**

## Community Relations

### News Media Relations

1. Request for access to schools, classrooms or students by writers, reporters, still, TV or film photographers, and others should be made in timely fashion to the office of the Superintendent, where it will be referred to the appropriate personnel, who will keep the Superintendent informed.

2. Permission to interview or photograph students, school facilities or school activities, or to attend school activities, may be granted only when it has been determined that access does not interfere with the safe and orderly conduct of, or unduly interrupt, the educational program, is not adverse to the interests of the students, and is not detrimental to school facilities.

Parents are notified that we invite the media to cover school activities. They may opt, in writing, not to have their child photographed.

3. Written permission must be obtained from the parent or legal guardian (or majority-age student) when the photographs or interviews, etc., are to be used for commercial purposes, private gain or educational purposes not directly associated with the school system.

Examples of the above may include (but are not limited to) educational or commercial film-makers, textbook authors or other authors or publishers wishing to photograph in our schools or on our school grounds, or to use our students in films, photographs or publications. The individual or company requesting to videotape, televise or film in a school shall provide the Board of Education with a hold harmless agreement with respect to the televising, videotaping or filming of any event. (Sample agreement attached, recommended by Ronai, Bercham and Moses.)

4. Youngsters may not be designated in photographs or interviews as special education students (including gifted) without consent of parent or legal guardian.

5. When permission is granted in any of the above situations, the visitor must check in at the school office and obtain a visitor's pass before beginning any work. The visitor is to photograph, set up equipment, or visit only in those areas designated by the Principal; the Principal may require a staff member to accompany the visitors at all times.

6. These regulations, where appropriate, shall apply to internal media, such as the Staples Cable TV,

as well as all external media, including the Town cable and TV channels.

7. In cases where the Principal believes that the presence of the press in the buildings or on the grounds will have an adverse effect on students or the school, the Superintendent or designee will explain the decision to the editor. This contact will be made as soon as possible, depending on the individual situation.

**Regulation approved: September, 1995**

**Regulation modified: August 20, 2001**



## Community Relations

### News Media Relationships

Schools are public institutions serving the educational needs of the community. Therefore, it is important that information be disseminated concerning programs, activities, and significant school events. The Board recognizes the important role the media serves in reporting information about the District's program, services and activities. Therefore, the District will make reasonable efforts to provide media access to students.

To ensure that publicity is coordinated with a common effort and purpose, the following shall be followed with news media:

1. Media representatives shall be required to report to the administration for prior approval before accessing students involved in instructional programs and activities not attended by the general public.
2. School administrators are authorized to grant permission and set parameters for media access to students in their respective schools.
3. The media may interview and photograph students involved in instructional programs and school activities including athletic events if authorized by the Principal provided that their presence will not be unduly disruptive.
4. If, in the judgment of the administration, the presence of any photographer, broadcaster, or news journalist causes such disruption that orderly conduct of the activity becomes unfeasible, access by these individuals may be limited to the extent necessary to remove disruption.
5. News media personnel who intend to photograph, broadcast, or record for broadcast student activities shall provide appropriate identification to the school administrator, if requested, prior to access.
6. Only news media personnel employed by a newspaper, radio or television broadcasting company, or personnel of a recognized student news medium assigned to cover the activity shall be permitted to photograph, broadcast, or record for broadcast, such activity.
7. Media representatives wishing to photograph or identify particular students, must obtain parental or guardian approval as well as school administrator permission.
8. In the case of photographs, videotapes, and/or articles referring to students involved in athletic events parental or guardian permission may be provided on an annual basis.
9. Parents who do not want their student interviewed, photographed or videotaped by the media shall inform the school Principal accordingly. Parents who do not want their student interviewed, photographed or videotaped by the media shall inform the school Principal accordingly. Parents who do not want their student interviewed or photographed by the media should direct their child accordingly.

Legal Reference: Connecticut General Statutes

[1-226](#) Recording, broadcasting or photographing meetings

Policy adopted:

## **Community Relations**

### **Communications with the Public**

#### **Media Coverage of Crisis Situations**

Students, staff and schools may become the objects of media interest as a result of a stressful situation including suicide or suicide attempt, accidental or other serious injury or death, victim of a crime, arrest for serious crime, alleged drug involvement, family notoriety, or other stressful event.

In stressful situations as in all circumstances, the school's responsibility is to the welfare of all of its students and staff members, individually and collectively and the preservation of a safe, orderly and effective learning environment. However, the school system is accountable to the public and has an ongoing, cooperative relationship with the media, whose responsibility it is to report news and to keep the public informed. In situations of stress, the school system must act in the interests of its students, protect the privacy of individuals and families, while fulfilling its legitimate obligations to the media and complying with the Freedom of Information Act and other applicable laws.

#### **Procedures**

1. The Superintendent and Assistant to the Superintendent at the Town School office should be alerted as soon as the school learns of a situation such as is described above or other circumstance which could attract media interest. The Superintendent shall inform the members of the Board of Education and keep them updated.
2. At the school, one person, preferably the Principal, should act as liaison with the media. The TSO Communications Office should be informed if anyone else at the school is designated as media liaison.
3. The media liaison should keep the TSO informed of ongoing activities since news reporters will often call the Town School Office for information about what is happening in the schools.
4. Please call the Office of the Superintendent (ext. 1026) if there is any question about how to respond to a request from the media.

#### **Data Requested by the Media**

1. If an inquiry is made about a specific student by name, we may confirm that a student is or was enrolled in a Westport school, give the dates of enrollment and indicate the student's grade level.
2. School personnel should not give out any other information about students or staff members or their families.
3. If the family designates someone to act as the family's "representative," all requests for personal information may then be referred to this representative.
4. Do not give out the names and schools of siblings or the names of friends unless specifically authorized to do so by the family. In the case of friends, then their parents must also give permission.
5. Reporters may ask the Principal or a staff member for a comment about a student or staff member in the news. They are not obligated to say anything if they do not wish to comment. By the same token, the school system does not prohibit free expression. Good judgment about the appropriateness of a response must prevail. Staff should not discuss specifics about a student's academic or attendance record. Staff should avoid making comments about students or staff members that could be construed as an official Board of Education statement or opinion.
6. If reporters wish to talk with staff or students during school hours, the Principal must make a judgment as to the appropriateness of the interview based on specific circumstances. Parental permission is required before any interview of students, and the Principal or designee must be present at any interview of students during school time.
7. Refer requests for photographs to the family representative.

#### **Television or Photo Coverage**

1. The same caveats apply to coverage by cable or other T.V., and to newspaper photographers. Our responsibility is to our students and they should not have their education interrupted or disrupted because of unfortunate circumstances.
2. Often, in a “breaking news” situation, T.V. or newspaper photographers may wish to take photos on school grounds, for “background”, etc. It is important to balance protection of the learning environment and freedom of the media, and news photos may be permitted on school grounds at the discretion of the Office of the Superintendent, in consultation with the Principal. However, if the Principal thinks the very presence of photographers would be disruptive, the Principal may refuse to permit newspaper or T.V. photographs to be taken on school grounds during school hours.

**Regulation approved: October 9, 1986**

**Regulation modified: August 20, 2001**

## **Business and Non-Instructional Operations**

### **Purchasing Policy**

#### **Purpose**

The Westport Board of Education recognizes the importance of maximizing the use of district resources, the need for sound business practices in spending public money, the requirement of complying with state laws governing purchasing, the importance of standardized purchasing regulations, and the need for clear documentation in meeting State of Connecticut and Federal Auditing requirements

Within the framework of applicable laws and regulations, purchases and use of material and other resources shall be accomplished in accordance with good business practices with the primary purpose of serving the program of instruction.

#### **Authority**

The duties of purchasing shall be centralized under the Director of School Business Operations who shall be responsible for all purchase transactions for the district. In accordance with the Westport Town Charter, the Director of School Business Operations is the designated representative of the Board of Education to act with the Finance Director of the Town to maximize economies of purchasing through sharing of purchases in all areas practicable. If questions arise, the scope of this provision shall be determined by the Board of Education.

The Superintendent or designee shall sign purchase orders and other purchase obligations. For the purpose of this policy, only the Director of School Business Operations shall be deemed the designee of the Superintendent for the signing of purchase orders and other purchase obligations.

#### **Purchasing Guides**

Purchasing services will include personnel and equipment necessary to process promptly all approved requisitions, to deliver goods and services promptly. Purchasing services will have as their criteria for all items and services:

1. Best possible quality;
2. Lowest possible cost; specifications of the user;
3. Availability when needed;
4. Efficient use of time of staff;
5. Compliance of suppliers and staff with equal employment opportunity and other Board policies;
6. Preference to Westport vendors where possible, providing price, quality and availability are equal to or better, than non-Westport vendors.

All purchases of goods and services with district funds must be made on a properly executed district purchase order or contract issued by the Director of School Business Operations.

#### **Quantity Purchasing**

To help achieve both quality control and the price advantages of quantity purchasing, the administration is encouraged to:

1. Set specifications for goods and services as needed. Cite several existing, commercially available "standard brands" that meet those qualifications acceptable as examples.
2. Invite and/or advertise for vendors to bid on those examples, or comparable ones which the vendors believe to be acceptable according to the specifications.

#### **Bidding**

Competitive bidding is required as detailed below. Preference is to be given to local suppliers and vendors when quality and price are equal.

1. For purchases totaling between \$3,000 and \$4,999, at least three (3) verbal price quotations must be

sought and recorded.

2. For purchases totaling between \$5,000 and \$24,999, formal written quotations from at least three (3) separate vendors shall be provided, if available.
3. For purchases above \$25,000, formal bid(s) must be sought.
4. The following purchases are not subject to competitive bidding except as stated in paragraph 7 below:
  - a. Purchases under \$3,000;
  - b. Emergency purchases;
  - c. Goods purchased from state agencies, such as furniture produced by the State Department of Corrections;
  - d. Goods purchased under state contracts;
  - e. Purchasing collaboratives involving federal, state, local governments and regional entities;
  - f. Surplus and secondhand purchases from another governmental entity;
  - g. Sole source goods or services;
  - h. Purchases to maintain equipment consistency;
  - i. Textbooks and other programmed instructional materials as only one source generally exists.

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent of Schools or his/her designee. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent of Schools or his/her designee will promptly notify the requesting administrator if such Waiver has been granted.

5. Price quotes/bids are not required when items are available from one vendor only (e.g., most educational media, software and services).
6. When purchasing from approved vendors using school district, state or purchasing consortium contracts, if multiple price quotes or bids are not obtained from separate vendors, a written explanation and/or documentation must be provided to demonstrate why the purchase from the chosen vendor(s) provides the greatest value and benefit. Value and benefit are not to be measured solely by price level.
7. Except as stated in paragraphs 4(b), 4(g), and 5 above, and regardless of any previously listed exceptions, for single item purchases over \$50,000 the formal bid process must be followed.
8. There shall be an annual report of collective purchases made from single vendors to ensure that the verbal bid quotation process is consistent with the purchasing policy.
9. For capital projects, as defined by Board of Education Policy 3400, the Superintendent or his/her designee will have the Board's attorney review any contracts associated with the project prior to the final awarding of the contract.

## **Financing**

The Board of Education, wherever possible, will seek the advice of the Board of Finance and the Education and Finance committees of the RTM as to manner of financing when considering purchase or lease agreements that obligate the Board of Education to finance the acquisition of goods by multi year periodic payments. A final decision will be made by the Board of Education.

Legal Reference: Connecticut General Statutes

[10-220](#) Duties of boards of education

[10-222](#) Appropriations amid budget

**Policy adopted: March 15, 2004,**

**November 10, 2014**

**Policy modified: June 7, 2004**

**Policy amended: October 20, 2014**



## **Business and Non-Instructional Operations**

### **Purchasing Procedures**

#### **Purpose**

To ensure that goods and services are acquired at the lowest possible cost without sacrificing quality or educational purpose; are within dollar amounts and purpose as approved in the budget; comply with federal, state, town, and Westport Public Schools requirements, as well as generally accepted business practices.

To insure oversight and accountability, purchasing is a two step process. Account managers may initiate purchase requisitions but only the business office may create and send purchase orders. (A computerized accounting software system converts approved purchase requisitions into purchase orders.)

#### **Purchasing Authority**

Only designated cost center managers, i.e., administrators and non-certified managers, may initiate a purchase requisitions. Managers may designate other staff to prepare the requisition. However, managers must always sign the purchase requisition.

#### **Processing Procedure**

Purchases may be made only by purchase order approved by the Director of School Business Operations. Any individual who orders goods and services without a purchase order approved by the Business Office is considered to be making a personal purchase. The Westport Public School District is not responsible for paying these types of bills.

All prospective purchases must be submitted as requisitions through the accounting software and also by hard copy prior to the event, purchase or planned reimbursement. The system automatically tests for fund availability. If there are insufficient funds in the account to be charged, the manager must complete a Transfer of Funds Request Form, attach that form to the purchase requisition and forward to the Business Office.

#### **Types of Purchase Requisitions**

**1. Descriptive** - This requisition should contain all the information needed to fill the order: quantity, full product description (including model number, size, color, etc.), individual unit pricing, extension of total cost, freight where applicable, vendor discount if available, and complete account coding. An attachment in lieu of order description may be used only in extreme circumstances.

#### **2. Standing (Encumbrance Only)**

This type of requisition should contain a brief description of the item(s) that will be ordered and the individual(s) authorized to place item orders. These are generally used for repairs or recurring weekly purchases of supplies.

**3. Emergency Purchases**- When uncontrollable circumstances require immediate acquisition of goods or services the following procedure is to be used:

Requisition approved by account manager must be faxed to Business Office (341-1008) with cover note requesting emergency approval.

Accounts Payable must be alerted by phone (Ext.1005) to expect the emergency fax.

Once the emergency purchase is approved by the assistant superintendent for business, the order may be faxed or called to the vendor, using the purchase order number.

#### **Payment Process**

The Business Office must have evidence that materials or services have been received in order to pay invoices.



1. The individual who receives an order must confirm receipt on-line.
2. All packing slips must be forwarded to the Business Office with the purchase order number written on them.
3. If partial order has been received the cost center should send the packing slip and a copy of the pink section of the purchase order to accounts payable. This will allow the Business Office to pay for the goods received, but keep the purchase order open waiting for the back ordered items to be delivered.

### **Bidding Guidelines**

1. Under \$3,000      Pricing may be developed by comparing costs in current catalogs and should be confirmed with vendor.
2. \$3,000 - \$4,999      Three (3) verbal quotes are required.
3. \$5,000 - \$25,000      Three (3) written quotes must be obtained and attached to the requisition. Purchases should be made using the low quote. Any exceptions to low quote must be carefully explained.
4. Over \$25,000      Formal bid(s) required.

Orders for like items or services that would ordinarily be purchased on one (1) purchase requisition cannot be separated into multiple purchases to keep the total below the bidding guidelines of \$3,000 for verbal quotes, \$5,000 for written quotes, and \$25,000 for formal bid.

Whenever appropriate, the use of state or other purchasing collaborative bids is encouraged (you may refer to: <http://www.das.state.ct.us>). If you are using a state or other collaborative bid, you must reference the bid number on the purchase order.

### **Petty Cash**

Petty cash accounts are used to facilitate purchases under \$25.00 for which a purchase order cannot be issued because of the need for immediate cash, e.g., overnight mail. There maybe instances where the sum used from the petty cash is a higher amount. The administrator would make sure that all proper documentation and a description of the use of the funds is clearly noted and authorized by him/her. Reimbursement for petty cash by any school or office must be submitted with a purchase requisition with proper account codes and all original receipts. Sales tax will not normally be reimbursed.

### **Reimbursement For Professional Development**

An approved travel authorization and Aesop job number must be attached to the purchase requisition.

The Westport Public School District is tax exempt according to state statute; therefore sales tax is not normally paid or reimbursed.

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**Regulation approved: March 15, 2004, November 10, 2014**

**Regulation amended: October 20, 2014**

**WESTPORT PUBLIC SCHOOLS**

Westport, Connecticut

**PURCHASING**  
*[For Local Boards of Education]*

**[Note: Bidding and purchasing requirements may be affected by the provisions of Town charter. Moreover, in the event that a town charter contains a provision that addresses bidding requirements, such a provision may or may not actually bind the board of education. Prior to adopting Shipman & Goodwin LLP's model policy, local boards of education should determine whether a provision of a town charter applies, and in the event that a charter provision which does apply, a local board of education should consult legal counsel to determine its applicability.]**

**I. REQUIREMENTS APPLICABLE TO PURCHASES OF ALL GOODS AND SERVICES**

**A. Definition**

For the purposes of this policy:

1. "Goods or service" includes, but is not limited to, portable classrooms, motor vehicles or materials and equipment, such as telephone systems, computers and copy machines.
2. "General services" include all services which result in a measurable end product that can be defined by bid specifications and all services used in the process of building or altering property (excluding architectural, engineering and other design services).
3. "Property" means real property or personal property.

**B. Consultation with Municipality Regarding Contracts for Goods or Services, Including Insurance and Payroll Software**

After going out to bid for a good or service and receiving submissions, if the local municipality uses such good or service, the \_\_\_\_\_ Board of Education (the "Board") shall consult with the legislative body of the municipality, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, and, if the equivalent level of such good or service is provided by the municipality through a municipal contract for a lower cost than the

lowest qualified bid submission received by the Board, the Board will consider a cooperative agreement with the local municipality for the provision of such good or service.

Further, the Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, prior to purchasing payroll processing or accounts payable software systems to determine whether such systems may be purchased or shared on a regional basis.

When possible, the Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, regarding the joint purchasing of property insurance, casualty insurance, and workers' compensation insurance.

## II. COMPETITIVE BIDDING PROCESS

### A. Purchases Requiring Competitive Bidding Process [\$7,500 or amount set by the Board of Education] or More)

Purchases of goods or general services, including high technology equipment, expected to involve an expenditure of [\$7,500 or amount set by the Board of Education] or more must be made by sealed competitive bid. As set forth below, such purchases in the amount of at least [\$7,500 or amount set by the Board of Education], but less than [\$20,000 or amount set by the Board of Education], may be awarded by the Superintendent or his/her designee. Such purchases in the amount of [\$20,000 or amount set by the Board of Education] or more must be awarded by the Board.

### B. Bid Specifications

When competitive bidding is required, all requirements, terms and conditions describing and detailing the goods or general services to be purchased must be included in the bid specifications. The bid specifications should define the requirements for quality of materials, equipment and/or services to be procured, and as such, they should clearly and accurately reflect the required characteristics of the goods and services. The bid specifications should also include any vendor or contractor qualification requirements, a school district contact person responsible for all communications with prospective bidders, a requirement that all communications between the school district contact person and prospective bidders be in writing and, if the purchase will require entering into a contract, a draft contract whenever possible.

The Superintendent of Schools or his/her designee shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent of Schools or his/her designee at least once in a daily newspaper in the local municipality and on the Board's website. At least five (5) calendar days must intervene between the date of the last newspaper or website publication and the final date for submitting bids. The notice shall contain a general description of the goods or services being bid, the school district contact person and the day, hour and place of the bid opening and may contain other information relating to the bid including, but not limited to, where and when bid packages may be obtained.

D. Bid Openings and Awards

All bids, and bid security if applicable, must be submitted to the Superintendent of Schools or his/her designee in sealed envelopes and show on the face of the envelopes the bid number, the title of the bid and the bidder's name. All envelopes will be date stamped as received.

All bids shall be opened in public and read aloud at the time stated in the legal notice. No bids shall be accepted, or opened, that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

Within a reasonable time following the bid opening, the Superintendent of Schools or his/her designee will tabulate and analyze the bids. For contracts of at least [\$7,500 or amount set by the Board of Education], but less than [\$20,000 or amount set by the Board of Education], the Superintendent shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidder, as defined below. For contracts of [\$20,000 or amount set by the Board of Education] or more, the Board shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidder, as defined below.

A record of all bids submitted, giving the names of the bidders, the amounts of the bids and indicating the successful bidder, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

E. Bid Security

When, in the judgment of the Superintendent of Schools or his/her designee, bid security is advisable, all bids must be accompanied by security in one of the following forms - certified check, cashier's check, personal money order, letter of credit or bid bond. The requirement for, and the amount of, the security must be set forth in the bid advertisement. All security presented must show the "Town of \_\_\_\_\_" as the payee.

F. Requirements Governing Bid Awards

The award shall be made to the bidder whose bid meets the requirements, terms and conditions contained in the bid specifications and is the lowest among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility (the "Lowest Responsible Qualified Bidder"), and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

In determining the Lowest Responsible Qualified Bidder the following criteria will be considered, as applicable:

- (1) The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Board or for other agencies, including the quality and degree of satisfaction with the work performed.
- (2) The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.
- (3) Compliance by the bidder with all applicable federal, state and local laws, including any licensing requirements.
- (4) Delivery or completion time.
- (5) Cost.
- (6) Involvement in litigation.

Should a situation arise where it is impossible to distinguish between two bidders to identify the Lowest Responsible Qualified Bidder, and one of the bidders has its principal place of business located within the Town of \_\_\_\_\_, the award will be made to the local bidder.

G. Rejection Of Bids

The Superintendent of Schools or his/her designee has the right to reject any and all bids in whole or in part. Any or all bids may be rejected if there is any reason to believe that collusion exists among the bidders. Individual bids may be rejected for irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids and unexplained erasures.

The Superintendent of Schools or his/her designee retains the right to waive any formality or procedural irregularities in the bids received. Nothing in this

Section should be construed to limit in any way the right of the Superintendent of Schools or his/her designee to reject any and all bids.

H. Advisement Of Bid Award

Upon acceptance of the Lowest Responsible Qualified Bidder, a letter will be sent to the successful bidder(s) announcing the award of the bid. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

III. COMPETITIVE QUOTATION PROCESS

A. Purchases Requiring Competitive Quotation Process

Price quotations should be requested for all purchases of goods or general services, including high technology equipment, expected to involve an expenditure of at least \$1,000 but less than [\$7,500 or amount set by the Board of Education]. Purchases of goods or services which involve an expenditure of less than \$1,000 may be made directly, without regard to any competitive bid or quotation process. Waivers from the quotation process are available for the same reasons that Waivers are available from the bidding process. (See Section V.)

B. Process For Obtaining Quotations

Generally quotations, either oral or written, should be solicited by the Superintendent of Schools or his/her designee from at least three (3) vendors or obtained from current catalogues or price sheets. The refusal of an otherwise valid supplier to quote shall qualify as a quotation. The quotation process does not require a public opening, and the Superintendent of Schools or his/her designee may send requests to a limited number of selected vendors. However, vendors must furnish all of the necessary information to the Superintendent of Schools or his/her designee by the specified date.

The purchase shall be awarded to the provider whose proposal is deemed to best provide the good and/or services desired, taking into account cost and the project requirements, and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

IV. COMPETITIVE PROPOSAL PROCESS FOR SPECIAL OR PROFESSIONAL SERVICES

A. Purchases Requiring Competitive Proposal Process

Purchases of Special or Professional Services may be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Special or Professional Services involve the furnishing of judgment,

expertise, advice or effort by persons other than Board employees, and not involving the delivery of a specific end product that is defined by bid specifications. Examples of Professional Services include, but are not limited to, in-service instructional leaders, pupil services, special education evaluations, interpreters, tutors, computer programmers, architects, auditors, attorneys, instructional consultants, and temporary agencies. Examples of Special Services include, but are not limited to, repair services for Board property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical. Waivers from the proposal process are available for the same reasons that Waivers are available from the bidding process. (See Section V.) Funds must be available in the proper account in order to begin development of a Request for Proposals ("RFP").

Purchases of Special or Professional Services that are expected to be less than [\$7,500 or amount set by the Board of Education] shall be made directly by the Superintendent of Schools or his/her designee, without regard to a competitive proposal process.

B. **Informal Competitive Proposal Process (\$7,500 to \$19,999 [or range set by the Board of Education])**

Purchases of Special or Professional Services for at least [\$7,500 or amount set by the Board of Education] but less than [\$20,000 or amount set by the Board of Education] shall be based upon a reasonable and documented attempt to solicit proposals. Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals received will be made by the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall award the contract to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

C. **Formal Competitive Proposal Process ([\$20,000 or amount set by the Board of Education] or more)**

Request for Proposals for Purchases of Special or Professional Services for [\$20,000 or amount set by the Board of Education] or more shall be prepared by the Superintendent or his/her designee. All requirements, terms and conditions, including

provider qualifications, should be included in the RFP, as well as a draft contract whenever possible. The award of any such contracts for [\$20,000 or amount set by the Board of Education] or more shall be approved by the Board.

The Superintendent of Schools or his/her designee will arrange to have a legal notice requesting proposals published in a local newspaper and on the Board's website at least ten (10) business days prior to the deadline for submitting proposals. Whenever the Superintendent or his/her designee determines that the service requested is so specialized that few appropriate providers can reasonably be expected to respond to the notice, the Superintendent may substitute another means of notifying potential providers of the RFP in lieu of such newspaper and website notice. Any advertisement or other notice of the RFP shall include the general description of the services sought and the location where RFPs may be obtained.

Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals will be made by the Superintendent of Schools or his/her designee. The contract shall be awarded to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the requirements, terms and conditions contained in the RFP.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

## V. WAIVERS

In certain situations the bidding, quotation and proposal processes described above may be waived even though the estimated cost exceeds the dollar threshold established by the Board. The formal processes may be waived for any of the following reasons:

- (1) Only one (1) reasonable or qualified source can be identified. This shall include situations such as the purchase of copyrighted materials and textbooks.
- (2) Time is a critical factor, and taking the time necessary to comply with the formal process would not be in the best interests of the school district.



- (3) In the opinion of the Superintendent or his/her designee, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.
- (4) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will supply a lower cost than that which would result from a bid process.
- (5) A formal process would result in substantially higher costs to the school district, or inefficient use of personnel, or cause substantial disruption of school district operations.
- (6) Prices of goods or services are subject to specific federal or state competitive bidding requirements, including, but not limited to, "school building projects" as defined in the Connecticut General Statutes.
- (7) Regional or cooperative purchases.
- (8) Cooperative agreement with the local municipality.

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent of Schools or his/her designee. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent of Schools or his/her designee will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Superintendent of Schools or his/her designee, in his/her sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Superintendent of Schools or his/her designee must, in writing, state the reason(s) for granting such Waiver.

#### VI. PROCUREMENT OF PROPERTY AND SERVICES UNDER A FEDERAL AWARD

When procuring property and/or services under a Federal award, the Board will comply with relevant regulations in the Code of Federal Regulations, as described in 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327, as amended from time to time, to the extent it is required to do so. See Appendix A.

#### VII. AUDITS

The Board may periodically engage an independent audit firm to review the purchasing procedures outlined in this policy.

Legal References:

State Law:

- Conn. Gen. Stat. §10-241c Local board of education to consult with municipality re joint purchasing of property insurance, casualty insurance and workers' compensation insurance.
- Conn. Gen. Stat. §10-241d Local board of education consultation with municipality re goods and services. Cooperative arrangements.
- Conn. Gen. Stat. §10-241e Local board of education consultation with municipality prior to purchase of payroll processing or accounts payable software program.

Federal Law:

- 2 C.F.R. § 200.317 through 2 § C.F.R. 200.327.
- 2 C.F.R. § 200.81 (definition of property).

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

REVISED:\_\_\_\_\_

3/15/2021

## APPENDIX A

### **Procurement Standards for the Acquisition of Property or Services** **Under a Federal Award** **2 C.F.R. §§ 200.317-300.327**

*This Appendix addresses procurements of property and services under a Federal award. Whenever these Federal Uniform Guidance Procurement Standards, as may be amended from time to time, are applicable to procurements made by the Board of Education (the “Board”), the Board shall apply the more restrictive procurement rules, to the extent it is required to do so.*

<b>2 C.F.R. §</b>	<b>FULL TEXT OF C.F.R. SECTION</b>	<b>BRIEF SUMMARY</b>
<b>200.317</b>	<b>Procurements by States</b>	
	When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.	A State must follow the same policies and procedures when making procurements under a Federal award and when making procurements using non-Federal funds. The Board must follow 2 C.F.R. §§ 200.318 through 200.327 when making procurements under a Federal award.
<b>200.318</b>	<b>General Procurement Standards</b>	
200.318(a)	The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and	The Board must have and use documented procurement procedures

	the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.	consistent with State, local, and Federal requirements for procurements made under a Federal award.
200.318(b)	Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.	The Board must maintain oversight of its contractors.
200.318(c)(1)	The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.	The Board must have written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. Board officers and employees (and their immediate family members, partners, and organizations which employ or are about to employ them) must not have a financial or other interest in a contract and must not solicit or accept gifts from contractors or subcontractors. The standards of conduct must provide for disciplinary actions for violations. <i>See Code of Conduct Governing Procurements Under a Federal Award.</i>
200.318(c)(2)	If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because	The Board's conflict of interest policy must cover relationships with certain parent, affiliate, or subsidiary organizations, if any.

	of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.	
200.318(d)	The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.	The Board must avoid acquisition of unnecessary or duplicative items.
200.318(e)	To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.	The Board is encouraged to use intergovernmental agreements or inter-entity agreements.
200.318(f)	The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.	The Board is encouraged to use Federal excess and surplus in lieu of purchasing new, when feasible.
200.318(g)	The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.	The Board is encouraged to use value engineering clauses in construction contracts of sufficient size.
200.318(h)	The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.	The Board must award contracts to responsible contractors, after considering contractor integrity, compliance with public policy, past performance, and financial and technical resources.

200.318(i)	The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.	The Board must maintain procurement records.
200.318(j)(1)	The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.	The Board may only use time-and-materials type contracts in limited circumstances.
200.318(j)(2)	Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.	The Board must set a ceiling price and assert a high degree of oversight on time-and-materials type contracts.
200.318(k)	The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.	The Board must be responsible for settling contract disputes and administrative issues arising out of procurements.
<b>200.319</b>	<b>Competition</b>	

200.319(a)	All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.	The Board must conduct procurement transactions in a manner providing full and open competition.
200.319(b)	In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to: (1) Placing unreasonable requirements on firms in order for them to qualify to do business; (2) Requiring unnecessary experience and excessive bonding; (3) Noncompetitive pricing practices between firms or between affiliated companies; (4) Noncompetitive contracts to consultants that are on retainer contracts; (5) Organizational conflicts of interest; (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and (7) Any arbitrary action in the procurement process.	Contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. The Board must avoid practices that are restrictive of competition.
200.319(c)	The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.	The Board is generally prohibited from using geographical preference in the evaluation of bids or proposals.
200.319(d)	The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations: (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not,	The Board must have written procedures for procurement transactions that ensure that solicitations (1) incorporate a clear

	in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.	and accurate description of technical requirements and (2) identify all requirements the offeror must fulfill and all other factors to be used in evaluating bids or proposals.
200.319(e)	The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.	The Board must ensure all prequalified lists are current and include enough qualified sources to ensure open and free competition.
200.319(f)	Noncompetitive procurements can only be awarded in accordance with § 200.320(c).	Noncompetitive procurements must be awarded in accordance with § 200.320(c).
<b>200.320</b>	<b>Methods of Procurement to be Followed</b>	
200.320	The non–Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.	The Board must have and use documented procurement procedures for procurements made under a Federal award or sub-award.
200.320(a)	Informal procurement methods. When the value of the procurement for property or services under a Federal award does not exceed the simplified	For purchases under the simplified acquisition threshold, or a lower



	<p>acquisition threshold (SAT), as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:</p>	<p>threshold established by the Board, the Board may use informal procurement methods (micro-purchases and small purchases).</p>
200.320(a)(1)	<p>(1) Micro-purchases—</p> <p>(i) Distribution. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of micro-purchase in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.</p> <p>(ii) Micro-purchase awards. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it[s] files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.</p> <p>(iii) Micro-purchase thresholds. The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.</p> <p>(iv) Non-Federal entity increase to the micro-purchase threshold up to \$50,000. Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a</p>	<p>Micro-purchases should be distributed equitably among qualified suppliers and may be awarded without soliciting competitive price or rate quotations if the Board considers the price to be reasonable based on research, experience, purchase history, or other information and documents its files accordingly.</p>

	<p>threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:</p> <p>(A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;</p> <p>(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,</p> <p>(C) For public institutions, a higher threshold consistent with State law.</p> <p>(v) Non-Federal entity increase to the micro-purchase threshold over \$50,000. Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.</p>	
200.320(a)(2)	<p>(2) Small purchases—</p> <p>(i) Small purchase procedures. The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.</p> <p>(ii) Simplified acquisition thresholds. The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.</p>	For small purchases, the aggregate dollar amount of which is higher than the micro-purchase threshold but lower than the simplified acquisition threshold, price or rate quotations must be obtained from an adequate number of qualified sources.
200.320(b)	Formal procurement methods. When the value of the procurement for	For purchases that exceed the

	property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with <u>§ 200.319</u> or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:	simplified acquisition threshold, or a lower threshold established by the Board, formal procurement methods must be used and public advertising may be required.
200.320(b)(1)	(1) Sealed bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [set]. (i) In order for sealed bidding to be feasible, the following conditions should be present: (A) A complete, adequate, and realistic specification or purchase description is available; (B) Two or more responsible bidders are willing and able to compete effectively for the business; and (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. (ii) If sealed bids are used, the following requirements apply: (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised; (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond; (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly; (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where	In sealed bid procurements, bids are publicly solicited and the Board awards the contract to the lowest responsible bidder. The Board should use sealed bidding for procuring construction whenever complete, adequate, and realistic specifications are available, two or more responsible bidders are able to compete, and selection of a successful bidder can be made principally on the basis of price. If sealed bids are used, they must meet certain requirements. Any or all bids may be rejected if there is a sound documented reason.

	specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and (E) Any or all bids may be rejected if there is a sound documented reason.	
200.320(b)(2)	(2) Proposals. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements: (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical; (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections; (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.	Proposals for fixed price or cost-reimbursement type contracts are generally used when conditions are not appropriate for the use of sealed bids. Proposals are awarded after requests for proposals are publicized with evaluation factors identified; an adequate number of offerors are solicited, considered and evaluated; and contracts are awarded to the responsible offeror with the most advantageous proposal.
200.320(c)	Noncompetitive procurement. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply: (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of	The Board may procure goods via noncompetitive procurement only when the aggregate dollar amount does not exceed the micro-purchase threshold; the item is available only

	<p>this section);</p> <p>(2) The item is available only from a single source;</p> <p>(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;</p> <p>(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or</p> <p>(5) After solicitation of a number of sources, competition is determined inadequate.</p>	<p>from a single source; in times of public emergency; when the Federal awarding agency expressly authorizes noncompetitive procurement; or competition is determined inadequate after solicitation of a number of sources.</p>
<b>200.321</b>	<b>Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms</b>	
200.321(a)	The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.	The Board must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
200.321(b)	Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if	Affirmative steps include, among other things, placing qualified small and minority businesses and women's business enterprises on solicitation lists; assuring such businesses are solicited whenever they are potential sources; dividing total requirements, when economically feasible, into smaller tasks or quantities; and establishing delivery schedules, where the requirement permits, which

	subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.	encourage participation by such businesses.
<b>200.322</b>	<b>Domestic Preferences for Procurements</b>	
200.322(a)	As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.	The Board will, to the greatest extent practicable, provide a preference for goods, products or materials produced in the United States.
200.322(b)	For purposes of this section: (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.	
<b>200.323</b>	<b>Procurement of Recovered Materials</b>	
200.323	A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the	The Board must follow standards in procuring certain items over \$10,000 to ensure, among other things, the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

	value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and recourse recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.	
<b>200.324</b>	<b>Contract Cost and Price</b>	
200.324(a)	The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.	The Board must perform a cost or price analysis for every procurement in excess of the simplified acquisition threshold.
200.324(b)	The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.	The Board must negotiate profit for sole-source procurements and for procurements where cost analysis is performed.
200.324(c)	Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E [Cost Principles] of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.	Costs incurred or estimated costs are allowable only to the extent they comply with Federal Cost Principles.
200.324(d)	The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.	The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be

		used.
<b>200.325</b>	<b>Federal Awarding Agency or Pass-Through Entity Review</b>	
200.325(a)	The non-Federal entity must make available, upon request of the Federal awarding agency or passthrough entity, technical specifications on proposed procurements when the Federal awarding agency or passthrough entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or passthrough entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.	The Board must make technical specs for procurements available upon request by the Federal awarding agency or passthrough entity.
200.325(b)	The non-Federal entity must make available upon request, for the Federal awarding agency or passthrough entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when: (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part; (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product; (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.	Upon request, the Board must make procurement documents available for pre-procurement review by the Federal awarding agency or passthrough entity in a number of circumstances.
200.325(c)	The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through	The Board is exempt from pre-procurement review if the Federal



	entity determines that its procurement systems comply with the standards of this part. (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis; (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.	awarding agency or passthrough entity determines that its procurement systems comply with the standards of this part.
<b>200.326</b>	<b>Bonding Requirements</b>	
200.326	For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or passthrough entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:	For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the Federal awarding agency or passthrough entity may accept the Board's bonding requirements if it determines that its interest is adequately protected.
200.326(a)	A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.	The Board must require a bid guarantee of 5% of the bid price if the awarding agency or passthrough entity does not accept the Board's bonding requirements.

200.326(b)	A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.	The Board must require a performance bond for 100% of the contract price if the awarding agency or passthrough entity does not accept the Board’s bonding requirements.
200.326(c)	A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided in the contract.	The Board must require a payment bond for 100% of the contract price if the awarding agency or passthrough entity does not accept the Board’s bonding requirements.
<b>200.327</b>	<b>Contract Provisions</b>	
200.327	The non-Federal entity’s contracts must contain the applicable provisions described in Appendix II to Part 200- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.	The Board must include the Federal contract provisions in its contracts.

## **Instruction**

### **Survey of Students/Student Privacy**

Surveys can be a valuable resource for schools and when a survey is used, effort should be made to ask questions in a neutral manner to help ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, determining the need for student services, determining prevailing views pertaining to proposed policies and/or practices, or determining student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Surveys require administrative approval, as applicable. Responses to surveys will not be used in any identifying manner unless a legally recognized exception or exemption applies.

In accordance with federal law, the Board of Education adopts the following provisions related to student privacy.

#### **I. Definitions**

- A. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- B. "Parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- C. "Personally identifiable information" includes, but is not limited to,
1. the student's name;
  2. the name of the student's parent or other family members;
  3. the address of the student or student's family;
  4. a personal identifier, such as the student's social security number, student ID number, student email, computer ID, other tracking code, or biometric record;
  5. other information that, alone or in combination, is linked or linkable to a specific student that would allow the identification of the student with reasonable certainty; or
  6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

**Commented [RSJ1]:** "other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty" - this is tied to the applicable laws/regulations. If the standard in the policy is broader, that holds the administration to that broader standard for purposes of FERPA compliance. That may be what is intended, but I wanted to flag it for consideration.

D. "Personal information" means individually identifiable information including—

1. a student's or parent's first and last name;
2. a home or other physical address (including a street name and the name of a city or town), an email address, -or physical or technical (device) address or identifier;
3. a telephone number; or
4. a Social Security identification number.

E. "Survey" is defined as the collection of information from two or more individuals through their responses to questions, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

**Commented [RSJ2]:** This definition departs from the legal definition. The legal definition under federal law is:

"Survey" includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

## II. Student Surveys

All student surveys must be reviewed by the Superintendent, recommended to the Board of Education by the Superintendent, and shall have the approval of the Board of Education as to content and purpose.

Surveys conducted for agencies, organizations, or individuals other than the Westport Public Schools must have the recommendation of the Superintendent, or their designee, and approval of the Board of Education as to content and purpose.

**Commented [RSJ3]:** How is this different from the preceding paragraph? Can it be folded in?

A. Surveys Funded in Whole or in Part by the U.S. Department of Education require an active opt-in by parents for student participation:

**Commented [RSJ4]:** "require parents to provide prior written consent for student participation" (mirrors the statutory language below)

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
  - a. political affiliations or beliefs of the student or the student's parent;
  - b. mental or psychological problems of the student or the student's parent;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents

**Commented [RSJ5]:** "family"

have close family relationships;

f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

B. All Other Online Surveys, including internal and third party, shall require the administration to give ample and adequate notice, offer parents the option to review the survey, and opt out of one or all surveys. When possible, the student should be given the option to complete a survey on paper (not digital platform);

**Commented [RSJ6]:** using pencils/pen and paper (to mirror the language below)

1. All Surveys, Including Internal and Third Party

a. Prior to distributing any survey, the administration shall give specific, stand-alone notification, at least two weeks in advance, of that particular survey to parents (or in the case of an adult or emancipated minor, themselves) of the district's intent to distribute a survey. The administration shall give parents the option of email or written opt-out. If possible, the student should be given the option to take the survey using pencils/pen and paper.

**Commented [RSJ7]:** I suggest: "provide notice describing the survey in reasonable detail".

**Commented [RSJ8]:** the students aged eighteen (18) or older or emancipated minors

**Commented [RSJ9]:** Or eligible student

b. The notice for any survey shall contain information fully disclosing the group or groups who are conducting the survey, the purpose of the survey, clear disclosure on whether any question in the survey would be considered a confidential/sensitive topic, the timing/date of when the survey will be administered, and the date by which an opt-out would need to be received and the link or email address to which to send the opt-out.

**Commented [RSJ10]:** as set forth in Section II.A.2 above and Section II.B.2 below

c. Upon request, the administration shall permit parents to inspect any survey before it is administered or distributed by a school to a student. The administration shall make electronic or print versions of a survey available to parents for a minimum of 10 school days. Communication to parents about how and where to review the survey shall be clear and communicated in a dedicated email. The communications shall clearly state that the school is unable to guarantee that a survey is anonymous. The school shall make every effort to make it easy for parents to review surveys.

**Commented [RSJ11]:** I suggest "shall be communicated in plain language and with reasonable detail in a dedicated email"

**Commented [RSJ12]:** I suggest removing the word, "clearly"

**Commented [RSJ13]:** I suggest: "The administration shall work with parents to facilitate reasonable access to surveys."

d. At no time are surveys considered student records and any survey results shall receive the highest level of data and privacy protections. All survey results shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing student data privacy confidentiality of student records.

**Commented [RSJ14]:** Records which contain personally identifiable student information are considered student records and are subject to student data privacy and FERPA protections. I am confused about the statement that surveys are not considered student records yet are afforded the protections of student records. I suggest clarifying that surveys which contain personally identifiable student information (if any) are student records and subject to the protections afforded those records. By contrast, surveys which do not contain personally identifiable student information are not student records. There is a risk that if you indicate that no surveys are student records, someone could take the position that such surveys are therefore subject to public disclosure.

## 2. Confidential Topic Surveys

- a. The provisions of this subsection apply to any survey (i.e., any access to, linkage with, or collection of personally identifiable information from students, whether or not it resembles a formal "survey), regardless of who sponsors it, or whether it is sponsored at all, which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):
- i) political affiliations or beliefs of the student or the student's parent,
  - ii) mental or psychological problems of the student or the student's parent,
  - iii) sex behavior or attitudes,
  - iv) illegal, anti-social, self-incriminating, or demeaning behavior,
  - v) critical appraisals of other individuals with whom respondents have close family relationships,
  - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
  - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
  - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
  - ix) biometric records
  - x) medical/genetic information
- b. Prior to distributing any survey, the administration shall give specific, stand-alone notification, at least two weeks in advance, of that particular survey to parents (or in the case of an adult or emancipated minor, themselves) of the district's intent to distribute a survey. The administration shall give parents the option of email or written opt-out. If possible, the student should be given the option to take the survey using pencils/pen and paper.
- c. The notice for any survey shall contain information fully disclosing the group or groups who are conducting the survey, the purpose of the survey, clear disclosure on whether any question in the survey would be considered a confidential/sensitive topic, the timing/date of when the survey will be administered, and the date by which an opt-out would need to be received and the link or

Commented [RSJ15]: family

email address to which to send the opt-out..

- d. Upon request, the administration shall permit parents to inspect any survey before it is administered or distributed by a school to a student. The administration shall make electronic or print versions of a survey available to parents for a minimum of 10 school days. Communication to parents about how and where to review the survey shall be clear and communicated in a dedicated email. The communications shall clearly state that the school is unable to guarantee that a survey is anonymous. The school shall make every effort to make it easy for parents to review surveys.
- e. Confidential Topic Surveys may not be administered to students whose parents (or, in the case of an adult or emancipated minor, the student themselves) has submitted a written opt-out for such Surveys. Where parents (or adult or emancipated minor students) have not opted out to all such Surveys at the beginning of the year, the administration or individual teachers shall solicit a written opt-out in advance of a specific Survey. A written opt-out for that Survey shall only apply to that Survey, and shall include, where possible, -the option to use paper and pencil for that Survey, in lieu of a web-based platform. Furthermore, it shall be the responsibility of the administration to provide, at a minimum, annual training on policies governing the use of Confidential Topic Surveys.
- f. At no time are surveys considered student records and any survey results shall receive the highest level of data and privacy protections. All survey results shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing student data privacy confidentiality.

**Commented [RSJ16]:** It will be important for the administration to follow through with this training annually.

**Commented [RSJ17]:** Please see my comments above which apply to the same paragraphs here.

### III. Collection of Personal Information

- A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. The provisions of subsection II, above, apply to any instruments described in this section that also meet the requirements of subsection II.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after

a parental request is received.

D. The administration will require parents (or students aged eighteen (18) or older or emancipated minors) to opt in to participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment\*;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional materials used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. the sale by students of products or services to raise funds for school-related or education-related activities;
6. student recognition programs.

\*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

#### **IV. Non-Emergency Invasive Physical Examinations and Screenings:**

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:

1. they are required as a condition of attendance;
2. they are administered by the school and scheduled by the school in advance;
3. they are not necessary to protect the immediate health and safety of the students; and
4. they are not required by state law.



B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) / screening(s).

C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

#### **V. Complaint Procedure**

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

(cf. 6161 – Instructional Materials Selection)

#### **Legal Reference:**

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

Policy adopted:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Series 6000  
Instruction**

**PROGRAM OF INSTRUCTION, SCHOOL DISTRICT CURRICULUM,  
TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS**

It is the policy of the Westport Board of Education (the “Board”) to comply with all applicable laws regarding the program of instruction offered; the recommendation development, review, and approval of curriculum; the selection of textbooks and other general instructional materials; and the purchase of such books, and such supplies, material, and equipment, as the Board deems necessary to meet the needs of instruction in its schools. To that end, the Board shall adhere to the following:

**1. Program of Instruction**

- a. The program of instruction offered by the Board shall include at least the following subject matter, as taught by legally qualified teachers:
  - i. the arts (*i.e.*, any form of visual or performing arts, which may include, but not be limited to, dance, music, art and theatre);
  - ii. career education;
  - iii. consumer education;
  - iv. health and safety, including, but not limited to, human growth and development, nutrition, first aid, including cardiopulmonary resuscitation training in accordance with the provisions of Connecticut General Statutes Section 10-66q, disease prevention and cancer awareness, including, but not limited to, age and developmentally appropriate instruction in performing self-examinations for the purposes of screening for breast cancer and testicular cancer, community and consumer health, physical, mental, and emotional health, including youth suicide prevention, substance abuse prevention, including instruction relating to opioid use and related disorders, safety, which shall include the safe use of social media, as defined in Connecticut General Statutes Section 9-601, and may include the dangers of gang membership, and accident prevention;
  - v. language arts, including reading, writing, grammar, speaking and spelling;
  - vi. mathematics;
  - vii. physical education;
  - viii. science, which may include the climate change curriculum described in Connecticut General Statutes Section 10-16b(d);
  - ix. social studies, including, but not limited to, citizenship, economics, geography, government, history and Holocaust and genocide education and awareness in accordance with the provisions of Connecticut General Statutes Section 10-18f;

- x. African-American and black studies in accordance with the provisions of Connecticut General Statutes Section 10-16ss;
- xi. Puerto Rican and Latino studies in accordance with the provisions of Connecticut General Statutes Section 10-16ss;
- xii. for the school year commencing July 1, 2023, Native American studies, including, but not necessarily limited to, a focus on the Northeastern Woodland Native American Tribes of Connecticut;
- xiii. computer science, including, but not limited to, computer programming instruction; and
- xiv. on at least the secondary level
  - 1. one or more world languages (including, but not limited to, American Sign Language, provided such subject matter is taught by a qualified instructor under the supervision of a teacher who holds a certificate issued by the State Board of Education);
  - 2. vocational education; and
  - 3. the black and Latino studies course in accordance with the provisions of Connecticut General Statutes Sections 10-16tt.

- b. If the Board requires its pupils to take a course in a world language, the parent or guardian of a pupil identified as deaf or hard of hearing may request in writing that such pupil be exempted from such requirement and, if such a request is made, such pupil shall be exempt from such requirement.

## 2. School District Curriculum

- a. The Board hereby establishes a school district curriculum committee (the “District Curriculum Council”).
- b. The District Curriculum Council shall consist of the following members: Assistant Superintendent of Teaching & Learning; Assistant Superintendent of Pupil Personnel Services; District Curriculum Coordinators; and one additional building administrator from each of elementary, middle, and high school designated by the Superintendent. The District Curriculum Council may invite other individuals to attend its meetings and/or provide feedback when additional content expertise may be helpful and/or necessary.
- c. The Board may change the membership the District Curriculum Council by a two-thirds vote of all the members of the Board, notice of such intended change having been previously given at a meeting of the Board held at least one week previous to the vote upon such change.
- d. The District Curriculum Council shall recommend, develop, review, and approve all curriculum for the Westport Public Schools. Such curriculum

**Commented [RSJ1]:** Name taken from Anthony’s document.

**Commented [RSJ2]:** Consider whether to include this. There are no statutory requirements regarding the composition of the school district curriculum committee.

**Commented [RSJ3]:** This is not in the statute. Consider whether to include this, or whether to permit such modification only through a modification of the policy itself.

shall comply with Section 1 of this policy.

- e. The District Curriculum Council shall seek approval from the Board for any new course that is anticipated to require additional employee(s).

**Commented [RSJ4]:** This is not in the statute. I added it per Anthony's request.

### 3. Textbooks and Instructional Material

- a. The Board shall purchase such books, either as regular texts, as supplementary books, or as library books, and such supplies, material, and equipment, as it deems necessary to meet the needs of instruction in the Westport Public Schools.
- b. Except where a legitimate educational purpose will otherwise be served, the Board shall, in selecting textbooks and other general instructional materials, select those which accurately present the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds and of both sexes. Nothing herein shall preclude the use of instructional material and teaching which emphasizes the traditional family structure.
- c. The Board shall not change any textbooks used in the Westport Public Schools except by a two-thirds vote of all the members of the Board, notice of such intended change having been previously given at a meeting of the Board held at least one week previous to the vote upon such change. If the Board does change its textbooks pursuant to this section, the Board may donate the used textbooks to another board of education.
- d. In day and evening schools of elementary and secondary grades, all books and equipment, including, but not limited to, assistive devices as defined in Connecticut General Statutes Section 10-76y(a), shall be loaned and materials and supplies furnished to all pupils free of charge, subject to such rules and regulations as to their care and use as the Board and/or the Administration prescribe. The Board hereby authorizes the Administration to prescribe such rules and regulations.

#### **Legal Reference:**

Conn. Gen. Stat. § 9-601  
Conn. Gen. Stat. § 10-16b  
Conn. Gen. Stat. § 10-16ss  
Conn. Gen. Stat. § 10-16tt  
Conn. Gen. Stat. § 10-18a  
Conn. Gen. Stat. § 10-18f  
Conn. Gen. Stat. § 10-66q  
Conn. Gen. Stat. § 10-220  
Conn. Gen. Stat. § 10-228

Conn. Gen. Stat. § 10-229  
Conn. Gen. Stat. § 10-76y  
Public Act No. 21-2

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

10/26/21

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## **2012 Connecticut General Statutes**

### **Title 10 - Education and Culture**

#### **Chapter 170 - Boards of Education**

#### **Section 10-220 - Duties of boards of education.**

**Universal Citation:** CT Gen Stat § 10-220 (2012)

(a) 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; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall give all the children of the school district as nearly equal advantages as may be practicable; shall provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, (3) proper maintenance of facilities, and (4) a safe school setting; shall, in accordance with the provisions of subsection (f) of this section, maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined in section 53a-65, employed by the local or regional board of education; shall have charge of the schools of its respective school district; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities; shall adopt and implement a green cleaning program, pursuant to section 10-231g, that provides for the procurement and use of environmentally preferable cleaning products in school

buildings and facilities; on and after July 1, 2011, and triennially thereafter, shall report to the Commissioner of Construction Services on the condition of its facilities and the action taken to implement its long-term school building program, indoor air quality program and green cleaning program, which report the Commissioner of Construction Services shall use to prepare a triennial report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Construction Services of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes and at all times shall insure all such buildings and all capital equipment contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall develop and implement a written plan for minority staff recruitment for purposes of subdivision (3) of section 10-4a; shall employ and dismiss the teachers of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within the school district; shall make such provisions as will enable each child of school age residing in the district to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; may place in an alternative school program or other suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.

(b) The board of education of each local or regional school district shall, with the participation of parents, students, school administrators, teachers, citizens, local elected officials and any other individuals or groups such board shall deem appropriate, prepare a statement of educational goals for such local or regional school district. The statement of goals shall be consistent with state-wide goals pursuant to subsection (c) of section 10-4. Each local or regional board of education shall annually establish student objectives for the school year which relate directly to the statement of educational goals prepared pursuant to this subsection and which identify specific expectations for students in terms of skills, knowledge and competence.

(c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, and (7) special education. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the local or regional board of education to reduce truancy in the school district. Such truancy data shall be considered a public record for purposes of chapter 14.

(d) Prior to January 1, 2008, and every five years thereafter, for every school building that is or has been constructed, extended, renovated or replaced on or after January 1, 2003, a local or regional board of education shall provide for a uniform inspection and evaluation program of the indoor air quality within such buildings, such as the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following: (1) The heating, ventilation and air conditioning systems; (2) radon levels



in the air; (3) potential for exposure to microbiological airborne particles, including, but not limited to, fungi, mold and bacteria; (4) chemical compounds of concern to indoor air quality including, but not limited to, volatile organic compounds; (5) the degree of pest infestation, including, but not limited to, insects and rodents; (6) the degree of pesticide usage; (7) the presence of and the plans for removal of any hazardous substances that are contained on the list prepared pursuant to Section 302 of the federal Emergency Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including water distribution systems, drainage systems and fixtures; (10) moisture incursion; (11) the overall cleanliness of the facilities; (12) building structural elements, including, but not limited to, roofing, basements or slabs; (13) the use of space, particularly areas that were designed to be unoccupied; and (14) the provision of indoor air quality maintenance training for building staff. Local and regional boards of education conducting evaluations pursuant to this subsection shall make available for public inspection the results of the inspection and evaluation at a regularly scheduled board of education meeting and on the board's or each individual school's web site.

(e) Each local and regional board of education shall establish a school district curriculum committee. The committee shall recommend, develop, review and approve all curriculum for the local or regional school district.

(f) Each local and regional board of education shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined in section 53a-65, employed by the local or regional board of education, conducted pursuant to sections 17a-101a to 17a-101d, inclusive, and section 17a-103. Such records shall include any reports made to the Department of Children and Families. The Department of Education shall have access to such records.

(1949 Rev., S. 1501; 1949, 1953, 1955, S. 957d; February, 1965, P.A. 574, S. 11; 1969, P.A. 690, S. 4; P.A. 78-218, S. 143; P.A. 79-128, S. 11, 36; P.A. 80-166, S. 1; P.A. 84-460, S. 3, 16; P.A. 85-377, S. 5, 13; P.A. 86-333, S. 11, 32; P.A. 90-324, S. 4, 13; P.A. 93-353, S. 28, 31, 52; P.A. 94-245, S. 9, 46; P.A. 95-182, S. 6, 11; P.A. 96-26, S. 2, 4; 96-244, S. 17, 63; 96-270, S. 1, 11; P.A. 97-290, S. 21, 29; P.A. 98-168, S. 8, 26; 98-243, S. 19, 25; 98-252, S. 13, 38, 80; June Sp. Sess. P.A. 98-1, S. 115, 121; P.A. 00-157, S. 3, 8; P.A. 01-173, S. 19, 67; P.A. 03-220, S. 1, 2; P.A. 04-26, S. 4; P.A. 06-158, S. 5; 06-167, S. 1; P.A. 08-153, S. 6; P.A. 09-81, S. 2; 09-143, S. 1; 09-220, S. 6; Sept. Sp. Sess. P.A. 09-6, S. 54; P.A. 10-71, S. 4; P.A. 11-85, S. 6; 11-93, S. 6; 11-136, S. 10, 17; P.A. 12-120, S. 4.)

History: 1965 act substituted Sec. 10-158a for repealed Sec. 10-158; 1969 act added requirement that boards of education "implement the educational interests of the state as defined in section 10-4a"; P.A. 78-218 substituted "school district" for "town" throughout, specified applicability of provisions to local and regional, rather than town, boards and

required attendance of children “seven years of age and over and under sixteen” rather than “between the ages of seven and sixteen”; P.A. 79-128 added Subsec. (b) re statement of goals by local and regional boards; P.A. 80-166 amended Subsec. (b) to require first attestation that programs are based on state goals “on September 1, 1982” rather than “in 1981”; P.A. 84-460 amended Subsec. (a) requiring that boards insure all buildings and all capital equipment against loss in an amount not less than 80% of replacement cost; P.A. 85-377 substituted commissioner of education for state board; P.A. 86-333 amended Subsec. (b) to extend from July 1, 1986, to July 1, 1987, the date when boards of education are to begin reviewing and updating the statement of goals; P.A. 90-324 added Subsec. (c) re strategic school profile reports; P.A. 93-353 provisions requiring local or regional board to submit the statement of goals to the state board of education, state board to review the statement and approve the statement as it pertains to the state-wide goals, local or regional board to review and if necessary update the statement of goals every five years and submit such statement to the state board and state board to review and approve the statement as it pertains to the state-wide goals, and removed obsolete language and added Subsec. (d) concerning a report to the state board of education on educational goals and student objectives and the development of a comprehensive professional development plan, effective July 1, 1993; P.A. 94-245 amended Subsec. (c)(1) to change the dates from May first to November first, effective June 2, 1994; P.A. 95-182 amended Subsec. (a) to remove a requirement that local and regional boards of education attest to the Commissioner of Education that program offerings and instruction are based on educational goals and student objectives and deleted Subsec. (d) re reports concerning the statement of educational goals and student objectives and the development and implementation of professional development plans, effective June 28, 1995; P.A. 96-26 amended Subsec. (a) to authorize placement of certain older pupils in alternative school programs or other suitable educational programs, effective July 1, 1996; P.A. 96-244 amended Subsec. (c) to delete obsolete language of Subdiv. (2), deleted Subdiv. (1) designation and replaced Subparas. with Subdivs., effective July 1, 1996; P.A. 96-270 amended Subsec. (a) to add the requirement to advise the Commissioner of Education of the relationship between any individual school building project and the long-term school building program, effective July 1, 1996; P.A. 97-290 amended Subsec. (a) to add provisions re an appropriate learning environment, report on the condition of facilities and action taken to implement the long-term building program and the annual report by the commissioner to the General Assembly, and added Subsec. (c)(4) and (5) re equitable allocation of resources and re reduction of racial, ethnic and economic isolation, effective July 1, 1997; P.A. 98-168 amended Subsec. (c) to add provisions re special education, effective July 1, 1998; P.A. 98-243 amended Subsec. (a) to lower the age requirement for school attendance from 7 to 5, effective July 1, 1998; P.A. 98-252 amended Subsec. (a) to add requirement for a written plan for minority staff recruitment and to make a technical change and amended Subsec.

(c) to remove November date for report and in Subdiv. (2) specified technological resources and utilization of such resources and infrastructure, effective July 1, 1998; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (a), effective July 1, 1998; P.A. 00-157 amended Subsec. (a) to change the reference to the school attendance age from “sixteen years of age” to “eighteen years of age who is not a high school graduate”, effective July 1, 2001; P.A. 01-173 amended Subsec. (a) to make a technical change for the purposes of gender neutrality, effective July 1, 2001; P.A. 03-220 amended Subsec. (a) by adding provisions re maintenance of facilities and indoor air quality and making technical changes and added Subsec. (d) re indoor air quality inspection and evaluation program, effective July 1, 2003; P.A. 04-26 made a technical change in Subsec. (d)(5), effective April 28, 2004; P.A. 06-158 amended Subsec. (a) by changing annual reporting on facility conditions to biennial reporting, effective July 1, 2006; P.A. 06-167 amended Subsec. (c) by adding language re parental involvement, effective July 1, 2006; P.A. 08-153 added Subsec. (e) re establishment of curriculum committee, effective July 1, 2008; P.A. 09-81 amended Subsec. (a) by adding language re green cleaning program and amended Subsec. (d) by adding language requiring inspection results to be posted on the board’s or individual school’s web site; P.A. 09-143 amended Subsec. (c) by adding language re truancy data, effective July 1, 2009; P.A. 09-220 amended Subsec. (d)(2) by deleting requirement that inspection and evaluation program include evaluation of radon levels in the water; Sept. Sp. Sess. P.A. 09-6 amended Subsec. (c) by adding new Subdiv. (4) re number of students enrolled in adult high school credit diploma program and redesignating existing Subdivs. (4) to (6) as Subdivs. (5) to (7), effective October 5, 2009; P.A. 10-71 made a technical change in Subsec. (a), effective May 18, 2010; P.A. 11-85 amended Subsec. (b) by replacing “develop” with “annually establish” and adding “for the school year” re student objectives and expectations, effective July 1, 2011; P.A. 11-93 inserted provision in Subsec. (a) and added Subsec. (f) re maintenance of records of allegations, investigations and reports of child abuse and neglect by a school employee, effective July 1, 2011; P.A. 11-136 amended Subsec. (a) by replacing references to biennial with references to triennial re report on long-term school building program, indoor air quality program and green cleaning program and amended Subsec. (c) by adding provision re actions taken by board of education to reduce truancy in district, effective July 1, 2011; P.A. 12-120 amended Subsec. (a) by replacing “Commissioner of Education” with “Commissioner of Construction Services” and making a technical change, effective June 15, 2012.

See Sec. 10-4b re complaint procedure where failure or inability of board of education to implement educational interests of state is alleged.

Cited. 6 CA 212; 44 CA 179.

Elements justifying indemnification of a board member. 9 CS 442. Cited. 15 CS 370. Boards of education may discontinue or unite schools; history of section reviewed. 16 CS 339. Board as agent of the state. 19 CS 158. Boards of education may accord problem of racial imbalance relevance in making decisions. 26 CS 124. Cited. 27 CS 339. Extension of a “project concern” contract made by board of education of Milford with board of New Haven is an administrative decision to be made by board as agency of the state under its authority set out in Secs. 10-220 to 10-239 and board of aldermen was enjoined from holding an advisory referendum of voters as this would be an unlawful expenditure of city funds. 28 CS 207. School boards are agents of the state, not subject to recall under a municipal charter. 29 CS 201. Cited. 30 CS 63. The Connecticut education system violates Art. I, Sec. 20 and Art. VIII, Sec. 1 of the Connecticut Constitution. 31 CS 379. Relationship between boards of education and municipal budget authorities. Extent of municipal obligation to finance education. 32 CS 132. Cited. 34 CS 115; 35 CS 55; 36 CS 293. Local board of education is not acting as agent of the state and not entitled to sovereign immunity when acting to recover damages arising from construction of school building. 40 CS 141. Cited. 44 CS 527.

Subsec. (a):

Town charter that allows for separate referenda for town’s operating budget and education budget and that allows voters to reject the budgets three times does not rise to the level of a veto and does not violate state statute and policy concerning education. 268 C. 295.

Context of community orientation of family discussed in determining place of residence for purposes of school attendance. 34 CA 567.

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