

Hollis School Board  
Wednesday, November 4, 2020  
Hollis Upper Elementary School  
6:00 PM

All Times are estimates and subject to change without notice

- 6:00 Call to Order
- 6:05 Agenda adjustments  
Correspondence/Resignations/Nominations
- 6:10 Approval of Minutes – September, 2020
- 6:15 **Public Hearing – To gather input on the receipt and expenditure of Fiscal Year 2021 unanticipated revenue associated with the CARES Act and any other local, state or federal resources as set forth in RSA 198:20-b**
- 6:15 Public Input
- 6:30 Principal’s report
- 6:45 Discussion
- COVID 19 update
  - Calendar discussion January, 2021 – June, 2021
  - Diversity, Equity and Inclusion Committee Update
  - FY 22 Budget Overview
  - FY 2020 Revenue and Expense Report
  - SAU Rent/Long term lease – SAU Bond for renovations of 4 Lund Lane
  - Governor’s proposal to allocate \$200/student (based on 2019 enrollment) directly to school districts
- 7:45 **Deliberations**
- To see what action the Board will take regarding the receipt and expenditure of Fiscal Year 2021 unanticipated revenue associated with the CARES act and any other local, state or federal resources as set forth in RSA 198:20-b
  - To see what action the Board will take regarding the policy memo submitted by the policy committee
- 7:55 Non-public under RSA 91-A: 3II (a) Compensation and/or (c) reputation
- 8:15 Motion to adjourn

Hollis School District  
Administrative Report  
October 2020

**Calendar, Events, Programs:**

- HPS/HUES - November 3rd - NO SCHOOL for students, PD day for Staff
- HPS/HUES - November 11th - Veterans Day - NO SCHOOL for staff and students
- HPS/HUES - November 23rd - Remote Learning Day for ALL
- HPS/HUES - November 24th - No School for students, Staff PD Day
- HPS/HUES - November 25th - 27th - Thanksgiving Recess

**Reopening Summary:**

- **HUES**
  - October 9th - our first fully remote day worked out very well as all of our in-building students have practiced connecting to ZOOM while here at HUES and are very familiar with the Google Classroom platform. Some families had connection issues due to increased bandwidth demand from their locations and are working on that from their end. It was a great practice day for all of us.
  - October 13th was the day that we were able to invite all of the students on our waiting list back into the in-building program from their remote learning choice. We did not have any requests for in-building students to move to fully remote. 11/30 will be the next switch day and if we receive more requests for movement - we will look at our seating and safety protocols to see if we can allow more students in the building.
- **HPS**
  - On October 9th we reflected, reworked seating, and reached out to parents to switch from remote to in person or vice versa. We had 3 students move into in person learning. There were zero switched from in person to remote.
  - The Lighting project at HPS has been completed. There are a few minor fixes that need to take place, but overall the lighting is working great!
  - Our first remote learning day for all was a success. There were a few bumps along the way and we have put things in place to make it smoother for our next remote day for all.
  - We now have over 40 remote students taking part in the Daily Morning Announcements!
  - Our November 3rd PD day is filled with professional development on key tools for remote success, SEL workshops, and curriculum review time.
  - We will be communicating with parents that the next opportunity to switch from remote to in person or vice versa will be over Thanksgiving. Parents can contact administration to be put on a waitlist and considered, if there is room, for the switch.

**Staffing & Students:**

- HPS - We want to thank both Leslie Russell and Nancy Kring-Burns for their dedication to our students over the years and wish them all the best in their retirement. We have posted the reading position and will hire as soon as we have a qualified candidate. Our Art position will be posted in the Spring. Thank you to Mrs. Kotelly who will be with us for the year!
- HPS - We are working on a virtual program for our Veterans. We are making cards for our military and are working on some fun virtual surprises to show our respect and thanks for our Veterans!
- HUES - we have successfully completed 99% of our NHSAS testing requirements from the DOE for fall testing. We have begun our district testing using Aimsweb as our assessment tool. We are about 1/3 complete.
- HUES students are extremely happy with the re-introduction of recess balls (soccer, kickball, and mini footballs) after discussions with each class about how to play safely while maintaining physical distancing.

- HUES - students continue to earn their WING awards and they are so amazing - remembering to physical distance but connect socially. They are working really hard in their google classrooms to show their best effort on all work! And their behaviors are showcasing the great choices they are making.
- HUES is once again participating in creating Holiday Cards for our active military all over the world. We work with Laura Landerman-Garber (<https://militaryholidaycardchallenge.com/contact-us/>) to pay it forward and show our gratitude.

**Building & Grounds:**

- HUES:
  - o HUES Lighting project is 95% done - the lights are wonderful and we are excited about the dimming features now included in the fixtures.
  - o HUES is prepared for ice/snow should we have our first weather event in October!
  - o HUES wants to thank the Hollis Conservation Commission for donating 175 bulbs and 23 trowels to our school. Students have been cleaning up the garden areas and will be planting bulbs to help beautify our school.
- HPS:
  - o Our parking lot is being prepared for the first snowfall.
  - o Custodial schedules have been adjusted at the beginning of the year to be sure that all cleaning protocols are being followed.

**Enrollment Snapshot for October 2020:**

HPS		HUES	
Grade	Enrollment	Grade	Enrollment
PreK Intensive Needs	3	4	85 total 19 remote 66 at HUES
PreK 3	6	5	93 total 27 remote 6 at HUES
PreK 4	7	6	103 total 42 remote 61 at HUES
K	69 53 at HPS 16 remote		
1	73 48 at HPS 25 remote		
2	93 69 at HPS 24 remote		
3	83 55 at HPS 28 Remote		
<b>Total Hollis School District Enrollment: 616</b> District In-Building total: 435 District Remote total: 181			

Hollis School District  
Monthly Enrollment Breakout  
October 2020

Grade	Class size Per District Policy	Number of classes	NESDEC Projections 20/21 SY	Number of students (10/29/20)	Change from last report	Actual class Enrollments
Pre – K 3 year olds		1	18	6	0	6
Pre – K 4 year olds		1		8	+1	8
Prek Intensive Needs		1		3		3
<i>Drop in Speech Services Only</i>				<i>1</i>		<i>1</i>
Kindergarten	18	4	100	69	0	In Building: 17, 18, 18** Remote: 16
Grade 1	18	5	75	73	-1	In Building: 15, 16, 17 Remote: 13, 12
Grade 2	20	5	99	93	0	In Building: 16, 17, 17, 19 Remote: 24 (instructional para)
Grade 3	20	5	88	83	0	In Building: 16, 19, 19 Remote: 14, 14
<b>HPS Totals</b>		<b>22 classes</b>	<b>380</b>	<b>335</b>		In Building total: 242 Remote total: 93
Grade 4	23	4	91	85	-1	In-Building: 22, 22, 22 Remote:19
Grade 5	23	5 sections 6 teachers	102	93	-1	In-Building: 16, 16, 17, 17 Remote: 27 (2 teachers)
Grade 6	23	7	101	103	0	In-Building: 14, 14, 16, 17 Remote: 21, 21
<b>HUES Totals</b>		<b>16 classes</b>	<b>294</b>	<b>281</b>		In-Building total: 193 Remote total: 88
<b>HSD Totals</b>		<b>38 classes</b>	<b>674</b>	<b>616</b>		District In-Building total: 435 District Remote total: 181

\* denotes class sizes over policy expectations

\*\*Class has a student in the self contained program

Enrollment History:

School Year	HPS September Starting Enrollment Numbers	HUES September Starting Enrollment Numbers
2020	336	283
2019	344	299
2018	344	327
2017	344	323
2016	337	319
2015	345	295
2014	352	291
2013	358	292
2012	340	294
2011	340	297

November 4, 2020

To: Hollis School Board

From: Andy Corey, Superintendent

Re: Update on October 28 discussion points

Dear Hollis School Board Members;

As discussed at our SAU Board meeting we will be reducing our administrative presence at meeting to insure continuity of operations should either a Principal or SAU administrator be impacted by the pandemic. In November, we will be splitting our Administrative resources between the Coop Board meeting and the Brookline meeting which occur on the same evening. Our primary focus in November will be the fiscal year 2022 draft budget.

Discussion points – November 4 - update

**COVID funding update** – In a recent announcement Governor Sununu announced that School Districts would be receiving \$200.00 per student to help offset the COVID cost related to reopening of schools. There is the potential for District's to request additional aid based on local expenditures. The guidelines for this potential aid have not been outlined. The SAU will monitor the situation and keep the Board's informed.

**Calendar Discussion** – I am requesting that the Board provide input with regards to potential calendar changes from January, 2021 – June, 2021. This discussion will occur with all three Districts' in either October or November. The Administration will provide recommendations for the Board's consideration either in November or December. WE will communicate any changes in our calendar via the Principal's newsletters and if needed SAU communications.

**The Fiscal year 2022** budget is well under way. We will be starting the Board level discussions at our November meeting.

**The Diversity, Equity and Inclusion committee** has held two meeting. The first meeting was utilized to introduce members and provide organizational structure. Tiffany Testa will be co-facilitating the committee and Dr. Marie Ramos will be acting as our process and procedures coordinator. It is our hope to bring a draft of the committee's vision as well as some action items for the Board to consider during our November meeting.

**Hollis School District**  
**FY20**  
**YEAR END SUMMARY 6/30/20**

<b>Expenses</b>				
Description	Budget	YTD Expense	Encumbered	Balance
Regular Education	\$ 4,093,282.42	\$ 3,858,208.39		\$ 235,074.03
Special Education	\$ 1,408,869.65	\$ 1,357,097.58		\$ 51,772.07
Student Support Services	\$ 896,797.50	\$ 863,196.56		\$ 33,600.94
Instructional Staff Support	\$ 391,987.30	\$ 319,130.37		\$ 72,856.93
School Board/SAU Assessment	\$ 668,971.00	\$ 573,070.30		\$ 95,900.70
School Administration	\$ 666,882.39	\$ 621,759.49		\$ 45,122.90
Food Service - Bad Debt	\$ -	\$ (218.96)		\$ 218.96
Facilities	\$ 813,009.76	\$ 789,170.25		\$ 23,839.51
Water System	\$ 14,850.00	\$ 25,085.22		\$ (10,235.22)
Transportation	\$ 497,691.29	\$ 420,681.75		\$ 77,009.54
Benefits	\$ 2,862,484.20	\$ 2,805,309.42		\$ 57,174.78
Site Improvements	\$ 67,000.00	\$ 80,041.00		\$ (13,041.00)
Debt Service	\$ 324,387.49	\$ 324,387.49		\$ -
Transfers	\$ 549,970.00	\$ 562,209.27		\$ (12,239.27)
<b>TOTAL</b>	<b>\$ 13,256,183.00</b>	<b>\$ 12,599,128.13</b>	<b>\$ -</b>	<b>\$ 657,054.87</b>
Plus FY19 Expense Carryover	\$46,460	\$36,982		\$9,479
<b>TOTAL FY19 + FY20</b>	<b>\$ 13,302,643.35</b>	<b>\$ 12,636,109.76</b>	<b>\$ -</b>	<b>\$ 666,533.59</b>

<b>Revenue</b>				
Description	Budget	YTD Revenue	Expected	Balance
Local Property Tax	\$ 11,372,706.00	\$ 11,372,706.00		\$ -
Adequacy Aid Grant/Tax	\$ 1,208,153.64	\$ 1,208,153.64		\$ -
State				
Special Education Aid	\$ 2,213.00			\$ 2,213.00
Food Service	\$ 3,000.00	\$ 3,494.94		\$ (494.94)
Federal				
Grants	\$ 170,000.00	\$ 212,834.71		\$ (42,834.71)
Food Service	\$ 34,000.00	\$ 32,318.21		\$ 1,681.79
Medicaid	\$ 46,000.00	\$ 14,146.71		\$ 31,853.29
Local				
Tuition	\$ 20,000.00	\$ 16,777.50		\$ 3,222.50
Food Service Sales	\$ 174,000.00	\$ 144,591.41		\$ 29,408.59
Other	\$ 22,000.00	\$ 36,255.75		\$ (14,255.75)
Voted Trusts (FY20)				
Less: Maintenance Trust	\$ 120,000.00	\$ 120,000.00		\$ -
Less: SAU Building Trust	\$ 23,970.00	\$ 23,970.00		\$ -
Less: SPED Trust	\$ 25,000.00	\$ 25,000.00		\$ -
Fund Balance Audit Adjustments	\$ 233,600.71	\$ 328,447.00		\$ (94,846.29)
Less Retained Fund Balance	\$ (152,000.00)	\$ (152,000.00)		\$ -
<b>TOTAL REVENUE</b>	<b>\$ 13,302,643.35</b>	<b>\$ 13,386,695.87</b>	<b>\$ -</b>	<b>\$ (84,052.52)</b>

	Actual	Original (MS27)
Unreserved Fund Balance	\$ 750,586.11	\$420,970.00
Less: SAU Building Trust	\$ 23,970.00	\$ 23,970.00
Less: Maintenance Trust	\$ 120,000.00	\$ 120,000.00
Less: SPED Trust	\$ 25,000.00	\$ 25,000.00
LESS: Retained Fund Balance (voted in Aug 2020)	\$ 284,000.00	\$152,000.00
Fund Balance to Reduce Taxes	<b>\$ 297,616.11</b>	<b>\$100,000.00</b>

**Explanation of budget balances on current expense report**

**6/30/2020**

Function	Description	Current Balance	Notes
1100	Regular Education	\$ 235,074	Hiring savings and effects of Covid-19: wages, subs, supplies, lane changes
1200	Special Education	\$ 51,772	Unfilled positions
2100	Student Support Services	\$ 33,601	Fewer services because of Covid-19
2200	Instructional Staff Support	\$ 72,857	Professional development reimbursements lower than budget
2300	School Board/SAU Assessment	\$ 95,901	Contingency fund unused
2400	School Administration	\$ 45,123	Primarily hosted services-renewal savings
2500	Food Service Bad Debt	\$ 219	
2600	Facilities	\$ 23,840	Savings in several accounts but primarily snowplowing
2600	Water System	\$ (10,235)	Increases in electrical and chemical testing/treatment
2700	Transportation	\$ 77,010	Primarily cost reductions due to Covid-19
2900	Benefits	\$ 57,175	Benefits lower than budget primarily due to Covid-19
4000	Site improvements	\$ (13,041)	Tree removal, HSMART consultation
5100	Debt Service	\$ -	
5200	Transfers	\$ (12,239)	Additional grant expense offset by revenue
		<b>\$ 657,055</b>	

**General explanation of what is included in each account category**

Function	Description	Includes
1100	Regular Education	Teacher salaries and teaching materials
1200	Special Education	Teacher salaries, teaching materials, ESY, out-of-district tuition
2100	Student Support Services	Guidance, nurse, psychologist, OT, teaching/testing supplies, contracted services
2200	Instructional Staff Support	Professional development, librarian, library supplies, computer equipment
2300	School Board/Assessment	Assessment, school board expense, annual meeting expense, legal expense
2400	School Administration	Administrator & secretarial salaries, copiers, telephone, hardware/software support contracts, site licensing, consulting, network services, office supplies
2600	Facilities	Custodial/maintenance salaries, snow plowing, mowing, building repairs, heating oil, electric, janitorial supplies, property/liability insurance
2700	Transportation	Bus transportation, fuel
2900	Benefits	Health and dental insurance, taxes, NHRS, Life/LTD, workers comp & unemployment
4000	Site Improvement	Site improvements including architectural fees
5100	Bonds	Principal and interest payments on bonds
5200	Transfers	Accounting line that reflects voted warrant articles covered by fund balance + grant and food service expense



Hollis School Board Policy Committee

To: Andy Corey  
From: Hollis School Board Policy Committee  
RE: Policy Recommendations  
Date: September 21, 2019

The HSB Policy Committee makes the following recommendations for the November 4, 2020 School Board meeting:

Present for a *Third Reading*:

1. EEA: Student Transportation Services
2. JFAA: Admission of Resident Students

Present for a *First Reading*:

1. JICK: Pupil Safety and Violence Prevention – Bullying
2. DD: Funding Proposals and Applications
3. ECAD: Security Camera System
4. ECAD-R: Security Camera System Administrative Procedure
5. EFD: Wellness
6. DAF: Administration of Federal Grant Funds

Category P

See also [EEAE](#) and [JICC](#)

## **STUDENT TRANSPORTATION SERVICES**

### **General Operating Policy**

- A. Bus routes shall be established by the Superintendent, subject to review by the Board. Routes will be developed annually and posted.
- B. Private school transportation will be integrated where possible and when required by law.
- C. Bus stops shall be established under the direction of the Superintendent in collaboration with the transportation company and based on pupil enrollment.
- D. Drivers may not load or unload pupils at other than authorized bus stops.

### **Student Conduct on School Buses**

The bus driver will have responsibility to maintain orderly behavior of students on school buses and will report misconduct to the student's Principal in writing. Video cameras may be used on buses to support the bus driver's reports of unacceptable conduct. The school principal will have the authority delegated by the Superintendent to suspend the riding privileges of students who are disciplinary problems on the bus by failing to conform to the rules and regulations promulgated by the Board. Parents of children whose pattern of behavior and conduct on school buses endangers the health, safety and welfare of other riders will be notified that their children face the loss of school bus riding privileges in accordance with the student discipline code. Suspensions to continue beyond twenty (20) days must be approved by the Board.

### **Resolution of Conflicts**

A parent who wishes to request a change or exemption from any of the Student Transportation policies shall direct that request to the Building Principal. If the parent is not satisfied by the ruling, an appeal may be made within five days to the Superintendent. As a last appeal, the parent may request to appear before the School Board.

Legal References:

RSA [189](#):6, Transportation of Pupils

RSA [189](#):8, Limitations and Additions

RSA [189](#):9, Pupils in Private schools

RSA [189](#):9a, Pupils Prohibited for Disciplinary Reasons

RSA [200](#):40, Emergency Care *Regulations for students riding school buses are available in the student handbook.*

1st Reading: June 2, 2005

2nd Reading: August 4, 2005

Adoption: March 9, 2006

1<sup>st</sup> Reading: November 6, 2019

2<sup>nd</sup> Reading: December 4, 2019

Category P

## **ADMISSION OF RESIDENT STUDENTS**

The Hollis School District defines residence of a student by RSA [193:12](#), II.

New Resident Students

All new should register at school as soon as residency is established.

Children entering school for the first time must have proof of physical examination, immunization records, a certified copy of the child's birth certificate and proof of residency satisfactory to the Superintendent or ~~his/her~~ *their* designee. Acceptable residency documents are detailed in the New/Returning Student Registration section of the SAU 41 website. Principals or their designees will meet with new children and parents to explain school programs.

Please see policy JEB Age of Entrance for information on compulsory attendance.

Legal Reference:

RSA [193:1](#), Duty of parent, Compulsory Attendance by Pupil

RSA [193:12](#),II, Legal Residence Required

Adoption: March 9, 2006

First Reading: October 5, 2016

Second Reading: November 2, 2016

Third Reading Waived

Adopted: November 2, 2016

First Reading: November 6, 2019

Second Reading: December 4 , 2019 (as amended)

Third Reading: November 4, 2020 (as amended)

*Category: Priority/Required by Law*

*See also [JBAA](#), [JIC](#), [JICD](#), [IHBA](#)*

## **PUPIL SAFETY AND VIOLENCE PREVENTION - Bullying**

### **I. Definitions (RSA 193-F:3)**

**1. Bullying.** Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- (1) Physically harms a pupil or damages the pupil's property;
- (2) Causes emotional distress to a pupil;
- (3) Interferes with a pupil's educational opportunities;
- (4) Creates a hostile educational environment; or
- (5) Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

**2. Cyberbullying.** Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

**3. Electronic devices.** Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

**4. School property.** School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans and any school sponsored activity.

Any reference in this policy to "parent" shall include parents or legal guardians.

Any reference in this policy to "Superintendent" or "Principal" shall include ~~his or her~~ their designee.

### **II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193-F:4, II(a))**

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA [193-F](#). Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA [193-F](#):4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

- (1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (2) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

### **III. Statement prohibiting retaliation or false accusations (RSA 193-F:4, II(b))**

## **False Reporting**

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

## **Reprisal or Retaliation**

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, administrator, volunteer, or other employee who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher, administrator, volunteer, or other employee found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment and exclusion from school grounds.

## **Process To Protect Pupils From Retaliation**

If the alleged victim or any witness expresses to the Principal or other staff member that ~~he/she~~ they believe ~~he/she~~ they may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protected against possible retaliation.

## **IV. Protection of all Pupils (RSA 193-F:4, II(c))**

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

## **V. Disciplinary Consequences for Violations of This Policy (RSA 193-F:4, II(d))**

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

## **VI. Distribution and Notice of This Policy (RSA 193-F:4, II(e))**

### **Staff and Volunteers**

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, electronically, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

### **Students**

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, electronically etc.)

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

### **Parents**

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, hard copy, electronically, etc.). Parents will be informed of the ~~program~~ process and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

1. Report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

### **Additional Notice and School District Programs**

The District may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

### **VII. Procedure for Reporting Bullying (RSA 193-F:4, II(f))**

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

#### **Student Reporting**

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal or if the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of that school day.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
4. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

## **Staff Reporting**

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members given such information will need to provide direct assistance to the student.
3. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible and within 48 hours, ~~but no later than the end of that school day.~~
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

## **VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))**

In order to satisfy the reporting requirements of RSA [193-F:6](#), the Principal ~~or designee~~ shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal shall retain a copy for him/herself and shall forward one copy to the Superintendent and may forward one copy to the local authority. The Superintendent shall maintain said forms in a safe and secure location.

## **IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))**

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

## **X. Waiver of Notification Requirement (RSA 193-F:4, II(i))**

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

## **XI. Investigative Procedures (RSA 193-F:4, II(j))**

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted consistent with the developmental needs of the students in mind and shall be confidential and consistent with FERPA.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed or electronic copies of e-mails, text messages, website pages, or other similar electronic communications.
4. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's username, password, or other authenticating information to a student's personal social media account. However, the District may request to a student or a student's parent/guardian that the

student voluntarily shared printed or electronic copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

5. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.

6. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:

- Description of incident, including the nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The characteristics of parties involved, (name, grade, age, etc.);
- The identity and number of individuals who participated in bullying behavior;
- Where the alleged incident(s) occurred;
- Whether the conduct adversely affected the student's education or educational environment;
- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
- The date, time and method in which parents or legal guardians of all parties involved were contacted.

7. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

8. A determination of ~~Whether~~ a particular action ~~of~~ or incident constitutes a violation of this policy shall be ~~require a determination~~ based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and be documented within a written final report ~~to~~ by the Principal.

9. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.

## **XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))**

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges
- Classroom or administrative detention



- Referral to disciplinarian
- In-school suspension
- Out-of-school suspension
- Expulsion

Examples of remedial measures may include, but are not limited to:

- Restitution
- Mediation
- Peer support group
- Corrective instruction or other relevant learning experience
- Behavior assessment
- Student counseling
- Parent conferences

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

### **XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(l))**

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

### **XIV. Communication with Parents upon Completion of Investigation (RSA 193-F:4, II(m))**

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students and to the parents of other students involved in a bullying incident.

### **XV. Appeal**

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the Principal's decision to the Superintendent in writing within ~~five (5) school~~ ten (10) calendar days. Upon receipt of the appeal, the Superintendent shall review the Principal's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) ~~school~~ calendar days of the Superintendent's decision. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set forth in

ED 200. The State Board may waive the thirty-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

2. The procedures under RSA [193](#):13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.
  3. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education
- XVI. School Officials (RSA [193](#)-F:4, II(n))

The Superintendent of schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the Superintendent may establish further administrative rules or regulations.

### **XVII. Capture of Audio Recordings on School Buses**

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

### **XIII. Use of Video or Audio Recordings in Student Discipline Matters**

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, [EEAE](#) and ECAF.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

### **Legal References:**

*RSA [193](#)-F:3, Pupil Safety and Violence Prevention Act*

*RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed*

*NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment*

Hollis School Board: 1st Reading: 11-10-10

2nd Reading: 4-13-11

3rd Reading waived: 4-13-11

Approved: 4-13-11

Reviewed:

1st Reading: June 1, 2016

2nd Reading: July 18, 2016

3rd Reading: July 18, 2016 (Waived)

Adopted: July 18, 2016

1<sup>st</sup> Reading: January 8, 2020

Category O

**FUNDING PROPOSALS AND APPLICATIONS**

*On a quarterly basis, ~~The~~ Superintendent will provide ~~inform~~ the Hollis School Board with a report detailing ~~of~~ all possible sources of state, federal, and other funds for the support of the schools and/or for the enhancement of educational opportunities. The Superintendent is to apprise the Board of its eligibility for general or program funds and to make recommendations for Board action.*

1st Reading: May 12, 2005

2nd Reading: August 4, 2005

Adoption: March 9, 2006

1<sup>st</sup> Reading: November 4, 2020 (As amended)

## **SECURITY CAMERA SYSTEM**

The Board authorizes the use of security cameras for the purpose of enhancing school safety and security. The Board's goals are to promote and foster a safe, secure teaching and learning environment for students and employees; to promote public safety for community members who visit or use school property; and to safeguard facilities and property.

Security cameras may be placed in parking lots, school entryways and other areas on school grounds. Security cameras may also be placed in areas of common use within buildings, including but not necessarily limited to, school foyers, the school office, hallways, cafeterias, libraries and gymnasiums.

Security cameras may be used for the following purposes:

1. To investigate suspected violations of Board policies, rules and regulations of the school or District as well as violations of the law, or other inappropriate conduct.
2. To monitor activities on school property to protect safety and to enforce school rules, policies and the law.
3. By law enforcement to address school safety issues or to investigate possible criminal behavior.

Notices will be posted in public entryways to the building and other conspicuous locations informing persons that the buildings and grounds are monitored by security cameras.

Recording of video may only be done by the school district as authorized by the Superintendent.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy [JRA](#) shall apply.

The Superintendent may develop and implement any necessary administrative procedures regarding the use of security cameras.

### **Cross Reference:**

*EBCA - Comprehensive Emergency Management Plan*

*[JRA](#) - Student Records and Information*

*[JICK](#) - Pupil Safety and Violence Prevention - Bullying*

1<sup>st</sup> Reading: January 8, 2019

## **SECURITY CAMERA SYSTEM ADMINISTRATIVE PROCEDURE**

### **A. Security Camera Placement**

1. Security cameras may be placed outside and inside school facilities as described in Policy ECAD and as approved by the Superintendent. The Superintendent shall consult with the building administrator and others as appropriate prior to approving placement of security cameras.
2. The use of security cameras or video devices may also be approved in particular locations by the Superintendent on a short-term basis in connection with investigations of possible misconduct and/or illegal activity.
3. Security cameras will not be placed in bathrooms, locker rooms, private offices or other locations where the Superintendent determines that users have a reasonable expectation of privacy, except as otherwise permitted by law.

### **B. Viewing/Monitoring of Live Images from Security Cameras**

1. In order to maintain building security, a monitor will be placed to enable office staff to observe points of access to the building.
2. The Superintendent, building administrators and others designated by the Superintendent may monitor security camera images on a periodic or random basis for school-related purposes.
3. In situations when the School Department's Comprehensive Emergency Plan is implemented and/or there is an immediate security risk, law enforcement officials may directly view images from school security cameras at the school on their own monitors at other locations.

### **C. Viewing of Security Camera Recordings**

1. The Superintendent, building administrators and others designated by the Superintendent may review security camera recordings for school-related purposes. Other school employees may be authorized by the Superintendent or a building administrator to view recordings if there is a legitimate educational or operational reason to do so.
2. Any security camera recording used for student disciplinary purposes will only be disclosed as authorized by the Family Educational Rights and Privacy Act (FERPA) and in accordance with Board policy.
3. The parents/guardians of a student or an eligible student under FERPA may request to view portions of a security camera recording used as a basis for disciplinary action against that student. Viewing of the security camera recording shall be conducted in the presence of a building administrator and shall be conducted in a manner that does not violate the confidentiality rights of other students.
4. Law enforcement personnel may review security camera recordings, when available, to investigate possible criminal conduct.

### **D. Storage and Security of Security Camera Recordings**

1. All security camera recordings will be stored in a secure location to ensure confidentiality.
2. Security camera recordings will be stored no longer than 60 days, except in cases where there is a request from the police or a court or when recordings are needed for a disciplinary matter.
3. Recordings related to a disciplinary matter will be maintained in their original form until the matter is resolved.

## Policy EFD - Wellness

The Districts recognize that health and student success are inter-related. Healthy kids learn better. Our goal is to support a learning environment that will promote and provide opportunity for healthy choices that result in improved physical, emotional, and social well-being.

A local school wellness policy is a written document that guides the District's efforts to establish a school building environment that promotes students' health, well-being and ability to learn. The wellness policy requirement was established by the Child Nutrition and WIC Reauthorization Act of 2004 and further strengthened by the Healthy Hunger-Free Kids Act of 2010 (Pub. L. 111-296), the State of New Hampshire Minimum Standards for School Approval (Ed 306.02, Ed 306.04, and Ed 306.11) and the USDA Food and Nutrition Service (FNS) final regulations adopted July 29, 2016. The Districts are committed to a healthy school learning environment through nutrition education, physical activity and the promotion of wellness at all school sites.

In order to support that goal, the Board directs the Superintendent to establish a Wellness Committee. The charge of the committee is to establish goals for and oversee student health programs, including development, implementation and periodic review and update of this policy ensuring that it continues to meet the USDA FNS final regulations. Further, the Superintendent or his/her designee will ensure that each school is in compliance with the approved Wellness Policy.

### 1. Nutrition

#### Nutrition Education

- Nutrition education is designed and implemented to help students learn nutrition related skills, including but not limited to two of the following: planning a healthy meal, understanding and using food labels, critically evaluating nutrition information, misinformation and commercial food advertising.
- Nutrition education will reinforce lifelong balance, emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate. At least one example will be used.
- Cafeteria staff will participate in providing nutrition education. Students will be educated through at least two new food experiences and exposed to a wide variety of food choices. Consistent encouragement should be given to children to try new foods. Discourage students from making negative comments about new foods and healthy foods so that the child will learn to try new flavors.
- The school will integrate at least two *USDA's Team Nutrition* materials within the school curriculum. These include lesson plans, posters, interactive games, menu graphics, etc.

#### Nutrition Promotion

- All schools participating in the National School Lunch Program will utilize at least 5 of the following Smarter Lunchroom strategies:
  - ✓ Fruit is offered in at least two locations on all service lines, one of which is right before the point of sale
  - ✓ Sliced or cut fruit is offered
  - ✓ A variety of mixed whole fruits are displayed in attractive bowls or baskets (instead of stainless steel pans)
  - ✓ At least two kinds of vegetables are offered
  - ✓ Vegetables are incorporated into the main entrée at least monthly
  - ✓ White milk is offered in all beverage coolers
  - ✓ Alternative entrée options (i.e., salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas
  - ✓ Students are offered a taste test of a new entrée at least once per year

- ✓ Students provide feedback (informal – “raise your hand if you like...” Or formal – focus groups, surveys) to inform menu development
- ✓ Students, teachers or administrators share the daily menu in announcements
- Nutrition education resources (at least two) will be provided to parents/guardians through handouts, website links, school newsletters, presentations and any other appropriate means available to reach parents/guardians.
- Schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess and other special programs or events. Each school will check 20 days for compliance.
- Each school will display at least 3 nutritional posters in the lunchroom.

### **Food and Beverage Marketing**

- School ensures 100% of foods and beverages promoted to students meet the USDA Smart Snacks in school nutrition standards.
- Only vending machine covers that promote water are allowed

### **Standards and Nutrition Guidelines for all Foods and Beverages**

#### **Standards for all Foods Sold to Students during the School Day**

##### **School Lunch Program**

- The district will follow the Federal, State, and local established nutrient standards for all foods and beverages during the school day, which is defined as 12:01 am through 30 minutes after the last bell 7CFR 210.11(a)(5).
- The food service program shall provide healthy food choices for students. In particular the program will:
  - ✓ Ensure that meals offered meet the federal nutrition standards.
  - ✓ Promote healthy food and beverage choices using smarter lunchroom techniques like creating food environments that encourage healthy nutrition choices and encourage participation in the school meals program.
  - ✓ Promote hydration by having drinking water available where school meals are served during mealtimes.
  - ✓ Support healthy food choices that improve student health and well-being.
  - ✓ Ala carte choices and snacks in the lunchroom meet the Smart Snacks requirements.

##### **Other Foods and Beverages Sold to Students during the School Day**

- All foods and beverages sold to students outside the federally regulated child nutrition programs (referred to as “competitive” foods and beverages) must be consistent with USDA’s Smart Snacks in School nutrition standards. These standards apply in all areas where foods and beverages are sold which may include, but are not limited to fundraising events, school stores, snack carts and vending machines. All foods sold to students must be approved by the Director of School Nutrition and will be tracked for compliance.

#### **Standards for all Foods Provided but Not Sold to Students during the School Day**

- Teachers and staff will only use non-food or non-candy as a reward.
- It is encouraged that birthday, holiday and all other celebrations involve activities rather than food. If food must be included, healthy choices that align with the SMART SNACK standards should be supplied. Please see each school’s student handbook for more details.

### Smart Snack Nutrition Standards

- Be a grain product that contains 50% or more whole grains by weight (have whole grain as first ingredient); OR
- Have as the first ingredient a fruit, vegetable, dairy product, or protein food: OR
- Be a combination food that contains at least ¼ cup fruit and/or vegetable; AND
- The food must meet nutrient standards for calories, sodium, sugar, and fats.

<u>Nutrient</u>	<u>Snack</u>	<u>Entrée</u>
Calories	200 calories or less	350 calories or less
Sodium	200 mg or less	480 mg or less
Total Fat	35% of calories or less	35% of calories or less
Saturated Fat	Less than 10% of calories	Less than 10% of calories
Trans Fat	0 g	0 g
Sugar	35% by weight or less	35% by weight or less

Fruits, vegetables, and water with no added ingredients are always Smart Snacks!

## **2. Physical Activity**

- Teachers and other school and community personnel will not arbitrarily use physical activity (i.e., running laps, push-ups) or withhold opportunities for physical activity (i.e. recess, physical education) as punishment.
- Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically active lifestyle and to reduce time spent on sedentary activities, such as watching television. Instruct at least three instances of this activity.
- All students in grades K-6 shall be provided with a daily recess.
- All students in grades 7-12 shall have the opportunity to participate in interscholastic sports programs.
- Continue to require State mandated physical education through a variety of options.
- All students in grades 7-12 should be given one movement break during every long block class.

## **3. Other School-based Activities that Promote Student Wellness**

- Students are permitted to have water in the classroom
- Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.
- Students are provided with a school environment that is conducive to healthy eating.
- Students are provided with adequate breakfast and lunch time to enjoy eating healthy foods with friends.
- Students are scheduled in lunch blocks that provide minimal wait time for school meals.
- Students are provided a school environment that is conducive to being physically active.
- Students are provided with opportunities for physical activity throughout the day.
- Students are encouraged to actively participate in recess.
- Students are not denied recess or other physical activity time in order to make up instructional time and/or as a form of discipline except when appropriate as a logical consequence.



- Students are provided with activities that coordinate content across curricular areas that promote student health (such as teaching nutrition concepts in math or science) with consultation provided by the district's curriculum coordinators.

#### **4. Implementation, Assessment, Documentation and Updates**

##### **Implementation**

- The Districts direct the Superintendent, in conjunction with the Wellness Committee, to develop and maintain a plan to manage and coordinate the implementation of this wellness policy. The plan will delineate roles, responsibilities, actions and timelines for each school and will be measurable.

##### **Assessment**

- **Annual:** Progress on each measurable goal will be gathered from each school and reported on the SAU website in July for the previous school year.
- **Triennial:** The Wellness Committee will conduct an assessment of the wellness policy every three years. The assessment will determine building level compliance with the wellness policy, how the wellness policy compares to model wellness policies and progress made in attaining the goals of the wellness policy.

##### **Documentation**

- The Wellness Committee will retain records to document compliance with the wellness policy requirements. Documentation maintained will include:
  - ✓ A copy of the current wellness policy,
  - ✓ Documentation on how the policy and assessments are made available to the public,
  - ✓ The most recent annual and triennial assessments of implementation of the policy,
  - ✓ Documentation of efforts to review and update the policy, including who was involved in the process and how stakeholders were made aware of their ability to participate
- The required documentation will be maintained at the SAU Office, 4 Lund Lane, Hollis, NH 03049, 603-324-5999.

##### **Updates**

- **Policy Updates:** The Wellness Committee will update or modify the wellness policy as appropriate based on the results of the annual and triennial assessments, as our district priorities change, as community needs change, as wellness goals are met, as new federal or state guidance or standards are issued and as other issues provide a need for change. The wellness policy will be updated at least every three years following the Triennial Assessment.
- **Public Updates:** The Wellness Committee will inform the public annually about the local wellness policy, including its content and any updates to and about the policy. The annual and triennial assessments (to include progress toward meeting the goals of the policy) will also be made available to the public. The Wellness Committee will provide information on how the public can participate on the wellness committee and assist with the development, implementation, and periodic review and update of the wellness policy. All public updates will, at a minimum, be located on the SAU website (SAU41.org).

## DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

(Download policy)

**Category:** *Priority/Required by Law*

**Related Policies:** *DI, DID, DJ, DJC, DJE, DJF & DK*

**See also:** *ADB, EFAA, EHB, JICI & JRA*

### ADOPTION NOTES –

This text box, and all highlights within the policy should be removed prior to adoption.

**Policy begins on third page.**

(a) **REVISIONS IN JULY 2019** – July revisions include the addition of a Sub-Recipient Monitoring and Management sub-policy as **DAF-11**, and the addition of a “buy American” provision in **DAF-4** regarding food service procurement. As to the new **DAF-11**, procedures for oversight of subrecipients is required under the UGG, even if a “policy” is not. **Other than new DAF-11 and the addition of the Buy American provision in DAF-4.C, the only changes to DAF are to formatting, the adoption notes, and the legal references.**

(b) **{\*\*}** indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.

(c) This sample policy DAF, includes several sub-policies (see page 3, below), and is intended to establish the local board’s expectations and standards for financial management and other internal controls relative to federal grant awards as required by a set of federal regulations commonly known as the Uniform Grant Guidance (“UGG”); 2 CFR Part 200. ***This policy is not sufficient, alone, to serve as the written controls required by the UGG.*** The policy ***must be supplemented with written procedures*** that should be developed under the supervision of the Superintendent and business office. The specific procedures will require tailoring according to the administrative structure, technological capacity and other circumstances or preferences of each district. Written procedures which are required under the policy and the UGG are indicated in the policy, and may be identified searching for the phrase “administrative procedures”. ***NHDOE, Bureau of Federal Compliance***, has released several “Fact Sheets” relative to the UGG which include, among other things, a description of some of the specific procedures administrators will need to create and implement:

<https://www.education.nh.gov/program/federal-compliance/fact-sheets.htm>

An example of the type of procedures (as opposed to policy) required by the UGG may be found in the NHDOE the sample set of procedures for food service procurement. Note, however, that many of the provisions stated as required in the DOE Fact Sheets, and the food service procedures, are incorporated into sample policy DAF.

(d) **General** – *As will all sample policies, NHSBA recommends that each district carefully review this sample DAF prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc.. Highlighted language in this sample indicates areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. **This text box, and all highlights within the policy should be removed prior to adoption.***

(e) *A sampling review of the policy manuals of various school districts, reveals that many districts have adopted some UGG policies or components of policies required by the federal Uniform Grant Guidance (2 CFR 200). In order to avoid redundancy, we recommend that prior to adoption of this sample, Districts review their own policy manuals for related policies, and make such changes as are appropriate.*

(f) Other current existing policies implicated by this sample DAF should be reviewed to help assure continuity of practices within the District. Most significantly:

- Modify **DJ** to identify who has authority to approve purchase orders;
- Modify **DJB** to outline approved process for purchase order procedures. The policy may instruct the Superintendent to approve and implement written procedures which more specifically spell out the process.

(g) The UGG and this policy apply specifically to federal grant funds - whether or not received directly, through NHDOE or through any other pass-through entity, and irrespective of whether the federal moneys are the sole funds used for the particular purpose, program, purchase, etc. Because many of the elements required under the UGG are significantly more restrictive or burdensome than those which may exist under state law, the component “sub-policies” (see page 3 of this packet, page 1 of the policy) are framed to pertain to Federal Fund use only. Boards may choose to extend some of the requirements found in this policy more generally. For instance, the Travel section (**DAF-6**), or Conflict of Interest (**DAF-4**), could be extended to district programs which do not rely on Federal grant funds. In those instances, we recommend revising current policies to simply refer to the appropriate section(s) of this policy. E.g., the last two sentences of NHSBA sample policy **DKC** would be replaced with “Travel reimbursement shall be subject to the same restrictions, procedures and controls as set forth in Board Policy **DAF-7** regarding travel relating to federal grant funds.”

(h) Because this sample implicates subject matter found in several other NHSBA samples (see related policies section in the headers of pages 1 and 3), districts should review their own companion policies and consider whether to include the following notation:

**All purchases for property and services made using federal funds are conducted in accordance with all applicable Federal and State laws and regulations, the Uniform Grant Guidance, and the District’s written policies and procedures.** See Board Policy DAF.

(i) Given the complexity of this sample policy, and relationship to many existing NHSBA samples, NHSBA contemplates further development and revisions relative to the over the next several policy updates.

**Direct any inquiries to either NHSBA’s Director of Policy Services or local district counsel.**

This Policy includes “sub-policies” relating to specific provisions of the Uniform Administrative Requirements for Federal Awards issued by the U.S. Office of Budget and Management. Those requirements, which are commonly known as Uniform Grant Guidance (“UGG”), are found in Title 2 of the Code of Federal Regulations (“CFR”) part 200. The sub-policies include:

**Please change or delete page numbers according to your own formatting**

DAF-1	ALLOWABILITY	2
DAF-2	CASH MANAGEMENT AND FUND CONTROL	6
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***NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.***

The Board accepts federal funds, which are available, provided that there is a specific need for them and that the required matching funds are available. The Board intends to administer federal grant awards efficiently, effectively and in compliance with all requirements imposed by law, the awarding agency and the New Hampshire Department of Education (NHDOE) or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grant management to be used by the District in the administration of any funds received by the District through Federal grant programs as required by applicable NH and Federal laws or regulations, including, without limitation, the UGG.

The Board directs the [".Superintendent, Business Administrator \_\_\_\_ other – for instance, a District may designate a “Federal Funds Coordinator”] to develop, monitor, and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable assurances that the District is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all requirements of federal and/or law and regulation and shall be based on best practices.

The Superintendent is directed to assure that all individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award and this policy.

To the extent not covered by this Policy, the administrative procedures and internal controls must provide for:

1. identification of all federal funds received and expended and their program source;
2. accurate, current, and complete disclosure of financial data in accordance with federal requirements;
3. records sufficient to track the receipt and use of funds;
4. effective control and accountability over assets to assure they are used only for authorized purposes and
5. comparison of expenditures against budget.

#### **DAF-1 - ALLOWABILITY**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

**A. Cost Principles:** Except whether otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

1. Be “necessary” and “reasonable” for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
  - a. To determine whether a cost is “reasonable”, consideration shall be given to:
    - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
    - ii. the restraints or requirements imposed by such factors as sound business practices, arm’s length bargaining, Federal, State, local, tribal and other laws and regulations;
    - iii. market prices for comparable goods or services for the geographic area;

- iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
  - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the “necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
- b. When determining whether a cost is “necessary”, consideration may be given to whether:
    - i. the cost is needed for the proper and efficient performance of the grant program;
    - ii. the cost is identified in the approved budget or application;
    - iii. there is an educational benefit associated with the cost;
    - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or
    - v. the cost addresses program goals and objectives and is based on program data.
  - c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
- 2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
  - 3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
  - 4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
  - 5. Be determined in accordance with generally accepted accounting principles.
  - 6. Be representative of actual cost, net of all applicable credits or offsets.

The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- 7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- 8. Be adequately documented:
  - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

***B. Selected Items of Cost:*** The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

**C. Cost Compliance:** The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

**D. Determining Whether A Cost is Direct or Indirect**

1. “Direct costs” are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

2. “Indirect costs” are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all the following conditions are met:

- a. Administrative or clerical services are integral to a project or activity.
- b. Individuals involved can be specifically identified with the project or activity.
- c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
- d. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by NHDOE or the pass-through entity (Federal funds subject to 2 C.F.R Part 200 pertaining to determining indirect cost allocation).

**E. Timely Obligation of Funds:** Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following are examples of when funds are determined to be “obligated” under applicable regulation of the U.S. Department of Education:

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District – when the services are performed.
3. Personal services by a contractor who is not an employee of the District – on the date which the District makes a binding written commitment to obtain the services.
4. Public utility services – when the District received the services.
5. Travel – when the travel is taken.
6. Rental of property – when the District uses the property.
7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E – Cost Principles – on the first day of the project period.

***F. Period of Performance:*** All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification (“GAN”). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period of carry over. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is substantially approved, unless an agreement exists with NHDOE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than forty-five (45) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consistently, the District shall closely monitor grant spending throughout the grant cycle.

## **DAF-2 - CASH MANAGEMENT AND FUND CONTROL**

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments and in accordance with the requirements of NHDOE or other applicable pass-through-entity.

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District’s payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the NHDOE (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the NHDOE, grantor agency or other pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District’s financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The [-- Superintendent /Officer] is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed

appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  - 1. The District receives less than \$120,000 in Federal awards per year.
  - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
  - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (“PMS”) through an electronic medium using either Automated Clearing House (“ACH”) network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

### **DAF-3 - PROCUREMENT**

All purchases for property and services made using federal funds must be conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Guidance, and the District’s written policies and procedures.

Procurement of all supplies, materials equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, District policies, and procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District’s documented general purchase Policy (\*\*)/DJ.

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or



breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

Contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration is given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract is awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records are sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

**A. Competition:** All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

1. unreasonable requirements on firms in order for them to qualify to do business;
2. unnecessary experience and excessive bonding requirements;
3. noncompetitive contracts to consultants that are on retainer contracts;
4. organizational conflicts of interest;
5. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and/or
6. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list must include enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list as requested.

**B. Solicitation Language:** The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance

or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

**C. Procurement Methods:** The District shall utilize the following methods of procurement:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$250,000.

- a. In order for sealed bidding to be feasible, the following conditions shall be present:
  - i. a complete, adequate, and realistic specification or purchase description is available;
  - ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
  - iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- b. When sealed bids are used, the following requirements apply:
  - i. Bids shall be solicited in accordance with the provisions of State law and **(\*\*)DJE** . Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
  - ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
  - iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
  - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
  - v. The Board reserves the right to reject any and all bids for sound documented reason.
  - vi. Bid protests shall be handled pursuant to the process set forth in **DAF-3.I**.

4. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one sources submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

#### 5. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. the item is available only for a single source;
- b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
- d. after solicitation of a number of sources, competition is determined to be inadequate.

**D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:** The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime [contractor](#), if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

**E. Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.323(a)). A cost analysis generally means evaluating the separate

cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

***F. Time and Materials Contracts:*** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls, and otherwise performs in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

***G. Suspension and Disbarment:*** The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance/ and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensure. A person so excluded is suspended. (See 2 CFR Part 180 Subpart G).

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (See 2 CFR Part 180 Subpart H).

The District shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000 the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management ("SAM"), which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov) (which replaced the former Excluded Parties List System or EPLS); or collecting a certification from the vendor. (See 2 CFR Part 180 Sub part C).

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under **DAF-3, paragraph J**. This documentation should include the

date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

**H. Additional Requirements for Procurement Contracts Using Federal Funds:**

1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)).
3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)).
4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J).
5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)).

**I. Bid Protest:** The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

**J. Maintenance of Procurement Records:** The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and records regarding disbarment/suspension queries or actions. Such records shall be retained consistent with District Policy **{\*\*}**EHB and District Administrative Procedures **{\*\*}**EHB-R .

**DAF-4 - PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM**

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

**A. Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or
3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;
6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

**B. Contracts with Food Service Management Companies:** Procedures for selecting and contracting with a food service management company shall comply with guidance provided by the NHDOE, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts.

**C. "Buy American" Requirement:**

Under the "Buy American" provision of the National School Lunch Act (the "NSLA"), school food authorities (SFAs) are required to purchase, to the maximum extent practicable, *domestic commodity or product*. As an SFA, the District is required to comply with the "Buy American" procurement standards set forth in 7 CFR Part 210.21(d) when purchasing commercial food products served in the school meals programs. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g., food service management companies, group purchasing cooperatives, shared purchasing, etc.).

Under the NSLA, "*domestic commodity or product*" is defined as an agricultural commodity or product that is produced or processed in the United States using "*substantial*" agricultural commodities that are produced in the United States. For purposes of the act, "*substantial*" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products

from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowable under this provision as territories of the United States.

1. **Exceptions:** The two main exceptions to the Buy American requirements are:
  - a) The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
  - b) Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.
2. **Steps to Comply with Buy American Requirements:** In order to help assure that the District remains in compliance with the Buy American requirement, the [\_\_\_\_ Superintendent \_\_/Officer/Food Service Director], shall
  - a) Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);
  - b) Monitor contractor performance;
  - c) Require suppliers to certify the origin of the product;
  - d) Examine product packaging for identification of the country of origin; and
  - e) Require suppliers to provide specific information about the percentage of U.S. content in food products [optional: {from time-to-time} OR {state some other standard}].

#### **DAF-5 - CONFLICT OF INTEREST AND MANDATORY DISCLOSURES**

The District complies with the requirements of State law and the Uniform Guidance for conflicts of interest and mandatory disclosures for all procurements with federal funds.

Each employee, board member, or agent of the school system who is engaged in the selection, award or administration of a contract supported by a federal grant or award and who has a potential conflict of interest must disclose that conflict in writing to the [--\_\_\_\_ Superintendent \_\_/Officer], who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.

A conflict of interest would arise when the covered individual, any member of his/her immediate family, his/her partner, or an organization, which employs or is about to employ any of those parties has a financial or other interest in or received a tangible personal benefit from a firm considered for a contract. A covered individual who is required to disclose a conflict shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

Covered individuals will not solicit or accept any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award. Violations of this rule are subject to disciplinary action.

The Superintendent shall timely disclose in writing to NHDOE or other applicable pass-through-entity, all violations of federal criminal law involving fraud, bribery, or gratuities potentially effecting any federal award. The Superintendent shall fully address any such violations promptly and notify the Board with such information as is appropriate under the circumstances (e.g., taking into account applicable disciplinary processes).

#### **DAF-6 - INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS**

Equipment and supplies acquired (“property” as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

**A. “Equipment” and “Pilferable Items” Defined:** For purposes of this policy, “equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of \$5,000, or the capitalization level established by the District for financial statement purposes. “Pilferable items” are those items, *regardless of cost*, which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.

**B. Records:** The [--\_\_\_\_Superintendent\_\_\_\_/Officer] shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.

**C. Inventory:** No less than once every two years, the [--\_\_\_\_Superintendent\_\_\_\_/Officer] shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years. Except as otherwise provided in this policy DAF\_\_\_\_, inventories shall be conducted consistent with Board Policy [{{\*\*}}]DID.

**D. Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:

1. prevent loss, damage, or theft of the property; Any loss, damage, or theft must be investigated;
2. to maintain the property and keep it in good condition; and
3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

#### **DAF-7 - TRAVEL REIMBURSEMENT – FEDERAL FUNDS**

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient.

For purposes of this policy, “travel costs” shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.

School officials and district employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.

The validity of payments for travel costs for all district employees and school officials shall be determined by the [--\_\_\_\_Superintendent\_\_\_\_/Officer].

Travel costs shall be reimbursed on a mileage basis for travel using an employee’s personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district’s non-federally funded activities, and in accordance with the district’s travel reimbursement policies and administrative regulations.

Mileage reimbursements shall be at the rate approved by the Board or Board policy for other district travel reimbursements. Actual costs for meals, lodging and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by Board policy, or, in the absence of such policy, the federal General Services Administration for federal employees for locale where incurred.

All travel costs must be presented with an itemized, verified statement prior to reimbursement.



In addition, for any costs that are charged directly to the federal award, the [--  
\_\_\_\_\_*Superintendent*\_\_\_\_\_/Officer] shall maintain sufficient records to justify that:

- A. Participation of the individual is necessary to the federal award.
- B. The costs are reasonable and consistent with Board policy.

**DAF-8 - ACCOUNTABILITY AND CERTIFICATIONS**

All fiscal transactions must be approved by the [--\_\_\_\_\_*Superintendent*\_\_\_\_\_/Officer] who can attest that the expenditure is allowable and approved under the federal program. The [--  
\_\_\_\_\_*Superintendent*\_\_\_\_\_/Officer] submits all required certifications.

**DAF-9 - TIME-EFFORT REPORTING / OVERSIGHT**

The Superintendent will establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. The District will submit all reports as required by federal or state authorities.

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify the compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

**A. Compensation:** Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 CFR 200.431 Compensation – fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- 1. is reasonable for the services rendered, conforms to the District’s established written policy, and is consistently applied to both Federal and non-Federal activities; and
- 2. follows an appointment made in accordance with the District’s written policies and meets the requirements of Federal statute, where applicable.

**B. Time and Effort Reports:** Time and effort reports shall:

- 1. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- 2. be incorporated into the official records of the District;
- 3. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- 4. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- 5. comply with the District’s established accounting policies and practices;
- 6. support the distribution of the employee’s salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The [--

Superintendent /Officer is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

#### **DAF-10 - GRANT BUDGET RECONCILIATION**

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

#### **DAF-11 - SUB-RECIPIENT MONITORING AND MANAGEMENT**

When entering agreements involving the expenditure or disbursements of federal grant funds, the District shall determine whether the recipient of such federal funds is a "contractor" or "subrecipient", as those terms are defined in 2 CFR §200.23 and §200.93, respectively. See also guidance at 2 CFR §200.330 "Subrecipient and contractor determinations". Generally, "subrecipients" are instrumental in implementing the applicable work program whereas a "contractor" provides goods and services for the District's own use. Contractors will be subject to the District's procurement and purchasing policies (e.g., **DAF-3** relative to federal grant funds, **DJE** relative to bidding requirements for non-federal money projects, etc.). Subrecipients are subject to this Policy.

Under the UGG, the District is considered a "pass-through entity" in relation to its subrecipients, and as such requires that subrecipients comply with applicable terms and conditions (flow-down provisions). All subrecipients of Federal or State funds received through the District are subject to the same Federal and State statutes, regulations, and award terms and conditions as the District.

##### **A. Sub-award Contents and Communication.**

In the execution of every sub-award, the District will communicate the following information to the subrecipient and include the same information in the sub-award agreement.

1. Every sub-award will be clearly identified and include the following Federal award identification:
  - a) Subrecipient name
  - b) Subrecipient's unique ID number (DUNS)
  - c) Federal Award ID Number (FAIN)
  - d) Federal award date
  - e) Period of performance start and end date
  - f) Amount of federal funds obligated
  - g) Amount of federal funds obligated to the subrecipient
  - h) Total amount of the Federal award
  - i) Total approved cost sharing or match required where applicable
  - j) Project description responsive to FFATA
  - k) Name of Federal awarding agency, pass through entity and contact information
  - l) CFDA number and name
  - m) Identification of the award is R&D
  - n) Indirect cost rate for the Federal award

2. Requirements imposed by the District including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the District deems necessary for financial or performance reporting of subrecipients as necessary.
4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.
5. Requirements that the District and its auditors have access to the subrecipient records and financial statements.
6. Terms and conditions for closeout of the sub-award.

**B. Subrecipient Monitoring Procedures.**

The Superintendent is responsible for having all the District project managers monitor subrecipients. The District will monitor the activities of the subrecipient to ensure the sub-award is used for authorized purposes. The frequency of monitoring review will be specified in the sub-award and conducted concurrently with all invoice submission.

Subrecipient monitoring procedures include:

1. At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.
2. Evaluate each subrecipient's risk of noncompliance prior to executing a sub-award. In doing so, the District will assess the subrecipient's:
  - a) Prior experience with the same or similar sub-awards.
  - b) Results of previous audits and single audit (if applicable).
  - c) New personnel or new or substantially changed systems.
  - d) The extent and results of Federal awarding agency monitoring.
3. Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.
4. Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the sub-award. To facilitate this review, subrecipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage subrecipients to submit regular invoices.
5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
6. In conducting regular oversight and monitoring, the District project managers will:
  - a) Verify invoices that include progress reports.
  - b) Review progress reports to ensure project is progressing appropriately and on schedule.
  - c) Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
  - d) Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
  - e) Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
  - f) Review subrecipient match tasks for eligibility.
  - g) Initial the progress report and invoice confirming review and approval prior to payment.
  - h) Raise any concerns to the [-- \_\_\_\_\_ Superintendent \_\_\_/Officer].

7. The [--\_\_\_\_*Superintendent*\_\_\_\_/Officer], upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.
8. Payments will be withheld from subrecipients for the following reasons:
  - a) Insufficient detail to support the costs billed;
  - b) Unallowable costs;
  - c) Ineligible costs; and/or
  - d) Incomplete work or work not completed in accordance with required specifications.
9. Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.

**C. Subrecipient Project Files.** Subrecipient project files will contain, at a minimum, the following:

- a) Project proposal
- b) Project scope
- c) Progress reports
- d) Interim and final products
- e) Copies of other applicable project documents as required, such as copies of contracts or MOUs

**D. Audit Requirements.**

All subrecipients are required to annually submit their audit and Single Audit report to the District for review to ensure the subrecipient has complied with good accounting practices and federal regulations. If a deficiency is identified, the District will:

1. Issue a management decision on audit findings pertaining to the Federal award.
2. Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records.

**E. Methodology for Resolving Findings.**

The District will work with subrecipients to resolve any findings and deficiencies. To do so, the District may follow up on deficiencies identified through on-site reviews, provision of basic technical assistance, and other means of assistance as appropriate.

The District will only consider taking enforcement action against non-compliant subrecipients in accordance with 2 CFR 200.338 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- a) Temporarily withhold cash payments pending correction of the deficiency
- b) Disallow all or part of the cost of the activity or action not in compliance.
- c) Wholly or partly suspend or terminate the sub-award.
- d) Initiate suspension or debarment proceedings.
- e) Withhold further Federal awards for the project or program.
- f) Take other remedies that may be legally available.

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

**Legal References:**

42 USC 1751 – 66 National School Lunch Act

2 C.F.R. Part 180

2 C.F.R. Part 200

200.0 - 200.99; 200.305; 200.313(d); 200.317-.326; 200.403-.406; 200.413(a)-  
(c); 200.430; 200.431; 200.458; 200.474(b)

200 Appendix II

7 CFR Part 210

210.16; 210.19; 210.21; 215.14a; 220.16

***Legal References Disclaimer:** These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

**When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.**

**NHSBA history:** REVISED – July 2019; NEW POLICY – April 2019

**NHSBA notes: April 2019,** this policy was created to reflect requirements of Title 2 CFR Part 200, commonly known as the Uniform Grant Guidance.

**NHSBA note, July 2019,** NHSBA revised DAF to include [DAF-11](#), regarding sub-recipient monitoring, and modified [DAF-4](#) to include reference to “buy American” requirements.

w/p-update/2019 Spring/DAF Grant Mgt - 2019-7 (d)

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