

**WESTPORT BOARD OF EDUCATION**

**SPECIAL MEETING**

**REVISED AGENDA \***

(Agenda Subject to Modification in Accordance with Law)

**SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:**

Pursuant to the Governor’s Executive Order No. 7B, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportps.org and shown on Optimum Government Access Channel 78 and Frontier Channel 6021. Emails to BOE members can be sent to BOE@westportps.org. Comments to be read during the public comment period must be submitted to the meeting’s Googledoc during the submission period. Please see the following link for instructions and guidelines: [https://www.westportps.org/uploaded/Procedures and Guidelines for Public Participation in Remote Board Meetings.pdf](https://www.westportps.org/uploaded/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf). We will use our best efforts to read public comments if they are received during the public comment period and if they state your full name and address. Meeting materials will be available at westportps.org along with the meeting notice posted on the Meeting Agenda page.

**PUBLIC CALL TO ORDER**

6:00 p.m., Held Remotely Via Zoom Pursuant to Executive Order 7B

**EXECUTIVE SESSION:** Discussion of Attorney-Client Privileged Communications Containing Legal Advice Regarding Board Policies and Related Student Privacy Matters

**RESUME PUBLIC SESSION/PLEDGE OF ALLEGIANCE (7:00 p.m.) ANNOUNCEMENTS FROM BOARD AND ADMINISTRATION PUBLIC QUESTIONS/COMMENTS ON NON-AGENDA ITEMS (15 MINUTES)**

**MINUTES:** June 8, 2020, *pages 1-2*

**DISCUSSION**

- |   |                                      |
|---|--------------------------------------|
| 1. Update from the Coleytown Middle School Building Committee | Mr. Don O’Day                        |
| 2. Report on Distance Learning Survey                         | Dr. Anthony Buono                    |
| 3. Update from the School Reopening Committee                 | Dr. Anthony Buono<br>Mr. John Bayers |

**DISCUSSION/ACTION**

- |   |                   |
|---|-------------------|
| 1. Authorization to Sign Contracts                                | Dr. Anthony Buono |
| 2. Grant to Chief Financial Officer of emergency purchasing power | Ms. Candice Savin |

and waiver of competitive bidding requirements for personal protective equipment in quantities to be determined by the Chief Financial Officer.

3. Second Reading of the Following Policies and Regulations: (Encl.) Ms. Karen Kleine
  - a. Policy 4138/4238 Non-School Employment (new) , page 3
  - b. Regulation 4138/4238 Non-School Employment (revised), pages 4-6
  - c. Policy 4151.5/4215.5 Legal and Civic Duties (revised), pages 7-8
  - d. Policy 4118.24 Staff/Student Relations/Non-Fraternization (revised), pages 9-11

## ADJOURNMENT

\* A 2/3 vote is required to go to executive session, to add a topic to the agenda of a regular meeting, or to start a new topic after 10:30 p.m. The meeting can also be viewed on Cablevision on channel 78; Frontier channel 6021 and by video stream @www.westportps.org

### PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Public comment will be accepted via a Google doc and the comments will be read aloud at the meeting. A link will be provided on Monday, prior to the meeting.
- There will be no in-person public comment due to public health concerns.
- A maximum of 15 minutes will be provided for public comments.
- Comments on agenda items are limited to 1 minute each.

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

**WESTPORT BOARD OF EDUCATION**

**Board Members Present:**

Candice Savin            Chair  
Jeannie Smith        Vice Chair  
Elaine Whitney       Secretary  
Karen Kleine  
Vik Muktavaram  
Youn Su Chao  
Lee Goldstein

**Administrators Present:**

David Abbey            Interim Superintendent  
Anthony Buono        Asst. Superintendent, Teaching and Learning  
Elio Longo             Chief Financial Officer  
John Bayers            Director of Human Resources and General Admin.  
Valerie Babich        Interim Director, Pupil Personnel Services

**Administrators Absent:**

Tina Mannarino, Assistant Superintendent, Pupil Personnel Services

**PUBLIC SESSION/PLEDGE OF ALLEGIANCE :** 7:01 p.m.      Held Remotely Pursuant to Executive Order 7B, via Zoom and Google Docs

**RECOGNITION OF RETIREES**

Mary Alvarez, Eileen Bemus, Wendy Bitler, Linda Cataudo, David Deitch, Sandra Evangelista, Paul Ferrante, Bobbie Flynn-Johnson, Richard Franzis, Lori Gazerro, Adolfo Hernandez, Constance Jones, Paula Lacy, Patricia O'Brien, Eileen Shannon, Elizabeth Tucker, Nimade Werahapati

**RECOGNITION OF PTA CO-PRESIDENTS**

Elena Caggiano, Dorie Hordon, Carolyn Caney, Stefanie Shackelford, Nicole Neil, Beatriz Jones, Alexandra Boenicke, Kim Ceman, Rosie Curtis, Sandra Srihari, Maria Mulvehill, Sarin Cheung, Michelle Barman, Meg Himes, Sue Herrmann, Liz Falk, Netta Levy, Claudia Shaum

**RECOGNITION OF DR. DAVID ABBEY, INTERIM SUPERINTENDENT OF SCHOOLS**

**ANNOUNCEMENTS FROM BOARD AND ADMINISTRATION**

**PUBLIC QUESTIONS/COMMENTS ON NON-AGENDA ITEMS**

**MINUTES:** June 1, 2020

Elaine Whitney moved to approve the minutes of June 1, 2020; seconded by Jeannie Smith and passed unanimously.

## **DISCUSSION**

Update on Entry Plan and Goals

Update from the Coleytown Middle School Building Committee

Update from the School Reopening Committee

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At 11:35 p.m., Candice Savin moved to continue with the Update on Summer School discussion item, as it was after 10:30 p.m.; seconded by Elaine Whitney and passed unanimously.

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Update on Summer School

## **DISCUSSION/ACTION**

Authorization to Sign Contracts

Deferred by consensus to a future meeting

Second Reading of the Following Policies and Regulations:

- Policy 4138/4238 Non-School Employment (new);
- Regulation 4138/4238 Non-School Employment (revised);
- Policy 4151.5/4215.5 Legal and Civic Duties (revised);
- Policy 4118.24 Staff/Student Relations/Non-Fraternization (revised)

Deferred by consensus to a future meeting

**ADJOURNMENT:** Jeannie Smith moved to adjourn at 11:44 p.m.; seconded by Vik Muktavaram and passed unanimously.

Respectfully submitted,

Elaine Whitney, Secretary, Board of Education  
(minutes written by Lisa Marriott)

## Personnel -- Certified/Non-Certified

### Non-School Employment

Personnel of the schools may receive compensation for outside activities as long as these activities do not interfere with the proper discharge of their assigned duties, do not constitute a conflict of interest, or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a business-like and ethical manner.

(cf. 4118.23/4218.13 – Conflict of Interest)

Policy adopted:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Personnel -- Certified/Non-Certified

### Non-School Employment

#### Outside Work Activities of Special Education Pupil Personnel Staff

The following are recommended ethical practices for Westport ~~PPS~~ [Pupil Personnel Services](#) staff members who wish to work outside of the system in jobs related to their school positions.

#### A. **Medical, Psychiatric and Psychological Consultants, and Private Professional Involvement with Westport and Regional Students**

1. The role of consultant does not prohibit private professional contact with Westport students.
2. If a student is a current patient of a consultant, that consultant should communicate with the school staff as the student's physician and/or psychotherapist. If the school needs a formal consultation, another consultant should be engaged.
3. If the ~~PPS~~ [Pupil Personnel Services](#) staff member(s) feel that any consultant is an appropriate private referral, they may include that person's name on the list of three referral sources.
4. The consultant may not suggest himself or herself as a referral source.

#### B. **Pupil Personnel Staff (Counselor, Psychologist, Social Worker)**

1. No Pupil Personnel staff member (counselor, psychologist, social worker) may provide for a fee any assessment, evaluation, or short-term counseling services to a student eligible for receiving these through Westport school services (students enrolled in any Westport public, private, parochial, or nursery school, or non-enrolled pre-schoolers or drop-outs under 21, where eligible for services under Special Education law).
2. No Pupil Personnel staff member (counselor, psychologist, social worker) may provide therapy to any Westport or regional students in their assigned case load or a family member of a student in their case load.
3. In no instance should any member of the Pupil Personnel staff initiate with the parents discussion of private purchase of their own services for any students currently being serviced by the Pupil Personnel Department.

Additionally, no counselor or other staff member shall refer to parents for private outside services without first exhausting, through the divisional coordinators and the Central Planning and Placement Team, the student's eligibility for services

during the school day.

**R-4138(b)**  
**4238**

## **Personnel--Certified/Non-Certified**

### **Non-School Employment**

#### **Outside Work Activities of Special Education Pupil Personnel Staff (continued)**

#### **B. ~~Pupil Personnel Staff (Counselor, Psychologist, Social Worker) (continued)~~**

4. There are no restrictions on the professional services that may be offered to students not attending public, private, parochial, or nursery schools in Westport, or to students who reside outside of Westport and who are not attending Westport school programs.

#### **C. Special Education Teachers and Speech Therapists**

1. Special Education teachers and Special Education speech therapists may ~~not~~ not provide teaching, tutoring, or therapy services to any Special Education student in his/her school privately during the school year.
2. Special Education teachers s or speech therapists s may teach, tutor, or provide speech therapy privately to any non-Special Education student during the school year (including students in his/her building).
3. A Special Education teacher may teach or tutor privately any Special Education or non-Special Education student outside of the school year at the request of the parent. However, in no instance should any member of the Special Education staff initiate with the parents a discussion of the private purchase of their own teaching or tutoring services for any student currently being serviced by the Special Education Department.
4. Unusual circumstances require permission from the Assistant Superintendent ~~of~~ for ~~Special Education and~~ Pupil Personnel Services.
5. The Westport staff member should insist that the school be informed that parents are seeking private tutoring. If the parent refuses, it is not appropriate for that staff member to work with that child.
6. Diagnostic labels and special education related issues should not be discussed with the parent. Parents should be referred to the child's counselor or school psychologist.

(cf. 4118.23/4218.13 – Conflict of Interest)

Regulation re-reviewed: 2006  
[Revised:](#)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Personnel – Certified/Non-Certified

### Participation in Political Activity

#### A. Participation

Professional employees of the Westport school system may participate in political activities and may hold political office, with the following provisions and/or exceptions, and

1. In compliance with Connecticut General Statutes, Section 10-232, a professional employee elected to the Westport Board of Education must resign from the school system upon taking office.
2. A professional employee must comply with other existing town ordinances and state statutes.

#### B. Leaves of Absence:

~~The following leave policies will be applied to professional employees of the Westport Board of Education who participate in campaigning or who seek political office:~~

- ~~1. A professional employee may be granted a leave of absence during the campaign period for a political office for which he is a candidate.~~
- ~~2. A professional employee who is elected to a political office may be granted a leave of absence (unless required by ordinance or statute to resign from the system).~~
- ~~3. Length of Leave~~
  - ~~a. Leaves of absence for political office holding shall be considered as long-term leave and will normally extent to the end of a given school year, unless a shorter period is mutually agreed upon by the employee and the Superintendent or the Superintendent's designee.~~
  - ~~b. Leaves for campaigning shall be considered as routine leaves and shall be subject to the policy governing leaves of this type.~~

The Westport Board of Education will not discriminate against, discipline, or discharge any employee because such employee is a candidate for the Office of Representative or Senator in the Connecticut General Assembly or because he/she is elected to or holds such office or because he/she loses time from work in order to perform duties as such Representative, Senator, or member elect, provided the failure to pay wages or salaries for any such time lost shall not be considered discrimination. Any employee elected to said office may request, in writing, an unpaid personal leave of absence from the Board for a designated time period of consecutive school days in a given school year not to exceed two consecutive terms of such office. During the unpaid leave the employee may maintain his/her health and life insurance benefits by paying

the premiums on a stipulated schedule at the Board rate. The request for the leave must be forwarded to the Board no later than 45 days prior to the beginning of the requested leave. No employee on such leave shall lose any seniority status retirement, fringe benefits and other service credits which may have accrued to him/her, unless the circumstances have so changed as to make it impossible or unreasonable to do so.

(cf. 4118.23/4218.13 – Conflict of Interest)

Policy adopted: February 20, 1967  
Policy revised: 2003  
Policy revised:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Personnel - Certified

### Staff/Student Non-Fraternization

Staff members who have contact with children and adolescents through school activities have the responsibility not to betray or misuse their privileged position. Students develop a special trust in school staff by virtue of the school system's authority and the important role the schools play in their lives. Staff members must never take advantage of students' vulnerability or of their confidence that staff members in school will behave appropriately in relationships with them. While the Board encourages employees to be warm and supporting of students, personnel may not allow students to regard them as peers.

It is the policy of the Westport Board of Education to prohibit any sexual relationship, contact or sexually nuanced behavior or communication (verbal or non-verbal) between a staff member and a student, while the student is enrolled in the school system. The prohibition extends to students of the opposite sex or the same sex as the staff member, and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

Further, school system personnel (employees, contractors, and agents of the school system), shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or student in violation of the law (ESEA, 20 U.S.C. 7926(a)).

#### Definitions:

**Staff Members:** part-time and full-time employees, and those individuals who are employed as substitutes, consultants, coaches, tutors, bus drivers, bus monitors, student-teachers, interns, volunteers and others who work with or have contact with children under the auspices of or through contract with, the Board of Education. This term shall include all professional employees.

**Professional Employee:** a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school.

**Professional Communication:** any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the latter's employment.

**Prohibited Behavior:** includes, but is not limited to: flirting and bantering with sexual overtones, dating, courting or engaging in a personal relationship on or off campus that is sexually motivated or nuanced, having any physical sexual contact or sexual intercourse with any student.

**Complaints:** should be reported to the Principal, who will investigate to determine whether a violation has occurred. The Principal will inform the Superintendent that the investigation is being conducted.

**Violations:** will result in disciplinary action up to and including dismissal. Employees' due process

rights will be safeguarded.

**P-4118.24(b)**

~~**Personnel-Certified**~~

~~**Staff/Student Non-Fraternization (continued)**~~

The Principal will consult with the ~~Assistant~~ Superintendent ~~for Pupil Personnel~~ or his/her designee to determine whether any alleged violation falls into the category of sexual harassment and/or child abuse or sexual abuse; if so it might need to be addressed according to those policies and/or also reported to the police or another agency.

**Procedures:** Procedures for filing complaints and for conducting investigations will be developed by the Superintendent or his/her designee.

**Professional Communications**

Prompt and open home-school communications and understanding have been and will continue to be central to the philosophy of the Westport schools.

**Connecticut law provides that** professional employees “shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student...” Specifically excluded from this provision of law is information of a criminal nature which, when learned by a professional employee, is required to be reported to appropriate law enforcement officials.

This law makes it possible for a student to share certain problems with or seek help from a trusted adult without fear of immediate incrimination. This protection to applies only to professional communications between a student and a professional employee that concern alcohol or drug abuse or any alcohol or drug problem of the student. In responding to this plea for help, and in recognition of their professional obligations to continue to maintain good home-school communications, and to protect a child's health and welfare, professional employees who elect to maintain this confidence should use the following guidelines to provide that help as effectively as possible.

- a. Inform the student that, if in their judgment, maintaining the confidence is not in the student's best interest they will feel obliged to break it.
- b. Encourage the student to discuss the matter with his/her parents.
- c. If not the student's counselor, encourage the student to confer with his/her counselor.
- d. Make the student aware of the school's supportive and rehabilitative interest and inform him/her of the school and community resources available to him/her.
- e. Make the student aware of the potential hazard to his/her health and inform him/her about the laws pertaining to drug and alcohol use and abuse.

2. Every member of the school staff bears a professional and personal obligation as an adult to act wisely and responsibly in the best interest of a child.

If the point is reached at which the professional employee feels he/she has failed in his/her efforts to persuade the student to seek the help he/she needs, fear for the student's health and safety or of the danger posed to others, and elects to break the confidence, the following procedures are recommended:

- a. Inform the student of his/her strong concern for his/her welfare and need to divulge the confidence.
  - b. Arrange for a conference to include the student, his/her parents, his/her Principal and his/her school counselor.
3. Each principal will arrange to inform his/her faculty, student and parent body about Connecticut General Statutes 10-154a and these administrative guidelines.
  4. **Notwithstanding anything contained in this policy**, if the professional employee receives physical evidence that a crime has been or is being committed by the student, such evidence must be turned over to school administrations or to law enforcement officials within two days from when it is received. In turn, a school administrator receiving such evidence must turn it over to either the Commissioner of Consumer Protection or the appropriate law enforcement officials within three days of receipt.

[\(cf. 4118.112/4218.112 - Sexual Harassment\)](#)

Legal Reference: Connecticut General Statutes

[10-53a-71 Sexual assault in the second degree: Class C or B felony.](#)

[10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal](#)

[PA 15-205 An Act Protecting School Children](#)

[17a-106 Cooperation in relation to prevention, identification, and treatment of child abuse/neglect](#)

[Elementary and Secondary Education Act \(ESEA\), as amended ESSA, 20 U.S.C. 7926\(a\); Prohibition on aiding and abetting sexual abuse \(aka "don't pass the trash"\)](#)

~~10-154a Professional communication between teacher or nurse and student. Surrender of physical evidence obtained from students.~~