



NEW HAVEN PUBLIC SCHOOLS

MEMO

To: New Haven Board of Education Finance & Operations Committee
From: Patricia A. DeMaio
Date: January 12, 2023
Subject: Agreement Form Revisions

I am writing to provide a follow-up to discussion regarding the revision of the Agreement Memo, Agreement form and related documents. Attached for your review:

- *Revised Draft Agreement Memo* and directions for submission of Agreements that fall under Curriculum or Programmatic functions updated to include clarification of insurance requirements.
- *Draft Agreement/Contract Memo* and directions for submission of Agreements/Contracts that fall under Operations, as previously reviewed

Progress to date:

- The Liability Insurance and Rider information was clarified and described for curriculum focused and program focused Agreements.

Pending:

- **Agreement template** developed for curriculum or programmatic focused services requires review by Corporation Counsel.
- **Clarification of Procurement Policy:** A meeting with the City and Corporation Counsel to review the Purchasing Process scheduled for January 17, 2023, may require further changes to the form and submission guidelines.
- **Contractor Evaluation:** further discussion is required.

We anticipate final drafts of the documents to be available in upcoming February meetings.

Thank you,



Curriculum or Program Memorandum

To: New Haven Board of Education Finance and Operations Committee

From:

Date:

Re:

Answer all questions and have a representative ready to present the details of each question during the Finance & Operations meeting or this proposal may not be advanced for consideration by the full Board of Education.

Company Information		
Contractor Name:		
Doing Business as: (DBA)		
Contractor Address:		
Contractor Contact Name:		
Contractor Contact Email:		
Agreement Information		
New or Renewal Agreement?		
Effective Dates: (mm/dd/yy) <small>Multi-ys. require Board of Aldermen approval</small>	From	To
Total Amount: <small>Note Hourly Rates or Session Costs</small>		
Funding Source Name: Acct. #: Including Location Code		
Description of Service: <small>Do not write "See attached"</small>		



Key Questions: Type of Service

1. Is this a renewal/continuation Agreement or a new service?

2. Approximate number of staff served through this program:

3. Approximate number of students served through this program:

4. Select Program Type:

After School Program

School Readiness

Extended Hours Program

Head Start Program

Other: (describe)

5. Continuation/Renewal or New Agreement:

a. If continuation/renewal, has the cost increased? If yes, by how much?

b. What would an alternative agreement cost:

c. If this is a continuation, when was the last time alternative quotes were requested?

d. Is this a service existing staff could provide? If no, why not?

**6. Will the output of this agreement contribute to building internal capabilities?
Explain:**



Key Questions: Contractor Classification/Selection

7. Is the Contractor a Minority or Women Owned Business?

8. Is the Contractor Local?

9. Is the Contractor a Not-for-Profit Organization? If yes, is it local or national?

10. Is the Contractor a public corporation?

11. What specific need will this contractor address?

12. How was the contractor selected? *Attach appropriate supporting documents

- Quotes*
- Sealed Bid
- Sole Source* # _____
Sole Source Designations are provided upon request by the City Purchasing Dept.
- RFP * # _____
- State Contract* # _____
- Exempt Professional: _____

13. If the vendor was selected through RFP process; answer the following:

a. Please explain how the vendor was chosen? *Attach Vendor Proposal

b. Who were the members of the selection committee? (Minimum 3 required)



Key Questions: Contractor Skill & Evaluation

14. What specific skill set does this contractor bring to the project? *Attach a copy of the contractor's resume.

15. Explain how the contractor's performance will be measured and monitored to ensure that the need is met?

16. If renewal/continuation of service provide evaluation or archival data to demonstrate service effectiveness. *Attach evaluation

17. How is this service aligned to the District Continuous Improvement Plan?

18. Why do you believe the agreement is fiscally sound?

19. What are the implications of not approving this agreement?



Agreement/Contract Processing Checklist

*All of the required documents noted below must be submitted with all Agreements/Contracts.
/Documents are available in: Drive G:\F&O Agenda Minutes\Agreement Contract Checklist\2022-2023*

1. Has this vendor performed service(s) in prior fiscal years?	
If Yes,	Vendor # _____
If No or New,	Vendor must provide completed W9
2. A letter/proposal outlining the Scope of Services the agreement/contract will entail.	
If RFP	Attach Vendor Submitted
Other	Attach Letter outlining the scope.
3. <u>Certificates of Liability Insurance (COI) are required for ALL agreements/contracts. See attached for complete requirements.</u> 4. <u>Insurance Riders:</u> See below for description of insurance riders required for specific services. It is the responsibility of staff proposing Agreements/Contracts to request the COI and Riders from the vendor. The COI and Riders must be attached to the submission. Failure to obtain COIs will delay processing.	
Required Riders:	
A.	Abuse and Molestation if the contractor serves youth under the age of 21.
B.	Professional liability/malpractice for nurses or other medical professionals.
5. <u>Disclosure Affidavit Notarized:</u> Contractor may obtain the Disclosure form on the City of New Haven website: https://www.nhswra.com/wp-content/uploads/2021/01/5-1421DiscloseEForm-Rev.52020.pdf	
6. <u>W-9 form</u> is only required for new contractors or for current contractors who have a change of address. Please do not attach the W-9 to the Agreement. Submit the W-9 form as a separate document.	

Insurance Requirements

Contractor/Vendor shall agree to maintain in force at all times during the contract the following minimum coverage and shall name the City of New Haven as an Additional Insured ⁽¹⁾ on a primary and non-contributory basis to all policies except Workers Compensation (and Professional Liability if required). All policies should also include a Waiver of Subrogation ⁽¹⁾. Insurance shall be written with Carriers approved in the State of Connecticut and with a minimum AM Best's rating of "A-"-VIII.

		(Minimum Limits)
General Liability	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
	Products/Completed Operations Aggregate	\$2,000,000
	Abuse & Molestation ⁽²⁾	\$1,000,000
Auto Liability (includes all owned, hired & non-owned autos)	Combined Single Limit	
	Each Accident	\$1,000,000
Umbrella (Excess Liability)	Each Occurrence	\$1,000,000
	Aggregate	\$1,000,000
Professional Liability ⁽³⁾	Each Claim Or Each Occurrence	\$1,000,000
	Aggregate	\$1,000,000
Workers' Compensation and Employers' Liability	WC Statutory Limits	
	EL Each Accident	\$500,000
	EL Disease Each Employee	\$500,000
	EL Disease Policy Limit	\$500,000

If any policy is written on a "Claims Made" basis, the policy must be continually renewed for a minimum of two years from the completion date of this contract. If the policy is replaced and/or the retroactive date is changed, then the expiring policy must be endorsed to extend the reporting period for claims for the policy in effect during the contract for two years from the completion date.

Original, completed Certificates of Insurance must be presented to the City of New Haven to contract issuance. Contractor/Vendor agrees to provide replacement/renewal certificates at least 30 days prior to the expiration date of the policies. Should any of the policies be cancelled, limits reduced or coverage altered, 30 days written notice must be given to the City.

Notes

- (1) Additional Insured & Waiver of Subrogation may be checked off on the COI or written out in the description box.
- (2) If contractor/vendor will be working with children or serving youth under the age of 21 Abuse and Molestation coverage must be included.
- (3) If Professional Liability exposure exists, Professional Liability must be included.



NEW HAVEN PUBLIC SCHOOLS

Operations Memorandum

To: New Haven Board of Education Finance and Operations Committee

From:

Date:

Re:

Answer all questions and have a representative ready to present the details of each question during the Finance & Operations meeting or this proposal may not be advanced for consideration by the full Board of Education.

Company Information		
Vendor Name:		
Doing Business as: (DBA)		
Vendor Address:		
Vendor Contact Name:		
Vendor Contact Email:		
Is the contractor a minority or women owned small business?		
Agreement/Contract Information		
New or Renewal Agreement/Contract?		
Effective Dates: (mm/dd/yy) <small>Multi-yrs. require Board of Aldermen approval</small>	From	To
Total Amount: <small>If Multi-yr. include yr. to yr. breakdown</small>		
Funding Source Name: Acct. #:		
Contract #: <small>(Local or State)</small>		



NEW HAVEN PUBLIC SCHOOLS

Key Questions:

1. What specific service will the contractor provide:

2. How was the contractor selected? *Attach appropriate supporting documents

- Quotes
- Sealed Bid # _____
- Sole Source # _____
- RFP# _____
- State Contract # _____
- Exempt Professional
 - Accountant
 - Actuary
 - Appraiser
 - Architect
 - Artist
 - Dentist
 - Engineer
 - Expert Professional Consultant
 - Land Surveyor
 - Lawyer
 - Physician/Medical Doctor

3. If the vendor was selected through RFP process; answer the following:

a. Please explain how the vendor was chosen? *Attach Vendor Proposal

b. Who were the members of the selection committee? *(Minimum 3 required)*



NEW HAVEN PUBLIC SCHOOLS

Key Questions: - Continued

4. If this is a renewal with a current vendor, has the vendor has met all obligations under the existing agreement/contract?

5. If this agreement/contract is a Renewal, has the cost increase? If yes, by how much? *Attach Renewal Letters

6. If this new agreement/contract, has cost for service increased from previous years? If yes, by how much?

7. Is this a service that existing staff could provide? Why or why not?



NEW HAVEN PUBLIC SCHOOLS

Agreement/Contract Processing Checklist

To ensure timely processing of the submitted Agreement/Contract it is imperative to collect and provide all of the required documentation noted below and provide with submission to board.

Forms/Documents are available in: Drive G:\F&O Agenda Minutes\Agreement Contract Checklist\2022-2023

1. Has this vendor performed service(s) in prior fiscal years?	
If Yes,	Vendor # _____
If No or New,	Vendor must provide completed W9
2. A letter/proposal outlining the Scope of Services the agreement/contract will entail.	
If RFP	Attach Vendor Submitted
Other	Attach Letter outlining the scope.
<p>3. <u>Certificates of Liability Insurance (COI) are required for ALL agreements/contracts, read the following and select the applicable Rider.</u></p> <p>It is the submitters responsibility to request the COI from the vendor and attach with submission; the COI from the Vendor <u>must match rider specifications outlined.</u> Failure to obtain or incorrect COIs will be returned for revision and will delay its processing.</p>	
Rider 300	Professional Services – Onsite Umbrella; w/ Auto; w/ Workers Compensation
Rider 305	Professional Services – Onsite Umbrella; No Auto; No Workers Compensation
Rider 310	Professional Services – Onsite Umbrella; w/ Auto; No Workers Compensation
Rider 315	Professional Services – Onsite Umbrella; w/ Youth under 21
Rider 320	Professional Services – Offsite; No Auto; No Workers Compensation
Rider 325	Professional Services – Offsite; No Auto; No Workers Compensation; w/ Youth under 21
Rider 330	Professional Services – Offsite Attorney; No Auto; No Workers Compensation
Rider 335	Professional Services – Onsite; Physician/Dentist; No Auto
Rider 340	Professional Services – Onsite Physician/Dentist w/ Youth under 21
Rider 345	Professional Services – Onsite Temp Nurses
Rider 350	Professional Services – Cyber – Onsite
Rider 355	Professional Services – Cyber – Offsite
<p>4. The City of New Haven requires the information requested in the <u>Disclosure Affidavit</u> before any City agency, department, or city official seeking agreement/contract shall obtain them, notarized.</p>	
Emailed Disclosures are acceptable.	

Business and Non-Instructional Operations

Concept and Roles in Business and Non-Instructional Operations

The Board of Education recognizes that money and money management comprise the foundation of the school district's educational programs and shall work with town boards and elected officials to provide adequate appropriations in support of these programs. To make that support as effective as possible, the Board of Education shall:

1. Encourage advance planning through the best possible budget procedures.
2. Develop long-range educational and financial plans to provide appropriate educational programs for students within the community's ability to pay.
3. Explore all practical sources of dollar income.
4. Guide the expenditure of funds so as to extract the greatest educational returns.
5. Establish top quality, accepted accounting and reporting procedures.
6. Work cooperatively with other appropriate governmental agencies and officials.

The operation and maintenance of school plant and equipment shall set high standards of safety, to promote the health of students and staff, to reflect prudent management of available resources, and to support environmentally the efforts of the staff to provide a good education.

Policy adopted:

Business and Non-Instructional Operations

Goals and Objectives

The Board of Education recognizes excellent fiscal planning as a key factor in attaining the district's educational goals and priorities. The Board shall:

1. engage in thorough advance planning of budgets;
2. explore all appropriate sources of revenue;
3. manage expenditures so as to achieve the greatest educational returns given the district's available resources; and
4. expect the highest standards in accounting and reporting procedures.

Budget planning is a cooperative process and should involve administrative staff, professional staff, employee associations, community organizations and the Board.

Policy adopted:

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

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Business and Non-Instructional Operations

Budget Planning

General

The Board of Education shall prepare an annual operating budget for the school district, consistent with provisions of state statutes and ~~Board of Finance~~ City of New Haven requirements, governing preparation, timelines, and available appeal procedures of reductions to the educational budget.

Establishing Budget Priorities

Before developing and adopting a proposed budget, the Board of Education shall study school programs in relation to present and future students and community needs and establish budget priorities for the fiscal year. As a preliminary part of budget development, the Board of Education shall study the school program in relation to the present and future needs of the students and the community.

Supplemental Appropriations

State law provides procedures through which, subsequent to approval of the annual budget, additional appropriations may, if required, be requested by the Board of Education from the ~~Board of Finance~~ Board of Alders. Prior to requesting supplemental funds, the Board shall make every reasonable effort to live within the original appropriation and maintain essential educational programs.

Legal Reference: Connecticut General Statutes

10-51 Fiscal year. Budget. Payments by member towns. (regional districts)

10-222 Appropriations and budget. Financial information system.

Policy adopted:

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

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Business and Non-Instructional Operations

Fiscal Year

The fiscal year shall commence July first and end June thirtieth.

Legal Reference: Connecticut General Statutes

10-51 Fiscal year. Budget. payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve fund.

10-222 Appropriations and budget. Financial information system.

10-259 Fiscal and school year defined.

Policy adopted:

Business and Non-Instructional Operations

Budget Development

The Superintendent of Schools shall direct the preparation of the recommended annual budget. To make the budget a comprehensive reflection of the financial needs of the school system, representatives of the community, students, certified and non-certified staff, and administrative staff shall be involved in the budget process. Procedure for such involvement shall be developed by the Superintendent of Schools and implemented by the Superintendent's office following review by the Board of Education.

Additionally, the Board shall hold, and the public shall be invited to attend, one or more public meetings at which the ~~Board and the Superintendent~~ shall explain the proposed budget and consider questions, comments, and suggestions from the audience.

The Board of Education shall review the Superintendent's proposed budget at one or more budget meetings and make changes as the majority of the Board may desire.

All Board of Education budget meetings are public meetings, and the public is encouraged to attend and contribute to the budget development process within guidelines for public participation at Board of Education meetings.

Legal Reference: Connecticut General Statutes

10-51 Fiscal year. Budget. Payments by member towns. (regional districts)

10-222 Appropriations and budget. Financial information system.

[Note: Added language is from the old policy 3140. –mw]

Policy adopted:

Business and Non-Instructional Operations

Budget Adoption

The Board of Education will present an itemized estimate of the cost for the operation of the public schools to the fiscal authority not later than two months preceding the annual meeting at which appropriations are to be made. The estimated cost of operating the public schools for the ensuing year shall be the final budget for the schools, modified, if necessary, by any difference in the amount requested by the Board of Education and the amount appropriated by the ~~legislative authority for the operation of the schools~~ Board of Alders.

~~If reductions are made in the budget by the Board of Finance or at the town or district budget meeting or referendum, the~~ The Superintendent of Schools shall prepare a final budget recommendation for Board of Education review, modification if needed, and approval; such budget shall reflect changes made from the originally approved education budget to remain within the reduced figure ultimately approved by ~~the legislative authority~~ Board of Alders.

Legal Reference: Connecticut General Statutes

10-51 Fiscal year. Budget. Payments by member towns. (regional districts)

10-222 Appropriations and budget. Financial information system.

Policy adopted:

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3152(a)

Business and Non-Instructional Operations

Spending Public Funds for Advocacy

The Board of Education recognizes that C.G.S. 9-369b prohibits the expenditure of municipal funds to influence a vote on a pending referendum question. This includes the dissemination of printed materials and the preparation of video and website presentations. The Superintendent is directed to avoid violating this prohibition which applies to in-kind expenditures as well as direct expenditures of money. Individuals violating this prohibition are personally liable.

The Board recognizes that public funds may be expended concerning a referendum when the following conditions are met:

1. By vote of the legislative body, the town/city may authorize the preparation, printing and dissemination of concise explanatory texts or other printed material concerning referenda proposals. The Town Clerk is responsible for preparing the text which shall specify the intent and purpose of each proposal or question. Such explanatory text shall not advocate either the approval or disapproval of the proposal or question. The town's/city's legislative body may also authorize the preparation and printing of materials concerning any referendum proposal or question in addition to the explanatory text. Such materials are also subject to the approval of the town/city counsel and must be neutral, advocating neither approval nor disapproval of the proposal or referendum question.

Note: ~~*In a municipality that has a town meeting as its legislative body, the board of selectmen shall, be deemed to be the legislative body of such municipality.*~~

~~Alternative language for a regional school district:~~

~~For any referendum called for by the Regional School District, the Regional School Board of Education shall authorize the preparation, printing and dissemination of concise explanatory texts or other printed material with respect to proposals or questions approved for submission to the electors of the municipalities included in the regional school district at a referendum. For any such referendum, only the Regional School Board of Education shall make any such authorization. Each such explanatory text shall be prepared by the Regional School Board of Education and shall specify the intent of each referendum proposal or question. Such explanatory text shall not advocate the approval or disapproval of the referendum proposal or question. Each such explanatory text is subject to the approval of the Regional School Board's attorney. The Regional Board's Secretary shall also undertake any other duty of a municipal clerk as described in this statute.~~

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3152(b)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

~~Any such other printed material shall be prepared by the person or persons so authorized by the Regional Board of Education. Such material shall not advocate either the approval or disapproval of the referendum proposal or question and is also subject to the approval of the attorney of the Regional Board of Education.~~

2. A public official may expend public funds to prepare a written, printed or typed summary of his/her view on a referendum issue and distribute that summary to the news media at a bona fide press conference. Such summary may express support or opposition to the referendum question. The summary may be provided upon request to members of the public. Public funds may not be used to provide for a general distribution of the summary.
3. The Superintendent or Board members may respond to a constituent request for information concerning the referendum, including personal views.
4. The town/city via public ordinance may provide for the preparation and printing of concise summaries of arguments in favor of, and arguments opposed to, local proposals or questions approved for submission to the electors of the town/city at a referendum. The ordinance must provide for a committee to prepare such summaries, with members representing the various viewpoints. The committee shall provide an opportunity for public comment on such summaries to the extent practicable. Such summaries must be approved by vote of the town's/city's legislative body or any other municipal body designated by the ordinance, and posted and distributed by the Town Clerk. Each summary shall contain language clearly stating that the printing of the summary does not constitute an endorsement by or represent the official position of the municipality.
5. The school District will not use its automated calling system, electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging parents/guardians and students about the time, date and place concerning referenda and encouraging them to vote. This prohibition shall not apply to a regularly published newsletter or similar publication.
6. The community notification system, maintained by the town/city/municipality, at the direction of the chief elected official of such town/city/municipality, or with respect to a referendum called by a regional school district, the request of the chairperson of the regional board of education having jurisdiction over such city/town/municipality involved in the regional school district, may be used to send or publish a notice informing all residents enrolled in the notification system of the time and location of the referenda, a statement of the question as it appears on the ballot or referendum and any other approved material. Such notice shall not advocate approval or disapproval of the proposal or attempt to influence the outcome of the referendum.
7. The website maintained by the town/city or the Regional School District is not a community notification system. Such website may contain notice pertaining to the referendum as described above in item #6.
8. Third party comments posted on social media or on websites maintained by the state, town/city or the Regional School District do not constitute an expenditure of state or municipal funds to influence the outcome of a referendum.

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3152(c)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

Note: *Only a community notification system may be used for the limited purpose of reminding voters of the time and location of upcoming referenda, the ballot question itself, and any other previously authorized explanatory text describing the subject matter of the question. Any such notice shall not advocate the approval or disapproval of the proposal or question or attempt to influence or aid the success or defeat of the referendum.*

Note: *“Community notification systems” are defined as systems maintained by a municipality that are available to all residents of the municipality and permit any resident to opt to receive notifications of community events or news. Only the chief elected official of the municipality can authorize the use of such a system for this purpose. With respect to a referendum called by a regional school district, the chairperson of the regional school board may request the chief elected official of the municipality in which the regional school district resides to use such system.*

The Board recognizes that school officials and Board members retain their First Amendment rights to express their position on the proposed school budget or other referendum questions. The prohibition contained in this policy only pertains to the expenditure of public funds.

It is further recognized that individuals, individually or collectively, can spend private funds to advocate for a referendum result, as they see fit, as permitted by the regulations of the State Elections Enforcement Commission.

The Board further recognizes the statutory right of any community member to bring a complaint if such individual claims to have been aggrieved in connection with a referendum by (1) an election official’s ruling, (2) a mistake in the vote count, or (3) a violation of prohibited acts concerning absentee voting. A person may file a complaint with any judge of the Superior Court.

Legal Reference: Connecticut General Statutes
9-355 Official neglect or fraud
9-357 Fraudulent registration
9-358 False swearing before registrar, moderator or board
9-359 Absentee ballots
9-359a False statement in absentee balloting. Class D felony
9-360 Fraudulent voting
9-361 Primary or enrollment violations
9-369b Local questions and proposals. Explanatory text. Use of community notification systems. Expenditures of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Civil penalty. Summaries of arguments for, against local questions (as amended by PA 00-92, PA 04-117, PA 13-247 and PA 15-173)

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3152(a)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

1. Spending Public Funds to Inform Citizens Regarding Referenda

Section 9-369b(a), Connecticut General Statutes is the exclusive method by which a municipality or regional school district could expend public funds for printing and distribution of information concerning a referendum question. It sets forth the following conditions for such expenditure:

- a. A vote of the municipality's legislative body is needed to authorize the preparation, printing and dissemination of concise "explanatory text" or other printed material with respect to a referendum;
- b. The preparation of the explanatory text must be made by the municipal clerk and approved by the municipal attorney;
- c. The explanatory text shall specify the intent and purpose of each referendum or question; and
- d. Such explanatory text shall not advocate either the approval or the disapproval of the referendum proposal or question.

Materials in addition to the explanatory text may now be prepared and printed with public funds if they (1) do not advocate either the approval or disapproval of the referendum; (2) are authorized by vote of the local legislative body; and (3) are approved by the municipal attorney. The notices may also include other neutral printed material approved for submission to electors on a municipal or regional school district referendum.

~~In a municipality that has a town meeting as its legislative body, the Board of Selectmen shall be deemed to be the legislative body of such municipality.~~

~~Pursuant to C.G.S. 9-369b(b), for any referendum called for by a regional school district, the Regional Board of Education shall authorize the preparation and printing of concise explanatory texts of proposals or questions approved for submission to the electors of a municipality at a referendum. The Secretary of the Regional School Board shall prepare such explanatory text which is subject to the approval of the school Board's counsel. The Regional Board's Secretary shall also undertake any other duty of a municipal clerk as described in this statute.~~

~~Regional district school boards are authorized (P.A. 15-173) to print and disseminate neutral printed material, in addition to explanatory texts, about regional school district referenda. Such material must be approved by the board's attorney. The material must be prepared by a person authorized by the regional school board or municipal legislative body, whichever applies.~~

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3152(b)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

2. Expenditure of Public Funds for Advocacy Prohibited When a Referendum is Pending

With two exceptions discussed below, no expenditure of state, municipal or regional school district funds can be made to influence any person to vote for approval or disapproval of any referendum question. The ban applies when a referendum is pending.

A referendum question is pending when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum. For example, a referendum is pending when a sufficient number of signatures have been certified by the Town Clerk under C.G.S. 7-7 or when the selectmen, or other authorized government official, have determined that a referendum will be conducted.

3. Pro-Con Summaries

By ordinance, a municipality may provide for the preparation and printing of concise summaries of arguments in favor of and opposed to a referendum question for which an explanatory test is prepared under Section 9-369b(a) or (b). The ordinance must provide for a committee to prepare these summaries. Other conditions for this exception are specified in Section 9-369b(d).

4. Press Releases and Constituent Responses Permitted

The other exception is that an official can express his/her views on pending referendum at a bona fide news conference, and may use public funds, facilities, and supplies to prepare a press release to be disseminated at the conference. Also, an official may use public funds, facilities and supplies to respond to a constituent request for information concerning the referendum, including the official's views. The exception is lost however, if the official responds to the citizen's request with the knowledge that the response will be disseminated to others in the community.

In addition, the maintenance of a third-party comment posted on social media or on an Internet website maintained by the state, a municipality or a regional school district permitting such third-party comments shall not constitute an expenditure of state or municipal funds.

5. Children in School as Couriers

Children in school may not be used as couriers of information that advocates a position on a referendum. A notice limited to the time, place and question to be voted upon may be sent home to parents via children in school.

6. Use of School Teachers, Administrators, Facilities, Supplies, and Equipment Prohibited

The prohibition on state and municipal funds also applies to the use of school facilities, supplies, and equipment and postal permits to advocate a position on a referendum. For example, parent teacher organizations and school administrators may not use school equipment to prepare or copy advocacy material even if the town, regional district or school system is reimbursed for such use. This prohibition also extends to the use of a school's public address system to advocate a result of a referendum.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3152(c)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

7. Use of School Facilities by Outside Political Committees and Organizations for Meetings or Rallies

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non discriminatory basis. A charge can be made for the use of school facilities for this purpose and all groups or committees must be charged the same.

8. What Constitutes Advocacy?

A communication advocates a position on a referendum when in part, or taken as a whole, it urges the listener or reader to vote in a particular manner. The style, tenor, and timing of a communication are factors which are considered by the Commission when reviewing alleged improprieties of Section 9-369b.

9. Civil Penalties for Violations

The State Elections Enforcement Commission may impose a civil penalty against any official who violates Section 9-369b(a), in an amount not exceeding twice the amount of the improper expenditure or \$1,000, whichever is greater. The official is personally liable for the penalty and cannot be reimbursed or indemnified by the state, regional school district or municipality for payment of a civil penalty.

10. Political Committees to Promote Referenda

Under Chapter 150 of the General Statutes, public officials and citizens alike may join together to advocate their views on a referendum by registering a political committee with the clerk of the municipality in which the referendum is to be held. Upon its registration, the political committee is permitted to solicit, receive and expend private funds to promote the success or defeat to a referendum question. If less than \$1,000 is expected to be collected or spent, a group may file a certification of exemption in lieu of a political committee registration form.

11. Independent Personal Expenditures

Any citizen or public official may independently (acting alone) make expenditures of his/her own funds to promote the success or defeat of a referendum question without forming a political committee in conformance with Chapter 155, Connecticut General Statutes. However, once such individual spends more than \$1,000 to promote the success or defeat of a referendum question, he/she must file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under Section 9-608.

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3152(d)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

12. Use of Automated Calling Systems

The school district is not allowed to use its automated calling system, electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging parents/guardians and students about the time, date and place concerning referenda and encouraging them to vote. This prohibition shall not apply to a regularly published newsletter or similar publication.

The Board of Education of a regional school district, through its chairperson, may request that their member municipalities use their community notification systems to notify enrolled residents of an upcoming regional school district referendum.

Note: *Only a community notification system may be used for the limited purpose of reminding voters of the time and location of upcoming referenda, the ballot question itself, and any other previously authorized explanatory text describing the subject matter of the question. Any such notice shall not advocate the approval or disapproval of the proposal or question or attempt to influence or aid the success or defeat of the referendum.*

An Internet website maintained by a municipality or regional school district shall not be deemed a community notification system and may contain a notice of an upcoming municipal or regional school district referendum.

Note: *“Community notification systems” are defined as communication systems maintained by a municipality that are available to all residents of the municipality and permit any resident to opt to receive notifications of community events or news from such municipality via electronic mail, text, telephone or other electronic automated means. Only the chief elected official of the municipality can authorize the use of such a system for this purpose.*

Legal Reference: Connecticut General Statutes
9-333j Statements to be filed by campaign treasurers. Treatment of surplus or deficit. Filing dates.
9-369 Procedure for holding referendum.
9-369a Submission of local questions at election.
9-369b Local questions and proposals. Explanatory text. Use of community notification systems. Expenditures of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Civil penalty. Summaries of arguments for, against local questions (as amended by PA 00-92, PA 04-117, PA 13-247 and PA 15-173)

Regulation approved:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3160

This version does not permit any transfer of funds, even in an emergency, without Board of Education approval. (Version #1)

~~Business/Non-Instructional Operations~~

~~Transfer of Funds Between Categories; Amendments~~

~~The Board of Education may transfer any unexpected or uncontracted for portion of any appropriation for school purposes to any other item of such itemized estimate. Expenditures in each fiscal year shall not exceed the appropriation made by the fiscal authority combined with such money as may be received from other sources for school purposes.~~

~~The Board shall provide a written explanation of a transfer made under emergency circumstances to the town's legislative body or, if the legislative body is a town meeting, to the Board of Selectman.~~

Optional language:

~~To allow scrutiny of the expenditures and to allow the Board to exercise its oversight responsibility, the Superintendent of Schools will furnish to the Board of Education monthly expenditure statements and quarterly budget projections.~~

~~Legal Reference: Connecticut General Statutes~~

~~10-222 Appropriations and budget. (as amended by P.A. 13-60, An Act Concerning The Consolidation of Non-educational Services)~~

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3160

*This version permits a transfer of funds, under emergency situations,
without Board of Education approval. (Version #2)*

Business/Non-Instructional Operations

Transfer of Funds Between Categories; Amendments

The Board of Education may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate, but expenditures shall not exceed the appropriation made by the fiscal authority combined with such money as may be received from other sources for school purposes.

The Superintendent or his/her designee is authorized to transfer funds from any line item in an amount less than \$10,000, under emergency conditions if the urgent need for the transfer prevents the Board from meeting in a timely fashion to consider such transfer. All transfers made in such instances shall be announced at the next regularly scheduled meeting of the Board and a written explanation of such emergency transfer shall be provided. ~~to the legislative body of the municipality or, in a municipality where the legislative body is a town meeting, to the Board of Selectmen.~~

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget. Financial information system. (as amended by P.A. 13-60, An Act Concerning The Consolidation of Non-educational Services)

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3160

Another sample to consider. (Version #3)

~~Business/Non-Instructional Operations~~

~~Transfer of Funds Between Categories; Amendments~~

~~The Board of Education looks to the Central Office Administration to inform it of potential line item over expenditures in each school year budget. All transfers of funds between accounts of the budget shall be in harmony with law and shall be recommended by the Superintendent.~~

~~This communication should promote a positive relationship between the Administration, Board of Education and Town Board(s) on how moneys are effectively being spent.~~

~~The Board of Education may transfer any unexpended or uncontracted for portion of any appropriation for school purposes to any other item of such itemized estimate. Expenditures in each fiscal year shall not exceed the appropriation made by the fiscal authority combined with such money as may be received from other sources for school purposes.~~

~~The Board shall provide a written explanation of a transfer made under emergency circumstances to the town's legislative body or, if the legislative body is a town meeting, to the Board of Selectman.~~

Optional language:

~~The Board authorizes the Superintendent or his/her designee to transfer funds from any line items in an amount less than \$ _____ under emergency conditions if the urgent need for such transfer prevents the Board from meeting in a timely fashion to consider such transfer. All transfers made in such instances shall be announced at the next regularly scheduled meeting of the Board and a written explanation of such transfer shall be provided to the legislative body of the municipality or, in a municipality where the legislative body is a town meeting, to the Board of Selectmen.~~

~~Legal Reference: _____ Connecticut General Statutes~~

~~10-222 Appropriations and budget. (as amended by P.A. 13-60, An Act Concerning The Consolidation of Non-educational Services)~~

~~Policy adopted:~~

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

[Policy not needed:

- We did not previously have it.
- Not required or recommended by CABE.
- Not recommended by Shipman & Goodwin

--mw]

P3171.1(a)

~~Business and Non-Instructional Operations~~

~~Non-Lapsing Education Fund (Non-Regional School Districts)~~

~~The _____ Board of Education (Board) may request the town's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year pursuant to C.G.S. 10-248a.~~

~~Any expenditure from the Non-Lapsing Education Fund shall be authorized solely the Board of Education. Each expenditure from such account shall be made only for educational purposes.~~

~~The Board of Finance shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting Standards and Generally Accepted Accounting Principles (GAAP). The account shall be subject to the annual audit as required by State statute. The Board of Education shall review the fund balance on an annual basis.~~

~~Reserve Fund for Capital and Nonrecurring Expenditures (Regional School Districts)~~

~~The Regional Board of Education (Board), by a majority vote of its members, may create a reserve fund for capital and nonrecurring expenditures. Such fund shall be termed "reserve fund for capital and nonrecurring expenditures." The aggregate amount of annual and supplemental appropriations by a district to such fund shall not exceed two percent (2%) of the annual district budget for such fiscal year.~~

~~Annual appropriations to such fund shall be included in the share of net expenses to be paid by each member town. Supplemental appropriations to such fund may be made from estimated fiscal year end surplus in operating funds. Interest and investment earnings received with respect to amounts held in the fund shall be credited to such fund.~~

~~The Board shall annually submit a complete and detailed report of the condition of such fund to the member towns. Upon the recommendation and approval by the Board, any part or the whole of such fund may be used for capital and nonrecurring expenditures, but such use shall be restricted to the funding of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment.~~

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

~~Such fund may be discontinued, after the recommendation and approval by the Board, and any amounts held in the fund shall be transferred to the general fund of the District.~~

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Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3171.1(b)

~~Business and Non-Instructional Operations~~

~~Non-Lapsing Education Fund (Non-Regional School Districts)~~

~~Legal Reference: Connecticut General Statutes~~

~~10-51(d)(2) Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve funds. (as amended by PA 21-2, JSS, Section 363)~~

~~10-222 Appropriations and budget~~

~~10-248a Unexpended education funds account (as amended by PA 19-117, Section 285)~~

~~Policy adopted:~~

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Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3171.1
Appendix

MEMORANDUM OF AGREEMENT

This Agreement, made and entered into this _____ day of _____, 201_, by and between the Board of Education of the town/city of _____ herein by _____, its Chairperson (hereinafter referred to as "BOE") and the Board of Finance of _____ acting herein by _____, its Chairperson, duly authorized (hereafter referred to as "BOF");

~~WHEREAS, C.G.S. 10-248a, specifically authorizes the BOF to establish a non-lapsing account to deposit unexpended funds from the prior fiscal year's budgeted appropriation for educational purposes capped at two percent (2%) of the BOE operating budget for that year; and~~

~~WHEREAS, the BOE is desirous of establishing a non-lapsing account in accordance with the statutes; and~~

~~WHEREAS, although the BOF is not compelled by statute to establish such a non-lapsing account, the BOF is desirous of doing so to provide the BOE with an incentive to reduce costs, pursuant to the terms and conditions set forth herein, and~~

~~NOW THEREFORE, in consideration of the BOF establishing a non-lapsing account in accordance with C.G.S. 10-248a, the parties hereby agree as follows:~~

- ~~1. The BOF shall vote to establish a non-lapsing account for the deposit of unexpended education funds from the fiscal 201_/202_ year to be used by the BOE in accordance with C.G.S. 10-248a.~~
- ~~2. The funds deposited in said account shall be and are subject to the additional appropriation process established pursuant to the Charter of the town/city of _____ that requires approval by both the BOF and the legislative body.~~
- ~~3. The BOE agrees that its request for appropriation for any of such funds shall be for the sole purpose and strictly limited to educational purposes. The funds shall not be used for any other purpose. Notwithstanding the foregoing, the BOE may request an appropriation for reasons other than those set forth above in the event of an emergency.~~
- ~~4. The BOE acknowledges that the BOF is not compelled to establish said fund but is desirous of doing so only upon the consideration of the terms and conditions as set forth in paragraph 3.~~
- ~~5. The BOE hereby agrees to waive its right to request an appropriation for any funds established in the non-lapsing account established pursuant to this Agreement for any purpose other than as specifically set forth herein.~~
- ~~6. This Agreement shall become effective and binding upon the parties hereto upon the approval hereof by the affirmative vote of the board of each respective part and the subsequent execution hereof.~~
- ~~7. This Agreement shall be executed in duplicate with an original to remain on file in the office of each of the parties hereto.~~

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Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3171.1
Appendix
(continued)

- ~~8. This Agreement does not bind the BOF to agree to deposit unexpended funds of the BOE in any future year but any such authorization to do so shall be in accordance with the terms herein.~~
- ~~9. This Agreement may not be modified orally but only by written agreement between the parties hereto upon affirmative vote of the respective boards.~~
- ~~10. This Agreement shall terminate upon the following events (i) by agreement of the parties hereto; (ii) upon the non-lapsing account established herein having a zero (0) balance; (iii) 120-day written notification prior to the start of a new fiscal year from the BOF to the BOE.~~

~~In Witness whereof, the parties hereto subscribe their names on the date and year first above written.~~

~~BOARD OF EDUCATION~~

~~BOARD OF FINANCE~~

~~Chairperson (print name)~~

~~Chairperson (print name)~~

~~Date~~

~~Date~~

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Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3543.31(a)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

This policy applies to the retention, storage, and destruction of electronic information and records within the District and does not supersede any state or federal laws, or any other District policies regarding confidentiality, information dissemination, or standards of conduct. Generally, electronic information should be used only for legitimate District business; however, brief and occasional e-mail messages may be sent and received pursuant to policy 4118.4/4218.4 and policy 4118.5/4218.5.

Electronic communications is transmittal of a communication between two or more computers or electronic devices, whether or not the message is converted to hard copy format, whether or not the message is viewed upon receipt or stored for later retrieval, and whether or not the transmittal is through a local, district or global computer network.

Electronic communications, including records made with other software and sent in e-mail, which are sent or received by the Board of Education or District employees pertaining to the business of the schools may be subject to public disclosure and inspection as public records under the Connecticut Freedom of Information Act and discovery in litigation as evidence in support of a claim. The Superintendent or his/her designee shall be responsible for implementing administrative regulations concerning the placing of a “hold” on electronic and paper records that may reasonably be anticipated to be subject of discovery in the course of litigation.

Use of electronic mail should conform to the same standards of judgment, propriety and ethics as other forms of school business-related communications.

The District is obligated to respect and, where necessary, to protect confidential data. The Board recognizes technical and legal limitations may restrict the District’s ability to protect confidentiality. Electronic communication is recognized as similar to a paper document for legal purposes. The Board understands it may be legally compelled to disclose electronic information including business or personal use of e-mail to community members in accordance with the Freedom of Information Act. Such information will be disclosed to governmental authorities or, in the context of litigation, to other third parties. E-mail may also contain information that should be retained in the official records of the District.

Electronic communication on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document and will be retained in accordance with the *Management and Retention Guide for State and Municipal Government Agencies* (General Letter 98-1) administered by the Connecticut State Library, Public Records Administrator.

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3543.31(b)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention (continued)

In addition to the Board's retention guidelines, all District employees have a duty to preserve all paper records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve litigation. The Superintendent or his/her designee shall develop administrative regulations to preserve such records and electronically stored information that could potentially be related to any matter currently in litigation or which may be anticipated to result in future litigation.

The responsible authority for the maintenance and security of records shall be the Superintendent of Schools or his/her designee. The Superintendent shall designate a Records Custodian who will be responsible for implementation of District policies and administrative regulations pertaining to the preservation of paper records and electronically stored information, including e-mails and to respond to requests to inspect electronic mail pursuant to the Freedom of Information Act.

When security of certain financial, student, and other confidential information must be maintained, employees shall take appropriate security measures such as the use of personal identification passwords and/or encryption codes. Employees shall safeguard the confidentiality of passwords and codes and shall take reasonable steps to insure that computer terminals do not become available for unauthorized use.

Users are responsible for appropriate access to and use of electronic mail systems. Illegal or improper use of the electronic mail systems, including, but not limited to, pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited.

Use of the electronic mail systems for which the District will incur an expense without written permission of a supervisor is prohibited.

Violation of this policy shall constitute just cause for appropriate disciplinary action.

(cf. 4118.4/4218.4 – Electronic Monitoring)
(cf. 4118.5/4218.5 – Acceptable Computer Network Use)
(cf. 9327 – Electronic Mail Communications)
(cf. 9330 – Board/School District Records)
(cf. 5125 – Student Records; Confidentiality)

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3543.31(c)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention (continued)

Legal Reference: Connecticut General Statutes
The Freedom of Information Act.
1-15 Application for copies of public records.
1-200 Definitions.
1-210 to 1-213 Access to public records.
1-211 Access to computer stored records.
1-214 Public contracts as part of public records.
1-225 to 1-240 Meetings of public agencies.
7-109 Destruction of documents.
10-15b Access of parent or guardians to student's records.
10-154a Professional communications between teacher or nurse & student.
10-209 Records not to be public.
10-221 Boards of education to prescribe rules.
11-8a Retention, destruction and transfer of documents.
11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
31-48d Employers engaged in electronic monitoring required to give prior notice to employees.
46b-56 (e) Access to Records of Minors.
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).
General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).
Department of Education 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.
Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).
USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331.

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(a)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Retention Guidelines

These regulations provide guidance in the implementation of policy #3543.31 regarding the retention of electronic records and information. These regulations supplement and do not replace District policy and regulations pertaining to student records (#5125).

Content and function of electronic messages determine the message's retention period. The determination of record status shall be on the same basis as is used for paper records. The District will comply with all of the minimum standards set forth in the *Municipal Records Retention Schedule, M8* of the Connecticut Records Administration. Electronic messages sent and received by public officials fall within three broad categories:

1. Transitory messages, including copies posted to several persons and casual and routine communications similar to telephone conversations.
2. Public Records with a less than Permanent Retention Period; and
3. Public Records with a Permanent or Permanent/Archival Retention Period.

Retention guidelines for each of these categories are as follows:

- **Transitory Messages-No Retention Requirement**

- Public officials and employees receiving such communications may delete them at will immediately without obtaining the approval of the Office of the Public Records Administration and State Archives or the District's Custodian of Records. Transitory messages are not essential to the fulfillment of statutory obligations or to the documentation of district functions.
- Examples include, but are not limited to:
 - Messages that address routine administrative, curricular and co curricular matters, announcements of meetings, schedules of events, etc.
 - Messages that take the place of informal discussion and which if they were printed would not be retained in school records.
 - Messages that transmit generic information and are not specific to a student's educational program.
 - Messages that address personal matters unrelated to the District.
 - Voice mail is transitory in nature and may be deleted at will. However, there are times when such messages may require a longer retention period, such as in the case where the message may be potentially used as evidence in a trial, such as a bomb threat, or in some other illegal activity. Voice mail may also be subject to the discovery process in litigation.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(b)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Retention Guidelines (continued)

- **Less than Permanent Messages-Retention Requirement**
 - Follow retention schedule for equivalent hard copy records as specified in the *Municipal Records Retention Schedule, M8* of the Connecticut Records Administration, retention schedule. The record must be in hard copy or electronic format, which can be retrieved and interpreted for the legal retention period.
 - When there is a doubt about the retrievability of an electronic record over the life span of that record, the record should be printed out.
 - The District may delete or destroy the records only after making and retaining a hard copy or after receiving signed approval from the Office of the Public Records Administrator.
 - Examples include, but are not limited to:
 - Messages that address significant aspects of a specific student's educational program including, but not limited to, health, discipline, special education program, interaction with DCF, and communication with parents relating to specific aspects of the student's interaction with the school district.
 - Messages that address and/or provide information used in making policy decisions, concerning curricular or co-curricular activities, personnel actions, or that relate to the business transactions of the District.
 - Messages that address activities of significant interest in the community relating to the District.
- **Permanent or Permanent /Archival-Retention Requirement**
 - Records must be retained permanently.
 - Retention may be in the form of a hard-copy printout or stored on microfilm that meets microfilm standards issued in General Letter 96-2 of the Public Records Administrator. The information must be eye readable without further direction.
 - Examples include, but are not limited to:
 - Policy and Procedures manuals
 - Physician's standing orders
 - Nursing protocols

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(c)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Retention Guidelines (continued)

Public officials and District employees are advised that e-mail messages sent as part of their workdays are not “private” but are discoverable communications and may be subject to FOI. Since messages may be retained at different locations or levels of the system, users must remember that their communications can be retrieved during formal discovery processes.

Discretion, therefore, is an important consideration when using technology to send, record, and/or retain communications.

Maintenance/Retention of Electronic Mail

Records created using an e-mail system and electronically stored information will be saved/archived by the District for their required retention period by one of the following methods approved by the District’s Record’s Custodian:

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

A review shall take place periodically, but at least annually, for the purpose of reviewing electronically stored information. The District’s Record Custodian and the District’s Technology Administrator are responsible for this review.

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

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

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(d)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Holds on the Destruction of Paper Records and Electronic Information

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

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

The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the “litigation hold,” including electronically stored information. He/she shall work with the District’s Instructional Technology personnel to ensure compliance with the “litigation hold.”

The Records Custodian shall determine the types of electronically stored information that exist and where that information is maintained, identify where both identified paper documents and electronically stored information will be stored, and implement procedures to ensure that District employees are complying with the “litigation hold.” No system wide process for automatic deletion of electronic information will be implemented while a “litigation hold” is in effect without prior notice to the Records Custodian and verification by the Records Custodian that the deletion process will not destroy documents or information that is subject to a “litigation hold.” The Records Custodian shall reissue the “litigation hold” memorandum, as deemed necessary, and will ensure that the “litigation hold” memorandum is provided to new employees who may have access to relevant information. The Records Custodian shall ensure that all steps taken by the District to identify and preserve relevant information are documented.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(e)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention (continued)

(cf. 4118.4/4218.4 – Electronic Monitoring)
(cf. 4118.5/4218.5 – Acceptable Computer Network Use)
(cf. 9327 – Electronic Mail Communications)
(cf. 9330 – Board/School District Records)
(cf. 5125 – Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes
 The Freedom of Information Act.
 1-15 Application for copies of public records.
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 1-225 to 1-240 Meetings of public agencies.
 7-109 Destruction of documents.
 10-15b Access of parent or guardians to student's records.
 10-154a Professional communications between teacher or nurse & student.
 10-209 Records not to be public.
 10-221 Boards of education to prescribe rules.
 11-8a Retention, destruction and transfer of documents.
 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
 31-48d Employers engaged in electronic monitoring required to give prior notice to employees.
 46b-56 (e) Access to Records of Minors.
 Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).
 General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3543.31(f)

Business and Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Legal Reference (continued)

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g).

Department of Education. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331.

Regulation approved:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3543.311

Business and Non-Instructional Operations

Office Services/Records and Reports

Holds on the Destruction of Electronic and Paper Records

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

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

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

Legal References: Rules 34 and 45 of the Federal Rules of Civil Procedure

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3543.311(a)

Business and Non-Instructional Operations

Office Services/Records and Reports

Holds on the Destruction of Electronic and Paper Records

I. Records Custodian

These regulations are designed to assist in implementation of Board Policy #3543.311 regarding holds on the destruction of paper records and electronic information. The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the preservation of paper records and electronically stored information, including e-mails.

II. Holds on the Destruction of Paper Records and Electronic Information

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

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

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3543.311(b)

Business and Non-Instructional Operations

Office Services/Records and Reports

Holds on the Destruction of Electronic and Paper Records

The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the litigation hold, including electronically stored information. He/she shall work with the District's IT personnel to ensure compliance with the litigation hold.

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

Legal References: General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator
 Record Retention Schedules Towns, Municipalities and Boards of Education
 Rules 34 and 45 of the Federal Rules of Civil Procedure
 Silvestri v. General Motors Corp., 271 F.3d 583 (4th Cir. 2001)

Regulation approved:

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[Is this policy needed??? --mw]**Business and Non-Instructional Operations****Capital Outlay**

Except for emergencies or reasons of economy, the purchase of major pieces of equipment such as school buses shall be scheduled so that annual budgetary appropriations for capital outlay will be of similar size or will show a continuous trend without severe fluctuations.

A long-range and short-range plan for capital outlay shall be developed by the Superintendent in order to prevent severe fluctuations in the annual capital outlay fund, and to provide an orderly process for acquisition of needed equipment and facilities within budgetary constraints.

Policy adopted: