

**Please note: These minutes are pending Board approval.
Board of Education
Newtown, Connecticut**

Minutes of the Board of Education meeting on July 21, 2016 at 7:00 p.m. in the Reed Intermediate School library.

K. Alexander, Chair	J. Erardi
M. Ku, Vice Chair	J. Davila
D. Leidlein, Secretary	R. Bienkowski (absent)
J. Vouros (absent)	2 Staff
R. Harriman-Stites	4 Public
A. Clure	1 Press

Mr. Alexander called the meeting to order at 7:05 p.m.

Item 1 – Executive Session

MOTION: Mrs. Ku moved moved that the Board of Education go into executive session to discuss contract considerations for behavior therapists for 2016-2017 and invited Dr. Erardi, Mrs. Davila, Kim Parciasepe and January Lunch. Seconded by Mrs. Leidlein. Motion passes unanimously.

Executive session began at 7:06 p.m. and ended at 7:32 p.m.

Item 2 – Pledge of Allegiance

Item 3 – Possible Vote on Executive Session Item

Item 4 – Update on Sandy Hook School and High School Auditorium Project.

Dr. Erardi provided a document from Bob Mitchell on these two projects. The media and community will have an opportunity to visit Sandy Hook School on July 29.

The auditorium project is back on track. There has been a delay in demolition which will take place the early part of the school year with students on site. There is a sample of the auditorium seat in our office. He hoped to have Bob Mitchell at the August meeting for an update. We will open up the school year with that room not being available.

Mr. Clure offered the Edmond Town Hall if we can't use the auditorium.

Item 5 – Discussion of the Transportation Advisory Services Report

Dr. Erardi introduced Mark Walsh who conducted the study and provided a summary of his report. Data collection involved gathering information including interviews with various Board of Education members and Town representatives as well as All-Star Transportation. From all interviews and perspectives All-Star has performed very well. Their athletic transportation is exemplary. Most districts are modifying athletic schedules because they can't meet the program demands. Their fleet is better than the typical industry for mileage and they have an outstanding inspection record. He discovered that Board of Education transportation policies need updating.

There are three contract options which are to renew with minimal changes with only the price modified, the second is to renegotiate dealing with same vendor and have conversations about any changes to a whole new contract, and the third is rebidding which may result in rate decreases or possibly increases. His report recommends we enter a renegotiation with All-Star for a new contract. We need to change pricing, fleet issues, and operating methodologies which you can do in a rebid. If we don't renew, the only option is to rebid. There are no guarantees on what prices on a rebid would look like. Prices normally go up. He believes rebidding would give a price increase. Renegotiations should be confidential.

With policy updating we should involve administration and the contractor for suggestions. Increasing the use of bus stops will use less fuel and be more timely. Trip tracking software is recommended. All-Star took over routing responsibilities. He doesn't recommend that a contractor be responsible for routing. We like district to take care of that. However, All-Star is doing a good job with that so he did not recommend that we take it over. Should the contract be re-bid, the new contractor may not have access to the same data and we may have to redistrict in-house.

Mrs. Ku questioned whether because of the maximum capacity of buses and our geographical area if it would make sense to use smaller buses.

Mr. Walsh said you would not do that because you have to look at the size and number of drivers. You can change to 65 passenger buses but the contractor may come back and say its better to have full size. You won't see a huge savings and fuel economy is negligible. There is a need to have flexibility for athletics with the number of buses.

Mrs. Ku asked about using bus stops instead of door-to-door.

Mr. Walsh said group stops should be used where appropriate. You have to look at the density of population but there will also be door-to-door transportation. Use of group stops generates phone calls and should be a Board policy.

Mrs. Harriman-Stites asked if there was an analysis of how much groups stops would save.

Mr. Walsh said that was not done. That would be a significant detailed review and he was not sure if using group stops would save a bus.

Mrs. Leidlein asked if he was suggesting that more students can ride buses if the bell times changed which will provide a transportation savings.

Mr. Walsh said our bell times are relatively compressed with the three tiers.

Mr. Clure asked if we pay for the seven buses for athletics.

Mr. Walsh said we are paying for all seven buses.

Mr. Clure asked which Board members he spoke to.

Dr. Erardi said he spoke to Mr. Vouros.

Mr. Walsh said he spoke to one Board member and one Legislative Council member.

Dr. Erardi asked if only All-Star had the Transfinder software.

Mr. Walsh said they own it.

Dr. Erardi asked if we would have to negotiate the rights to use it.

Mr. Walsh said the Transfinder software cost is \$15,000 to \$20,000. It's a significant effort to get it started.

Dr. Erardi asked if our present protocol with All-Star in possession was typical.

Mr. Walsh believed the district should control the function but All-Star is doing a good job with it. He doesn't see cost benefit of the district doing it.

Mrs. Davila asked if districts need to have a person to do this

Mr. Walsh said two people would have to be trained so there is a backup. Certain times of the year it would be a full time job.

Mr. Clure asked if he had any experience with other districts regarding going out to bid if other companies didn't want to participate.

Mr. Walsh said companies have the opportunity not to participate. All-Star may not be the first choice but bidding prices may not go down.

Mr. Clure asked if we could get a better rate from All-Star if we took the routing away from them. Mr. Walsh didn't know.

Mrs. Harriman-Stites said we still have marginally higher rates than surrounding towns and asked the reason.

Mr. Walsh said we have a 6.5 hour day which is a long day. Newtown's rates are not the least or most expensive. He was not sure what a new bid would mean for Newtown.

Mrs. Harriman-Stites stated that looking at other towns we are nearly \$100 more than some which seems like a wide margin with same contractor.

Mrs. Ku mentioned the change in traffic patterns over the years and how it affects the drop off in the wave system.

Mr. Walsh said if we use our same bell system a wave is not unusual. We don't have a whole lot of options. It might be worth looking at bell times but you would need a significant spread up to an hour.

Mrs. Leidlein asked the effect of decreasing the length of the day to 4.5 to 5 hours.

Mr. Walsh said that instead of three tiers there would be two tiers. Routes would be lessened and because of ridership some buses won't need to do both tiers.

Item 6 – Discussion and Action on Policies

MOTION: Mrs. Leidlein moved that the Board of Education approved policies 7-106, 1100.1, 1120, 3320, 3323, 3450, 3511, 3515, 3516, 3523.3, 3524, 3524.1, 3532.1, 3533, 5132, and 5145.122 as presented. Mrs. Ku seconded.

Dr. Erardi said that policy 5145.122 will be tabled for a second read in August.

Mrs. Leidlein modified the original motion to table 5145.122. Mrs. Ku seconded.

Mrs. Ku said there are additional changes in certain policies. In policy 1120, remove the reference to policy 9324 in the first paragraph. In the last paragraph, change the word "individuals" to "individual."

In policy 3323, correct a spelling error on page 3323(b), fifth paragraph, by adding the word "catalog" after the word "telephone" in the first sentence and changing the word "filled" to "filed" in the last sentence.

Mrs. Ku moved to amend the motion to include these changes. Mrs. Leidlein seconded.

The motion to approve the amendments passes unanimously.

Vote on the original motion passes unanimously.

Item 7 – Public Participation

Ryan Knapp, 11 Jeremiah Road, spoke as himself and not on behalf of the Legislative Council. He referred to the second executive session item regarding transportation. At the April 6 Legislative Council meeting where the Board of Education budget was discussed he questioned

whether the Board of Education followed the Town's Purchasing Regulations, Code Book chapter 350. Mr. Bienkowski stated it was standard practice for boards of education to follow their own policies. Mr. Knapp said that Board policy 3-300 does not allow for more than a one year extension. By Statute 10-220 boards of education may make contracts covering periods of not more than five years. Without testing the market we don't know if we are getting the best rates. With the pension fund we found out that the Town was paying more than we should have. He doesn't want that to happen with transportation. Consider putting it out to bid and not act the same night as the consultants's report.

MOTION: Mrs. Leidlein moved that the Board of Education to into executive session for a discussion of correspondence from All-Star transportation that is exempt from disclosure under "Sec. 1-210 access to public records, (b), (5), (B) and invited Dr. Erardi, Mrs. Davila and Mark Walsh. Mrs. Harriman-Stites seconded. Motion passes unanimously.

Item 8 – Executive Session

Executive session began at 8:35 p.m.

Item 9 – Possible Vote on Executive Session Item

MOTION: Mrs. Leidein moved to adjourn. Mrs. Ku seconded. Motion passes unanimously.

Item 10 – Adjournment

The meeting adjourned at 9:36 p.m.

Respectfully submitted:

Debbie Leidlein
Secretary



Newtown High School Auditorium Renovation

- Final CM Cost Estimate based on 100% Construction Documents was submitted June 13th
- Scope modifications were reviewed and approved by the Owner's team on June 24th to maintain \$3.6 million project budget. The scope modifications included deferring all theater equipment, including rigging, audio visual equipment, and stage lighting and controls to a future project phase
- The design team is currently repackaging the construction documents to phase the theater improvements; the design team is also adding scope to improve safety at the catwalk and add a second means of access
- A presentation of proposed finishes, color selections and seating samples will be scheduled with the Owner's team
- Final CDs and Cost Estimate will be presented to the BoE for approval to submit to the State OSCG for review and authorization to bid
- Final CDs and Cost Estimate will be presented to the PBSC on **July 26th** for approval to submit to the State OSCG for review and authorization to bid
- Once the above approvals have been received, the project team will schedule a Prebid Conformance Review meeting and the State approval process will proceed
- Construction commencement is currently projected for September after State review period, PBSC authorization to bid, subcontractor bidding, contract award and preconstruction mobilization.

Sandy Hook School

- The Certificate of Substantial Completion executed by the Architect and Construction Manager and dated July 11th, has been submitted to Owner
- A Temporary Certificate of Occupancy has been issued by the Building Department indicating that the facility complies with all life safety code requirements and the building is ready for occupancy
- Punch list remediation work continues and all outstanding items are projected to be complete by August 5th
- New Furniture and Equipment has been delivered and installed with minor punch list work to be completed by August 5th
- Installation of the technology, audio visual and security systems is substantially complete, with testing of all systems scheduled for the week of July 18th; punch list items include exterior wireless access points and power supplies at exterior cabinets
- Commissioning of all systems is ongoing and the project continues on track for a LEED Gold rating
- Movers under the direction of the Facilities Department are currently delivering classroom contents and other equipment from Chalk Hill School; staff are expected to be in the building through July 25th for room set-up
- Weathervane installation is projected for the week of July 18th
- Final floor cleaning is scheduled for July 26th – 28th

BoE Meeting
Project Status Updates
July 14, 2016



- The school sign installation at the Dickinson Drive/Riverside Road corner is projected for the week of July 25th
- A Media Event is planned for the morning of July 29th with a Community Open House scheduled for the late afternoon/evening of the 29th

***STUDENT TRANSPORTATION
PROGRAM REVIEW***

**NEWTOWN PUBLIC
SCHOOLS**

TAS

www.TransportationConsultants.com

BACKGROUND

- **TAS** Founded in 1987
- Nation's largest *dedicated* student transportation consulting firm
- Over 500 clients in 21 states – 52 CT Districts
- Efficiency Studies; Pro's and Con's of Privatization; Bid/RFP Program Management; Routing and Bell Time Reviews; Shared Services; Contractor Management; Focused Reviews
- Study conducted by Mark A. Walsh, CMC

METHODOLOGY



Data Collection



Extensive Interviews with District Administrators (Principals; Special Education; Athletics; Superintendent; Director of Business; Financial Analyst)



Interview with Board of Education Member



Interview with Legislative Council Member



Meeting with All-Star Transportation Representatives



Ridership audit



Comparability Study analysis

KEY “TAKE-AWAYS”

- AST contract expires 6/30/17
- Comparability surveys demonstrate relative competitiveness of Newtown rates
- AST has performed extremely well and been compliant with detailed contract requirements
- Athletic transportation far exceeds industry standards

KEY “TAKE-AWAYS”

- AST fleet much better than typical industry profiles (average age = 3.3 years; average mileage = 60,688)
- Excellent inspection history
- Fleet upgrades in any new contract would generate increased Town tax revenues
- Board of Education policies need updating

RECOMMENDATIONS

- Contract options: Renew; Renegotiate; Rebid
- Recommend: Renegotiate with changes in pricing and date certain for finalization. If no agreement, immediately begin rebid process
- Rebidding may result in rate decreases, **or very possibly increases**

RECOMMENDATIONS

- Renegotiations should be confidential to protect integrity of any rebid
- Detailed reporting process for student attendance should be implemented
- District policies should be updated with active involvement of Contractor
- Increase use of bus stops
- Consider trip tracking software

RECOMMENDATIONS

- AST appears to do good job with routing. Software owned and operated by AST.
- No obvious cost savings available if District assumed routing responsibilities
- Bell time changes might result in transportation savings
- Routing is fundamentally a time/space challenge

RECOMMENDATIONS

AM STUDENT RIDERSHIP ANALYSIS *			
	TIER 1	TIER 2	TIER 3
Average scheduled riders:	67	24	37
Average # of riders	32.7	17.43	27.41
% of riders to scheduled	48.8%	71.3%	73.4%
% of riders to full capacity (77)	42.5%	22.6%	35.6%
% of riders to adult capacity (52)	62.9%	33.5%	52.7%
Average ride time (mins)	38	31	32
PM RIDERSHIP ANALYSIS			
Average ride time (mins)	36	32	33

** Based on 77 passenger bus analysis only. May 2016 report from AST.*

- Based on 77 passenger buses. Ride times constricted by bell times and traffic constrict additional student loads.
- PM 1st tier loading uses “wave” system

RECOMMENDATIONS

- 2nd Tier buses are underutilized due to bell time limitations; use of buses part of base contract pricing
- Currently utilize 42.5 Type I and 8 Type II vans
- Bell time changes should be considered; however, discussions relative to building assignments and start times should occur before a significant routing review is undertaken

QUESTIONS and ANSWERS



TAS

NONRESIDENT OR TUITION STUDENTS

Request for admission to enroll as a tuition student, or for tuition waiver when residency of the student, parents, or guardians is not in Newtown, may be granted upon application to the Board of Education. The enrollment of such student may be subject to the payment of tuition as determined annually by the Board of Education, ordinarily at the July or August business meeting.

Tuition Exceptions

- a. For a family who will become residents of Newtown and are in transition, the tuition may be waived by the Superintendent for the first month of school attendance.
- b. For a family who has a bonafide construction contract for a new home in Newtown, the Superintendent may grant an initial tuition waiver for 60 calendar days and can extend this waiver, not to exceed an additional 60 calendar days.
- c. For a family who has children attending Newtown schools and then establishes residency in another community, the Superintendent shall establish a pro rata tuition rate to be payable from the date of the new community residency to the date when the children are withdrawn or transferred to the new community
- d. For a family who moves from Newtown after May 1, the Superintendent will grant a tuition waiver for May and June.
- e. For a family who moves from Newtown prior to January 1 of their child's senior year, the Superintendent will establish a pro-rata tuition rate for the remainder of the school year. For a family who moves from Newtown after January 1 of their child's senior year, the Superintendent will grant a tuition waiver for the remainder of that school year.
- f. For a family who experiences divorce and one of the parents maintains a Newtown residency, the Superintendent will grant a tuition waiver if the student lives with the nonresident parent.
- g. Requests for special extensions or exemptions of tuition waivers will be considered on an individual basis by the Board of Education.

Transportation

When a non-resident student is granted permission to attend the Newtown Public Schools either on a tuition or a tuition exemption basis, the family assumes responsibility for transportation.

FOREIGN EXCHANGE STUDENTS

Students from foreign countries whose residence in Newtown is sponsored by a local service club, ~~or~~ by the American Field Service or by Cultural Homestay International may be enrolled in the appropriate school for not more than one year without the payment of tuition upon application to and approval of the school principal.

Immigration Compliance

Students from foreign countries will have to comply with the appropriate United States Immigration Department regulations.

NON-RESIDENT STUDENTS

Students from outside Newtown who plan to reside with a Newtown resident may be considered for enrollment, by application to the Board of Education, on a non-tuition basis if it can be demonstrated that:

- a. The student has not already graduated from the equivalent of a high school elsewhere.
- b. The student is not seeking to avoid school enrollment in the school system where legal residence is maintained.
- c. The student's enrollment does not cause a class to exceed class size limitations as established in the teacher's bargaining unit agreement.

The parents or guardians of the student, and the Newtown resident with whom the student will reside, must complete and file the appropriate forms, which declare that both parties acknowledge the full legal responsibility of this decision and comply with stipulations as defined in Connecticut General Statute 10-253 (d).

CHILDREN OF STAFF NOT LIVING IN NEWTOWN

Full-time staff that reside outside of Newtown and wish their children to attend the Newtown schools may apply to the Superintendent of Schools for assignment

to an elementary school, the middle school, or the high school. The acceptance of tuition students of full-time staff will be conditioned on the impact of increased tuition students on desirable class size and available support services for students. Tuition for children of full-time non-resident staff members will be at an annual rate of 25% of the regular yearly tuition established by the Board of Education.

Continuation of a child as a tuition student will not be contingent on class size constraints as long as the parent remains a member of the full-time staff.

An increased tuition rate for students needing special services will be set by the Superintendent on a case-by-case basis.

Adopted 11/29/77

Amended 5/13/86, 11/7/88

Modified 12/12/89, 9/14/93, 7/11/94, 6/10/97, 12/16/02

Community Relations

Communications with the Public

Availability of Official Documents

In making school records available to the public, the Board of Education will comply with the Freedom of Information Act as stated in Section 1-210 (Formerly Sec. 1-19) and following of the Connecticut General Statutes.

Requested documents will be charged \$0.50 per page for the copies.

Community Relations

Public Participation at Board of Education Meetings

The regular and special meetings of the Board of Education are open to the public and representatives of the press except that a part of any meeting may be designated an executive session as provided by law. (See 9324 for details)

The Board of Education welcomes participation of interested organizations and individuals. Advance announcement of all regular and special meetings of the Board of Education is made through posting the agenda on the District and Town websites. A reasonable charge may be made for those persons or organizations requesting advance announcements of meetings and agenda backup materials.

Board meetings are meetings held in public and are not open hearings. Once the Board moves into regular agenda the public may participate as allowed by the Chairperson and with the following restrictions:

1. Questions and/or comments are to be restricted to the specific agenda items being discussed, unless otherwise indicated in the agenda;
2. Questions and/or comments by the public may be restricted by the Board Chairperson;
3. The Chairperson may, at his/her discretion, curtail public discussion at any time.

Any citizen may appear before the Board to express his/her opinion concerning the educational program of the District. The school district employs people and may serve students (tuition-paying) who live outside of the town boundaries. As a public body, interested in hearing from all perspectives, the Board will allow their participation. The Board encourages members of the public to address complaints concerning individuals District personnel through the proper chain of command. The Board agenda provides opportunities for comments and questions from persons attending the meeting. Persons wishing to address the Board should give their names and addresses.

(cf. 1312 Public Complaints)

Legal Reference: Connecticut General Statutes
 1-225 Meetings of government agents to be public. Recording of votes. Schedule and agenda of meetings to be filed. Notice of special meetings. Executive sessions.
 1-226 Broadcasting or photographing meetings.
 19a-342 Smoking in public meetings in rooms of public building prohibited.
 1-227 Mailing of notice of meetings to persons filing written request. Fees.
 1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution.
 1-232 Conduct of meetings.
 1-206 Denial of access to public records or meetings.
 10-238 Petition for hearing by board of education.

Policy adopted:

NEWTOWN PUBLIC SCHOOLS
 Newtown, Connecticut

A sample policy to consider.

Business/Non-Instructional Operations

Purchasing Procedures

The procurement function is one of the major business responsibilities of the Board of Education.

The duties of purchasing for the Board of Education shall be centralized under **the Director of Business** ~~a Business Manager~~.

The **Director of Business** ~~Business Manager~~ shall conduct all purchase transactions for the district.

The **Director of Business** ~~Business Manager~~ shall be familiar with and perform all purchasing activities within the limitations prescribed by law, legal opinions, and in accordance with Board of Education policies.

Four fundamental functions for the purchasing personnel are as follows:

1. Buy the proper product for the purpose required.
2. Have the product available when needed.
3. Buy the proper amount of the product.
4. Pay the proper price.

Every transaction involving the transfer of property shall be by purchase order or formal contract.

Purchase orders and other purchase obligations shall be signed by the Superintendent or **appropriate Administrator** ~~designee~~.

Specifications governing materials are a joint responsibility of the educational and business departments. In the procurement of materials, the **receiver** ~~Purchasing Clerk~~ shall ensure that all materials procured will meet the needs of the educational program.

Policy adopted:

A sample policy to consider.

Business/Non-Instructional Operations

Soliciting Prices (Bids, **Proposals and Quotations)**

The Board of Education or its agents shall refrain from entering into contracts with or purchasing goods or services from any firm or individual who has a sales representative or owner on the Board of Education.

All contracts for, and purchases of supplies, materials, equipment and contractual services in the amount of **\$50,000** ~~\$5,000~~ or more shall be based, when possible, on at least three competitive bids or proposals. All purchases **greater than \$5,000** but less than **\$50,000** ~~\$5,000~~ in amount may be made in the open market, but shall, when possible, be based on at least three competitive **proposals**, quotations or prices. All purchases made in the open market shall be consummated after careful pricing. In an emergency situation these requirements may be waived by the Superintendent. The Superintendent shall notify the Board Chairman as soon as possible and the entire Board of Education at the next regularly scheduled meeting.

All contracts and all open market orders will be awarded to the lowest responsible qualified contractor or supplier, taking into consideration all of the factors set forth in policy #3320.

When bidding procedures are used, bids or **RFPs (Request for Proposals)** shall be advertised in ~~the an area newspaper newspapers~~ for at least one day. **The Director of Business shall direct placement of advertisement.** ~~Suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid.~~ When specifications are prepared, they will be **sent** ~~mailed~~ to all **vendors** ~~merchants and firms~~ who have indicated an interest in bidding on the items or services being bid.

All bids/**RFPs** must be submitted in sealed envelopes, addressed to the **Director of Business** ~~appropriate school~~ and plainly marked with the name of the ~~bids~~ **bid/RFP** and the time of the opening. Bids/**RFPs** shall be opened at the time specified and all bidders and other interested persons ~~shall be invited to~~ **may** be present.

The school district reserves the right to reject any or all bids/**RFPs** and to accept that bid/**RFP** which appears to be in the best interest of the **Town** ~~town/city~~. The **Board** ~~school district~~ reserves the right to waive any informalities in, or reject, any or all bids/**RFPs** or any part **there** of ~~any bid~~. Any bid/**RFP** may be withdrawn prior to the scheduled time for the opening of **such** ~~bids~~. Any bid/**RFP** received after the time and date specified shall not be considered.

Legal Reference: Connecticut General Statutes

7-148v Requirements for competitive bidding

P.A. 13-71 An Act Concerning Requirements for Competitive Bidding for the Award of Contracts or Purchase of Property by Municipalities.

Town of Newtown Codebook, Chapter 350: Purchasing

Cf. Policy 3320 (Purchasing Procedures)

Policy adopted:

Existing policy, presently numbered 3-300.1 adopted 10/10/95, appropriate as renumbered as a stand alone regulation.

Business/Non-Instructional Operations

Purchasing – Bids, Quotations, Proposals

Where it appears in the interest of the Newtown Board of Education, the Board may, at its option, elect to participate in joint bidding operations with other boards of education, cooperatives, ~~or municipalities,~~ **regional or national organization**. In addition, purchases may be made by use of State of Connecticut contract pricing as opposed to using a formal bid process. State pricing agreements may also be used as a benchmark in evaluating bids and proposals.

If opportunity exists and costs appear beneficial to the Newtown school system, the Board may act to utilize existing bid prices for the Town of Newtown or other towns and schools as an alternative to bidding independently.

Bids/**RFPs** may entail definition of specific quantities or may solicit prices only on a unit basis. When bid quantities are advertised or specified, every effort should be made to fulfill this commitment. However, allowable alternatives to the formal bid process, such as those defined in Sections 5 and 6 below, shall not be used in such a way to limit quantity or total expense so that the categorical qualifications set forth in Section 7 are avoided.

Items that specifically merit bidding **or Request for Proposals** on a yearly basis because of the absolute magnitude of their purchase include, but are not restricted to:

1. ~~Paint, window glass, m-~~ **Maintenance** supplies, custodial supplies, and heating oil
2. Educational and office equipment ~~where the categorical costs* exceed \$13,000~~
3. Educational, office, and general supplies ~~where the categorical cost exceeds \$8,500-~~
4. ~~Milk and ice cream-~~
4. 5. Classroom and cafeteria furniture ~~where the systemwide expected cost exceeds \$13,000-~~
5. 6. Health and medical supplies ~~where the anticipated systemwide cost exceeds \$8,500-~~
6. 7. Contracted maintenance or custodial services ~~where the annual cost exceeds \$8,500 and response to a bid offering is expected to draw three or more bidders~~

~~*Categorical cost is defined as the total systemwide budget for items of similar nature, i.e., physical education equipment, A/V equipment, computers, etc.~~

Business/Non-Instructional Operations

Purchasing – Bids, Quotations, Proposals (continued)

Solicitation for written proposals may be substituted for a bid process when both the Director of Business and the Superintendent agree that the interest of the Newtown schools would best be served because of:

1. Time constraints on the work or materials in question
2. Alternative purchase options (wide-range specifications)
3. Unit cost of materials or services being researched
4. Availability of viable competitors
5. Consideration of the relative expense involved in collecting proposals

This practice will require that a minimum of three (3) written proposals are secured, with a stipulation to hold price for thirty (30) days or more. ~~The number of proposals required will depend upon the circumstances delineated above.~~

The proposal concept will be valid for expenditures up to ~~\$50,000~~ \$13,000. Except in emergency situations that relate to the health and welfare of students and staff, any expenditure over the above-stated ~~\$50,000~~ \$13,000 limit will require bids **or formal proposals**.

In order to determine the relative merits of the apparent best proposal, the party soliciting the prices may utilize comparative data from surrounding towns and schools where such practice is reasonable. Items similar in nature to contracted repairs, maintenance, or installation would be sourced through proposals.

In cases involving a purchase order that does not exceed ~~\$5,000~~ \$1200, ~~but is above \$350~~, a minimum of three quotations via telephone **and/or electronic communication** should be obtained in order to determine availability and lowest cost. ~~Polling of approved vendors in this way would eliminate the need for other price gathering tools that have greater cost implications.~~ The results of such polling must be recorded and a copy of the record ~~attached to~~ **filled with** the purchase order resulting from this process.

For all items or contracted work exceeding ~~\$30,000~~ **\$50,000** in total cost, the award will be approved by the Board prior to notification of the winner. For any purchase or service not specifically provided for in the description above or the budget, all procedures, other than in an emergency, must abide by the bid limits and processes described in this document. **If an emergency occurs, it shall be reported to the Board of Education Chairman immediately and to the Board at the next regular meeting.**

Business/Non-Instructional Operations

Purchasing – Bids, Quotations, Proposals (continued)

Items exempt from bidding or Requests for Proposals include:

1. Emergency professional services
2. Services for RESC (Regional Educational Service Centers)
3. Single source materials
4. Software and textbooks
5. Extensions of existing services requiring systems compatibility, i.e., security alarms technology, energy management, surveillance, locksets, etc.
6. Consultants for studies and or district specific needs, i.e., projections, load bearing facilities issues, mold, asbestos, lead, investigations, etc.
7. Used vehicles
8. Technology Equipment

~~All dollar values stated herein are to be measured in 1994 terms. Application of these values will necessitate the use of yearly inflation factors as provided by the federal government. The Director of Business shall post the yearly adjusted amounts on or before March 1 of each school year.~~

Whenever an initial bid/RFP is awarded, the Board may consider extending it for one **or more** years **with Board approval** if

- there is a significant financial advantage to extending the bid/RFP ~~for one year~~
- there is a financial analysis provided to the Board to verify the financial advantage
- the Superintendent or designee recommends the extension of the bid/RFP for the additional **period** year to the Board of Education
- the bid/RFP extension is valid for only ~~one year~~ **the time period so approved.**

Regulation approved:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

This is an optional "good practice" policy.

Business/Non-Instructional Operations

Monies in School Buildings

Monies collected by school district employees and by student organizations shall be handled with good and prudent business procedures both to demonstrate the ability of school system employees to operate in that fashion, and to teach such procedures to the students.

All monies collected shall be receipted and accounted for and directed without delay. In no case shall monies be left overnight in schools except in safes, ~~and even then no more than \$100 should be so kept. All activity funds shall provide for making bank deposits after regular banking hours in order to avoid leaving money in school overnight.~~

Policy adopted:

Business/Non-Instructional Operations

Compliance with 504 Regulations

504 Introduction

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. To be protected under Section 504, an individual must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such impairment; or (3) be regarded as having such impairment.

In order fulfill its obligation under Section 504, the Newtown Public Schools recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, the Newtown Public Schools prohibits discrimination against any person with a disability in any of the programs operated by the school system.

The school district also has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing access to free appropriate public education (“FAPE”) for students determined to be eligible under Section 504. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

If the parent or guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or education placement of his/her child, a parent/guardian has a right to request an impartial due process hearing. The parent or guardian may also file an internal grievance on these issues or any other type of discrimination on the basis of disability by utilizing the complaint procedures outlined in the Board’s Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact the Section 504 Coordinator for the Newtown Public Schools, at phone number 203-426-7626.

Business/Non-Instructional Operations

Compliance with 504 Regulations

504 Introduction

Legal Reference: 29 U.S.C. § 794
 34 C.F.R. § 104 et seq.
 42 U.S.C. 12101 et seq.
 ADA Amendments of 2008, Public Law 110-325

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

Grievance/Complaint Procedures

Section 504 prohibits discrimination on the basis of disability. For the purposes of Section 504, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (2) a record of such an impairment; or (c) being regarded as having such impairment.

Definitions

Free appropriate public education (FAPE): for purposes of Section 504, refers to the provision of regular or special education and related aid and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on non-disabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to education settings, evaluation and placement, and procedures safeguards.

Major life activities: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of respiratory, circulatory, endocrine and reproductive functions.

Mitigating Measures: include, but are not limited to, medication, medical supplies, equipment, appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, hearing aids, cochlear implants, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations or auxiliary aides or services or learned behavioral or adaptive neurological modifications.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

Physical or Mental Impairment: a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine or b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Regulation**Business/Non-Instructional Operations****Compliance with 504 Regulations****Grievance/Complaint Procedures**

- I. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability
 - A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability may submit a written complaint to the district's designated Section 504 Coordinator within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If the complaint is made verbally, the individual taking the complaint will reduce it to writing.
 - B. At any time, when complaints involve discrimination that is directly related to a claim regarding the identification, evaluation, and/or educational placement of a student under Section 504, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer and request a hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to his/her identification, evaluation and/or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
 - C. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any reprisals or retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination, or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
 - D. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.
 - E. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

F. The complaint should contain the following information:

1. The name of the complainant;
2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witness(es) or individuals relevant to the complaint,
5. A detailed statement describing the circumstance in which the alleged discrimination occurred; and
6. Remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

G. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complaint may have;
3. Provide the complainant with a copy of the Board's Section 504 Policy, and these administrative regulations;
4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with the state and federal laws;

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

6. Communicate the outcome of the investigation in writing to the complainant, and to any individual property identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements). Within fifteen (15) schools days from the date the complaint was received by the Section 504 Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional schools days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violation of Section 504;
 7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
 8. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that compensatory services and/or other measures to remedy the effects of the discrimination are approximately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.
 9. In the event the investigator concludes that there is no violation of Section 504, the District may attempt to resolve the complainant's ongoing concerns, if possible.
- H. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for complainants to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

Upon review of a written request from the complainant, the Superintendent/designee shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions of findings. The Superintendent/designee shall provide written notice to the complainant of his/her decision within ten (10) school days following the receipt of the written request for review.

II. Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation, and/or Educational Placement

Complaints regarding a student's identification, evaluation, and/or educational placement shall generally be handled using the procedures described below. **However, at any time the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

A. Submission of Complaint to Section 504 Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation and/or educational placement under Section 504 should be forwarded to the district's Section 504 Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.
2. The complaint concerning a student's identification, evaluation and/or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

- f. Remedy requested.

However, all complaints will be investigated to the extent, possible even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
4. Upon receipt of the complaint, the Section 504 Coordinator shall:
 - a. Forward a copy of the complaint to the Superintendent of Schools;
 - b. Meet the complainant within ten (10) school days to discuss the nature of his/her concerns and determine if an appropriate resolution can be reached. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint;
 - c. If, following such a meeting, further investigation is deemed necessary, the Section 504 Coordinator shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
 - d. Communicate the results of his/her investigation in writing to the complainant and any persons names as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by Section 504 Coordinator.
 - e. In the event that the person making the complaint contends that the Section 504 Coordinator has a conflict of interest that prevents him/her from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

B. Review by Superintendent of Schools

1. If the complainant is not satisfied with the findings and/or resolution offered as a result of the Section 504 Coordinator's review, he/she may present the complaint and the written statement of findings to the Superintendent/designee for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for complainants to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.
2. The Superintendent shall review the complaint and any relevant documents maintained by the Section 504 Coordinator/investigator and shall consult with the Section 504 Coordinator/investigator regarding attempts to resolve the complaint. The Superintendent/designee also shall consult with the complainant. The Superintendent/designee may attempt to resolve the complainant's concerns alone, or with another appropriate administrator.
3. Following the Superintendent's/designee's review, he or she shall communicate his/her findings to the complainant within ten (10) school days following his/her receipt of the written request for review.
4. If the complainant is not satisfied with the Superintendent's/designee's decision or proposed resolution, he/she may request that the Superintendent/designee submit the matter to a neutral mediator or to an impartial hearing officer. This request for a hearing/mediation should be made within fifteen (15) school days of the Superintendent's decision. Mediation shall only occur by mutual agreement of the parties.

C. Mediation Procedures:

A parent or guardian may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

1. A request for mediation regarding a student's identification, evaluation and/or educational placement under Section 504 should be forwarded to the district's Section 504 Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or educational placement arose.
2. The request for mediation concerning a disagreement relating to a student's identification, evaluation and/or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.
3. Upon receipt of a request for mediation, the Section 504 Coordinator shall:
 - a. Forward a copy of the request for mediation to the Superintendent of Schools;
 - b. Retain a neutral mediator who is knowledgeable about the requirements of Section 504, and has an understanding of a free appropriate public education ("FAPE") under Section 504, and the distinction between Section 504 and the regulations and requirements of the individuals with Disabilities Education Act (IDEA).
4. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or another representation at the complainant's own expense, if desired.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

5. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
6. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or proceeding related to the disagreement that is the subject of the mediation.
7. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures:

An impartial due process hearing is available to the parent or guardian of a student that disagrees with the decision made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child, or otherwise makes a claim or discrimination relating to the identification, evaluation, or educational placement of the student.

1. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about Section 504, an understanding of a free appropriate public education (“FAPE”) under Section 504, and the distinctions between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).
2. The impartial hearing office shall schedule a pre-hearing conference with the District and the Parent (or his/her legal counsel) to identify the issue(s) for hearing, set the hearing schedule, and address other administrative matters related to the hearing, including the option for mediation, and the right to have legal counsel or other representation at the complainant’s own expense, if desired;
3. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es), other evidence, and to have legal counsel or other representation at each party’s own expense, if desired.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Grievance/Complaint Procedures (continued)

4. The impartial hearing officer shall hear all aspects of the complainant's complaint and/or appeal concerning the identification, evaluation and/or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for a hearing. The decision shall be presented in writing to the complainant and to the Section 504 Coordinator.
5. An impartial hearing officer under section 504 does not have jurisdiction to hear claims alleging discrimination, harassment, or retaliation based on an individual's disability unless such a claim is **directly related** to a claim regarding the identification, evaluation, or educational placement of student under Section 504.
6. The time limits noted herein may be extended for good cause shown, including but not limited to if more time is needed to permit thorough review, presentation of evidence, and opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for his/her illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against non-disabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined below.

III. The Section 504 Coordinator for this district is:

Deborah Mailloux-Petersen, Director of Pupil Services
 Newtown Public Schools
 3 Primrose Street
 Newtown, CT 06470

Telephone: 203-426-7626

IV. Complaints to State and Federal Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (Telephone Number 617-289-0111);
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

**Newtown Public Schools
Newtown, Connecticut**

**Notice of Parent/Student Rights
Under Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability. Under Section 504, the school district also has specific responsibilities to identify, evaluate and provide an educational placement for students who are determined to have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on non-disabled students/parents).

A student is covered under Section 504 if it is determined that he/she suffers from a mental or physical disability that substantially limits one or more major life activity such as (but not limited to) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading concentrating, thinking, communicating and working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can be disabled and be covered by Section 504 even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parent/guardians and students with information guarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Newtown Public School District’s education programs without discrimination based on his/her disability.
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504.

Newtown Public Schools
Newtown, Connecticut

5. If you suspect your child may have a disability, to request an evaluation, at no expense to you, to have an eligibility determination under Section 504, and if eligible, placement decisions made by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met.
7. If your child is eligible for services under Section 504, for your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in schools, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided by non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement.
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To an impartial due process hearing if you disagree with the schools district's decisions regarding your child's 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense.
14. To file a local grievance/complaint with the district's designated Section 504 Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child.

**Newtown Public Schools
Newtown, Connecticut**

15. To file a formal complaint with the U.S. Department of Education, Office for Civil rights.

The Section 504 Coordinator for this district is

Deborah Mailloux-Petersen, Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470

Telephone: 203-426-7626

For additional assistance regarding your rights under Section 504, you may contact:

Boston Regional Office
Office for Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921

Telephone: 617-289-0111

Connecticut State Department of Education
Bureau of Special Education and Pupil Services
P.O. Box 2219
Hartford, CT 06145

Telephone 860-807-2030

An optional policy to consider, updated to reflect NCLB legislation.

Business/Non-Instructional Operations

Community Use of School Facilities

The Board of Education recognizes that the school, building and grounds, is a community center and a valuable public resource. The Board is committed to making these facilities available to the community as much as possible under proper and appropriate conditions when such use does not conflict with school activities and functions. The Board of Education shall grant the use of school facilities for activities of an educational, cultural, civic, and other non-commercial uses consistent with the public interest when such use does not interfere with the school program or school-sponsored activities.

~~Consistent with guidelines in this policy, the Superintendent of Schools shall develop and distribute regulations and associated forms governing use of school buildings by community and other groups. Applications for the use of school facilities shall be submitted by outside groups to building Principal for approval at least three weeks prior to the date of the intended use. Agencies using the school on a long-term basis must submit applications annually. Any use of the school building and grounds by recognized community groups or organizations must be approved by the Superintendent of Schools.~~

~~If a community group is denied use of Board of Education facilities by a Principal, the group may appeal that decision to the Superintendent of Schools and if necessary appeal the Superintendent's decision to the Board of Education.~~

The Superintendent of Schools is authorized to use his/her discretion in approving or disapproving applications under this policy. The decision of the Superintendent may be appealed to the Board of Education.

School facilities will be allocated according to the following priorities with all possible efforts to adjust schedules for mutual convenience and maximum usage.

1. School functions under the direction of the Principal and/or teachers.
2. Meetings and programs sponsored by the Board of Education, ~~Town of Newtown Government Board of Selectman~~, Recreation Commission, ~~PTA/PTSA PTO or other town governmental~~ or non-profit agencies. (Non-profit agencies, recognized youth groups, scouts, athletic organizations, 4H groups, etc.)
3. Other non-profit community groups composed of local residents.

~~The use of school facilities by individuals, private groups and organizations or non community groups is prohibited.~~

~~Applications for the use of school facilities and grounds must be made in writing and submitted to the Superintendent of Schools at least two (2) weeks before the date of intended use. Agencies using the school on a long term basis must submit applications annually.~~

A custodian must be present when the school building is being used to insure building security,

proper maintenance, and to see that it is used appropriately and left in proper order. Any group or organization may be required to pay any or all maintenance costs, including the hourly rate for custodial services when and if a custodian time extends beyond regular employment hours.

3515(b)

Business/Non-Instructional Operations

Community Use of School Facilities (continued)

Any group or organization using the school building, grounds, or equipment, is responsible for and must assume the cost of all damages to any school property.

~~School grounds shall not be available for use after sundown except by permission of the Board.~~

The possession or consumption of alcoholic beverages and/or illicit drugs on school grounds or property is prohibited. **Additionally, smoking and possession or use of tobacco products and nicotine products are prohibited in school buildings or on school property.**

Parking is restricted to designated parking areas. Parking is prohibited on all grass areas, playgrounds, and those areas designated for emergency vehicles.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Clubs of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school property upon payment of **appropriate** ~~suitable~~ fees and costs according to the Board approved fee schedule.

Legal Reference: Connecticut General Statutes

10-239 Use of school facilities for other purposes

Equal Access Act, 20 U.S.C. ss 4071-4074

Good News Club v. Milford Central School, Sup. Ct., 6-11-01

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

cf. Policy 1300 (Public Activities Involving Staff, Students or School Facilities)

cf. Policy 1331 (Smoke Free Environment – Use of Tobacco Products)

Policy adopted:

cps 1/99
rev. 11/01
rev 5/03

Existing regulation, presently numbered 3-800.1 approved 8/12/03, appropriate as renumbered, if still current practice, except for addition of legal reference.

Business/Non-Instructional Operations

Community Use of School Facilities

Application Procedures and Fee Structure

General Provisions

1. All applications for use of school facilities and grounds must be made in writing at least three weeks prior to the time of the proposed use. The prescribed form is available or in the office of the school Principal where the activity is planned.

All applications must be completed and signed by an authorized person of the group making the application. Activity details and date availability will be reviewed and approved first by the Principal, or designee, of the school requested.

Upon initial approval and signature of the Principal or designee, the application will be forwarded to the district's Buildings & Grounds Department for final approval or rejection.

2. Use of school buildings or grounds by non-school organizations will be permitted only when there is no conflict with the use of these facilities by the school or its organizations.
3. All applications, even those initially approved, are subject to cancellation in the event of conflict with scheduled school activities, or if during prior use the facilities were misused by the applicant, or regulations were not followed, or full payment for previous **and/or** damages were not received, or for any other reason deemed necessary by the Superintendent of Schools or the Board.
4. Since Newtown Public Schools receives federal funds, we must require that all applicants comply with the provisions of Title IX comprehensive federal regulations prohibiting sexual discrimination in programs and/or activities conducted on school premises. If clarification is needed, applicant should contact the Superintendent's Office at 203-426-7620.
5. Alcoholic beverages are not allowed on the premises of any school in the district.
6. The Board requires proof of insurance from any organization or organized group using the school district's buildings or grounds. ~~in the minimum amounts of \$100,000/\$300,000 for bodily injury \$100,000 (\$50,000) for property damage AND \$300,000 combined single limit.~~ **The group is required to provide a certificate of insurance (COI) stating commercial general liability minimum limits as:**

\$2,000,000	General Aggregate
\$2,000,000	Producers/Completed Operations Aggregate
\$1,000,000	Each Occurrence
\$1,000,000	Personal and Advertising Injury
\$100,000	Fire Damage – Any One Fire
\$5,000	Medical Expense – Any One Person

7. Smoking is prohibited on school grounds as expressed in Board policy 1331 3-502, and in compliance with Connecticut State Statute.
8. No school may be used by an individual group or society that teaches or preaches any doctrine or theory subversive to the Constitution or Laws of the State of Connecticut or of the United States, or advocates social or political change by violence or revolution.

3515(b)

Business/Non-Instructional Operations

Community Use of School Facilities

General Provisions (continued)

9. No school facility may be used for any activity that would support, augment, or foster a business or an individual's personal financial gain unless the purpose of that use is to provide a direct service to educational programs of the school district. Service or contribution goals must be stipulated on the application.
10. The individual or group making application for the use of buildings or grounds must agree in writing to indemnify the Newtown Board of Education for any damage or loss resulting from such use.
11. The Board requires that at least one school custodian be present to represent its interests and enforce its regulations. Custodial service **and school security (if required)** will be at the expense of the applicant in accordance with the prevailing wage rate schedule. All other supervision, including fire/police protection, shall be provided by the using organization. The Superintendent of Schools may require fire/police protection when considered necessary. Fees for fire protection coverage are determined by Newtown's Fire Marshall and are billed through that office. Police fees are based on that department's schedule of rates and times and will be billed separately through the Newtown Police Department. The organization contracting for the use of school facilities is responsible for making all arrangements for police or fire protection coverage when required.
12. Applicants requesting use of cafeteria or kitchen facilities will be charged fees for staffing and use. The Food Service Manager will confer with applicants to determine their needs and will establish the appropriate charge.
13. Applicants using school buildings must confine themselves to designated areas approved for their use.
14. The high school gymnasium may be used for athletic events only. Participants must wear gymnasium-type shoes.
15. Groups using school buildings and grounds must remove all materials and equipment not belonging to the school before the next school day following the event.

16. Applicants must provide adult supervision for all activities when children are present; an adult must remain until all children have left the premises.

3515C

Business/Non-Instructional Operations

Community Use of School Facilities (continued)

Organizations and Fees

3. The following organizations will be exempt from all facilities, custodial, and food services fees except when the size of the group and/or the nature of the event necessitates assigning custodians. This decision will be made by the Superintendent of Schools.
 3. Town officials, commissions, and other duly-elected representatives of the town and any commission appointed/elected by the town to perform a town function.
2. The following organizations will be exempt from facilities rental fees, but will be required to pay all costs for custodial services, food services, technical support and security when these services are required as part of the application request. **Extended use of facilities may be brought to the Board for approval:**
 1. Newtown Parks and Recreation Commission
 2. PTA/PTO Councils
 3. All school organizations and/or their parent/teacher units
 4. All organized Newtown youth groups
 5. Newtown Scholarship Association
 6. Service/Civic organizations
 7. Organized recreational or cultural groups that do not charge regular ongoing fees for instruction or lessons.

All other applicants, including commercial establishments, whose application is approved will be responsible to pay all fees including rent, energy fee, costs for custodian, security, and technical fees. Commercial establishments shall be required to pay an additional 25% on the established facility rental fees.

The Board requires that only thoroughly trained high school personnel operate the lighting and sound systems.

The rental fee for the use of the high school auditorium includes the use of two dressing rooms. Makeup may be applied in dressing rooms or boys or girls lavatories only.

It is important that anyone using the high school understands that no food or beverages may be served anywhere in the school without the express written consent of the high school Principal.

When in the opinion of the building administrator the assignment of security personnel is essential for the adequate supervision and protection of the building and its grounds, the applicant shall be responsible for that cost.

3515(d)

Business/Non-Instructional Operations

Community Use of School Facilities

Organizations and Fees (continued)

Anyone using school facilities accepts the responsibility for any and all damage done to the building, site, or equipment. At the discretion of the Superintendent of Schools, a security deposit may be requested which will be refunded in all or in part after the building and site are inspected after use.

3. Facility Rental Fees:	Minimum	Hourly After-4 Hrs
High School Auditorium (inc. 2 dressing rooms)	\$500	\$125.00
Middle School Auditorium	250	62.50
High School Gym	250	62.50
Middle School Gym	250	62.50
Reed Intermediate School Gym	250	62.50
Elementary School Gyms	125	13.25
Cafeteria	188	47.00
Kitchen	200	50.00
Classrooms	95	23.50
Library	125	31.25
Shop, Art Room, Science Labs	150	37.50
High School Lecture Hall	188	47.00
Pool	100/hr	25.00
Service Fees:-		
Sound & Lighting Supervisor	25/hr.	
Computer Support	35/hr.	
Sunday Energy Fees:		
High School	313	
Middle School	313	
Reed Intermediate	313	
Head O'Meadow	188	
Hawley	125	

Middle Gate	125
Sandy Hook	125

~~Commercial establishments will be billed at 1.25 of these rates~~

Per Diem Schedule of Room Fees

Facility Rental Fees:

	<u>Minimum</u>	<u>Hourly After 4 Hours</u>
High School Auditorium (Including two dressing rooms)	\$1000.00	\$250.00
Middle School Auditorium	\$500.00	\$125.00
High School Gym	\$500.00	\$125.00
Middle School Gym	\$250.00	\$62.50
Reed Intermediate School Gym	\$250.00	\$62.50
Elementary School Gyms	\$200.00	\$50.00
Cafeteria	\$200.00	\$62.50
High School Kitchen	\$250.00	\$62.50
Middle School Kitchen	\$200.00	\$50.00
Reed Intermediate School Kitchen	\$250.00	\$62.50
Elementary School Kitchen	\$200.00	\$50.00
Classrooms	\$100.00	\$25.00
Library	\$125.00	\$31.25
Shop, Art Room, Science Labs	\$200.00	\$50.00
High School Lecture Hall	\$200.00	\$50.00
Pool	\$200.00 / hour	\$50.00
Stadium	\$1,000.00	\$250.00

Service Fees:

Sound & Lighting Supervisor	\$42.50 / hour
Sound & Lighting Technician	\$9.60 / hour
Computer Support	\$35.00 / hour
Security	\$27.01- \$28.74 / hour (Weeknights & Saturdays)
Security	\$36.02 - \$38.32 / hour (Sundays & Holidays)

Sunday Energy Fees:

High School	\$313.00
Middle School	\$313.00
Reed Intermediate	\$313.00
Head O'Meadow	\$188.00
Hawley	\$125.00
Middle Gate	\$125.00
Sandy Hook	\$125.00

Custodial Fees - Applicable on Saturday, Sunday, holidays, and weeknights when a custodian needs to be called in for the activity.

\$37.06 - \$47.93 hourly rate (Weeknights and Saturdays)

\$49.41 - \$63.90 hourly rate (Sundays and Holidays)

FEES MUST BE PAID WITHIN TWO WEEKS

Business/Non-Instructional Operations

Community Use of School Facilities

Organizations and Fees (continued)

4. If a charge for custodial overtime is required, the rate shall be at time-and-one-half on weekdays and Saturdays and double-time on Sundays and holidays in accordance with existing labor agreement terms plus FICA and Medicare.
5. Fees for custodial services, if required, will be billed by the Building & Grounds Department and must be paid within two weeks of billing. Checks should be made payable to the Newtown Board of Education. Charges for custodial services begin when the custodian reports for duty and terminates when the building is restored for school use. Should cleanup require more time than estimated, the applicant will be responsible for actual time spent.
6. If food services are utilized, bills will be issued from the contracted food services company and must be paid within two weeks of billing.
7. When an organized service club, fraternal group, charity, or civic agency plans a special program or activity with an admission fee, and the proceeds are to be used for substantial scholarship awards to a Newtown resident, facility rental fees may be waived at the discretion of the Superintendent of Schools.
8. Each application will be reviewed to determine whether the purpose of the program, along with its admission charges, merit an increase in the rental costs.
9. Facility use fees must accompany applications.
10. A copy of the insurance certificate should accompany applications, or must be supplied prior to approval.

Legal Reference: Connecticut General Statutes
 10-239 Use of school facilities for other purposes
 Equal Access Act, 20 U.S.C. ss 4071-4074
Good News Club v. Milford Central School, Sup. Ct., 6-11-01
 20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in
 No Child Left Behind Act of 2001)

Regulation approved:

NEWTOWN PUBLIC SCHOOLS
 Newtown, Connecticut

A new and recommended policy to consider.

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds

Goal: It is the goal of the Board of Education (Board) to ensure that all facilities, grounds, equipment, and vehicles meet accepted injury and violence prevention standards for design, installation, use, and maintenance.

Safety and Hazard Assessments: *Schools/District* shall develop and implement a written school security and safety plan to conduct regular safety and hazard assessments of all classrooms, buildings, school grounds, gymnasiums, playgrounds, sports-related equipment, and buses and other vehicles used to transport students.

The school security and safety plan shall be an all-hazards approach to emergencies at schools and shall include, but not be limited to:

1. Involvement of local officials, including the First Selectman/~~Mayor~~/Town Manager, Superintendent of Schools, law enforcement, fire, public health, emergency management and emergency medical services, in the plan's development.
2. A command center organization structure based on the federal National Incident Management System and a description of the responsibilities of such command center organization.
3. A requirement that a school security and safety committee be established of each school.
4. Crisis management procedures.
5. A requirement that local law enforcement and other local public safety officials evaluate, score and provide feedback on fire drills and crisis response drills.
6. A requirement that the Board of Education submit annually reports to the Department of Emergency Services and Public Protection regarding fire drills and crisis response drills.
7. Procedures for managing various types of emergencies.
8. A requirement that the Board of Education conduct a security, safety and vulnerability assessment for each school in the district every ~~two (2) years~~ year and develop a school security and safety plan for each school based upon the school security and safety plan standards developed by the Department of Emergency Services and Public Protection. (DESPP)

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

9. A requirement that the Safe School Climate Committee of each school collect and evaluate information relating to instances of disturbing or threatening behavior that may not meet the statutory definition of bullying.
10. A requirement that each school provide an orientation pertaining to the security and safety plan to each employee and provide violence prevention training as prescribed in the school security and safety plan.

The Board will annually submit each school's security and safety plan to the Department of Emergency Services and Public Protection.

Note: The development implementation of a school security and safety plan for each school, based upon the DESSP standards is required for the school year commencing July 1, 2014, and each school year thereafter.

The plan shall include provisions for reporting hazards to appropriate staff, prompt repairs or upgrade of identified hazards and other shortcomings, and appropriate communication of repair/upgrade plans to staff, students and family members.

Safety and hazard assessments shall be conducted ~~annually/other~~ for building facilities and grounds and ~~monthly/other~~ for classrooms, gymnasiums, playgrounds, sports-related equipment, laboratories, and industrial arts facilities. The ~~school/district~~ shall report annually on safety and hazard assessments to the Superintendent of Schools or his or her designee. Written inspection reports shall be kept on file for ~~7 10/other~~ years. ~~School/District~~ shall correct identified hazards before used by students, staff, or community members.

Maintenance: ~~Schools/District~~ shall develop maintenance plans for all classrooms, buildings, school grounds, gymnasiums, playgrounds, **and** sports-related equipment, ~~and buses and other vehicles used to transport students~~. The plan shall include provisions for reporting maintenance needs to appropriate staff, schedules of maintenance activities, and communication of details to appropriate staff, students, and family members. Maintenance reports shall be kept on file for ~~10/other~~ **7** years.

Supervision of Students: All school-related activities shall be supervised by adults to enforce safety rules and prevent injuries. ~~At least one adult trained in first aid, cardiopulmonary resuscitation, and infection control shall always be available when students are present on school grounds to respond to injuries and medical emergencies.~~ All adults supervising playgrounds, athletic fields, gymnasiums, science classrooms, industrial arts classrooms and cafeterias shall have easy access to appropriate first aid supplies. Supervising adults shall be informed of any relevant medical guidance on file with the school concerning limits on the participation of individual students in physical activity. Such information will be treated with strict confidentiality.

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

Staff Training: All school personnel, including bus drivers and athletic program coaches, shall receive adequate preparation and participate in ongoing professional development activities relating to preventing and responding appropriately to unintentional injuries and acts of violence at school. The professional development program shall include at a minimum the following topics:

- emergency response procedures, including the use of fire extinguishers;
- proper use of protective gear by students and staff when appropriate;
- identifying students in need of medical attention and referring them for appropriate services;
- administering first aid and cardiopulmonary resuscitation;
- methods of responding to bullying, sexual harassment, and threats of violence;
- identifying students who have been victims of crime or violent behavior and referring them for appropriate services; and
- maintaining student confidentiality.

School Security and Safety Committee

Beginning with the school year commencing July 1, 2014, and each school year thereafter, each District school shall have a school security and safety committee under the jurisdiction of the Board. Such committee is responsible for assisting in the development of the school security and safety plan for the school and administering the plan.

Membership must consist of a local police officer, a local first responder, a teacher at the school, a school administrator, a mental health professional (guidance counselor, social worker, school psychologist, school nurse, or child mental health specialist), a parent/guardian of an enrolled student and any other person the Board finds necessary.

Parents/guardians on the committee shall not have access to information about disturbing or threatening student behavior reported to the committee, as such access may compromise student confidentiality.

Policy Evaluation: ~~The Principal, school health coordinator/other shall regularly monitor, evaluate, and submit an annual report to the School Health Advisory Council/Board of Education/other on the implementation of this policy and its effectiveness in reducing injuries at school. The report shall include recommendations for improvements to the policy and its implementation.~~

Business/Non-Instructional Operations

Safety

Legal Reference: Connecticut General Statutes

10-203 Sanitation

10-207 Duties of medical advisers

10-231 Fire Drills

29-389 Stairways and fire escapes on certain buildings.

P.A. 13-3 An Act Concerning Gun Violence Prevention and
Children's Safety

~~(cf. 6116—~~

~~(cf. 6114.3—~~

~~(cf. 6114.7—~~

(cf. 3517 – Security of Buildings and Grounds)

(cf. 3523.3 – School Facilities – Playground Equipment)

(cf. 4148.1/4248.1 – An Act Concerning Gun Violence Prevention and Children's Safety)

(cf. 6114 – Emergencies and Disaster Preparedness)

(cf. 6114.1 – Fire Emergency (Drills) Crisis Response Drills)

(cf. 6114.3 – Bomb Threats)

(cf. 6114.7 – Safe Schools)

Policy adopted:

cps 2/13

cps 7/13

A new and recommended policy to consider.

Business/Non-Instructional Operations

Safety

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Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

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The Board will annually submit each school's security and safety plan to the Department of Emergency Services and Public Protection.

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Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

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Business/Non-Instructional Operations

Safety

Legal Reference: Connecticut General Statutes

10-203 Sanitation

10-207 Duties of medical advisers

10-231 Fire Drills

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P.A. 13-3 An Act Concerning Gun Violence Prevention and
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(cf. 3517 – Security of Buildings and Grounds)

(cf. 3523.3 – School Facilities – Playground Equipment)

(cf. 4148.1/4248.1 – An Act Concerning Gun Violence Prevention and Children's Safety)

(cf. 6114 – Emergencies and Disaster Preparedness)

(cf. 6114.1 – Fire Emergency (Drills) Crisis Response Drills)

(cf. 6114.3 – Bomb Threats)

(cf. 6114.7 – Safe Schools)

Policy adopted:

cps 2/13

cps 7/13

An optional policy to consider.

Business/Non-Instructional Operations

School Facilities – Playground Equipment

The Board of Education recognizes that playground equipment is an essential part of a complete school facility. Playgrounds allow children further exploration, in the context of play, to stretch their physical and intellectual abilities, social and emotional skills and to learn some basic principles that can be applied to life in the world. Playgrounds are defined as designated areas where stationary and manipulative play equipment is located to facilitate a child’s physical, emotional, social and intellectual development.

All playground equipment, whether purchased by the District or donated by a community or school-related group, must be assessed in terms of suitability for the age level to use the equipment in the school setting and for durability and possible health or safety hazards. Consideration shall also be given to potential hazards when the playground is unsupervised during non-school hours.

The Superintendent shall develop specifications for playground equipment and related play surfaces that meet the recommendations of the National Program for Playground Safety, the standards of the U.S. Consumer Product Safety Commission and the Americans with Disabilities Act. These specifications shall serve as criteria for the selection of playground equipment. Selection and installation of playground equipment shall be based upon safety and contribution to child development:

1. Selection and installation of playground equipment based on safety and contribution to child development.
2. All equipment designed for climbing will have as a base several inches of pea gravel or rubberized safety cushion.
3. All equipment will be maintained and inspected by the Director of Operations (or his designee) on a reoccurring basis.

Legal Reference: Handbook for Public Playground Safety, U.S. Consumer Product Safety Commission, Publication No. 325

Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Sections 4.19 through 4.8.7, and Sections 7.4.3 and 7.4.4

Policy adopted:

cps 1/05

A sample regulation to consider/modify.

Business/Non-Instructional Operations

School Facilities – Playground Equipment

In order to foster safety in the design and use of playground equipment on District property, it is important for the District to provide proper supervision, design age-appropriate playgrounds, provide proper surfacing under and around playground equipment and to keep playground equipment properly maintained. To accomplish these goals, the following guidelines are established:

Actions to Provide Proper Supervision on Playgrounds:

1. Conduct an appraisal of supervisory needs.
2. Create a supervisory blueprint for each playground.
3. Educate children and adults about the safe use of playground equipment.
4. Inform the general public about proper supervisory practices.
5. Monitor current supervisory practices to determine areas where improvement can occur.
6. Share data concerning effective supervisory practices with the National Program for Playground Safety.

Actions to Design Age-Appropriate Playgrounds:

1. Assess current playgrounds for age-appropriate design.
2. Review the United States CPSC's "Handbook for Public Playground Safety" for guidance in determining the correct size of equipment and appropriate physical layouts for playgrounds.
3. Consult various publications for information concerning the developmental needs of children.
4. Consider criteria for purchasing and selecting equipment.
5. Compare selection criteria with manufacturer's description of equipment.
6. Conduct regular evaluations of playgrounds to determine needed improvements.
7. Develop a written plan for the a) retention, b) modification and c) acquisition of playground equipment.

Actions to Provide Proper Surfacing Under and Around Equipment:

1. Conduct an on-site investigation of current surfaces found under and around playground equipment.
2. Examine all surfacing for depth, contamination, coverage and compaction.
3. Advocate for safe surfaces under and around playground equipment.
4. Consider necessary criteria for selection of new surfaces.
5. Help provide data concerning proper surfacing to the National Program for Playground Safety.

Business/Non-Instructional Operations

School Facilities – Playground Equipment (continued)

Actions to Keep Playground Equipment Properly Maintained:

1. Develop written maintenance and inspection policies for the ongoing maintenance, repair and replacement of playground equipment and surfacing.
2. Develop joint maintenance agreements between agencies who share playground facilities.
3. Review maintenance practices and procedures.
4. On an ongoing basis, provide maintenance personnel with training on playground assessment, inspections, and maintenance procedures.
5. Maintain documentation for all playground equipment and surfaces.

Playground Equipment

Equipment shall be properly located, installed and supervised:

1. Selection and installation of playground equipment based upon safety and contribution to child development.
2. All equipment designed for climbing or hanging activities provided with a resilient surface underneath, such as a rubberized safety cushion or several inches of pea gravel.
3. Instruction about the proper use of equipment and safety measures relevant to each piece of equipment provided at the beginning of each school year.
4. Playground equipment and surfacing inspected monthly for wear or damage.
5. Supervision provided on playgrounds and around equipment.
6. Fencing provided where playgrounds are adjacent to streets or highways.
7. Barriers installed and maintained to prevent people from damaging turf and playground equipment
8. Signage posted reminding adults of the need to provide appropriate supervision when the equipment is being used before and after school hours.

Regulation approved:

cps 1/05

Public Playground Safety Checklist

1. Make sure surfaces around playground equipment have at least 12 inches of wood chips, mulch, sand, or pea gravel, or are mats made of safety-tested rubber or rubber-like materials.
2. Check that protective surfacing extends at least 6 feet in all directions from play equipment. For swings, be sure surfacing extends, in back and front, twice the height of the suspending bar.
3. Make sure play structures more than 30 inches high are spaced at least 9 feet apart.
4. Check for dangerous hardware, like open “S” hooks or protruding bolt ends.
5. Make sure spaces that could trap children, such as openings in guardrails or between ladder rungs, measure less than 3.5 inches or more than 9 inches.
6. Check for sharp points or edges in equipment.
7. Look out for tripping hazards, like exposed concrete footings, tree stumps, and rocks.
8. Make sure elevated surfaces, like platforms and ramps, have guardrails to prevent falls.
9. Check playgrounds regularly to see that equipment and surfacing are in good condition.
10. Carefully supervise children on playgrounds to make sure they’re safe.

Source: Consumer Product Safety Commission, CPSC Document #327

Public Playground Planning

In order to reduce risks of injury on school playgrounds, it is necessary to consult with teachers, parents, playground consultants and students in order to determine wants, needs and ideas. Careful planning and consultation can significantly reduce injuries, vandalism, maintenance and other costs by building a sense of school community ownership of the playground.

The following questions should be asked before the planning process begins in order to identify the criteria that the school playground needs to meet:

- What age group will use this play area?
- Is the play area easily accessible to students?
- Does it allow easy supervision for teachers/staff?
- Is there enough room to accommodate all the children using the play area?
- Are there areas for quiet play as well as for active play?
- How much shade do existing trees provide and can natural features of the play space be incorporated to provide opportunities for creative play?
- Will the play area be used before and after regular school hours?
- Does existing playground equipment meet current safety standards?
- What are the requirements for the planned new playground equipment?
- Does the playground offer play and creative opportunities as well as being safe?
- Can the playground be modified to make it useable for disabled children?
- Does the playground challenge physical skills – balance, flexibility, strength and coordination?

A sample policy to consider.

Business/Non-Instructional Operations

Hazardous Materials in Schools

Hazardous materials include any substance or mixture of substances posing fire, explosive, reactive, or health hazards including a number of science laboratory chemicals and supplies, common school cleaning materials, spray oven cleaners, cleaning solvents, photo chemicals, soldering flux, some ceramic glazes, oils, and gasoline.

The Superintendent of Schools **or his designee** shall develop regulations to minimize the use of these materials in the schools, including substituting, when possible, non-hazardous materials for hazardous materials and through minimizing amounts of hazardous material used and stored in the schools.

To the extent hazardous materials are necessary in educational programs or in school building maintenance, the Superintendent of Schools shall develop regulations and practices on:

1. identification and labeling of hazardous materials;
2. use of hazardous materials;
3. storage of hazardous materials;
4. transportation of hazardous materials;
5. disposal of hazardous materials;
6. maintenance of material safety data sheets in the building Principal's office.
7. chemical hygiene plans shall be maintained at all schools that have a science laboratory.
8. training of appropriate staff in procedures and practices enumerated in 1-5 above.

Procedures must comply with applicable local, state, and federal laws and regulations pertaining to safe and proper use, storage, transportation, and disposal of hazardous materials.

Legal Reference: Connecticut General Statutes

19a-332 through 19a-332d re carcinogenic substances and asbestos abatement.

Policy adopted:

A sample regulation to consider/modify.

Business/Non-Instructional Operations

Hazard Communication Program

Guidelines

It is the intention of the Board of Education to comply fully and in a prudent manner with all occupational safety and health standards/regulations. Consequently, this program to comply with the Department of Labor, Occupational Safety and Health Administration's Hazard Communication Standard 29CFR 1910.1200 is implemented and shall be enforced.

This program has been established to provide guidelines for all employees and for the Board of Education to meet the requirements of the Hazard Communication Standard. The program applies to any hazardous chemical(s) which is known to be present on the premises to which employees may be exposed under normal conditions of use or in a foreseeable emergency. This written Hazard Communication Program will be available to all employees for review at all times.

Hazardous Chemicals List

The Board of Education has established and will maintain a list of all the hazardous chemicals used on the premises. The Head Custodian will be responsible for the maintenance of this list.

Labeling of Hazardous Chemicals

Each container containing a hazardous chemical will be labeled with the identity and the appropriate hazard warning of the contents. In addition, those containers containing hazardous chemical(s) when received from a supplier will also have the name and address of the manufacturer or the responsible party.

It is the responsibility of the Head Custodian to assure that the identity and the hazard warnings are placed on all containers that have been transferred from the original drum or container. Also, it is the responsibility of the Head Custodian to assure that the identity, hazard warnings, and the name and address of the supplier are on the received/shipped container(s).

Material Safety Data Sheets (MSDS)

The MSDS file will contain an MSDS for every hazardous chemical used on the premises. These sheets will be available to employees at all times. The MSDS file for each of the schools will be kept in the school nurse's office.

Business/Non-Instructional Operations

Hazard Communication Program (continued)

Material Safety Data Sheets (MSDS) (continued)

When ordering a new hazardous chemical, it is the responsibility of the building Principal to assure an MSDS file is kept up to date.

Employees wishing to gain access to the MSDS file or a copy of MSDS for specific chemical(s) should contact the building Principal.

Information and Training

It is the policy of the Board of Education to provide an information and training program to all employees with the implementation of this program, at the time of a new employee's initial assignment, and whenever a new hazard is introduced into the working place.

This information and training program will include:

1. Requirements of 29CFR 1910.1200.
2. Any operations in employees' work areas where hazardous chemicals are present.
3. Location and availability of the written hazard communication program, the list of hazardous chemicals and MSDS's.
4. Means of detecting the presence or release of hazardous chemicals in the work area.
5. Physical and health hazards of the chemicals in the area.
6. Measures employees can take to protect themselves from these hazards.
7. Explanation of the labeling system and the MSDS.
8. Emergency procedures.
9. Details of the written hazard communication program developed by the employer.

It will be responsibility of the building Principal to implement and maintain the information and training program.

Business/Non-Instructional Operations

Hazard Communication Program (continued)

Contractor Work

When it is necessary for an outside contractor to perform work in the schools, it shall be the responsibility of the Head Custodian to inform the contractor of the identity of any hazardous chemicals to which the contractor may be exposed. The procedure for informing the contractor will be the following:

1. Making the hazardous chemicals inventory of any designated work area where contract work is being performed available to the contractor and advise the contractor of the labeling system.
2. Making the MSDS's of the identified hazardous chemicals in a designated work area available to the contractor.
3. Making the contractor aware of the appropriate protective measures taken by school employees in a designated work area.

It is also the responsibility of the Head Custodian to determine if the contractor will be using any hazardous chemicals and if so, to take appropriate actions to assure the protection of the school employees.

Hazard of Non-routine Tasks

Employees of the school district do not participate in "non-hazardous routine tasks". Such tasks are performed by outside contractors.

Emergency Procedures

In the event a student or staff member in the New Hartford Public Schools sustains a toxic ingestion, toxic skin or eye exposure, or inhaled toxic exposure, the following steps shall be taken:

1. Notify immediately the school nurse/building Principal or responsible teacher if building Principal is not in the building.
2. Call the Connecticut Poison Control Center at 1-800-272-3422.
3. Follow the Connecticut Poison Control Center recommendations.

Business/Non-Instructional Operations

Hazard Communication Program (continued)

Emergency Procedures (continued)

4. Notify parent/guardian.
5. If a chemical spill has occurred and cleaning procedures are needed, then the Connecticut Poison Control Center will be called. The Connecticut Poison Control Center will give appropriate information regarding cleaning procedures or will refer the school to the Department of Environmental Protection or other appropriate agency for cleanup information.

Legal Reference: Connecticut General Statutes

19a-332 through 19a-332d re carcinogenic substances and asbestos abatement.

Regulation approved:

Chemicals and Hazardous Materials Information

Brand Name or Common Name:

If MSDS follows, check here: _____

Manufacturer and/or Distributor:

Typical or Intended Use:

Chemical Ingredients:

First Aid:

Other Information:

Date: _____

Hazardous Communication Training Record

At a special meeting held for staff on _____, the following information was communicated to the staff by _____.

1. The existence and requirements of the Hazard Communication Standard.
2. The fact that no chemicals or other materials are present in the building that would create a hazard unless those materials are improperly used.
3. That to minimize the possibility of materials being misused, substances should not be transferred from their original container to a different container unless that new container is appropriately marked. In addition, no person who does not normally use custodial supplies may take and/or use such supplies without the specific authorization and guidance of the custodian.
4. The nature, purpose, and location of MSDS files, the type of information contained in the files, and the fact that employees are entitled to copies of the files.

I participated in the meeting outlined above and received the information specified.

Employee

Date

A sample policy to consider which states the district's intention to implement the Integrated Pest Management (IPM) concept pertaining to pesticide use.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms that interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff and all others using district buildings and grounds.

The goal of this pest management program is to manage pests in order to:

- Reduce any potential human health hazard and/or to protect against a significant threat to public safety;
- Prevent loss or damage to school structures or property;
- Prevent pests from spreading in the community or to plant and animal populations beyond the site;
- Enhance the quality of life and to provide a safe and healthy learning environment for students, staff and others.

The school district shall incorporate Integrated Pest Management procedures (IPM) to manage structural and landscape pests and the toxic chemicals for their control in order to alleviate pest problems with the least possible hazard to people, property and the environment. In addition, staff, students and the public shall be educated, at least annually, about potential school pest problems and the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (continued)

IPM procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural or biological means. Chemical controls shall be used as a last resort. The Board establishes that the school district shall use pesticides only after consideration of the full range of alternatives, including no action, based upon an analysis of environmental effects, safety, effectiveness and costs. The Superintendent or his/her designee shall be responsible to implement Integrated Pest Management (IPM) procedures and to coordinate communications with members of the staff who are responsible for pest control, such as maintenance personnel and custodians, and hired contractors when utilized by the district to control a pest problem. *The Maintenance Supervisor/Head Custodian shall be designated as the IPM supervisor and shall direct and supervise all IPM procedures to be carried out by assigned maintenance and/or custodial staff.*

All district employees who use chemicals to control a pest problem must be trained and shall follow all precautions and application regulations. Effective July 1, 2000, the District will only employ certified pesticide applicators for any necessary and non-emergency pesticide use in school building or on school grounds. Contractors hired to do this work shall give evidence of appropriate training and certification in the proper use of pesticides. Pest control contractors shall be utilized, when deemed necessary, to inspect for conditions conducive to pest problems and to develop appropriate prevention measures. Pest control contractors will be expected to write recommendations for structural improvements or repairs and housekeeping and sanitation measures required to reduce or prevent recurrence of pest problems.

Someone other than a certified pesticide applicator may apply a pesticide in an emergency to eliminate an immediate human health threat when (1) it is impractical to obtain the services of a certified pesticide applicator and (2) a restricted use pesticide is not used.

Whenever it is deemed necessary to use a chemical substance, that school must provide notification to all parents and staff who have registered for advanced notification in conformity with state statutes. Parents/guardians and staff requesting advanced notification must be notified on the day of such use by any method practicable. Notices shall also be posted in designated areas at school at least (*suggested*) forty-eight (48) hours prior to the application.

At the beginning of each school year and at the time a student is registered, parents/guardians shall be informed of the District's pest management policy. Those parents/guardians and staff who register a request shall be notified prior to every pesticide application.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (continued)

Information regarding pesticides used and areas treated shall be maintained for a period of five years at the school site and available to the public and staff upon request. The district shall establish and maintain accurate records of all chemical use and their location. In addition, records of all pest control actions including information on indicators of pest activity that can verify the need for action.

Pesticide applications shall be limited to non-school hours and when activities are not taking place.

Beginning January 1, 2006 the application of lawn care pesticides on the grounds of any schools with students in grade eight or lower must be according to an integrated pest management plan (IPM). Such application is prohibited starting July 1, 2010 except in emergencies. An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools.

Legal Reference: Connecticut General Statutes
 10-231b Pesticide applications at schools: Authorized applicators.
 Exception. (as amended by P.A. 09-56)
 10-231c Pesticide applications at schools without an integrated pest
 management plan.
 22a-46 Short title: Connecticut Pesticide Control Act.
 22a-54 Pesticide applicators, certification, classification, notice, fees,
 reciprocity; financial responsibility; aircraft, tree, public employee
 applicators.
 22a-58 Records to be kept by distributors and applicators.
 23-61b Licensing for arboriculture; examination; fees; renewal;
 suspension, revocation. Nonresidents. Records. Pesticides.
 P.A. 09-56 An Act Concerning Pesticide Applications At Child Day Care
 Centers and Schools.
 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code
 136 et seq

Policy adopted:

rev. 7/05

rev. 7/07

rev. 7/0

Optional policy to consider.

Business/Non-Instructional Operations

Liability Insurance

The school system shall maintain appropriate limits of liability insurance to protect it, its Board, its employees, students and their parents against possible catastrophic financial loss occasioned by court action brought outside the area of governmental immunity of the school system.

~~The Superintendent of Schools, or his/her designee, shall seek any needed legal advice in ascertaining areas in which the school system is not protected by governmental immunity.~~

The school system shall indemnify and hold harmless any member(s) of the Board of Education against whom any action is instituted or any judgment of money damages is obtained for the acts of such member(s) other than those of a reckless nature or which constitute gross negligence.

Legal Reference: Connecticut General Statutes

10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.

10-236 Liability insurance.

10-236a Indemnification of educational personnel assaulted in the line of duty.

52-557 Injury to children being transported to school.

Policy adopted:

Recommended "good practice" policy.

Business/Non-Instructional Operations

Employee Bonds

All school district employees who handle funds shall be covered for \$_____ under a blanket fidelity bond purchased by the Board of Education. *(Note: \$100,000 suggested amount)*

Alternate language which is slightly modified from that listed above:

All school district employees who handle funds shall be covered under a blanket fidelity bond purchased by the Board of Education.

Another version to consider:

~~Any employee of the Board of Education whose duties entail a recognized financial risk will be bonded for an amount commensurate with the risk involved. The minimum coverage is \$10,000.~~

Policy adopted:

rev 11/12

Students

Dress and Grooming

Students shall dress in **professional** clothing appropriate to the school **setting** situation. Restrictions on freedom of student dress may be applied whenever the mode of dress in question:

1. is unsafe either for the student or those around the student;
2. is **counterintuitive** ~~disruptive~~ to school operations and the education process in general;
3. is contrary to law.

~~No restrictions on freedom of dress and adornment will be imposed which:~~

- ~~1. are discriminatory;~~
- ~~2. enforce particular codes of morality or religious tenets;~~
- ~~3. attempt to dictate or adjudicate style or taste;~~
- ~~4. do not fall within the direct or implied powers of the Board of Education.~~

The administration is encouraged to establish any needed regulations consistent with this policy through cooperative planning with staff, students and parents.

Policy adopted:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

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.

Connecticut Association of Boards of Education, Inc

Students

Dress and Grooming

1. The administration will take appropriate determination on the newest clothing fads or styles as they pertain to the above dress policy. ~~The administration will determine what attire is unclean and dangerous, or distracts from the educational process.~~
2. Students must wear proper and safe footwear. Any footwear deemed **unsafe** ~~dangerous~~ to the student or others will be prohibited.
3. Sexually provocative clothing - short shorts, see-through clothing, no shirts, garments designed or worn in such manner as to expose parts of the body constituting what generally is considered immodesty **will be prohibited**.
4. Clothing bearing messages that countervail the educational process – profanity, sexual suggestiveness, glorification of the drug/alcohol culture, insignias or other apparel that advertises membership in a gang, messages that incite violence **will be prohibited**.
5. Articles that are part of one’s attire but also designed so that they can be used as weapons – rings that simulate brass knuckles, belt buckles with the edges sharpened, nailed or cleated shoes, jewelry obviously designed to inflict injury **will be prohibited**.
6. Grooming/apparel or lack thereof that constitute a health **concern** ~~hazard~~ – long hair that is unbound while a student is operating machinery in a classroom or swimming in the pool, ~~wearing six-inch platform shoes~~, not wearing shoes **or** wearing heavy outdoor coats in classrooms **will be prohibited**.

Regulation approved:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

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Connecticut Association of Boards of Education, Inc.

A separate policy on this issue.

Students

Search and Seizure

Use of Dogs to Search School Property

The Newtown Board of Education (NBOE) believes that all students are entitled to a drug-free school environment. To that end, the Board supports proactive initiatives to effectively deter the possession and use of illegal substances in our schools. The Board of Education acknowledges its civic responsibility to conduct government search activities consistent with law and with respect to the protections contained in the Constitution of the State of Connecticut and the United States.

The Board supports the elimination of the possession or use of illegal substances/devices. The Board wants to convey a strong message to the community, faculty, staff, and student body concerning the use or possession of illegal substances.

The Board shall permit the administration to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained for the purpose of detecting the presence of illegal substances, when necessary to protect the health and safety of students, employees or property and to detect the presence of illegal substances or contraband, including, **but not limited to**, alcohol, ~~and/or~~ drugs **and/or explosive devices**.

Alternate language: ~~In an effort to keep the schools free of drugs, the District may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on District property or at District sponsored events as long as they are not allowed to sniff within close proximity of any students.~~

The use of trained canine sniffing dogs is subject to the following:

1. The administration shall authorize the search and the Principal or his/her designee shall be present while the search is taking place. **Every reasonable effort will be made to ensure that searches are conducted outside the view of students and staff not assigned to the search.**
2. Parents and students shall be notified of this policy through its inclusion in the student and/or parent handbook and on the District's/school's website. ~~In addition, the school shall host an informational meeting for parents and their children regarding this policy and practice.~~

Students

Search and Seizure

Use of Dogs to Search School Property (continued)

3. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
 - a. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
 - b. When used for demonstration purposes, the dog may not sniff the person or any individual.
4. Individual(s) shall not be subjected to a search by dogs. To avoid the potential of allergic reactions, dogs shall be kept away from the students.
5. Once notification has been given to parents and students, through the inclusion of the policies in the student and/or parent handbook and on the District's/school's website, the school District will have met its obligation to advertise the searches. Additional notices need not be given and actual times or dates of planned searches need not be released in advance.
6. Only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place or responsibility for it shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought it onto District property shall be asked to unlock it for inspection.
7. Before conducting a search based upon an alert, an effort shall be made to seek the student's consent and an effort shall be made to protect the student's privacy to the greatest degree possible.
8. If because of a dog alert, a student's property is searched, the student's parents shall be notified by the school administration.
9. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible for illegal substances(s) on school property.

(cf. - 5145.12 Search and Seizure)

Legal Reference: Connecticut General Statutes
10-221 Boards of education to prescribe rules.
54-33n Search of school lockers and property.
No. CV094043192S, 2009 WL 3366272 (Conn. Super. Ct. Sept. 14, 2009).
New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985)

United States v. Place, 462 U.S. 696, (1983)
Bd. of Educ. of Indep. Sch. Dist. No. 92 v. Earls, 536 U.S. 822 (2002).

Policy adopted: