

**NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE
MEETING NOTICE**

DATE: April 6, 2021
TIME: 6:45 P.M.
PLACE: Sarah Noble Intermediate School Library Media Center

While this is an in-person meeting for Board of Education members and district staff, due to COVID-19 restrictions on capacity and social distancing requirements that make public attendance impossible, members of the public will be permitted to attend the meeting via the Zoom link provided below. Closed captioning is available through Zoom.

There will be live public comment offered through the Zoom format for items on the agenda. Public comment may also be emailed to suptoffice@newmilfordps.org for distribution to Board members.

Join Zoom Meeting

<https://zoom.us/j/92191559702?pwd=aCsxdjFOMzdHl1V3bUEyRWN4NjF6UT09>

Meeting ID: 921 9155 9702

Passcode: 867618

One tap mobile

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Dial by your location

+1 312 626 6799 US (Chicago)

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Meeting ID: 921 9155 9702

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MHP
RECEIVED
TOWN CLERK
2021 APR - 1 A 9: 06
NEW MILFORD, CT

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Policies for Second Review:

1. 6200 Adult Education
2. 3000 Concept and Roles in Business and Non-Instructional Operations
3. 3110 Budget Planning
4. 3160 Budget and Transfer of Funds
5. 3230 Federal Funds
6. 3231 Medical Reimbursement for Special Education Students

B. Policy for First Review:

1. 3300 Purchasing

C. Regulation for Review:

1. 3152 Spending Public Funds for Advocacy

4. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

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- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

5. Adjourn

Sub-Committee Members: Olga I. Rella, Chairperson
Joseph Failla
Tammy McInerney

Vacancy

Alternates: Wendy Faulenbach
Brian McCauley

FOR SECOND REVIEW

COMMENTARY: The recommended changes below – except for those changes in Section IV – Adult Education Diploma -- are designed to better align this policy with relevant adult education statutes. Since 2013 when this policy was last updated there have only been a handful of relatively minor changes to Connecticut's adult education statutes. The revisions below incorporate those changes. A reference has also been added to Connecticut's student expulsion statute since that statute explicitly provides that an adult education program may constitute a suitable alternative educational program for expelled students in certain circumstances.

The changes to Section IV are not mandated by law, but have been recommended by the Administration to better align the District's adult education graduation requirements with the District's traditional graduation requirements as set forth in Policy 6146.

6200(a)

Instruction

Adult Education

The Board of Education recognizes that education is a lifelong process. Therefore, the Board shall establish and maintain a program of adult education classes for its adult residents of the school district. The Board may choose to provide its adult education program through cooperative arrangements with one or more other Boards of Education, eligible entities, or regional educational service centers.

I. Eligible participants

The adult education program is available to the following:

1. Any person seventeen (17) years of age or older who is not enrolled in a public elementary or secondary school;
2. Students age seventeen (17) or older who have been assigned to an adult education class as an alternative educational opportunity pursuant to an expulsion proceeding;
3. A public school student who is both under seventeen (17) years of age and a mother may request permission from the Board of Education to attend adult education classes. The Board of Education, by motion duly made and ~~voted upon~~ **majority vote**, may assign such student to adult education classes;
4. Students enrolled in full-time program in any local or regional school district may enroll in an adult education activity with the approval of the principal of the school in which the student is enrolled.

Instruction

Adult Education

II. Instruction

- A. The adult education program must provide classes to adult residents of the school district in the following subjects:
1. Americanization and U.S. citizenship
 2. English for adults with limited English proficiency
 3. Elementary and secondary school completion
- B. The adult education program may also make classes available to adults (residents and non-residents of the school district) in any of the following subjects:
1. Any subject provided by the elementary and secondary schools including vocational education
 2. Adult literacy
 3. Parenting skills
 4. College preparatory classes for adults who have obtained a high school diploma or its equivalent and require further education to enable them to enroll directly in a program at an institution of higher education.
 5. Any other subject or activity

III. Fees

No fees may be charged to adult residents enrolled in any of the classes listed in Section II(A) above. The Board of Education may fix tuition and/or registration fees and collect fees for books and materials provided to students in any class or activity of the adult program listed in Section II(B). Students who are assigned to adult education classes as part of a mandated program may not be assessed fees. The Board may also lend books or materials and require students to pay a deposit which will be refunded upon the return, in good condition, of the books or materials which were loaned to the student. Such deposit may not exceed the actual cost of such books or materials. The Board may waive fees **of any kind to an adult with a disability, or to a person sixty-two (62) years of age or older enrolled in any subjects identified in Section II(B) above, or as may otherwise be required by law** ~~in accordance with law.~~

Instruction

Adult Education

IV. Adult Education Diploma

The adult education program provided by the school district shall grant an adult education diploma to a participant who satisfactorily completes a minimum of ~~twenty (20)~~ **twenty-four (24)** adult credits, of which not fewer than four (4) shall be in English, ~~three-and-a-half (3.5)~~ **three-and-a-half (3.5)** in mathematics, three (3) in social studies (including one in ~~American~~ **United States** history and at least a 0.5 credit course in civics, ~~and American government~~), ~~two (2)~~ **three-and-a-half (3.5)** in science, ~~and one (1) in the vocational arts (fine or vocational).~~ **and nine (9) in electives including 0.25 credit in Orientation to Adult Education and 0.25 credit for Portfolio.**

V. Alternative methods for earning adult education credits

The adult education program provided by the school district shall award credit for the following:

1. Experiential learning, including (a) not more than two non-required credits for military experience, including training; (b) not more than one vocational educational non-required credit and one required or not more than two non-required credits for occupational experience, including training; and (c) not more than one non-required credit for community service or ~~a~~ vocational skills;
2. Successful completion of courses taken for credit at state-accredited institutions, including public and private community colleges, technical colleges, community-technical colleges, four-year colleges and universities, and approved public and private high schools and vocational-technical schools;
3. Satisfactory performance on subject matter tests that demonstrate prior learning competencies, but not more than six such credits;
4. Independent study projects, but not more than three such credits, provided that not more than one of such credit shall be applied for a required subject.

The adult education program shall determine the number of weeks per semester that the program shall operate and shall provide certified counseling staff to provide adult education participants with educational and career counseling.

Instruction

Adult Education

Legal Reference: Connecticut General Statutes
10-67 Definitions
10-69 Adult Education
10-70 Rooms and personnel
10-73a Adult Education Fees and Charges
10-73d Request of certain students to attend adult education classes.
Assignment
10-233d Expulsion of pupils
~~Public Act 12-120, An Act Concerning Minor Revisions to the Education Statutes.~~

Policy adopted: June 10, 2003
Policy revised: June 8, 2010
Policy revised: October 9, 2012
Policy revised: October 8, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

COMMENTARY: This policy is not legally mandated but is commonly found in districts across the state. It's not clear what the "whole school program" refers to so the Board may want to consider whether that phrase is appropriate here. Likewise, the phrase "unit expenditure" is a little vague so the Board may want to consider eliminating that paragraph entirely. Finally, the changes in the last paragraph are recommended for clarity.

3000

Business/Non-Instructional Operations

Concept and Roles in Business and Non-Instructional Operations

The Board of Education recognizes that finances and financial management are critical to the support of the ~~whole school program~~ **district operations**. ~~To make that support as effective as possible~~ **To that end**, the Board of Education shall:

1. Encourage advance planning through the best possible budget procedures.
2. Explore all practical sources of financial support.
3. Guide the expenditure of funds so as to extract the greatest educational returns.
4. Establish top-quality accounting, control, and reporting procedures.
5. Maintain the level of unit expenditure needed to provide quality education within the ability of the community to pay.

Non-Instructional Operations

The operation and maintenance of **the District's schools, equipment and other property dedicated to Board of Education use shall be in accordance with reasonable standards designed to ensure student, staff and visitor safety and health**, ~~school plant and equipment shall set reasonable standards of safety, to promote the health of students and staff, to reflect prudent management of available resources and to support environmentally~~ the efforts of the staff to provide a good education.

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

ADDITIONAL COMMENTARY (4/1/21): This policy is not legally mandated but is fine for the Board to keep for general informational purposes. The last sentence however is vague and legal recommends deleting as unnecessary.

COMMENTARY: Some districts outline the timeline for the budget submission process in this policy and/or in a "Budget Calendar" policy (see sample attached). Setting out a budget timeline in policy is not mandated by law but the Board may wish to do so for the benefit of the public and/or administrative staff. While certain deadlines like the Board's budget submission date to the Board of Finance (for New Milford the first business day in February) are mandated pursuant to Town Charter, the Board may elect to set internal deadlines for the budget development process in addition to the ultimate budget submission deadline. The advantage of such an approach is that it creates a standardized, mandated process for budget development each year. The drawback is the potential loss of flexibility.

This policy in current form is fine although the last sentence is a little ambiguous as to whether a budget development administrative regulation is required.

3110

Business/Non-Instructional Operations

Budget: Planning

As a preliminary part of the development of the budget, the Board of Education shall study the school program in relation to the present and future needs of the students and the community. In an effort to make the budget a comprehensive reflection of the financial needs of the school system, steps shall be taken to receive input at Regular and Special Board meetings from the community, students, certified and non-certified staff, and the administrative staff in the budget process. ~~The procedure for the involvement of these representatives shall be developed by the Superintendent of Schools and implemented by the Superintendent's office upon the formal approval of the Board of Education.~~

Legal Reference: Connecticut General Statutes
10-222 Appropriations and budget.

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy revised: March 8, 2011
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

ADDITIONAL COMMENTARY (4/1/21): The changes below are designed to better align this policy with Conn. Gen. Stat. § 10-222 which addresses line-item transfers, supplemental appropriations and other issues. The “Town Charter” section at the end of the policy is added to make clear the District will comply with all applicable Charter provisions relating to budgeting except to the extent any of those provisions conflict with the law.

COMMENTARY: Conn. Gen. Stat. § 10-222 is the primary law governing board of education budgeting. The law requires boards of education to submit annual budgets to the town fiscal authority for review and includes a procedure by which the town fiscal authority can recommend consolidations and other financial efficiencies. The statute also gives boards of education wide discretion to determine how to transfer funds within the approved district budget. Pursuant to this law, boards of education are free to transfer between “itemized estimates” within the budget (i.e. line-items) so long as the transfer is from unexpended funds within an itemized estimate.

Based on the language of the statute Legal recommends that the first paragraph be amended as shown below. The deleted text is not necessary for a Board-level policy (an administrative regulation that goes into detail into the administration’s assignments/deadlines for the budget making process may be more appropriate). The second paragraph closely tracks the Board’s responsibilities under Conn. Gen. Stat. § 10-222 for responding to budget suggestions from the Board of Finance.

Adding the sentence under “Budget Reports” on page 2 is recommended to make it explicit that the Superintendent is ultimately responsible for Board expenditures. This is covered elsewhere in the Board’s policies – i.e. the Board’s policy regarding the responsibilities of its Superintendent of Schools -- #2131 – but there is no downside to adding a reference here as well.

Conn. Gen. Stat. § 10-222 authorizes boards of education to enact policies (such as this one) that allow designated district personnel to make line-item transfers in emergency circumstances so long as the transfer is announced at the next regularly scheduled board meeting and a written explanation of the transfer is provided to the legislative body of the Town. The statute does not set a maximum emergency transfer amount so the Board has discretion to choose what that amount will be, if any. It may be wise to set this amount as a percentage – such as “no greater than 5% of any designated line item” – rather than as a flat dollar amount to make sure that the policy reflects the degree of discretion that the Board wants to confer on the Superintendent/Director of Finance for such transfers. In addition, the statute does not define what constitutes an “emergency” that allows for line-item transfer between Board meetings. As a result, the Board may want to consider deleting the definition in the bracketing that follows the word emergency on page 2 in order to allow for more flexibility as to what constitutes an “emergency.” On the other hand, if the Board wants to exercise close control over the budget/line-item transfer process it can leave this language as is.

Lastly, the added section on Supplemental Appropriations at the end of the policy does not need to be committed to policy, however it may be advisable to do so to provide clear direction to the Board and administration. The language in that section closely tracks the language of Conn. Gen. Stat. § 10-222 which sets out the procedure by which a board of education may receive a supplemental appropriation.

Business/Non-Instructional Operations

Budget and Transfer of Funds

Budget

In accordance with Conn. Gen. Stat. § 10-222, ~~The administration shall prepare and submit to the Board of Education~~ **shall prepare an itemized estimate of its budget each year for submission to the Town Board of Finance for review and appropriation.** ~~an itemized estimate of revenues and expenditures for the next fiscal year's budget.~~ An "itemized estimate" means an estimate in which broad categories including, but not limited to, salaries, fringe benefits, utilities, supplies and grounds maintenance are divided into one or more line items.

The Board of Education shall review any recommendations and suggestions that may be made by the Board of Finance in response to the Board of Education's estimated budget. As required by law, the Board of Education shall provide the Board of Finance with a written explanation of any rejection of recommendations or suggestions made by the Board of Finance.

More specific line items (such as summaries by program) may be used by the administration to assist in the development, administration and monitoring of the budget. The administration shall maintain a chart of accounts that is organized to conform to the requirements for state and federal reporting.

Budget Reports

The Superintendent shall be responsible for administering and monitoring the Board of Education's annual budgets. Monthly reports shall be prepared and submitted to the Board. These reports will show for each of the line items listed above:

1. Original budget amount
2. Revised budget amount
3. Expended amount
4. Encumbered amount
5. Current balance
6. Percent used

Business/Non-Instructional Operations

Budget and Transfer of Funds

Budget Transfers

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

In the event of an emergency (health or welfare of students and/or staff or the protection of district facilities including components of the same) where the urgent need for the transfer prevents the Board of Education from meeting in a timely fashion to consider the transfer, the Superintendent and/or School Business Manager/Director of Fiscal Services shall be authorized to transfer an amount not to exceed \$20,000. Any such emergency transfer(s) shall be announced at the next regularly scheduled meeting of the Board and a written explanation of the transfer shall be provided to the Board of Selectmen for the Town of New Milford.

All proposed budget transfers, other than an emergency transfer set forth above, will be submitted to the Board of Education for approval at the next regularly scheduled meeting, and prior to the execution of any procurement dependent on or related to the submitted request for transfer.

Supplemental Appropriations

The Board of Education shall not expend more money than it has been appropriated by the Town of New Milford or has received from other sources for school purposes. If any occasion arises whereby additional funds are needed by the Board of Education, the Chairperson of the Board shall notify the Board of Finance and shall submit a request for additional funds. No additional funds shall be expended until such supplemental appropriation is granted and no supplemental expenditures shall be made in excess of those so authorized.

Town Charter

The Board of Education shall comply with all applicable Town Charter provisions regarding the development and approval of the District and Town budgets except where otherwise required by law.

Business/Non-Instructional Operations

Budget and Transfer of Funds

Legal Reference: Connecticut General Statutes

10-221 Boards of education to proscribe rules, policies and procedures
10-222 Appropriations and budget

Policy adopted: June 11, 2002
Policy revised: June 10, 2003
Policy revised: June 10, 2008
Policy revised: May 10, 2011
Policy revised: October 8, 2013
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

COMMENTARY: From a legal perspective the Board's existing policy is fine as is. There is no statutory requirement that the Board maintain a policy on this topic, so the Board has wide discretion to enact (or not) enact policy language as it sees fit.

With this being said, if the Board does wish to have a policy addressing grant funding, the changes below are recommended. A reference to state funding should be added here since there is not a separate free-standing state funding policy. The clause at the end of the first paragraph that states that "provided such funds will be used in a manner consistent with the Board's goals and objectives" is significant because it makes clear that the district is not obligated to apply for or receive grants that impose obligations contrary to the Board's interests.

3230(a)

Business/Non-Instructional Operations

State and Federal Funds

It is the policy of the Board of Education to seek sources of state and federal revenue to supplement funds provided by local taxation and the basic aid offered by the State of Connecticut, provided such funds will be used in a manner consistent with the Board's goals and objectives.

In accordance with this policy, the Superintendent or his or her designee should:

- 1. Investigate new sources of revenue consistent with the stated goals and objectives of the Board of Education.**
- 2. Propose new revenue sources and associated programs to the Board of Education for approval.**
- 3. Implement measures necessary to apply for/receive additional revenues.**

The Board authorizes the Superintendent or designee to sign all forms for state and federal aid programs following the Board's approval of the program or its continuation.

The Superintendent shall report annually, as part of budget preparation, on the status of all state and federal grant funding and shall advise the Board on his or her recommendation as to whether to continue to seek each particular source of aid.

~~Each year when it is believed that the school district is eligible for federal assistance under the provisions of Public Laws, the Superintendent may authorize application for said assistance, so long as acceptance of the funds does not include conditions contrary to Board policy. The Superintendent will seek Board of Education approval when required by the grantor.~~

Business/Non-Instructional Operations

State and Federal Funds

~~Expenditures and accounting for such funds are to be in accordance with procedures established for the Board's regular operating budget with any applicable law, and any stipulation identified in the grant.~~

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

COMMENTARY: No changes suggested.

3231

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students

The Board of Education will seek Medicaid reimbursement for eligible medically related services provided to Medicaid eligible special education students in accordance with federal and state law. No child shall be denied special education and related services in the event the parent or guardian refuses to apply for Medicaid.

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services.)

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR FIRST REVIEW

COMMENTARY: This policy is not mandated by law but virtually all districts have a purchasing policy (or policies) and administrative regulations that set out protocols for the district's procurement of goods and services.

Legal recommends raising the dollar thresholds highlighted below. These are recommendations and can be raised or lowered as the Board sees fit. The Board will need to decide how much each of these should be raised. The below language changes streamline the RFP process and create a clear procedure for emergency purchasing.

3300(a)

Business/Non-Instructional Operations

Purchasing

The purchasing of goods and services for the New Milford Public Schools shall be conducted in keeping with the following requirements:

1. As used in this section, "purchasing authority" shall mean the Superintendent of Schools, or his/her designee.
2. Whenever any officer or employee of the Board of Education is authorized to make purchases in the name of the Board or the school system of any equipment, materials, services or property which is expected to exceed the sum of ~~fifteen thousand dollars (\$15,000)~~ **fifty thousand dollars (\$50,000)**, such officer or employee shall submit the particulars and specifications of such purchase in writing to the purchasing authority for the purpose of inviting competitive bids. The purchasing authority shall solicit competitive bids for the item(s) to be purchased. ~~by publication in a newspaper having general circulation in the Town of New Milford, by invitations to known vendors or by posting electronically. Bids shall be advertised in the area newspaper for at least one day.~~ Suppliers ~~shall~~ **may** be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed **or emailed** to all merchants and firms who have indicated an interest in bidding on the items or services being bid. All invitations to bid shall include detailed particulars and specifications or shall indicate where such particulars and specifications may be obtained; shall specify the time and place where the bids shall be filed and the time and place where the bids will be opened. If the item(s) to be purchased had been bid upon by any department or agency of the State of Connecticut and such bid price is also applicable to the town, the state bid price shall be considered a valid bid and shall properly be posted at the public opening. All bids must be **sealed or otherwise** submitted in **a confidential manner**. ~~sealed envelopes, addressed to the appropriate school and plainly marked with the name of the bids and the time of the opening.~~ Bids shall be opened at the time specified and all bidders and other interested persons may be invited to be present. The purchasing authority shall evaluate all bids received and, within a reasonable time after the opening of the bids, shall recommend the awarding of the bid to a particular vendor or provider to the Board of Education or shall reject such bids in accordance with the provisions of subsection five.

Business/Non-Instructional Operations

Purchasing

3. Responsibility for approving award of all bids shall rest with the Board of Education.
4. Subject to the bankruptcy laws of the United States and any other state or federal law or court order, any bidder which is found by the purchasing authority to be delinquent in the payment of taxes and/or sewer use charge due the Town of New Milford, for either personal or real property, shall not be deemed a qualified bidder unless such bidder first submits a plan acceptable to the Tax Collector to cure such tax delinquency. Such a plan may include a schedule of payments sufficient to make such bidder current in the payment of taxes within a time period deemed acceptable to the Tax Collector.
5. The Board of Education reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the school district. The school district reserves the right to waive any informalities in, or reject, any or all bids or any part of any bid and to negotiate with any successful bidder to the extent allowed by law. Any bid received after the time and date specified shall not be considered. If the purchasing authority determines that the bids submitted are inadequate in number in relation to the scope or character of the subject matter of the bid, that the bids submitted are excessive in price, or that any, or all of the bids submitted are unacceptable for any other good and substantial reason, the purchasing authority, in its discretion, may reject such bid or bids within a reasonable time after the opening of bids. Whenever the purchasing authority rejects any bid or bids, or whenever it decides to recommend award of a purchase to other than the lowest qualified bidder, s/he shall state the reasons for such action in a written report to the Board of Education.
6. All bids and awards shall be kept on file by said purchasing authority for five (5) years thereafter, or longer to the extent required by any state or federal record retention laws, and shall be available for public inspection during business hours.
7. Whenever any officer or employee of the Board of Education is authorized to make purchases in the name of the Board or the school system of any equipment, materials, services or property the cost of which is expected to be greater than ~~five thousand dollars (\$5,000) but less than fifteen thousand dollars (\$15,000)~~ **twenty-five thousand dollars (\$25,000) but less than fifty thousand dollars (\$50,000)**, such officer or employee shall obtain a minimum of three (3) quotations from various providers or vendors. The quotations or evidence of the lack of providers or vendors shall be listed in a written attachment to the purchase order or contract, pertaining to said goods or services prior to its being submitted to the Superintendent and the Board of Education for approval. Whenever the officer or employee recommends the purchase of such goods or services from other than the provider quoting the lowest price, the reasons for such recommendation shall be set forth in writing along with the list of quotations. The district shall annually post a notification to potential vendors/providers on its website of the types of items or services for which the district anticipates seeking quotations.

Business/Non-Instructional Operations

Purchasing

The notification shall inform vendors/providers that they may submit a letter of interest to be kept on file for at least one year for the district to consider when seeking quotations.

8. When, in an emergency, sufficient time shall be unavailable for the solicitation of competitive bids for a particular purchase, the Superintendent may ~~authorize such purchase without~~ **elect to waive the competitive bidding requirements set forth in this policy**. All ~~such urgent transactions~~ **competitive bid waivers** shall be reported to the Board of Education within one month of their occurrence.
9. All purchases in excess of ~~\$5,000~~ **twenty-five thousand dollars (\$25,000)** shall be made only upon prior approval of the Board of Education. **This requirement shall apply for all purchases regardless of whether competitive bidding requirements have been waived by the Superintendent in accordance with the preceding section.** ~~When the Superintendent believes that the purchase of goods or services in excess of \$2,500 which are not provided for in the annual capital budget would be in the best interests of the district, s/he shall request Board approval for such purchase.~~
10. **The Superintendent or his or her designee shall be authorized to make all purchases below twenty-five thousand dollars (\$25,000) in value without prior approval of the Board of Education. Purchases valued at five thousand dollars (\$5,000) or less may be made in the ordinary course of District operations without the need for prior Board approval or post-purchase reporting to the Board so long as such purchase is made for goods or services specified in an identified line-item in the District's adopted budget for the fiscal year. Purchases valued in excess of five thousand dollars (\$5,000) in value but less than twenty-five thousand dollars (\$25,000) in value may be made in emergency situations by the Superintendent or his or her designee without the need for prior Board approval but must be reported to the Board by the Superintendent at the Board's next scheduled meeting.**
11. Notwithstanding all other sections contained herein, the purchasing authority may elect to procure in the name of the Board of Education or the New Milford Public Schools and equipment, materials, services or property via the State of Connecticut – Department of Administrative Services (DAS) purchase contracts (RFP's), where advantageous, in lieu of conducting a formal bid.

Notwithstanding any provision of this policy, the Board of Education reserves the right to waive the requirement of competitive bidding when it concludes that such a waiver would be in the best interests of the district. Further, this policy shall not apply to the purchase or acquisition of textbooks and other educational literature or items of a unique nature.

Business/Non-Instructional Operations

Purchasing

(cf. 3312 – Standardization of Supplies and Equipment)

Policy adopted: June 11, 2002
Policy revised: June 10, 2003
Policy revised: June 10, 2008
Policy revised: March 8, 2011
Policy revised: May 13, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR REVIEW

COMMENTARY: It appears that this administrative regulation is not directly related to any specific Board policy. This is fairly unusual and the Board should consider elevating the substance of this regulation into a policy with the suggested amendments shown below, particularly in light of Board policy # 2231 which explicitly provides that "(a)administrative regulations provide detailed instructions for the implementation of Board policies."

The following changes are recommended assuming the Board does wish to elevate the regulation into a Board policy. These changes closely follow Connecticut State Enforcement Elections Commission guidance on referendum advocacy. As with much of the rest of the 3000 series, a policy is not mandated on this topic, but it may be worth adding to make the district's legal obligations clear to the administration and the general public.

3152(a)

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

The Board of Education recognizes that the District may not expend public funds to influence any person to vote for or against a referendum. The administration is directed to avoid violating this prohibition which applies to in-kind expenditures as well as direct expenditures of money.

Prohibited activities may include but are not limited to the dissemination of printed materials, the preparation of video and website presentations, or the use of school facilities, supplies, equipment, or postal permits to advocate for a position on a referendum. Parent teacher organizations and administrators may not use school equipment to prepare or copy advocacy material even if the school district is reimbursed for such use. Individuals violating this prohibition may be held personally liable in accordance with law.

Notwithstanding this prohibition, the Board further recognizes that school officials and Board members retain their First Amendment rights to express their position on the proposed school budget or other referendum questions. The prohibition contained in this policy only pertains to the expenditure of public funds. It is further recognized that individuals, individually or collectively, can spend private funds to advocate for a referendum result, as they see fit, as permitted by law.

Spending Public Funds to Inform Citizens Regarding Referenda

A referendum is pending under the law when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

Section 9-369b, **of the** Connecticut General Statutes is the exclusive method by which a municipality may expend public funds for printing and distribution of information concerning a referendum question. It sets forth, among other things, the following conditions for such expenditure:

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

Materials in addition to the explanatory text may be prepared and printed with public funds as long as they (1) do not advocate either approval or disapproval of the referendum; (2) are authorized by a vote of the local legislative body; and (3) are approved by the municipal attorney.

~~When a referendum is pending:~~

The school district may not expend public funds to influence any person to vote for or against the referendum. One exception to this rule is that a school official may express his/her views on the referendum at a bona fide news conference and may use public funds to prepare a press release to be disseminated at the conference.

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

No person may use or authorize the use of funds to send an unsolicited communication to a group of residents regarding a referendum via electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging such residents to vote in a referendum, provided such prohibition shall not apply to a regularly published newsletter or similar publication.

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non-discriminatory basis. Any charges assessed for the use of school facilities must be assessed evenly to all political committees or groups seeking the use of a school facility.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

~~The prohibition on state and municipal funds applies to the use of school facilities, supplies, equipment, and postal permits to advocate for a position on a referendum. Parent teacher organizations and administrators may not use school equipment to prepare or copy advocacy material even if the school district is reimbursed for such use.~~

Legal Reference: Connecticut General Statutes

9-369b. Explanatory text related to lead question. Expenditures of state and municipal funds to influence vote prohibited. Exception. Civil penalty.

Connecticut State Elections Enforcement Commission

May 2008 Guidance Regarding Prohibition on Expenditure of Public Funds Relating to Referenda

Regulation approved: June 11, 2002
Regulation revised: June 10, 2008
Regulation revised: March 8, 2011
Regulation revised: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut