

New Hartford Public Schools
Policy Subcommittee Meeting
January 13, 2026 5:15 pm
VIRTUAL

Video call link: <https://meet.google.com/hne-uzft-nwg>
Or dial: (US) +1 352-775-1376 PIN: 649 834 443#

Agenda

1. Review of BOE policies

- REVISION - Policy 3320 - Business/Non-Instructional Operations - Purchasing Procedures
- REVISION - Policy 4152.6 / 4252.6 - Personnel - Family and Medical Leave Act
- NEW - Policy 6144.1 - Instruction - Exemption from Instruction
- REVISION - Policy 6171 - Instruction - Special Education
- REVISION - Policy 9132 - Bylaws of the Board - Standing Committees
- REVISION - Policy 9230 - Bylaws of the Board - Orientation of Board Members

2. Action steps for next regular BOE meeting

3. Adjournment



PURCHASING
[For Local Boards of Education]

[Note: Bidding and purchasing requirements may be affected by the provisions of the 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 does apply, a local board of education should consult legal counsel to determine its effect on the board of education's bidding and purchasing procedures.]

I. DEFINITIONS

For purposes of this policy:

- A. "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.
- B. "General services" include all services that 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).
- C. "Property" means real property or personal property.
- D. "Special or Professional Services" are those that involve the furnishing of judgment, expertise, advice or effort by persons other than New Hartford Board of Education ("Board") employees, and may result in the delivery of reports, recommendations, designs, or other documents to assist the Board with a project or venture, but need not involve 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 personnel, special education evaluators, 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.

II. REQUIREMENTS APPLICABLE TO PURCHASES OF ALL GOODS AND SERVICES

A. Consultation with Municipality Regarding Contracts for Goods or Services

After going out to bid for a good or service and receiving submissions, if the local municipality uses such good or service, 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.

B. Consultation with Municipality Regarding Contracts for Payroll Software and Insurance

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.

III. THRESHOLD PROCUREMENT AMOUNTS

The following thresholds shall apply to the Board’s procurement of goods or general services and special or professional services. *[Note: If the Board wishes to adjust these threshold levels, as provided in Sections IV, V, and VI in this policy, it should ensure the corresponding threshold amounts are adjusted in the chart below.]*

	Anticipated Expenditure	Procedure
Goods or General Services	Under \$1,000	Direct purchase from the vendor. Competitive quotes and/or bidding not required.
Goods or General Services	\$1,000 to \$9,999.99	Competitive quotes required. See Section V.

Goods or General Services	\$10,000 or more	Competitive bidding required. See Section IV.
Special or Professional Services	Under \$10,000	Competitive proposals not required.
Special or Professional Services	\$10,000 to \$24,999.99	Informal competitive proposals required. See Section VI.
Special or Professional Services	\$25,000 or more	Formal competitive proposals required. See Section VI.

IV. GOODS OR GENERAL SERVICES: COMPETITIVE BIDDING PROCESS

A. Purchases Requiring Competitive Bidding Process **[\$10,000 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 **[\$10,000 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 **[\$10,000 or amount set by the Board of Education]**, but less than **[\$25,000 or amount set by the Board of Education]**, may be awarded by the Superintendent of Schools or designee (collectively referred to as “Superintendent”). Such purchases in the amount of **[\$25,000 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 form of contract whenever possible.

The Superintendent shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent on the website of the municipality and/or Board and in a daily local newspaper, if publication in a newspaper is required by law. At least five (5) calendar days must intervene between the date of the website and/or newspaper 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 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 the name of the bidder(s) and total cost(s) shall be 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 will tabulate and analyze the bids. For contracts of at least **[\$10,000 or amount set by the Board of Education]**, but less than **[\$25,000 or amount set by the Board of Education]**, the Superintendent shall make a provisional award, subject to finalization of the contract or other applicable conditions, to the Selected Bidder, as that term is defined below. For contracts of **[\$25,000 or amount set by the Board of Education]** or more, the Board shall make a provisional award, subject to finalization of the contract or other applicable conditions, to the Selected Bidder, as that term is 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 in accordance with State law.

E. Bid Security

When, in the judgment of the Superintendent, 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 "New Hartford Board of Education" as the payee.

F. Requirements Governing Bid Awards

The award shall be made to the bidder (1) whose bid meets the requirements, terms and conditions contained in the bid specifications and (2) is deemed to meet the criteria identified below among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work (the "Selected Bidder"). To be considered as a Selected Bidder, the bidder must have submitted all of the required information identified in the bid specifications. The determination of the Selected Bidder shall then be made after consideration of the objective criteria identified below and after consideration of a cooperative agreement with the municipality as described in Section

I.B, above. Unless otherwise required by law, the Board reserves the right to award the bid to a Selected Bidder that is not the lowest bidder. In such instance, the reason for the selection shall be documented and preserved by the Superintendent or as may be required by law.

In determining the Selected 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 and/or considerations of additional value included in the proposal.
- (6) Involvement in litigation.

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

G. Rejection of Bids

The Superintendent 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 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 Board or the Superintendent to reject any and all bids.

H. Advisement of Bid Award

Upon acceptance of the Selected Bidder, a letter will be sent to the successful bidder(s) announcing the selection of the chosen bidder. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

V. **GOODS OR GENERAL SERVICES: 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 **[\$10,000 or amount set by the Board of Education]**. Purchases of goods or services that 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 VII.)

B. Process for Obtaining Quotations

Generally, quotations, either oral or written, should be solicited by the Superintendent 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 may send requests to a limited number of selected vendors. If such request includes a date for submission of quotations, vendors must furnish all of the necessary information to the Superintendent 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.

VI. **SPECIAL OR PROFESSIONAL SERVICES: COMPETITIVE PROPOSAL PROCESS**

A. Purchases Requiring Competitive Proposal Process

Purchases of Special or Professional Services shall be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Waivers from the competitive proposal process are available for the same reasons that Waivers are available from the bidding process. (See Section VII.) Funds must be available in the proper account in order to solicit proposals.

Purchases of Special or Professional Services that are expected to be less than **[\$10,000 or amount set by the Board of Education]** shall be made directly by the Superintendent, without regard to a competitive proposal process.

B. Informal Competitive Proposal Process (**[\$10,000 to \$24,999 or range set by the Board of Education]**)

Purchases of Special or Professional Services for at least **[\$10,000 or amount set by the Board of Education]** but less than **[\$25,000 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. 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. The Superintendent shall provisionally award the contract, subject to finalization of the contract or other applicable conditions, to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements. Nothing in this Section should be construed to limit in any way the right of the Superintendent to reject any and all proposals.

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 in accordance with State law.

C. Formal Competitive Proposal Process (**[\$25,000 or amount set by the Board of Education]** or more)

A Request for Proposals ("RFP") for purchases of Special or Professional Services for **[\$25,000 or amount set by the Board of Education]** or more shall be prepared by the Superintendent. All requirements, terms and conditions, including provider qualifications, should be included in the RFP, as well as a form of contract whenever possible. The award of any such contracts for **[\$25,000 or amount set by the Board of Education]** or more shall be approved by the Board.

The Superintendent will arrange to have a legal notice requesting proposals published on the website of the municipality and/or the Board and in a daily local newspaper, if publication in a newspaper is required by law, at least ten (10) business days prior to the deadline for submitting proposals. Whenever the Superintendent 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 website and/or newspaper notice, except as provided by law. 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.

An evaluation of the proposals will be made by the Superintendent. The contract shall be provisionally awarded, subject to finalization of the contract or other applicable

conditions, 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. Nothing in this Section should be construed to limit in any way the right of the Superintendent to reject any and all proposals.

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 in accordance with State law.

VII. 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 processes identified in this policy 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, 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) Regional or cooperative purchases.
- (7) 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. 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 will promptly notify the requesting administrator if such Waiver has been granted.

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

VIII. 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, including but not limited to those 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.

[NOTE TO CLIENT: For boards of education that participate in the National School Lunch Program, include the following:]

When procuring property and/or services purchased with Federal funds as part of the National School Lunch Program, including Connecticut School Nutrition Program funds, the Board will comply with relevant regulations in the Code of Federal Regulations, including but not limited to those described in 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327, 7 C.F.R. § 220.16, and 7 C.F.R. § 210.21 through 7 C.F.R. § 210.23, as amended from time to time, to the extent it is required to do so. The Board's school nutrition program director, management, and staff tasked with National School Lunch Program procurement responsibilities shall complete annual training on Federal procurements standards and retain records to document compliance with this requirement. The Board shall also comply with school food authority procurement reviews and audits, as may be required and in accordance with applicable law.]

IX. COMPLIANCE WITH GRANTS

When procuring goods or services pursuant to a Federal or State grant or award, the Board will comply with applicable grant or award requirements and assurances made in connection with such funds. Such requirements may include, but are not limited to, use of such funds for authorized purposes and the inclusion of required contract provisions in any contract funded by Federal or State grants.

X. 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).
7 C.F.R. § 210.21 through 2 C.F.R. § 210.23.

United States Department of Agriculture, Food and Nutrition Service, Policy Memorandum SP 39-2017, *Local Agency Procurement Reviews for School Food Authorities* (June 30, 2017).

ADOPTED: _____
REVISED: _____

11/27/2023

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.

2 C.F.R. §	FULL TEXT OF C.F.R. SECTION	BRIEF SUMMARY
200.317	<p>Procurements by States</p> <p>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.</p>	<p>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.</p>
200.318	<p>General Procurement Standards</p>	

200.318(a)	<p>The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and 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.</p> <p>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.</p>	<p>The Board must have and use documented procurement procedures consistent with State, local, and Federal requirements for procurements made under a Federal award.</p> <p>The Board must maintain oversight of its contractors.</p>
200.318(b)	<p>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.</p>	<p>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. See Code of Conduct Governing Procurements Under a Federal Award.</p>
200.318(c)(2)	<p>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</p>	<p>The Board's conflict of interest policy must cover relationships with</p>

	<p>must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because 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.</p> <p>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.</p>	<p>certain parent, affiliate, or subsidiary organizations, if any.</p>
200.318(d)	<p>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.</p>	<p>The Board must avoid acquisition of unnecessary or duplicative items.</p>
200.318(e)	<p>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.</p>	<p>The Board is encouraged to use intergovernmental agreements or inter-entity agreements.</p>
200.318(f)	<p>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.</p>	<p>The Board is encouraged to use Federal excess and surplus in lieu of purchasing new, when feasible.</p>
200.318(g)	<p>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.</p>	<p>The Board is encouraged to use value engineering clauses in construction contracts of sufficient size.</p>
200.318(h)	<p>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</p>	<p>The Board must award contracts to responsible contractors, after considering contractor integrity,</p>

	contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.	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.

200.319	Competition	
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)	<p>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, 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.</p>	<p>The Board must have written procedures for procurement transactions that ensure that solicitations (1) incorporate a clear 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.</p>
200.319(e)	<p>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.</p>	<p>The Board must ensure all prequalified lists are current and include enough qualified sources to ensure open and free competition.</p>
200.319(f)	<p>Noncompetitive procurements can only be awarded in accordance with § 200.320(c).</p>	<p>Noncompetitive procurements must be awarded in accordance with § 200.320(c).</p>
200.320	<p>Methods of Procurement to be Followed</p>	
200.320	<p>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</p>	<p>The Board must have and use documented procurement procedures</p>

	for the acquisition of property or services required under a Federal award or sub-award.	for procurements made under a Federal award or sub-award.
200.320(a)	<p>Informal procurement methods. When the value of the procurement for property or services under a Federal award does not exceed the simplified 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>For purchases under the simplified acquisition threshold, or a lower 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>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>(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 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.</p>	<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.</p>

	<p>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>	
200.320(b)	<p>Formal procurement methods. When the value of the procurement for 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 § 200.319 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:</p>	<p>For purchases that exceed the simplified acquisition threshold, or a lower threshold established by the Board, formal procurement methods must be used and public advertising may be required.</p>
200.320(b)(1)	<p>(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 [stet]. (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</p>	<p>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.</p>

	<p>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 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.</p>	
200.320(b)(2)	<p>(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 though A/E firms that are a potential source to perform the proposed effort.</p>	<p>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.</p>

200.320(c)	<p>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:</p> <p>(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 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>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 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>
200.321	Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms	
200.321(a)	<p>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.</p>	<p>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.</p>
200.321(b)	<p>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</p>	<p>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</p>

	<p>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 subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</p>	<p>total requirements, when economically feasible, into smaller tasks or quantities; and establishing delivery schedules, where the requirement permits, which encourage participation by such businesses.</p>
200.322	Domestic Preferences for Procurements	
200.322(a)	<p>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.</p>	<p>The Board will, to the greatest extent practicable, provide a preference for goods, products or materials produced in the United States.</p>
200.322(b)	<p>For purposes of this section:</p> <p>(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.</p> <p>(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.</p>	
200.323	Procurement of Recovered Materials	
200.323	<p>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</p>	<p>The Board must follow standards in procuring certain items over \$10,000 to ensure, among other things, the</p>

	<p>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 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.</p>	<p>highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</p>
200.324	Contract Cost and Price	
200.324(a)	<p>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.</p>	<p>The Board must perform a cost or price analysis for every procurement in excess of the simplified acquisition threshold.</p>
200.324(b)	<p>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.</p>	<p>The Board must negotiate profit for sole-source procurements and for procurements where cost analysis is performed.</p>
200.324(c)	<p>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</p>	<p>Costs incurred or estimated costs are allowable only to the extent they comply with Federal Cost Principles.</p>

	reference its own cost principles that comply with the 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.
200.325	Federal Awarding Agency or Pass-Through Entity Review	
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	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.

	<p>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.</p>	
200.325(c)	<p>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 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.</p>	<p>The Board is exempt from pre-procurement review if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.</p>
200.326	Bonding Requirements	
200.326	<p>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 pass-through 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:</p>	<p>For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the Federal awarding agency or pass-through entity may accept the Board's bonding requirements if it determines that its interest is adequately protected.</p>

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.
200.327	Contract Provisions	
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.

Business/Non-Instructional Operations

Purchasing Procedures

Section 1 - Intent

The New Hartford Board of Education recognizes its obligation to deal fairly in its purchasing practices. The Board of Education and its employees will not knowingly extend favoritism to any vendor. Each order shall be placed on the basis of quality, price and delivery. Past service of a favorable nature shall be a factor when other considerations are equal. Inadequate or poor past service shall also be a factor. Competitive bidding shall be practiced wherever feasible and to the advantage of the New Hartford school system.

Section 2 - Vendor Relations

No member or employee of the Board shall accept either directly or indirectly, any gifts from any person, firm or corporation doing, or desiring to do business with the New Hartford school system.

Section 3 - Purchasing Procedure

a. Definitions for this policy

1. **Quotation:** A notice, either orally or in writing whereby a vendor informs the purchaser of the conditions and price under which he will furnish supplies, materials, equipment or services to the purchaser.
2. **Bid:** A notice, in writing in a sealed envelope, delivered to the buyer by a specified date. To be opened in public at a specified date and time by the purchaser if a public opening is feasible and practical to the purchaser. The bid is the method by which the vendor informs the purchaser of the conditions and price under which he will furnish supplies, materials, equipment or services to the purchaser in response to a set of specifications set forth by the purchaser. The Board of Education reserves the right to reject any or all bids, and reserves the right to waive the bidding procedure. The Board of Education shall award all other bids upon receiving recommendations and bid results from the Superintendent.

b. Purchases

1. Purchases for less than \$1000 may be solicited by oral or written quotations and bids will not be required unless it will be advantageous to the purchaser. All purchases when possible, feasible and to the advantage of the New Hartford school system will be based on at least three competitive quotations or prices.

CURRENT POLICY

2. Purchases for \$1000 - \$10,000 shall be solicited by written quotation if the nature of the commodity or service permits effective competitive pricing, and if possible, feasible and to the advantage of the New Hartford school system. The Superintendent of Schools may award bids and/or quotes up to \$10,000.00

3. Purchases for over \$10,000.00 shall be put out to bid if feasible and to the advantage of the New Hartford school system. Bids shall be advertised appropriately. When purchases are advantageous to be bid, the bids shall be submitted in sealed envelopes and shall be opened at a specific time. The New Hartford school system reserves the right to reject any or all bids and reserves the right to waive any informalities in any bid.

c. Emergency Situations

In an emergency situation, the procedures of b1, 2, and 3 may be eliminated. The decision as to whether a given situation is an emergency situation shall be made by the Superintendent of the New Hartford school system. The Board Chair shall be notified.

Section 4 - Restrictions

All shipments that are received at a New Hartford educational facility must have either a board or individual purchase order signed with the appropriate approvals. No material received will be distributed without an approved purchase order.

An individual purchase order is a document signed by the individual who is assuming the full responsibility for the order, including payment of all invoices resulting from that order.

The New Hartford Board of Education will assume financial responsibility only for material ordered on an approved board purchase order.

This notice shall be provided to all vendors.

General

1. Board of Education delegates the responsibility for purchasing to the Superintendent of Schools or his/her designee in conformance with this policy and the laws and regulations of the State of Connecticut and the State Education Department.

2. Administrative regulations governing purchase order processing procedures will be utilized.

3. The Board of Education recognizes its responsibilities to develop a list of capable vendors. The Superintendent will take affirmative action to make sure multiple "responsible bids" are received in each required situation.

4. The Superintendent of Schools will explore opportunities for entering consortia to purchase products and services at a lower rate.

CURRENT POLICY

5. The Superintendent of Schools, on behalf of the Board of Education, will notify all bidders of award status, when appropriate.

(cf. [3323](#) Soliciting, Prices/Bidding Requirements)

Policy adopted: December 5, 2006



Series 4000
Personnel

FAMILY AND MEDICAL LEAVE

[NOTE TO CLIENT: Among other changes, effective October 1, 2025, employees working for boards of education in positions that do not require professional certification under Chapter 166 of the Connecticut General Statutes will be eligible for leave in accordance with the Connecticut Family and Medical Leave Act. This policy has been developed for implementation on and after October 1, 2025.]

PURPOSE

The purpose of this policy is to apprise employees of their rights and establish guidelines for leaves taken by employees of the [] Board of Education (the “Board”), under the federal Family and Medical Leave Act of 1993 (“Federal FMLA”) and/or the Connecticut Family and Medical Leave Act (“CT FMLA”) and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

ELIGIBILITY

An employee who has been employed by the Board for at least twelve (12) months, and who has worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, is eligible for unpaid leave under the Federal FMLA. A full-time instructional employee meets the 1,250 hours of service requirement unless the Board can demonstrate that such employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

An employee working for the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes (*i.e.*, a “noncertified employee”) is eligible for unpaid leave under the CT FMLA if such employee has been employed by the Board for at least three (3) months in the twelve (12) months immediately preceding the start of such leave.

DEFINITIONS

Genetic information: For purposes of this policy, “genetic information” includes an individual’s family medical history, an individual’s or family member’s genetic tests, and/or the fact that an individual or an individual’s family member sought or received

genetic services or participated in clinical research which includes genetic services. “Genetic information” includes genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member utilizing assistive reproductive technology.

Instructional employee: For purposes of this policy, an “instructional employee” is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Noncertified employee: For purposes of this policy, “noncertified employee” means an employee employed by the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes.

REASONS FOR LEAVE

(a) **Federal FMLA**

Leaves under the Federal FMLA may be taken for the following reasons:

- incapacity due to pregnancy, prenatal medical care, or child birth;
- to care for the employee’s newborn child;
- the placement of a child with the employee by adoption or for foster care;
- to care for the employee’s spouse, child, or parent who has a serious health condition;
- to care for the employee’s own serious health condition that renders the employee unable to perform the functions of the employee’s position;
- to care for a covered injured or ill servicemember (see below – Length of Leave – for further information); or
- to address a qualifying exigency arising out of an employee’s spouse, child, or parent’s military service, including one or more of the following reasons (note – more detailed information on the following categories is available from **[e.g., the Human Resources office]**):
 - short-notice deployment;
 - military events and related activities;
 - childcare and school activities;
 - financial and legal arrangements;

counseling;
rest and recuperation;
post-deployment activities;
parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty; and/or
additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

(b) CT FMLA

Leaves under the CT FMLA may be taken for the following reasons:

upon the birth of the employee's newborn child, and to care for the newborn child;
upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
to care for the employee's family member, if such family member has a serious health condition;
because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
in order to serve as an organ or bone marrow donor;
to care for an injured or ill servicemember who is the employee's spouse, parent, child or next of kin (see below – Length of Leave – for further information); or
to address a qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under the CT FMLA, "family member" is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

LENGTH OF LEAVE

(a) Basic FMLA Leave Entitlement

- (1) Leaves under the Federal FMLA: If a leave is requested for a Federal FMLA-qualifying reason, an employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.
- (2) Leaves under CT FMLA: If a leave is requested for a CT FMLA-qualifying reason, an eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period, except that the employee may take up to two (2) additional workweeks of leave during such twelve (12)-month period for a serious health condition resulting in incapacitation that occurs during pregnancy. These additional two (2) weeks are only available during pregnancy.

The 12-month entitlement period for family or medical leave is measured on the basis of ***[NOTE: The employer has the option of selecting one of the following four methods of calculating the 12-month period. If the employer has not chosen, then its inaction would require it to use the most favorable (for the employee under the circumstances), of the following alternatives for each employee who takes leave: (1) the calendar year; (2) any fixed 12-month "leave year" such as a fiscal year or a year starting on the employee's anniversary date; (3) the 12-month period measured forward from the initial date of an employee's first leave under this policy; or (4) a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. NOTE: To change calculation methods, the employer must plan ahead, giving at least sixty (60) days' notice to all employees, and make no reduction in rights for employees using/requesting leave at the time of transition].***

An employee may be entitled to leave under the Federal FMLA and/or CT FMLA. To the extent an employee is eligible for and qualifies for leave under both laws, the employee's Federal FMLA and CT FMLA leave will run concurrently.

(b) Leave to Care for an Injured or Ill Servicemember

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of Federal FMLA and/or CT FMLA leave during a 12-month period to care for a covered servicemember and/or covered veteran who is the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty in the Armed Forces.

When combined with any other type of Federal FMLA or CT FMLA-qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard leave procedures described below apply to all requests for and

designation of leave for this purpose. *However*, in the case of leave to care for a servicemember with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

TYPES OF LEAVE AND CONDITIONS

(a) **Full-Time, Intermittent and Reduced Schedule Leave**

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the Federal FMLA and/or CT FMLA.

Intermittent leave means leave taken due to a single qualifying reason in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule Federal FMLA and/or CT FMLA leave may be taken (a) when medically necessary for an employee's or covered family member's serious health condition, or for a covered servicemember's serious illness or injury, and (b) the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, Federal FMLA and/or CT FMLA leave may be taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency, or (2) to effectuate the placement of a child for adoption or foster care before the placement of the child in the home.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a covered family member or a covered servicemember, including during a period of recovery from an employee's or covered family member's serious health condition or a serious injury or illness of a covered servicemember, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested.

Under the Federal FMLA, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week

period), if the leave is to care for a covered family member with a serious health condition, to care for a covered servicemember with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration, not to exceed the duration of the planned medical treatment.

(b) Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request Federal FMLA and/or CT FMLA leave for the birth, placement of a child by adoption or for foster care, or to care for a parent (or family member, for purposes of CT FMLA leave) with a serious health condition, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for Federal and/or CT FMLA leave for other qualifying reasons in the 12-month entitlement period.

(c) Leave Taken by Instructional Employees Near the End of an Academic Term

If Federal FMLA leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that instructional employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee would return to work during the three-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

[OPTIONAL SECTION- if employer offers temporary light duty:

(d) Light Duty

Should an employee be offered a light duty opportunity during a period of Federal and/or CT FMLA leave, time spent performing the light duty assignment will not count against the employee's applicable FMLA leave entitlement. The employee's right to restoration to the employee's job will be held in abeyance during the light duty assignment, or until the end of the applicable 12-month FMLA leave period.]

[OPTIONAL SECTION - if employer has a uniformly applied policy governing outside or supplemental employment

(e) Outside/Supplemental Employment

The Board's policy governing outside or supplemental employment shall continue to apply to an employee while on Federal FMLA and/or CT FMLA leave.]

REQUESTS FOR LEAVE

(a) Foreseeable Leave

An employee must notify the **[FMLA Administrator/HR Department]** of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or a covered family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for Federal FMLA and/or CT FMLA leave.

(b) Unforeseeable Leave

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

SCHEDULING PLANNED MEDICAL TREATMENT

When planning medical treatment for foreseeable Federal FMLA and/or CT FMLA leave, an employee must consult with the **[FMLA Administrator/Human**

Resources Department and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the **FMLA Administrator/Human Resources Department** prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

REQUIRED CERTIFICATIONS/DOCUMENTATION

For leaves taken for any Federal FMLA or CT FMLA-qualifying reason, an employee must submit completed certification form(s) supporting the need for leave. The appropriate form(s) will be provided to the employee. The employee must submit a complete and sufficient certification form(s) as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the **FMLA Administrator/Human Resources Department** of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. Federal FMLA- and/or CT FMLA-protected leave may be delayed or denied, in accordance with applicable law, if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the **FMLA Administrator/Human Resources Department**. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional Federal FMLA and/or CT FMLA leave (if the eligible for such

leave and such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

[NOTE: The medical certification form should include the above language related to GINA.]

USE OF PAID LEAVE

Paid leave, which has been accrued in accordance with applicable law, the relevant collective bargaining agreement (if any), and/or Board policy ("PTO") will be substituted for any unpaid portions of family or medical leave taken for any reason that is also a qualifying reason for using such accrued paid leave. In such instance, the employee's accrued paid leave and Federal FMLA and/or CT FMLA-qualifying leave will run concurrently. The employee must satisfy any procedural requirements applicable to the use of paid leave, but only in connection with the receipt of such payment. An employee who is approved for CT FMLA leave may retain up to two weeks of their accrued paid time off that would otherwise be required to run concurrently with CT FMLA leave.

Where a noncertified employee's accrued paid leave is not substituted for the entire period of unpaid leave for a qualifying reason under the CT FMLA and/or Connecticut law regarding leave for victims of family violence and sexual assault, the employee may apply for and be provided with compensation through the Paid Family and Medical Leave Insurance Program ("CT Paid Leave") for all or part of any unpaid leave, provided the employee qualifies for payments under the program. Noncertified employees may apply to the Connecticut Paid Medical and Family Leave Insurance Authority ("Authority") for partial income replacement benefits when they need leave for (1) any of the reasons that qualify for CT FMLA; and/or (2) if an employee is a victim of family violence or sexual assault, to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim; to obtain services from a victim services organization on behalf of the victim; to relocate due to such family violence or sexual assault; or to participate in any civil or criminal proceeding related to or resulting from such family violence or sexual assault. Eligible employees shall apply directly to the Authority, which is responsible for determining an employee's eligibility for CT Paid Leave benefits and the amount of such benefit. The

Board will provide the Authority with all requested information regarding an employee's application for CT Paid Leave, in accordance with applicable law.

[OPTIONAL: The Board shall require employees to use applicable PTO concurrently with their CT FMLA leave, subject to their right to retain up to two weeks of accrued PTO. If, after exhausting other applicable PTO, an employee does not wish to retain two weeks of accrued PTO while on approved CT FMLA leave, the Board shall permit the employee to receive these accrued PTO benefits concurrently with their CT Paid Leave benefits, if any, provided the total compensation of such covered employee during such period of leave shall not exceed such covered employee's regular rate of compensation.]

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

MEDICAL INSURANCE AND OTHER BENEFITS

During family or medical leaves approved in accordance with the Federal FMLA, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid Federal FMLA. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During a Federal FMLA and/or CT FMLA leave, an employee shall not accrue ***[list benefits, such as seniority, pension benefits, or sick or vacation leave]***, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave pursuant to this policy, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the

job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

COMPLAINTS

The Federal FMLA and CT FMLA prohibit employers from interfering with, restraining, or denying any rights provided by the respective laws. The Federal FMLA and CT FMLA also prohibit employers from terminating or discriminating against any individual for opposing any unlawful practice or being involved in any proceeding related to the Federal FMLA or CT FMLA, respectively. The CT FMLA also prohibits employers from interfering with, restraining, or denying any rights provided by CT Paid Leave and/or terminating or discriminating against an employee for applying for CT Paid Leave benefits.

An employee alleging a violation of the Federal FMLA may file a complaint with the U.S. Department of Labor, Wage and Hour Division. Such complaint should be filed within a reasonable time of when the employee discovers that the employee's Federal FMLA rights have been violated. In no event may a complaint be filed more than two (2) years after the action which is alleged to be a violation of the Federal FMLA occurred, or three years in the case of a willful violation. An employee may also be able to bring a private civil action for violations.

An employee alleging a violation of the CT FMLA may file a complaint with the Connecticut Department of Labor within one hundred eighty (180) calendar days of the employer action that prompted the complaint, unless good cause exists for the late filing. Upon receipt of any such complaint, the Connecticut Department of Labor Commissioner, or the Commissioner's designee, shall conduct an investigation and make a finding regarding jurisdiction and whether a violation of the CT FMLA has occurred. An employee alleging a violation of the CT FMLA may also bring a civil action in a court of competent jurisdiction against the employer within one hundred eighty (180) calendar days of the employer action alleged to be in violation of the CT FMLA. Such action may be brought by an employee without first filing an administrative complaint.

ADDITIONAL INFORMATION

Questions regarding family or medical leave may be directed to the Superintendent or designee or **[FMLA Administrator/Human Resources Department]**. Federal FMLA and CT FMLA do not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References:

Connecticut:

Conn. Gen. Stat. § 31-51kk et seq.

Conn. Gen. Stat. § 31-49e et seq.

Regs. Conn. State Agencies 31-51qq, et seq.

Public Act 25-174, “An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027”

Federal:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

ADOPTED: _____

REVISED: _____

9/17/2025

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4152.6

4252.6

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances). Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. The District will continue to pay the district's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or call to covered active duty in the Armed Forces including deployment to a foreign country;

To care for a covered family member who has incurred an injury or illness in the line of duty while on covered active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating;

To care for a covered family member who is a veteran suffering a service related illness or injury that was incurred or aggravated while on active duty, within five years after a veteran leaves service; and/or

To care for a parent of a military member called to active duty provided the military member is the spouse (including same-sex marriages), parent or child of the employee.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or

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ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee's own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA's regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. [4118.14](#) - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: Connecticut General Statutes

P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. 2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

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Final Rule - published in Federal Register, Vol. 78, Wed. February 6, 2013.

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)

Policy adopted: October 6, 2009

Policy revised: December 7, 2010

Policy revised: October 7, 2014

NEW HARTFORD PUBLIC SCHOOLS

New Hartford, Connecticut

4152.6

4252.6

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The following administrative regulations apply only to the Family and Medical Leave Act (FMLA).

Eligibility

An employee who has worked for the District for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. The 12 months of employment need not be consecutive months. Hours worked includes all hours, including overtime, an employee works but does not include paid leave time such as vacations, sick or personal leave, holidays etc. Full time professional instructional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement. Pursuant to USERRA, an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether he/she worked the 1,250 hours of service in the District. (825.110)

Serious Health Condition

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A "serious health condition" that would entitle an employee to FMLA leave is one involving continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion followed by a regimen of continuing treatment under the supervision of the health care provider.

Over the counter medication, bed rest, taking of fluids, exercise and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment.

Chronic conditions such as asthma and diabetes are considered a serious health condition even if individual episodes of incapacity do not last more than three days. Furthermore, conditions need not be chronic or long term when the condition is one which is not ordinarily incapacitating but for which multiple treatments are given because the condition would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention. Regarding long-term chronic conditions, the condition need not be incurable. The condition may involve a permanent or long-term incapacity and be one for which treatment may not be effective. (29 C.F.R. 825.114.)

Health Care Provider

The definition of "health care provider" includes any health care provider recognized by the employer or accepted by the group health plan of the employer. It also includes clinical social workers. (29 C.F.R. 825.118.)

Types of Leave

An eligible employee may take FMLA leave for: (825.200)

- the birth and first-year care of a child; (825.120)

- the adoption or foster placement of a child; (825.121)

- the serious illness of an employee's spouse, parent or child; (825.113, 825.122)

- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job; (825.113, 825.123)

- to care for an eligible member* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; (825.122, 825.123) and

- a qualifying exigency as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on covered active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces including deployment to a foreign country or to international waters; and

- a veteran suffering a service related illness or injury that was incurred or aggravated while on active duty within five years after a veteran leaves service.

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An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the District to permit the employee to use accrued medical/sick leave in any situation which the leave could not normally be used.

All FMLA absences for the same qualifying reason are considered a single leave and the employee maintains eligibility as to that reason for leave throughout the applicable 12-month period.

*spouse, son, daughter, parent or next of kin

An eligible employee for FMLA leave must receive at the time of their eligibility notice a written notice of "Rights and Responsibilities" detailing their specific expectations and obligations and explaining the consequences of their failure to meet these obligations. This notice shall include any requirement to provide medical certification, the right to substitute paid leave, payment for benefits and job restoration rights upon expiration of the leave.

Spouses Employed by the School District

If spouses eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for a parent-in-law.

Unforeseeable, Continuous, Intermittent and Reduced Leave

Unforeseeable leave involves situations such as emergency medical treatment or premature birth.

Continuous leave is taken for a set number of days or weeks.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than one continuous period of time.

Reduced leave is a leave schedule that reduces employee's usual number of hours per work week, or hours per work day.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child or to care for a newborn or recently adopted child. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the district's operation.

The employee who wishes to use intermittent or reduced leave shall, whenever possible, give prior notification to the District. Although the District and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave provided said leave

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amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend. The employee must furnish the District with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

Employee Entitlement to Service Member FMLA

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

A "qualifying exigency" arising out of a covered family member's active duty or call to covered active duty in the Armed Forces including deployment to a foreign country;

To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or

To care for a veteran suffering a service related illness or injury, as long as the veteran was a member of the Armed Forces, National Guard, or Reserves within five years of requiring care.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Eligible employees can take more than one period of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

Leave that qualifies both as leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the "single 12-month period" cannot be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

Employees are not obligated to provide notice to the District when they first become aware of a covered family member's active duty or call to active duty status. An employee's obligation to provide notice of leave due to a qualifying exigency is triggered when the employee first seeks to take such leave. Where this leave is foreseeable, eligible employees must provide notice to the District that is "reasonable and practicable."

In compliance with the final FMLA rule, 825.310, separate certification requirements shall be utilized for military caregiver leave. The District shall use the DOL WH-385 form in obtaining medical certifications of Military Caregiver Leave.

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When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Definitions

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

Covered Active Duty: In the case of a member of a regular component of the Armed Forces, duty during deployment of the member of the Armed Forces to a foreign country; and in the case of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. 101(a)(13)(B).

Next of Kin: The nearest blood relative of an individual. (In this order: brother, sister, grandparents, aunts, uncles, first cousins) Excluded are the covered service member's spouse, parent, son or daughter, as they already are entitled to leave for this purpose. A covered service member may designate, in writing, another blood relative as his or her nearest blood relative for purposes of military caregiver FMLA leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to care for the covered service member either consecutively or simultaneously. When a designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Outpatient Status: With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Qualifying Exigency The U.S. Department of Labor's definition of this term includes the following eight (8) situations: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post deployment activities, and (8) additional activities

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to address other events which arise out of the covered military member's active duty or call to active duty status, provided the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave. (See form WH-384)

"Single 12-Month Period" The U. S. Department of Labor has determined that for purposes of military caretaker leave is a period that commences on the date an employee first takes leave to care for a covered service member with a serious injury or illness.

Serious Injury or Illness: In the case of a member of the Armed Services, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces or existed before the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.

Leave to Care for a Covered Service Member

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District; and
2. provide the District with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the district.

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

CURRENT POLICY

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the District as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent or covered service member is on covered active duty or has been notified of an impending call to covered active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school District.

Benefits

The District will maintain the employee's health coverage under the District's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the District to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Notice

When the FMLA leave is foreseeable, the employee must notify the District in writing of his/her request for leave at least 30 days prior to the date when the leave is to begin. The employee must explain the reasons for the needed leave so as to allow the District to determine whether the leave qualifies under FMLA. Failure to give notice may result in the leave beginning thirty days after notice was received. If the leave is not foreseeable, the employee must give notice as early as is practical under the facts and circumstances of the particular case, but no later than one to two work days after learning that leave will be necessary. A spouse or family member or other responsible party may give the notice if the employee is unable to personally give notice. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the District's operations.

The District, as required, will post and keep posted on its premises, a notice explaining the provisions of FMLA and with information concerning the procedures for filing complaints of violations of the Act. Electronic posting is sufficient to meet this posting requirement. The notice must be posted even if the District has no FMLA-eligible employees. The FMLA notice, in the absence of an employee handbook, shall be given to each employee when hired.

CURRENT POLICY

The District, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's obligations and requirements:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

(This notice may be accompanied by the FMLA medical certification form if the District requests its employees to complete such form. The notice of rights and responsibilities may be distributed electronically.)

The District must notify the employee, in writing, of his/her eligibility to take FMLA leave within five (5) business days of receiving said request, with medical certification(s) and any other required information, absent extenuating circumstances. The District may provide the "Eligibility" and "Designation" notices at the same time if there is sufficient information to do so.

In situations where the District has failed to provide timely notice and the delay does not cause the employee harm or injury, retroactive notice may be provided. In all cases where leave would qualify for FMLA leave protection, the District and the employee can mutually agree that the leave be retroactively designated as FMLA leave.

District failure to provide required notice can be considered "interference" with an employee's FMLA rights.

The District may deny the leave if the employee does not meet the notice requirements.

Certification

The District shall require the employee to provide certification of the employee's serious health condition from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the District. The health care provider designated or approved by the District may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of the third health provider will be binding on both the school district and the employee. The District shall also require the employee to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

CURRENT POLICY

If the leave was for reasons related to the employee's serious health condition, upon the employee's return to work, the District will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

The required certifications must be obtained from the health care provider who is treating the individual with the serious health condition.

Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

The District will utilize separate medical certificates forms when employees request leave to care for a family member with a serious health condition and for those situations when the medical need for leave is prompted by the employee's own serious health condition.

The District will notify employees, in writing, of any additional information that is necessary to complete the medical certificate and allow employees seven (7) calendar days to provide said additional information. If the employee fails to submit a complete and sufficient certification despite the opportunity to cure the deficiency, the District may deny FMLA leave.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided. The District requires sufficient FMLA certification in support of any request for FMLA leave for either the employee's own or a covered family member's serious health condition.

Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Upon request by the District, employees must provide FMLA certification even when substituting paid leave.

The District may request medical recertification for continuing, open-ended conditions, every six months. Medical recertification may be requested on a more frequent basis if there are other changed circumstances or for other reasons as outlined in the FMLA regulations.

The District may require annual medical certifications in cases where serious health conditions extend beyond a single leave year. This does not apply to certificates to support a request for injured service member leave.

Restoration

An employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the position. The District may demand more than a "simple statement" of the ability to return to work. Fitness for duty

CURRENT POLICY

certification for intermittent leave may be requested by the District if reasonable safety concerns exist.

When the employee returns from leave, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment shift, and geographically proximate workplace in accordance with Board policy, practices and applicable collective bargaining unit agreements. Employees are entitled to any unconditional pay increase, such as cost of living increases, that occur during the period to their FMLA leave.

Under certain circumstances, the District may deny restoration to a key employee. The District will comply with the notice requirements of the FMLA in denying restoration. A key employee is defined as among the highest paid 10% of the employees and whose absence would cause the District to experience a substantial and grievous economic injury.

Further, the District may deny restoration to an employee if the District shows that the employee would not otherwise be employed at time of reinstatement for reasons such as layoff, shift or special project elimination. In addition, collective bargaining agreements between the Board and employee groups will not diminish the rights of the employee established by FMLA.

A returning employee cannot be restored to a position that requires additional licensure of certification.

Employees are not entitled to accrue seniority during any FMLA leave, but taking the leave may not result in the loss of any benefits that were accrued prior to the leave.

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes teachers and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers or maintenance workers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is

to care for a family member, or

for the employees own serious health condition and

is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and

the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, then the District may require the employee to choose either to:

CURRENT POLICY

(1) take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or

(2) transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position. However, an instructional employee cannot be transferred to an alternative position when the employee takes intermittent leave that amounts to twenty (20) percent or less of the total number of working days in the period during which the leave would extend.

Intermittent leave is not available to take care of a newborn or recently adopted child.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester the District may require the employee to continue taking leave until the end of the semester if:

(1) the leave will last at least three weeks, and

(2) the employee would return to work during the three-week period before the end of the semester.

An instructional employee, required to extend his/her leave by the District, shall not have the "extra" leave counted against the employee's 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the District may require the employee to continue taking leave until the end of the semester if:

(1) the leave will last more than two weeks, and

(2) the employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave may not be counted against an employee during times (vacation periods) when they are not normally required to work.

When the employee is required to take leave until the end of the semester, only the time until the employee is "ready and able" to work shall be charged to FMLA leave.

Failure to Return

CURRENT POLICY

The District is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Miscellaneous

1. An employee's serious health condition may also be a disability within the meaning of the Americans with Disability Act (ADA) which may also trigger requests for paid leave or workers' compensation benefits. The District may follow procedures for requesting medical information under the ADA or paid leave or worker's compensation programs without violating the FMLA. The District may also consider any information received pursuant to such procedures or benefit programs in determining an employee's entitlement to FMLA-protected leave.
2. When employees seek leave due to an FMLA-qualifying reason for which the District has previously provided FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
3. The District requires employees to comply with all usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. The requirements include providing written notice of the reasons and anticipated start and duration of the leave or requirement that employees contact a specific individual of the District to request leave.
4. If there is a dispute between the District and an employee as to whether leave qualifies as FMLA leave, it shall be resolved through discussions between the District and the employee. The discussions and decisions must be documented in writing.

Regulation approved: October 6, 2009

Regulation revised: December 7, 2010

Regulation revised: October 7, 2014

NEW HARTFORD PUBLIC SCHOOLS

New Hartford, Connecticut

An optional policy to consider.

Instruction

Exemption from Instruction

Substance Abuse Education

Substance abuse education is required by state statutes for all students annually and students are not exempt.

Religious

If the religious belief and/or teachings of a student or his/her parents or guardian are contrary to the content of a school subject, or to any part of a school activity, the student may be exempt from participation. To receive such an exemption, the parent or guardian must submit a written request for exemption to the Principal, stating the specific conflict involved. In the event of religious exemption, an alternate assignment will be provided.

Medical

If a student is unable to participate in a physical education class, he/she must present to the Principal or designee a statement from a physician stating the reason for his/her inability to participate.

HIV/AIDS Instruction

Currently, there is no cure for those infected with AIDS, but the Board of Education believes that education is the best way to prevent the spread of AIDS. By learning the facts about AIDS, students will be able to make decisions that will keep them healthy and perhaps save their lives.

A student will be exempted from instruction on Acquired Immune Deficiency Syndrome (AIDS) upon receipt of a written request for exemption from his/her parent or guardian.

“HIV/AIDS Instruction” is defined as ongoing and systematic instruction on Acquired Immune Deficiency Syndrome (AIDS) offered by the District pursuant to state law.

Bilingual Education

A student will be exempted from the bilingual program upon receipt of a written request for exemption from his/her parent or guardian. Equivalent instruction, as determined by the teacher will be provided.

Instruction

Exemption from Instruction

Family Life Instruction Education

Students, parents, or guardians shall be informed of their right to exempt the student from the family life program. The student will be exempted upon a written request for exemption from his/her parent or guardian. "Family Life Instruction" is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life.

Any student excused from any aspect of the curriculum may be required by the teacher to complete an alternate assignment.

Note: Family life education, and HIV/AIDS are three instructional areas in which, as indicated, upon the written request of a parent/guardian, the Board is required to permit curricular exemptions for instruction.

Sexual Abuse and Assault Awareness and Prevention Program

"Sexual abuse and assault awareness and prevention program" is defined as the state-wide program identified or developed by the Department of Children, in collaboration with the Department of Education and Connecticut Sexual Assault Crisis Services, Inc. (or a similar entity) that includes age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders.

A student shall be excused from the sexual abuse and assault and prevention program in its entirety or any part thereof, upon receipt by the Principal or his/her designee, of a written request from the student's parent/guardian.

Any student excused from any aspect of the curriculum may be required by the teacher to complete an alternative assignment. Any student excused from participating in the sexual abuse and assault awareness program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work as determined by the teacher.

Instruction

Exemption from Instruction

Legal Reference: Connecticut General Statutes

10-16b Prescribed courses of study.

10-16c State board to develop family life education curriculum guides.

10-16e Students not required to participate in the family life education program.

10-17f Required bilingual program (as amended by PA 98-168)

17a-101q Statewide sexual abuse and assault awareness and prevention program.

10-19(b) AIDS education.

10-19 Effect of alcohol, nicotine or tobacco and drugs to be taught.

Policy adopted:

rev. 5/98
rev 7/15
rev 8/15
rev 12/15

New Hartford Public Schools

I request that my child, _____, be exempted from instruction in the following areas:

1. Family Life Education
2. HIV/AIDS
3. Bilingual Education
4. Sexual Abuse and Assault Awareness and Prevention

I understand that teachers may require my child to complete alternative assignments in lieu of curricular instruction in the exempted area.

The form must be completed annually and returned to the school principal by _____
(date)

Name of Student

Parent/Guardian's Signature

Date

Administrator Signature

Date Reviewed

Date Received

A mandated policy.

Instruction

Special Education

The New Hartford Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals With Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student’s parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent(s)/guardians(s), and representation by counsel, and a review procedure.

Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child’s third birthday, whether or not that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child’s behavior repeatedly violated disciplinary policy.

Instruction

Special Education (continued)

Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning. A child shall become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of handicap/disability, participation in activities, programs or services offered or recognitions rendered to District students, unless participation is not possible because of the handicap/disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student requiring special education and other students. If necessary, students requiring special education may also be placed in private school education facilities. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. Report to the Department of Education each placement of a student receiving special education services for which the board is paying any portion of the cost:
 - a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement or a special education hearing pursuant to section 10-76h of the general statutes.

Instruction

Special Education (continued)

3. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section 10-158a of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section 10-266aa of the general statutes.
4. The amount being paid by the Board.
5. The special education services being provided.
6. The location of the facility at which such special education services are being provided.
7. The total number of any agreements such Board enters into with a student, parent or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq.
8. Any other information requested by the Department.

The District shall also take steps to make the general public aware that all children suspected of having a disability, have a right to a formal determination as to whether they have such a condition or disability.

The Board shall determine the facilities, programs, services and staff that will be provided by the District for the instruction of students requiring special education. In order to maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

Evaluation of Special Education Program

On or after June first, but prior to September thirtieth annually the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement or contract to provide support services to students in the school district, disaggregated by school and type of support service provided.

Instruction

Special Education

Evaluation of Special Education Program (continued)

2. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations of the Superintendent and staff, and by any advisory groups, for improvement in the program.

In addition to the annual report the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall make certain that the individualized education plan of each student is reviewed periodically, or at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all of the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed and the availability of trained and certified personnel.

Legal Reference: Connecticut General Statutes
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)
10-76b State supervision of special education programs and services. (as amended by PA 12-173)
10-76c Receipt and use of money and personal property.
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)
10-76e School construction grant for cooperative regional special education facilities.
10-76f Definition of terms used in formula for state aid for special education.
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)
10-76g State aid for special education.
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

Instruction

Special Education

Legal Reference: Connecticut General Statutes (continued)

10-76i Advisory council for special education.
 10-76j Five-year plan for special education.
 10-76k Development of experimental educational programs.
 PA 06-18 An Act Concerning Special Education
 State Board of Education Regulations.
 10-76m Auditing claims for special education assistance.
 10-76a-1 et seq. Definitions. (as amended by PA 00-48)
 10-76b-1 through 10-76b-4 Supervision and administration.
 10-76d-1 through 10-76d-19 Conditions of instruction.
 10-76h-1 through 10-76h-2 Due process.
 10-76l-1 Program Evaluation.
 10-145a-24 through 10-145a-31 Special Education (re teacher certification).
 10-264l Grants for the operation of interdistrict magnet school programs.
 P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education
 34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
 American with Disabilities Act, 42 U.S.C. §12101 et seq.
 Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
 Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.
 P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act
Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)
Rowley v. Board of Education, 485 U.S.-176 (1982)
Andrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)
A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)
Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)
 Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Sec 1 & 12)
 Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Section 32)

Policy adopted:
 cps 7/25

Instruction

Special Education

The Board of Education accepts its legal duties and responsibilities for providing special education programs for the students of the school district.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the No Child Left Behind Act, lack of instruction in math or limited English proficiency or evidence that a child's behavior repeatedly violated disciplinary policy. Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning.

Each student with a disability who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student with a disability and other students.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility.

The Director of Student Services or his/her designee is directed to develop a comprehensive plan for compliance with all of the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district.

The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed and the availability of trained and certified personnel.

The Board shall determine the facilities, programs, services and staff that will be provided by the District for the instruction of students with disabilities.

In order to maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

CURRENT POLICY

The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations.

The Board directs that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

No student with a disability shall be denied, because of handicap/disability, participation in activities, programs or services offered or recognitions rendered to District students, unless participation is not possible because of the handicap/disability.

Legal Reference: Connecticut General Statutes

10-76a Definitions. (as amended by PA 00-48 and PA 06-18)

10-76b State supervision of special education programs and services.

10-76c Receipt and use of money and personal property.

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48 and PA 06-18)

10-76e School construction grant for cooperative regional special education facilities.

10-76f Definition of terms used in formula for state aid for special education.

10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)

10-76g State aid for special education.

10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

10-76i Advisory council for special education.

10-76j Five-year plan for special education.

10-76k Development of experimental educational programs.

PA 06-18 An Act Concerning Special Education

State Board of Education Regulations.

10-76m Auditing claims for special education assistance.

10-76a-1 et seq. Definitions. (as amended by PA 00-48)

CURRENT POLICY

10-76b-1 through 10-76b-4 Supervision and administration.

10-76d-1 through 10-76d-19 Conditions of instruction.

10-76h-1 through 10-76h-2 Due process.

10-76l-1 Program Evaluation.

10-145a-24 through 10-145a-31 Special Education (re teacher certification).

10-264l Grants for the operation of interdistrict magnet school programs.

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. 12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794.

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

20 U.S.C. 6368(3) The No Child Left Behind Act

Policy adopted: June 3, 2008

Bylaws of the Board

Standing Committees

The New Hartford Board of Education shall have standing committees to address the operations of the Board which may include committees on:

Negotiations and Personnel

School/Community Relations and Policy

Student Health and Safety

Plant Facility and Transportation

Long-Range Planning

Community Outreach

School Security and Safety Committee

Curriculum Committee

Standing Committee Membership

The Chairperson of the Board of Education shall appoint a committee Chairperson of each standing committee from among its members.

1. The Chairperson shall appoint no more than four members to a standing committee.
2. Ad hoc and liaison assignments are not considered to be standing committees.
3. Any member of the Board who is interested in serving on a standing committee shall notify the Chairperson promptly concerning their interest.
 - A. Each Board member must serve on at least one standing committee.
4. The standing committee members shall be designated by the Chairperson of the Board.
5. The Board Chairperson will serve as an ex-officio on all standing committees.
6. Any member of the Board may attend standing committee hearings; however, they will be unable to participate.

7. Standing Committee Chairpersons and members on standing committees shall serve for two years.

Record Keeping

All committees shall keep minutes of business conducted at meetings. The minutes will be kept on file in the Superintendent's office and available at all times to the Board of Education members.

Legal Reference: Connecticut General Statutes

1-225 Meetings of government agencies to be public.

Bylaw adopted by the Board: January 17, 2006

Suggested bylaw.

Bylaws of the Board

New Board Member Orientation

The Board of Education and the administrative staff shall assist each new Board member-elect to become familiar with and to understand the Board of Education's functions, policies, procedures, and operation of the school district before the member takes office. The following methods shall be employed:

1. The incoming member shall be given selected materials on the function of the Board of Education and the school district.
2. The incoming member shall be invited to attend Board meetings and functions and to participate in its discussions.
3. The incoming member shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board and the school district.
4. The incoming member shall be provided with a copy of the Board's policies and bylaws, administrative regulations, and copies of pertinent materials developed by the State School Board Association, Board minutes for the past year, and other helpful information explaining the Board's roles and responsibilities.
5. The Board Chairperson or designee shall arrange a meeting with the new Board member(s) to explain and answer questions about Board processes and procedures.
6. **The Board Chairperson may request a veteran Board member to mentor a new member.**
7. The incoming member may attend, at district expense, workshops for newly elected members as approved by the Board of Education.
8. **First-time elected board members are to complete a training program that minimally includes the following:**
 - The role and responsibilities of a board member;**
 - The duties and obligations of a board of education;**
 - School district budgeting and education finance.**

This training must be completed at a time determined by the Connecticut Department of Education (CSDE), but not later than one year after assuming office.

Bylaws of the Board

New Board Members Orientation (continued)

Candidates

The Superintendent or his/her designee shall invite all current candidates for the office of Board of Education member to attend (1) Board meetings, except that this invitation shall not extend to any executive sessions, and (2) pre-election workshops for candidates.

Legal Reference: Public Act 23-167, An Act Concerning Transparency in Education requires first-time board members to complete a prescribed training program at a time determined by CSDE, but no later than one year after assuming office. Sections 2 and 3

Bylaw adopted by the Board:

cps rev.4/02
cps rev 2/06
cps rev 7/25