

**WESTPORT BOARD OF EDUCATION
MEETING**

AGENDA *

(Agenda Subject to Modification in Accordance with Law)

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Orders No. 7B and 9H, public participation for 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](https://www.westportps.org/uploaded/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf)

[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.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

7:00 p.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

ANNOUNCEMENTS FROM BOARD AND ADMINISTRATION

PUBLIC QUESTIONS/COMMENTS ON NON-AGENDA ITEMS (15 MINUTES)

MINUTES: April 5 and 8, 2021

DISCUSSION

- | | |
|--|--------------------------|
| 1. Health Update | Ms. Suzanne Levasseur |
| 2. Policy Committee Update and First Reading of the Following Policies: | (Encl.) Ms. Karen Kleine |
| <ul style="list-style-type: none"> • 1700, "Deadly Weapons or Firearms" (New), <i>pages 1-2</i> • 6142.63, "Pool safety Plan" (New), <i>page 3</i> • 0525, "Hate-Based Conduct" (New), <i>pages 4-6</i> | |

DISCUSSION/ACTION

- | | |
|--|--------------------------|
| 1. Consideration of Board of Finance modification to fiscal year 2022 Board of Education adopted budget | Mr. Tom Scarice |
| 2. Non-Renewal of Certified Teaching Staff | Mr. John Bayers |
| 3. Second Reading of the Following Policies: | (Encl.) Ms. Karen Kleine |
| <ul style="list-style-type: none"> • 1332, "Automatic External Defibrillators" (New), <i>page 7</i> • 3516, "Security and Safety Plan" (New), <i>page 8</i> • 4218.51/4118.51, "Social Media" (Revised and Renumbered), <i>pages 9-10</i> | |

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 at least three (3) business days prior to the scheduled meeting or event to request an accommodation.



WESTPORT PUBLIC SCHOOLS

THOMAS SCARICE
Superintendent of Schools

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To: Westport Board of Education Members
From: Thomas Scarice, Superintendent of Schools
Re: April 19, 2021 Board of Education Meeting
Date: April 15, 2021

Provided below for Board consideration is an overview of the meeting agenda items for April 19, 2021. As we have done for previous meetings, the meeting will be held remotely with public access through live streaming and public comments and questions submitted electronically.

Discussion

1. Health Update

Sue Levasseur and I will provide a health update on COVID-19 cases, the vaccination clinics, and end of year activities. The final vaccination clinic was held on Thursday April 8 and Sue will have information on the performance of the clinic. Additionally, Sue and I will update the Board on progress towards a vaccination clinic and overall efforts to vaccinate our high school population. This is a very encouraging development as it is possible we will have the resources to vaccinate our senior class in advance of graduation, among other students.

2. Policy Committee Update and First Reading of Policies

Karen Klein and John Bayers will present the first reading of policy 1700, "Policy Regarding Possession of Deadly Weapons or Firearms;" policy 6142.63, "Policy Regarding Adoption of a School Swimming Pool Safety plan;" and policy 0525, "Hate-Based Conduct." These drafts are included in the packet for your review.

Discussion/Action

1. Consideration of Board of Finance modification to fiscal year 2022 Board of Education Adopted Budget

The Board of Education's request for restoration of \$235,363 was not supported by the Board of Finance at their April 7 meeting. As a result, the Board of Education must take action on the next step in the process. The Board has reduced the originally proposed budget by approximately \$1.8 million. An additional reduction by the Board of Finance of \$975,284 was largely offset with approximately \$700,000 of federal grants through the Elementary and Secondary Emergency Education Relief (ESSER) funds and the American Rescue Plan (ARP). The restoration request was the remaining amount of \$235,363 that was not offset by the federal programs.

The Board has a number of options to consider Monday evening. The first option is to find additional reductions in the amount of \$235,363. There are personnel reductions that remain on the original list of reductions for Board consideration. The potential personnel reductions are: Staples High School Grade Level Assistants, elementary paraprofessionals, and four full time certified teaching FTE which were originally presented as the elementary world language program.

A second option is to request restoration of the \$235,363 from the Representative Town Meeting (RTM) at their meetings May 3, 4 and 5.

A third option is to consider other areas within the budget that might offset the reduction. I understood that this was encouraged by the Board of Finance at their April 7 meeting. Although the third quarter financials will not be ready until later this month, making it very challenging to forecast any carryover funds, Elio has begun an analysis of the cafeteria fund which presents an option.

The Year to Date analysis for the cafeteria fund has been attached to this memo. The original estimate for a full-year (hybrid learning) operating loss of \$600K has been reduced to approximately \$406K. The reduction is the result of controlled spending (staffing levels), shared management expenses with Darien, and return to in-person instruction with an expansion to meals which has increased revenue. It is possible to offset the final shortfall of \$235,363 by approximately \$185,000 due to an improvement in the cafeteria funds. However, this approach does pose risk as it is

still a forecast and it would be critical to have Board of Finance support as they assured the Board of Education on April 7 of their commitment to fund the education budget if there is a shortfall. Elio will be prepared to discuss this option Monday evening.

2. Non-Renewal of Certified Teaching Staff

The Teacher Tenure Act applies to any certified staff member, below the rank of Superintendent, employed by the district for at least 90 days in a position specifically requiring certification issued by the State Department of Education. In general terms, certified staff hired to fill vacant full-time positions fall in a Tenure track of either 20 months or 40 months depending on prior work experience as a public school educator in Connecticut. Other certified staff are hired to fill long term substitute positions or other unexpected needs in the District. In either case, the local Board of Education must review their certified staff rosters each year, and if necessary, provide notice of non-renewal, to certified staff no later than May 1st.

Notice of non-renewal can be issued for two distinct reasons. The first is for cause. In these cases, which are rare, the Superintendent has significant performance concerns related to identified staff members. The reasons would not be immediately shared with the Board as members could potentially be asked to serve as an independent review panel should a teacher wish to contest the decision. The second and more common reason for non-renewal of certified staff is the lack of available positions available in the following school year.

The list of staff being recommended for non-renewal prior to May 1, 2021, include certified staff who have served as long term substitutes, one year replacements, or teachers assisting specifically with Covid-19 related needs. The District is not in a position to maintain employment of the affected certified staff as tenured staff returning from approved leaves of absences will fill positions and Covid-19 related needs are not anticipated at this time for the 2021-2022 school year. All of the affected staff have done tremendous work on behalf of students and families and will be given strong consideration should future openings become available and are of interest to each of them.

3. Second Reading of Policies

Karen Kleine and John Bayers will present the second reading of policies 1332; “Automatic External Defibrillators,” 3516, “Security and Safety Plan;” and 4118.51, “Social Media.” These draft policies are included in the packet for your review.

Community Relations

Policy Regarding Possession of Deadly Weapons or Firearms

I. Definitions:

A. **Deadly Weapon** means "any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles." Conn. Gen. Stat. § 53a-3 (6).

B. **Firearm** means "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged." Conn. Gen. Stat. § 53a-3 (19).

C. **Peace Officer** means "a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive." Conn. Gen. Stat. § 53a-3 (9).

D. **Real Property** means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office buildings. Real property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

E. **School-Sponsored Activity** means "any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property." Conn. Gen. Stat. § 10-233a(h).

II. Prohibition of Deadly Weapons and Firearms

In accordance with Conn. Gen. Stat. § 29-28(e) and § 53a-217b, the possession and/or use of a deadly weapon or firearm on the real property of any school or administrative office building in this

district, or at a school-sponsored activity, is prohibited, even if the person possessing the deadly weapon or firearm has a permit for such item.

III. Peace Officer Exception

A peace officer engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity.

IV. Other Exceptions

Persons in lawful possession of a deadly weapon or firearm may possess such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity, if the person brings the deadly weapon or firearm on the real property of any school or administrative office building or to a school-sponsored activity for use in a program approved by school officials. In such case, the person must give school officials notice of his/her intention to bring such item, and the person must receive prior written permission from school officials.

V. Consequences

A. Unless subject to one of the exceptions listed above, any person who possesses a deadly weapon or firearm on the real property of an elementary or secondary school in this district, or administrative office building, or at a school-sponsored activity, whether or not the person is lawfully permitted to carry such deadly weapon or firearm, will be reported to the local police authorities once school officials become aware of its possession.

B. A student who possesses and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with Board of Education Student Discipline Policy.

C. The Board of Education reserves the right to forbid anyone caught possessing a deadly weapon or firearm on the real property of its school buildings or administrative office buildings, or at a school-sponsored activity, from using any and all school facilities.

Legal References:

<u>_____</u>	<u>Connecticut General Statutes § 10-233a</u>
<u>_____</u>	<u>§ 10-244a</u>
<u>_____</u>	<u>§ 29-28(e)</u>
<u>_____</u>	<u>§ 53a-3</u>
<u>_____</u>	<u>§ 53a-217b</u>

Policy approved:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Community Relations

Policy Regarding Adoption of a School Swimming Pool Safety Plan

The Westport Board of Education (“Board”) recognizes the value of offering student aquatic activities at the Board’s school swimming pool. The Board also recognizes the importance of keeping students safe during students’ use of such swimming pool for student aquatic activities offered by the Board. Such student aquatic activities include any physical education class, interscholastic athletics, or extracurricular activities offered to students by the Board that makes use of a school swimming pool.

Therefore, it is the policy of the Board to adopt a school swimming pool safety plan that ensures compliance with Section 10-220l of the Connecticut General Statutes and includes any other provisions deemed necessary and appropriate for ensuring the safety of students who use the Board’s school swimming pool for student aquatic activities. The Board hereby directs the Administration to develop and adopt a school swimming pool safety plan consistent with the foregoing objectives. The Board further directs the Administration to review and update the school swimming pool safety plan as necessary prior to the commencement of each school year.

Legal References:

State Law:

Conn. Gen. Stat. § 10-220l

Policy approved:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Mission-Goals-Objectives

Hate-Based Conduct

Respecting diversity and fostering inclusion are core goals of the Westport Board of Education as we help students become civically engaged and develop critical skills for a global perspective. The Westport Board of Education is committed to creating and maintaining an educational environment that embraces diversity and inclusion, and believes our community is strengthened by the richness of each other's diverse characteristics, identities, statuses, backgrounds, beliefs, traditions, and opinions.

Hate-based conduct is antithetical to the Board's commitment to diversity and inclusion and will not be tolerated. As such, it is the policy of the Board that any form of hate-based conduct is prohibited, whether by students, Board employees, or third parties subject to the control of the Board. The Board's prohibition of hate-based conduct expressly extends to academic, nonacademic, and extracurricular activities, including athletics. Further, the Board expressly prohibits any form of hate-based conduct on school grounds; at a school-sponsored activity (including, without limitation, on a school bus); or off school grounds if such conduct is seriously disruptive of the educational process. Discrimination and/or retaliation against an individual who reports or assists in the investigation of hate-based conduct is likewise prohibited.

For the purposes of this policy, **hate-based conduct** means conduct that attacks, threatens, intimidates, degrades, or otherwise infringes on the rights of an individual based on such individual's race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. Such conduct includes, but is not limited to, the use of a written, oral, or electronic communication or a physical act or gesture that:

1. causes physical or emotional harm to an individual or damage to such individual's property;
2. places an individual in reasonable fear of harm to himself or herself, or of damage to his or her property;
3. creates a hostile environment for such individual at school or during a school-sponsored activity;
4. infringes on the rights of an individual at school or during a school-sponsored activity; and/or
5. substantially disrupts the educational process or the orderly operation of a school.

Hate-based conduct may also include, without limitation, conduct that violates other Board policies and administrative regulations (e.g., Policy and Regulation 4118.11/4218.11, Non-Discrimination (Personnel); Policy and Regulation 4118.112/4218.112, Sex Discrimination and Sexual Harassment (Personnel); Policy and Regulation 5145.5, Sex Discrimination and Sexual Harassment (Students); Policy 5131.911, Bullying Prevention and Intervention Policy; Policy and Regulation 5145.4, Non-Discrimination (Students)).

For the purposes of this policy, “veteran” means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, “gender identity or expression” means a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, part of a person’s core identity, or not being asserted for an improper purpose.

Students who engage in hate-based conduct shall be subject to intervention ranging from school counseling and restorative justice opportunities to school discipline, up to and including expulsion, in accordance with Board Policy 5114 (Student Discipline), and consistent with state and federal law. Employees who engage in hate-based conduct shall be subject to discipline, up to and including termination of employment, in accordance with any applicable Board policies, administrative regulations, and/or contractual provisions, and consistent with state and federal law.

Allegations of conduct that violates other Board policies, such as allegations of discrimination, harassment (including, but not limited to, sexual harassment), and/or bullying, will be handled under the appropriate policies and administrative regulations (e.g., Policy and Regulation 4118.11/4218.11, Non-Discrimination (Personnel); Policy and Regulation 4118.112/4218.112, Sex Discrimination and Sexual Harassment (Personnel); Policy and Regulation 5145.5, Sex Discrimination and Sexual Harassment (Students); Policy 5131.911, Bullying Prevention and Intervention Policy; Policy and Regulation 5145.4, Non-Discrimination (Students)).

Cross references:

Policy 1511, Non-Discrimination

Policy 4118.11/4218.11, Non-Discrimination (Personnel)

Policy 4118.112/4218.112, Sex Discrimination and Sexual Harassment (Personnel)

Regulation 4118.112/4218.112, Sex Discrimination and Sexual Harassment Complaint Procedure (Personnel)

Policy 4118.51, Social Networking - Personnel

Policy 5114, Student Discipline

Policy 5145.5, Sex Discrimination and Sexual Harassment (Students)

[Regulation 5145.5, Administrative Regulations Regarding Sex Discrimination and Sexual Harassment](#)

[Policy 5131.911, Bullying Prevention and Intervention Policy](#)

[Policy 5145.4, Non-Discrimination \(Students\)](#)

[Regulation 5145.4, Administrative Regulations Regarding Discrimination Complaints \(Students\)](#)

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Community Relations

Policy Regarding Automatic External Defibrillators

In order to assist individuals who may experience sudden cardiac arrest or a similar life-threatening emergency during the school’s normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds, and during school-sponsored events not occurring during the normal operational hours of the school, the Westport Board of Education (the “Board”) maintains at each school under the Board’s jurisdiction, automatic external defibrillators (“AEDs”) and school personnel trained in the operation of such automatic external defibrillators and the use of cardiopulmonary resuscitation. It is the policy of the Board to support the use of these automatic external defibrillators and trained school personnel during medically appropriate circumstances.

Requirements concerning the use and maintenance of AEDs are set forth in the accompanying Administrative Regulations as may be supplemented by or amended by the Administration from time to time.

For purposes of this policy and the accompanying regulations, an AED is a device that:

- 1) is used to administer an electric shock through the chest wall to the heart;
- 2) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis and, if necessary, apply therapy;
- 3) guides the user through the process of using the device by audible or visual prompts; and
- 4) does not require the user to employ any discretion or judgment in its use.

Legal References:

<u>Connecticut General Statutes</u>	
<u>§ 19a-175</u>	<u>Definitions</u>
<u>§ 52-557b</u>	<u>Good Samaritan Law</u>
<u>§ 10-212d</u>	<u>Availability of Automatic External Defibrillators in Schools</u>

<u>Regulations of Connecticut State Agencies</u>	
	<u>Department of Public Health § 19a-179-1 et seq.</u>

Policy approved: _____

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Business/Non-Instructional Operations

School Security and Safety

The Westport Board of Education (the “Board”) will develop and implement an all-hazards district security and safety plan with a school-specific annex for each school within the district or a school security and safety plan for each school within the district to bolster their existing emergency preparedness, response capability and school safety and security measures and to best meet all-hazards threats.

Security and safety plans will be based on the school security and safety plan standards developed by the Connecticut Department of Emergency Services and Public Protection and will adhere to the requirements of state law.

Security and safety plans should be kept securely and will only be provided to the Board, school staff and administration, members of the school security and safety committees, members of state and local law enforcement, first responders, local municipal officials or other persons authorized by the Board or the Superintendent (e.g., consultants, contractors). Pursuant to Connecticut General Statutes § 1-210(b)(19), the plan will not be available to the public.

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 (b)(19)

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222m

Conn. Gen. Stat. § 10-222n

Conn. Gen. Stat. § 10-231

Conn. Gen. Stat. § 28-7

State Standards:

Connecticut Department of Emergency Services and Public Protection, *School Security and Safety Plan Standards*.

Federal Guidance:

Federal Emergency Management Agency, *Guide for Developing High-Quality School Emergency Operations Plans*, June 2013

Policy adopted:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Personnel – Certified-Non-Certified

Social Networking By Staff

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board ~~, and acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law. However, the Board will regulate the use of social media by employees, including employees’ personal use of social media, when such use:~~

Ordinarily, the use of social media by employees, including employees’ use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) ~~interferes-~~ disrupts or undermines the effective operation with the work of the school district;
- 2) is used to engage in harassing-, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications ~~coworkers or other members of the school community;~~
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- ~~5) disrupts the work of the school district;~~
- ~~6) harms the goodwill and reputation of the school district in the community; or~~
- ~~7)5)~~ violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-~~48d~~40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Policy adopted: ~~_____~~ April 11, 2011

Policy revised: _____

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut