



Thursday, May 5, 2022

AGENDA

Regular Business Meeting – **7:00 PM**
SAU 106 Boardroom

Christopher K. Kellan, Superintendent
Steven Finnegan, Chair
Kristin Savage, Vice Chair

1. **7:00 PM Call to Order – Chair**
2. **Roll Call – Clerk**
3. **Pledge of Allegiance**
4. **Approval of Minutes**
5. **Delegates and Individuals**
6. **Student Representative**
7. **Current Business**
 - a. **7:15 PM** Fiscal Year 2023 General Assurances - ACTION
 - b. **7:20 PM** Middle School Schedule Update - INFORMATIONAL
 - c. **7:25 PM** Supply Chain Assistance Funds - ACTION
 - d. **7:35 PM** Food Service RFP - ACTION
 - e. **7:45 PM** Federal Fiscal Monitoring Final Report - ACTION
 - f. **7:50 PM** Policies - ACTION
 - g. **7:55 PM** Special Education Compliance Audit - INFORMATIONAL
8. **8:05 PM Administrator's Report**
9. **8:10 PM Personnel Report**
10. **8:20 PM Committee Reports/Reports of the School Board**
11. **Correspondence Folder**
12. **Vendor and Payroll Registers**
13. **8:30 PM Other Business**
14. **Nonpublic Session**
15. **Future Dates**

DATE	MEETING TYPE	LOCATION	TIME
May 19	Regular Meeting	SAU Boardroom	7:00PM
June 2	Regular Meeting	SAU Boardroom	7:00PM
June 16	Regular Meeting	SAU Boardroom	7:00PM



BUSINESS MEETING AGENDA

1-3. OPEN MEETING

4. **APPROVAL OF MINUTES** (1 set of public meeting minutes 4/21/22; 1 set of nonpublic meeting minutes)

5. DELEGATES AND INDIVIDUALS

6. **STUDENT REP (Introduction of Kaylie Sheffield)**

7. CURRENT BUSINESS

a. **Fiscal Year 2023 General Assurances – ACTION**

Requirement by the NHDOE to act on the General Assurances, Requirements and Definitions for Participation in Federal Programs.

b. **Middle School Schedule Update – INFORMATIONAL**

Review the proposed 2022-2023 Middle School Schedule.

c. **Supply Chain Assistance Funds – ACTION**

Motion to act on the funds awarded to TRSD from the NHDOE, Office of Nutrition Programs and Services.

d. **Food Service RFP - ACTION**

Motion to act on selecting a Food Service Provider.

e. **Federal Fiscal Monitoring Final Report – ACTION**

Motion to act on the Federal Fiscal Monitoring Final Report provided by the NHDOE, Bureau of Federal Compliance.

f. **Policies- ACTION**

Second read of Policies ADB, BGF, DAF, and GBEC.

g. **Special Education Compliance Audit – INFORMATIONAL**

Review the FFY 2021 Local Education Agency determination letters from the NHDOE, Bureau of Special Education Support.

8. ADMINISTRATOR'S REPORT

Christopher K. Kellan to present.

9. PERSONNEL REPORT

10. **COMMITTEE REPORTS/REPORTS OF THE SCHOOL BOARD** – Board members to submit requests to serve on district committees for Chair consideration at the next board meeting.

11. **CORRESPONDENCE** – All correspondence now forwarded to board members as it comes in.

12. **VENDOR AND PAYROLL REGISTERS** – please be sure to review and sign electronically vendor and payroll registers.

13. **OTHER BUSINESS** – Board members to provide agenda items for future meeting consideration.

14. **NONPUBLIC SESSION** – If needed.

15. **FUTURE DATES** – As indicated.



Frank Edelblut
Commissioner

Christine Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
25 Hall Street
Concord, N.H. 03301
TEL. (603) 271-3495
FAX (603) 271-1953

April 4, 2022

TO: Superintendents

FROM: Lindsey Labonville, Administrator
Bureau of Federal Compliance

SUBJECT: General Assurances FY 2023

The New Hampshire Department of Education (NHDOE) has developed the attached "General Assurances, Requirements and Definitions for Participation in Federal Programs" document that must be signed by all agencies and organizations that receive federal funds through the NHDOE. The federally funded programs which flow money through the NHDOE require each applicant to file certain assurances. Some of these assurances apply to all programs and are therefore, considered "general assurances."

The submission of general assurances is required in part by:

- Federal regulation 34 CFR §76.301 of the Education Department General Administrative Regulations (EDGAR), which requires a general application for subgrantees/subrecipients for participation in federal programs funded by the U.S. Department of Education that meets the requirements of Section 442 of the General Education Provisions Act (GEPA).
- Applicable federal statutes.
- Applicable regulations of other federal agencies.

The NHDOE has consolidated the general assurances into one document which also now includes requirements and definitions in an effort to provide more guidance relative to implementation of the underlying assurances. NHDOE requests an annual submission for all of your Local Education Agencies (LEA's). This will simplify the collection of assurances and facilitate the requirement that the NHDOE Commissioner

of Education certify to the Secretary of Education the status of all LEAs. In New Hampshire both School Districts and School Administrative Units (SAUs) are considered LEA's. Individual program policy establishes which of these two entities may apply for federal funds. As such, both the Superintendent and the local School Board Chairperson are required to sign the certifications of the attached document.

I am requesting that you and the local School Board complete the certifications at the end of the enclosed general assurance document; initial each page in the spaces provided and return it in full to the attention of the Bureau of Federal Compliance. That office will notify the directors of all NHDOE programs approving federal funds to LEA's when they have received your assurances. The directors of the various federal programs are not to request additional copies from you, but to accept the Bureau of Federal Compliance list as the basis for determining compliance with these requirements as one item in their approval of proposals for funding. Other program specific assurances will still be requested from the LEA's by individual NHDOE programs.

Compliance with these general assurances will be subject to review by NHDOE staff during on-site federal compliance monitoring. Annual audits by CPA's in accordance with the Single Audit Act may also include compliance checks.

On the Certification page, please include the name and number of the SAU office and the name of the School District which will be applying for funds, both certifying parties are asked to execute the document, and return to the NHDOE Bureau of Federal Compliance office no later than **June 30, 2022**.

If you should have any questions regarding these general assurances, please contact Lindsey Labonville, Administrator of the Bureau of Federal Compliance at Lindsey.L.Labonville@doe.nh.gov or at 603-271-3837.

New Hampshire Department of Education

FY2023

GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS

Subrecipients of any Federal grant funds provided through the New Hampshire Department of Education (NHDOE) must submit a signed copy of this document to the NHDOE Bureau of Federal Compliance prior to any formula grant application being deemed to be “substantially approvable” or any discretionary grant receiving “final approval”. Once a formula grant is deemed to be in substantially approvable form, the subrecipient may begin to obligate funds which will be reimbursed upon final approval of the application by the NHDOE (34 CFR 708).

Any funds obligated by the subrecipient prior to the application being in substantially approvable form will not be reimbursable even upon final approval of the application by the NHDOE.

While there have been no significant changes notable in the last year, this FY2023 general assurances document contains a few minor differences from the FY2022 general assurances document. You are encouraged to do a side-by-side comparison of the two documents so that you thoroughly understand the requirements and deadlines to which you are agreeing.

Following your review and acceptance of these General Assurances, Requirements and Definitions for Participation in Federal Programs please sign the certification statement on the appropriate page and then initial each of the remaining pages where indicated.

Please note that the practice of the School Board authorizing the Superintendent to sign on behalf of the School Board Chair is not acceptable to the NHDOE in this case and will be considered non-responsive.

Once the document is fully executed, you may either email or mail a copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**

Should you have any questions please contact Lindsey Labonville at 603-271-3837, or Jessica Lescarbeau at 603-271-3808.

General Assurances, Requirements and Definitions for Participation in Federal Programs

A. General Assurances

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHDOE, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. The subrecipient will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- 4) The subrecipient will comply with the requirements of the assistance awarding agency (2 CFR 200.1 Definitions ‘*Federal Awarding Agency*’) with regard to the drafting, review and approval of construction plans and specifications.
- 5) The subrecipient will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- 6) The subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 7) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 8) The subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;

- (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - (i) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (j) The requirements of any other nondiscrimination statute(s) which may apply to the application.
- 9) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
 - 10) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
 - 11) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
 - 12) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
 - 13) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - 14) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
 - 15) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200.501, Subpart F, "Audit Requirements," as applicable.
 - 16) The recipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a subrecipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
 - 17) The control of funds provided to a subrecipient that is a Local Education Agency under each program,

and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.

- 18) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).
- 19) The subrecipient assures that it will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 20) The subrecipient will comply with the Stevens Amendment.
- 21) The subrecipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The subrecipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 22) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment [2CFR 200.415(a)].

"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."

- 23) If an LEA, the subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 24) If an LEA, the subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.
- 25) If an LEA, the subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational

research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.

- 26) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 27) The subrecipient will submit a fully executed and accurate Single-Audit Certification form to the NHDOE not later than December 31, 2022. The worksheet will be provided to each subrecipient by the NHDOE.
- 28) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 29) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 30) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988 and 34 CFR 84.200.
- 31) The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- 32) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 33) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.
- 34) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 35) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 36) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 37) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of

historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

38) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award (2 CFR 200.322).

B. Explanation of Grants Management Requirements

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

1. Financial Management Systems

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- e) Generate comparisons of expenditures with budget amounts for each federal award.

2. Written Policies and Procedures

The subrecipient must have written policies and procedures for:

Policy/Procedure Name	In Accordance With	Policy	Procedure
Drug-Free Workplace Policy	34 CFR 84.200 and the Drug-Free Workplace Act of 1988		N/A
Procurement Policy/Procedure	2 CFR 200.317-327		
Conflict of Interest/Standard of Conduct Policy	2 CFR 318(c)(1)		N/A
Inventory Management Policy/Procedure	2 CFR 200.313(d)		
District Travel Policy	2 CFR 200.475(b)		N/A

Policy/Procedure Name	In Accordance With	Policy	Procedure
Subrecipient Monitoring Policy/Procedure (if applicable)	2 CFR 200.332(d)		
Time and Effort Policy/Procedure	2 CFR 200.431		
Records Retention Policy/Procedure	2 CFR 200.334		
Prohibiting the Aiding and Abetting of Sexual Abuse Policy	ESEA 8546		N/A
Allowable Cost Determination Policy	2 CFR 200.302(b)(7)		N/A
Gun Free School Act	Gun Free School Act of 1994		N/A
Cash Management	2 CFR 200.302(b)(6) and 200.305		

3. Internal Controls

The subrecipient must:

- a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- c) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- d) Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- e) Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.334.

4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- a) in payment of obligations incurred during the approved project period;
- b) in conformance with the approved project;
- c) in compliance with all applicable statutes and regulatory provisions;
- d) costs that are allocable to a particular cost objective;
- e) spent only for reasonable and necessary costs of the program; and
- f) not used for general expenses required to carry out other responsibilities of the subrecipient.

5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted no later than nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHDOE Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHDOE template provided by the BFC for audit findings related to NHDOE funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide an explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHDOE funded programs. The BFC will review the subrecipient’s submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

6. Reports to be Submitted

Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at: [https://harvester.census.gov/facides/\(S\(mqamohbpfj0hmyh1r45p1po1\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpfj0hmyh1r45p1po1))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the subrecipient directly to:

- a) **New Hampshire Department of Education
Bureau of Federal Compliance**

25 Hall Street
Concord, NH 03301

Or via email to: federalcompliance@doe.nh.gov

- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

Single Audit Certification

A fully executed and accurate Single-Audit Certification form shall be submitted to the NHDOE no later than **December 31, 2022**. A copy of the form will be provided to each subrecipient by the NHDOE.

7. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.
- d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

8. Drug-Free Workplace (Grantees Other Than Individual)

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (34 CFR 84.610) is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
 - o The dangers of drug abuse in the workplace.
 - o The recipient's policy of maintaining a drug-free workplace.
 - o Any available drug counseling, rehabilitation, and employee assistance programs.
 - o The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
 - o Abide by the terms of the statement.
 - o Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e) Notifying the agency in writing within 5 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service
U.S. Department of Education
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]
Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).

- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
 - o Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
 - o Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

**9. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement)
Equity for Students, Teachers, and Other Program Beneficiaries**

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age**. Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

10. Gun Possession (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America’s Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrating officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
 - 1) Whether a firearm is legally licensed under RSA 159; or
 - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
 - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
 - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

11. Lobbying

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110, the applicant certifies that:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants,

and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

New Hampshire RSA 15:5 - Prohibited Activities.

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

12. Subrecipient Monitoring

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient monitoring procedures may include, but not be limited to, on-site or remote visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHDOE staff to the subrecipient regarding such audit.

13. More Restrictive Conditions

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be “high risk” shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

14. Obligations by Subrecipients

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

15. Personnel Costs – Time Distribution

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal

project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

16. Protected Prayer in Public Elementary and Secondary Schools

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools.

17. Purchasing/Procurement

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and 2 CFR 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

1. Informal procurement methods
 - a. Micro-purchases
 - b. Small purchases
2. Formal procurement methods
 - a. Sealed bids
 - b. Proposals
3. Noncompetitive procurement

18. Retention and Access to Records

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.334, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.337 (a) and (c), which states:

- a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.
- d) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

19. The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

20. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

C. Definitions (2 CFR 200.1)

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 (a) to report in the schedule of findings and questioned costs.
- 2) **Management decision** - *Management decision* means the Federal awarding agency's or pass-through entity's written determination, provided to the auditee, of the adequacy of the auditee's proposed corrective actions to address the findings, based on its evaluation of the audit findings and proposed corrective actions.
- 3) **Pass-through entity** - *Pass-through entity (PTE)* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- 4) **Period of performance** - *Period of performance* means the total estimate time interval between the start of an initial Federal award and the planned end date, which may include one or more

funded portions, or budget periods. Identification of the Period of Performance in the Federal award per 2 CFR 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.

- 5) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- 6) **Subrecipient** - *Subrecipient* mean an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

CERTIFICATION

Instructions: The Superintendent, or other Qualifying Administrator, if the School District or School Administrative Unit (SAU) does not have a Superintendent, (*See* RSA 194-C:5, II) **must** consult with the School Board for the School District/SAU by informing said School Board about the District's/SAU's participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHDOE. **No payment for project/grant awards will be made by the NHDOE without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHDOE Bureau of Federal Compliance.

Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District/SAU hereby apply for participation in federally funded education programs on behalf of the School District/SAU named below. I certify, to the best of my knowledge, that the below School District/SAU will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 17 inclusive). I further certify, as is evidenced by the Minutes of the School Board Meeting held on _____, _____, _____, that I have informed the members of the School Board of the federal funds the District/SAU will be receiving and of these General Assurances, Requirements and Definitions for the Participation in Federal Programs for the District's/SAU's participation in said programs.

SAU Number: _____ District or SAU Name: _____

Typed Name of Superintendent
or other Qualifying Administrator

Signature

Date

School Board Certification:

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board’s obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board’s oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal Programs in said programs.

Typed Name of School Board
Chair (on behalf of the School Board)

Signature

Date

Please email or mail a copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**



EXECUTIVE SUMMARY

May 3, 2022

TRMS would like to update the School Board regarding the upcoming change to next year's daily school schedule. Over the past 6 months, there have been multiple conversations, surveys to staff and parents as well as potential schedule drafts made to meet the needs of our students.

The final draft includes the following highlights:

- Streamlined schedule for all 3 grades throughout the day
- Seven, 50 minutes classes
- Students will attend their core classes every day
- Transition from trimesters to semesters
- Additional time for students at lunch

Through all the discussion and feedback, we believe that we have arrived at a schedule that will provide our middle school students the best possible schedule to meet their learning needs.

2022 - 2023 TRMS SCHEDULE PROPOSAL

<i>Time</i>	6th Grade	<i>Period</i>	<i>Time</i>	7th Grade	<i>Period</i>	<i>Time</i>	8th Grade	<i>Period</i>
7:25 7:43	Advisory	A	7:25 7:43	Advisory	A	7:25 7:43	Advisory	A
7:45 8:35	WL / UA / WIN	1st	7:45 8:35	Core 1	1st	7:45 8:35	WL / UA / WIN	1st
8:37 9:27	Core 1	2nd	8:37 9:27	Core 2	2nd	8:37 9:27	WL / UA / WIN	2nd
9:29 10:19	Core 2	3rd	9:29 10:19	WL / UA / WIN	3rd	9:29 10:19	WL / UA / WIN	3rd
10:21 11:39	Core 3 / Lunch	4th	10:21 11:11	WL / UA / WIN	4th	10:21 11:11	Core 1	4th
11:41 12:31	Core 4	5th	11:13 12:03	Core 3	5th	11:13 12:31	Core 2 / Lunch	5th
12:33 1:23	WL / UA / WIN	6th	12:05 1:23	Core 4 / Lunch	6th	12:33 1:23	Core 3	6th
1:25 2:15	WL / UA / WIN	7th	1:25 2:15	WL / UA / WIN	7th	1:25 2:15	Core 4	7th
Lunch 1 (Main Cafe) 10:45 - 11:03; Out 11:03 - 11:13			Lunch 7 (Main Cafe) 12:05 - 12:23; Out 12:23 - 12:33			Lunch 4 (Annex) 11:20 - 11:38; Out 11:38 - 11:48		
Lunch 2 (Annex) 10:55 - 11:13; Out 11:13 - 11:23			Lunch 8 (Annex) 12:15 - 12:33; Out 12:33 - 12:43			Lunch 5 (Main Cafe) 11:30 - 11:48; Out 11:48 - 11:58		
Lunch 3 (Main Cafe) 11:05 - 11:23; Out 11:23 - 11:33			Lunch 9 (Main Cafe) 12:25 - 12:43; Out 12:43 - 12:53			Lunch 6 (Annex) 11:40 - 11:58; Out 11:58 - 12:08		



EXECUTIVE SUMMARY

May 5, 2022

TRSD Receives Additional Funding from State Agency through the Commodity Credit Corporation

We have received \$58,862.29 from the New Hampshire Education Department, Office of Nutrition Programs and Services through the Commodity Credit Corporation as authorized under CCC Charter ACT (15 U.S.C. 714). These funds were awarded to Timberlane due to supply chain disruptions and the related financial challenges.

This funding award must be used to purchase unprocessed or minimally processed domestic food products for our students. We must further maintain purchasing and related records for review and audit purposes to support the spending of our award.

Respectfully submitted by:

Maria Watkins, CFO/Business Administrator



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495
FAX (603) 271-1953

April 26, 2022

The New Hampshire Education Department, Office of Nutrition Programs and Services (ONPS) is pleased to announce that your SAU will be receiving the additional funding awarded to the State Agency through the Commodity Credit Corporation (CCC) and authorized under the CCC Charter Act [15 U.S.C. 714]. The funds are to enhance local school districts' ability to purchase foods for school meals by offering resources needed to address supply chain challenges directly to schools and school districts. These resources will be referred to as Supply Chain Assistance (SCA) funds.

State agencies will distribute SCA funds to School Food Authorities (SFAs) to be used exclusively to purchase unprocessed or minimally processed domestic food products (also referred to as commodities) to help SFAs deal with challenges, such as unanticipated cancellation of food and supply contracts, reduced availability of certain foods, unexpected substitution of certain products, unpredictable increases in food and supply prices, and other obstacles related to pricing and/or availability that have been reported to or identified by State agencies administering the Child Nutrition Programs.

Your SAU has completed the attestation provided by the New Hampshire Education Department: Office of Nutrition Programs and Services. The attestation is intended to ensure that the SFA is experiencing a supply chain disruption and financial difficulties related to such; will use SCA funds only for purchasing unprocessed or minimally processed domestic food products; and will continue to observe all existing Program requirements regarding recordkeeping and accountability in connection with the use of their SCA funding.

In addition, all SFAs are required to maintain purchasing and other related records for review and audit purposes. Oversight of all Program funds is included in existing oversight and monitoring measures conducted by FNS and State agencies. As such, the use of SCA funds will be reviewed and monitored in the same manner as other funds within the nonprofit school food service account. The execution of these oversight measures, as well as the retention of purchase records, will ensure accountability and appropriate use of the SCA funds consistent with FNS and CCC requirements. Once deposited, emergency operational costs funds do not need to be tracked separately from other funds in the nonprofit food service account (i.e. the funds in these accounts are fungible).

The New Hampshire Education Department, Office of Nutrition Programs and Services (ONPS) determined the amount of funding provided to eligible Sponsors using a statutory formula established under the Act, as outlined in USDA Memo SP 03-2022, Allocation of Supply Chain Assistance (SCA) Funds to Alleviate Supply Chain Disruptions in the School Meal Programs.

Should any of your unaffiliated sites no longer be participating, please let me know immediately so we can adjust the dollar amount.

For technical assistance or questions regarding the above, please contact Patty Carignan at 603-271-3862 or patricia.j.carignan@doe.nh.gov.

Patty Carignan

Patty Carignan, Program Specialist
Office of Nutrition Programs and Services

USDA Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.



EXECUTIVE SUMMARY

May 5, 2021

Federal Funds Audit

On April 8, 2022, the Department of Education conducted the federal funds onsite monitoring procedure for Timberlane Regional School District. Eight grant activities and eleven policies were audited resulting in three findings that required the following actions:

1. Procurement Policy DAF – The policy requires minor updates to reflect the current federal requirements and process the District is following. Updated policy has been presented to the SB for adoption.
2. Sexual Abuse Policy GADA – Our district has not adopted this policy that is required under federal guidance. The new policy has been presented to the SB for adoption.
3. Four new procedures need to be adopted. New procedures had been drafted and they will be presented and reviewed at SLT. The required procedures are as follows:
 - a. Procurement Procedure
 - b. Inventory Management Procedure
 - c. Time and Effort Procedure
 - d. Record Retention Procedure

Respectfully Submitted By:

Maria Watkins, CFO/Business Administrator



New Hampshire

Department of Education

Federal Fiscal Monitoring Final Report
Timberlane Regional School District
School Year 2020-2021

Provided by the NHDOE, Bureau of Federal Compliance

May 2, 2022

Frank Edelblut
Commissioner



Christine M. Brennan
Deputy Commissioner

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, NH 03301-3860
TEL. (603) 271-3494
FAX (603) 271-1953**

May 2, 2022

Christopher Kellan, Superintendent, SAU 106
Steven Finnegan, School Board Chair
30 Greenough Road
Plaistow, NH 03865

Superintendent Kellan and School Board Chair Finnegan,

Thank you for assisting the New Hampshire Department of Education, Bureau of Federal Compliance (NHDOE, BFC) in the Federal funds onsite monitoring procedure for the Timberlane Regional School District, conducted on April 8, 2022 by Jessica Lescarbeau.

The attached report summarizes the information gathered during our visit and identifies our concerns relative to Federal grant fiscal compliance. Required corrective actions and associated timelines to rectify compliance issues are also included in the report. Also attached is the Corrective Action Plan (CAP). The CAP is for you to respond to the findings within the monitoring report. The CAP needs to be completed and sent back to the BFC no later than 30 calendar days after receiving the initial report via email.

If you have any questions or comments about the monitoring process and/or the resulting report, you are encouraged to contact Lindsey Labonville at Lindsey.L.Labonville@doe.nh.gov.

Sincerely,

Lindsey Labonville

Lindsey Labonville

cc:
Caitlin Davis, Director, NHDOE Division of Education Analytics and Resources (via email only)
Lindsey Labonville, NHDOE Bureau of Federal Compliance (via email only)
Maria Watkins, Business Administrator, SAU 106 (via email only)
Lisa Oliver, Assistance Business Administrator, SAU 106 (via email only)
Kristin Savage, School Board Vice-Chair, SAU 106 (via email only)
Kimberly Farah, School Board Member, SAU 106 (via email only)
Amy Gentile, School Board Member, SAU 106 (via email only)
Barbara Kiszka, School Board Member, SAU 106 (via email only)
Katie Knutsen, School Board Member, SAU 106 (via email only)
Kim McCormick, School Board Member, SAU 106 (via email only)
Mark Sherwood, School Board Member, SAU 106 (via email only)
Michael Boucher, School Board Member, SAU 106 (via email only)

Federally Required Policies and Procedures

Policy/Procedure Name	In Accordance With	Policy	Procedure	Comments
Drug-Free Workplace Policy	34 CFR 84.200 and the Drug-Free Workplace Act of 1988	<input type="checkbox"/>	N/A	Does not address the requirements of 34 CFR 84.200 or the Drug-Free Workplace Act of 1988.
Procurement Policy/Procedure	2 CFR 200.317-327	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Both policy and procedure require minor updates to reflect the current federal requirements and process the District is following.
Conflict of Interest/Standard of Conduct Policy	2 CFR 318(c)(1)	<input checked="" type="checkbox"/>	N/A	None
Inventory Management Policy/Procedure	2 CFR 200.313(d)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No inventory management procedure exists at this time.
District Travel Policy	2 CFR 200.475(b)	<input checked="" type="checkbox"/>	N/A	None
Subrecipient Monitoring Policy/Procedure (if applicable)	2 CFR 200.332(d)	<input type="checkbox"/>	<input type="checkbox"/>	N/A. District does not have subrecipients therefore this policy and procedure is not applicable.
Time and Effort Policy/Procedure	2 CFR 200.431	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No time and effort procedure exists at this time.
Records Retention Policy/Procedure	2 CFR 200.334	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No records retention procedure exists at this time.
Prohibiting the Aiding and Abetting of Sexual Abuse Policy	ESEA 8546	<input type="checkbox"/>	N/A	District has not adopted GADA. As a member of the NHSBA please see their policy example.
Allowable Cost Determination Policy	2 CFR 200.302(b)(7)	<input checked="" type="checkbox"/>	N/A	None
Gun Free School Act	Gun Free School Act of 1994	<input checked="" type="checkbox"/>	N/A	None

NHDOE’s review of the above policy/procedure documents is not intended to be all-inclusive. As such, there may be other federally non-compliance policies/procedures not addressed above. Ultimately, it is the District’s/SAU’s sole responsibility to meet any and all Federal compliance requirements as a recipient of Federal funds. Deficient policies/procedures identified above are notated below in ‘Finding #01’.

The New Hampshire Department of Education does not discriminate on the basis of race, color, religion, marital status, national/ethnic origin, age, sex, sexual orientation, or disability in its programs, activities and employment practices.

District GMS Reimbursement Requests

In addition to reviewing District/SAU policies required by Federal law and rule, eight (8) reimbursement requests for grant activities from the NHDOE Grants Management System (GMS) were selected for review. The selected activities were from the 2020-2021 school year and included the following Federal programs;

<i>Request #</i>	<i>Program</i>	<i>Project #</i>	<i>Month & Year of Project</i>	<i>Activity #</i>	<i>Activity Cost</i>	<i>Activity Description</i>
1	ESSER II	20211749	October 2021	109820	\$258,493.35	Books and Info Resources, Professional Development
2	IDEA	20211297	April 2021	92039	\$8,170.02	Teacher Salaries
3	IDEA	20211297	June 2021	98972	\$7,942.91	Professional Services
4	IDEA Preschool	20211297	June 2021	98972	\$12,007.09	Professional Services
5	Title I Part A	20211153	June 2021	96030	\$2,667.56	Salaries and Benefits
6	Title I Part A	20211153	June 2021	104070	\$696.02	General Supplies
7	Title II Part A	20211549	October 2021	102941	\$5,600.00	Professional Ed Services
8	Title II Part A	20211549	October 2021	102937	\$322.95	Salaries and Benefits

During our review, a couple instances of non-compliance were identified. These findings include non-compliance caused by the District's/SAU's lack of federally compliant procedures and non-compliance surrounding time and effort documentation and procurement. The details of our findings are listed below. Additionally, we make the following recommendations:

1. The District should review the most recent DAF released by the NHSBA (they have indicated they are members). The District's current DAF federal policy packet does not include the most recent updates to 2 CFR.

Please note that our review of the District's/SAU's management of its Federally funded grant activities was limited to our analysis of the eight GMS selections and was not designed to identify all potential deficiencies in Federal compliance that might exist. As such, other instances of non-compliance may exist that was not identified during the review process.

Findings

Finding #01

Criteria or specific requirements: The non-Federal entity must (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

Condition: During our onsite monitoring visit conducted on February 17, 2022, we noted procedures have not been created to include the requirements of Federal rules and laws for those transactions or activities that include Federal grant funds.

Questioned Costs: None.

Context: Of the eleven policies and procedures reviewed, all but two policies are in accordance with Federal guideline with minor updates needing to occur, however there are three procedures required to be created and implemented to be compliant.

Effect: The District did not adequately establish and maintain effective internal controls. The lack of internal controls is non-compliant with 2 CFR 200.303, which could lead to additional compliance concerns and questioned costs.

Cause: The District will need to create and implement procedure changes in a timely manner, disregard to this finding could lead to additional enforcement action under 2 CFR 200.

Requirement(s): The NHDOE is requiring the Timberlane Regional School District update their policies procedures to include the requirements of Federal rules and laws for those transactions or activities that include Federal grant funds. At the District’s discretion, separate policies and procedures may be developed for activities that use Federal funds versus those activities that are strictly funded using local or State sources. At a minimum, the following policies and procedures need to be created, updated, and/or implemented by the District:

1. Procurement Procedure in accordance with 2 CFR 200.317-327.
2. Inventory Management Procedure in accordance with 2 CFR 200.313(d)
3. Time and Effort Procedure in accordance with 2 CFR 200.431.
4. Records Retention Procedure in accordance with 2 CFR 200.334.
5. Drug-Free Workplace Policy in accordance with 34 CFR 84.200 and the Drug-Free Workplace Act of 1988.
6. Prohibiting the Aiding and Abetting of Sexual Abuse Policy in accordance with ESEA 8546.

The NHDOE has prepared several Federal Fund Fact Sheets that you may find to be a useful resource when creating and implementing procedures.

Finding #02

Criteria or specific requirements: As a recipient of Federal funds certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects is required. Time and effort reports shall; be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated, be incorporated into the official records of the District, reasonable reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities, encompass both Federally assisted and other activities compensated by the District on an integrated basis, comply with the District's established accounting policies and practices, and support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

Condition: During our monitoring visit conducted on April 8, 2022, a review of multiple programs was conducted (see table above). During the review of Title II Part A, Activity #102937 reimbursement request for October 2021, the time and effort sign in sheet utilized for the employees paid for attending a focus session does not have a certifying statement on it.

Questioned Costs: None.

Context: The timesheet provided to show the time spent relative to the Program in question did not meet all of the Federal requirements for such documentation. The documentation should include the following information; Grant information, time spent on the Grant, period of performance, name of employee, signature of employee and supervisor, signature must be dated after the period of performance, and a certifying statement that the information stated is true. Currently, the sign in sheet does not include a certifying statement. Time and effort documents shall be executed in accordance with policy and procedure.

Effect: Any request(s) for reimbursement of personnel expenses must meet the requirements of 2 CFR 200.430.

Cause: A lack of controls surrounding the time and effort procedure has led to this compliance concern and questioned cost.

Requirement(s): The NHDOE is requiring that the Timberlane Regional School District come into compliance by creating a Time and Effort Procedure which outlines internal controls taken to ensure such occurrence does not happen again. This is a repeat requirement from 'Finding #01' and no action needs to be taken as it would be duplicative.

Finding #03

Criteria or specific requirements: The acquisition of property or services which is higher than the micro-purchase threshold (\$10,000 at the time of the grant in question), but does not exceed the simplified acquisition threshold (\$250,000 established in the FAR) must follow small purchase procedures. Small purchase procedures include price or rate quotations obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity. Additionally, the non-Federal entity may select noncompetitive procurement as their procurement method, but must meet one of the five mentioned circumstances in 2 CFR 200.320(c). Lastly, general procurement standards must be followed.

Condition: During our monitoring visit conducted on April 8, 2022, a review of multiple Programs was conducted (see table above). Each contract exceeded the micro-purchase threshold however, multiple procurement requirements were not met. See list by Program below:

ESSER II

Activity #109820 Reimbursement request for October 2021- contract with Curriculum Associates for iReady:

- A cost or price analysis must be conducted for any service or product procured over the simplified acquisition threshold
- Profit negotiations are required for any procurement that there is no competition
- There is no domestic preference statement on the PO or within the contract
- No solicitation lists were provided
- Suspension and debarment was not verified via SAM.gov.
- The contracted agreement does not have the applicable contract clauses

IDEA/IDEA Preschool

Activity #98972 Reimbursement request for June 2021- contract with Sharon Parker, Behavior Specialist for ASD:

- No quotes were obtained
- Sole source procurement request to the NHDOE was never executed (in the absence of quotes)
- There is no domestic preference statement on the PO or within the contract
- No solicitation lists were provided
- Suspension and debarment was not verified via SAM.gov.
- The contracted agreement does not have the applicable contract clauses

Title II Part A

Activity #102941 Reimbursement request for October 2021- contract with Mike Anderson, Inc:

- There is no domestic preference statement on the PO or within the contract
- No solicitation lists were provided
- Suspension and debarment was not verified via SAM.gov.
- The contracted agreement does not have the applicable contract clauses

Questioned Costs: No questioned cost.

Context: While the various contracts offer services that are allowable under the Programs, procurement requirements are not being met.

Effect: Contracts of this size must follow small purchase procedures compliant with 2 CFR 200.320. Non-compliance could lead to additional compliance concerns and questioned costs.

Cause: A lack of controls surrounding the procurement policy has led to this compliance concern and questioned cost. While the Board has approved the DAF-3 policy for Procurement, the Business Office is not following it.

Requirement: The NHDOE is requiring that the Timberlane Regional School District create an all-inclusive Procurement Procedure, which will address the various requirements not met here. The Procurement Procedure requirement is duplicative of '*Finding #1*' and no further requirement will be necessary.

Timeline and Evidence for Findings

As the requirements of 2 CFR 200 went into effect approximately seven years ago, it is imperative the District/SAU come into compliance with these regulations by August 30, 2022. As the pass-through entity for the Federal grant funds, it is the NHDOE's responsibility to assure compliance of its subrecipients. As such, the NHDOE is requiring the District/SAU to complete the action by the required completion date listed below.

Finding #01

Required Completion Date: August 30, 2022. The CAP is required to be returned to the NHDOE within 30 calendar days of the date of this report. Failure to meet this deadline may result in the NHDOE taking enforcement actions allowed under 2 CFR 200.

Evidence of Completion: Provide the NHDOE with a copy of the completed compliant procedures and evidence of implementation. As well as the updated and adopted policies and evidence of adoption (meeting minutes will be acceptable).

Finding #02

Required Completion Date: August 30, 2022. The CAP is required to be returned to the NHDOE within 30 calendar days of the date of this report. Failure to meet this deadline may result in the NHDOE taking enforcement actions allowed under 2 CFR 200.

Evidence of Completion: Provide the NHDOE with a copy of the completed compliant Time and Effort Procedure and evidence of implementation (same as above).

Finding #03

Required Completion Date: August 30, 2022. The CAP is required to be returned to the NHDOE within 30 calendar days of the date of this report. Failure to meet this deadline may result in the NHDOE taking enforcement actions allowed under 2 CFR 200.

Evidence of Completion: Provide the NHDOE with a copy of the completed compliant Procurement Procedure and evidence of implementation (same as '*Finding #01*').

-END OF DOCUMENT-

NHDOE Federal Funds Monitoring

Corrective Action Plan

(Use a separate form for each Corrective Action Item)

Subrecipient Contact:

Subrecipient (District):

Finding Number:

Description of Finding:

Date Plan Filled Out:

Please check the box that most appropriately matches the District's status in implementing the Corrective Action Plan (CAP). Please also provide any documentation that supports the District's assertion that the CAP has been fully implemented.

- (1) Partially implemented
- (2) Fully implemented
- (3) No further action required (provide detailed explanation below)

Name of person completing this form

Date

If options (1) is selected, please explain the implementation status as well as the anticipated completion date in the space below:

Corrective Action Plan Update or other explanation as necessary, (status date: / /)

If option (2) or (3) is selected, please explain how the plan was implemented or why no further action is required in the space below:

Please return to the Bureau of Federal Compliance within 30 days of receipt.

The New Hampshire Department of Education does not discriminate on the basis of race, color, religion, marital status, national/ethnic origin, age, sex, sexual orientation, or disability in its programs, activities and employment practices.



TRSD POLICY COMMITTEE'S RECOMMENDATIONS TO THE SCHOOL BOARD

May 5, 2022

Second Read

Policy	Changes/Recommendations
ADB Drug-Free Workplace & Drug-Free Schools	Second Read and Adopt
BGF Waiving, Suspending and Revoking Policies	Second Read and Adopt
DAF Administration of Federal Grant Funds	Second Read and Adopt
GBEC Drug-Free Workplace	Second Read and Adopt

Timberlane Regional School District	Policy Code: ADB/GBEC
Adopted: 1-6-22	Page 1 of 3

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i)

determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Timberlane Regional School Board	Policy Code: BGF
Adopted: 09-20-01 Revised: 03-17-16 Revised: 06-01-17 Revised:	Page 1 of 1

WAIVING, SUSPENDING AND REVOKING POLICIES

Waiving a Policy

The Board may waive a policy only when all the following conditions are met:

- the proposed policy to be waived has been publicly announced to the School Board at least one week prior to the Board's vote;
- the waiver is for a one-time action by the Board or administration;
- the vote is held at a properly noticed meeting; and
- a majority of Board members present agree.

In cases of emergency meetings, or justifiable situations where inadequate prior notice was given the Board, a majority vote by all Board members present is required to waive a policy.

Suspending a Policy

Policies may also be suspended by the Board but only when all the following conditions are met:

- the proposed policy to be suspended has been publicly announced to the School Board at least one week prior to the Board's vote;
- the proposed suspension stipulates a specific time period for the suspension, after which the policy comes back into force;
- the policy is not suspended for more than one academic year;
- the policy and intention to suspend shall be included in the Board's agenda packet; and
- a ~~two-thirds~~ majority vote of the entire Board membership in favor at a properly noticed, regular meeting in which written notice of the policy to be suspended was included on the agenda.

Revoking a Policy

Policies may be revoked when all the following conditions have been met:

- a majority vote of the Policy Committee to recommend revocation at least two weeks prior to a Board vote;
- the Policy Committee takes into consideration any associated policies and procedures that may need to be rescinded or amended; ~~and~~
- inclusion on the Board's agenda of the policy and intention to revoke; ~~and~~
- a majority vote of the entire Board membership in favor at a properly noticed, regular meeting in which written notice of the policy to be revoked was included on the agenda.

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ADMINISTRATION OF FEDERAL GRANT FUNDS

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:

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DAF-2	CASH MANAGEMENT AND FUND CONTROL.....	6
DAF-3	PROCUREMENT	8
DAF-4	PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM.....	15
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NOTE: 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 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 **or designee** 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

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federal and/or state 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

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- 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

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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

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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.

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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.~~

~~Pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the initial Federal awarding agency or of the NHDOE or other pass-through entity.~~

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.

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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 may use its own funds to make disbursements, and request reimbursement once expenditures are paid. Alternatively, should the District seek disbursement prior to an expenditure, 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 ~~CFO/Business Administrator Superintendent or designee~~ 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.

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- 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 policies, Policy DJ ‘Purchasing’, and Policy DJB ‘Purchasing Procedures’ and Procedure DJB-R ‘Purchasing Procedures for Federal Funds Purchases’.

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

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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

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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 District Policy DJE Bidding Requirements. 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

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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

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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)~~ 324). 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

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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 Debarment:** 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 ensue. 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 (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).

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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. **Clause for Remedies Arising from Breach:** 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. **Termination Clause:** 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. **Anti-Pollution Clause:** 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. **Anti-Lobbying Clause:** 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 (F I).
5. **Negotiation of Profit:** 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~~ 324(b)).
6. **"Domestic Preference" Requirement:** The District must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, to the greatest extent practicable. 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. subcontractor, food service management companies, etc.). It also generally applies to all purchases, even those below the micro-purchase threshold, unless otherwise stipulated by the Federal awarding agency. See also additional "Buy American" provisions in DAF-4.C regarding food service procurement.
7. **Huawei Ban:** The District may not use Federal funds to procure, obtain, or enter into or renew a contract to procure or obtain equipment, services, or systems which substantially use telecommunications equipment or services produced by Huawei Technologies Company or ZTE Corporation, or any of their subsidiaries.

I. Bid Protest: The District maintains the following protest procedures to handle and resolve

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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 debarment/suspension queries or actions. Such records shall be retained consistent with District Policy EHB 'Data Records Retention' and District Procedure EHB-R 'Local Records Retention Schedule'.

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;

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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

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remains in compliance with the Buy American requirement, the Superintendent or designee 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; and
- d) Examine product packaging for identification of the country of origin.

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 or ~~CFO/ Business Administrator~~ designee, 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 affecting 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:

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- 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 ~~CFO/Business Administrator (for non-technology) or the Director of Technology (for technology-related items)~~ Superintendent or designee 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 ~~CFO/Business Administrator (for non-technology) or the Director of Technology (for technology-related items)~~ Superintendent or designee shall cause a physical inventory of all equipment and pilferable items to be taken and the results reconciled with the property records ~~at least once every two years~~. Except as otherwise provided in this policy ~~DAF DAF-6~~, inventories shall be conducted consistent with Board Policy DID Fixed Assets (Inventories).

- 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.

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The validity of payments for travel costs for all district employees and school officials shall be determined by the CFO/Business Administrator.

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 ~~CFO/Business Administrator~~ **Superintendent or designee** 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 ~~CFO/Business Administrator~~ **Superintendent or designee** who can attest that the expenditure is allowable and approved under the federal program. The Superintendent 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

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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 or designee 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

A. 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.

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B. Grant Closeout Requirements: At the end of the period of performance or when the Federal awarding agency determines the District has completed all applicable administrative actions and all required work under the grant, the agency will close out the Federal award. If the award passed-through the State, the District will have 90 days from the end of the period of performance to submit to the State all financial, performance, and other reports as required by the terms and conditions of the award.

Failure to submit all required reports within the required timeframe will necessarily result in the Federal awarding agency reporting the District's material failure to comply with the terms of the grant to the Office of Management and Budget (OMB), and may pursue other enforcement actions.

The District must maintain all financial records and other documents pertinent to the grant for a period of three years from the date of submission of the final expenditure report, barring other circumstances detailed in 2 CFR 200.344.

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's 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

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- 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).

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- 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 or designee.
7. The Superintendent or designee, 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

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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:

1. Project proposal;
2. Project scope;
3. Progress reports;
4. Interim and final products; and
5. 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 200.339 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

1. Temporarily withhold cash payments pending correction of the deficiency;
2. Disallow all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the sub-award;
4. Initiate suspension or debarment proceedings;
5. Withhold further Federal awards for the project or program; and/or

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6. Take other remedies that may be legally available.

Legal References:

42 USC 1751 - 66 National School Lunch Act

2 CFR Part 180

2 CFR 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

Related Policy/Procedures:

DID Fixed Assets (Inventories)

DJ Purchasing

DJB Purchasing Procedures

DJB-R Purchasing Procedures for Federal Funds Purchases

DKC Expense Reimbursements

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DRUG-FREE WORKPLACE

The School District will provide a drug-free workplace with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 and the Drug-free workplace requirements for Federal contractors, 41 U.S.C. §701. See also policies ADB and JICH and appendix GBEC-R

Legal Reference:

RSA 193-B, Drug Free Zones

41 USC Section 701 Et. Seq., Drug Free Workplace Requirements for Federal Grant Recipients

Public Law 101-226, Drug Free Schools and Communities Act of Amendments of 1989



May 5, 2022

EXECUTIVE SUMMARY

Special Education

Special Education Audit Update

We continue to gather and organize information as part of our Special Education Audit and expect to provide a comprehensive report in June 2022.

- Reviewed professional and support staff at each school
- Reviewed and have proposed reassignment of special educators and related service providers to schools and/or grade levels
- Adjusted caseloads for continuity and equity across the SAU
- Identified possible programming needs at each level with staffing needs
- Reviewed anticipated evaluations for the 2022-2023 school year for special educators and related service providers
- Created surveys for parents, related service providers and special educators, administrators and paraprofessionals to help gather more information

Programs

- Identified staffing needs for programs
- Started work on criteria for entrance to programs
- Identified programs at each level that may tentatively be needed
- Reviewed out of district students and current placements (most of our students are placed due to being identified as ASD or ED grades 1-12 plus)

LEA Determination Report

- TRSD was identified as a district in need of intervention
- Last monitoring (though some similar areas that were measured) was in 2017-2018
- Items that had been corrected after the last audit have come back due to lack of staffing and turn over
- Some of the areas that did not need intervention in are areas that we have done corrective action on this year and staff have been consistent in their practices
- Administrators will attend an informational session as a team (over zoom) on May 12th from 10 AM-12 PM to find out the next steps in the intervention process

Respectfully Submitted,

Kelley Brooks
Director of Special Education

Frank Edelblut
Commissioner



Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495
FAX (603) 271-1953

April 18, 2022

Brian Cochrane, Superintendent
Timberlane Regional School District
30 Greenough Road
Plaistow, NH 03865

Dear Superintendent Cochrane:

The New Hampshire Department of Education, Bureau of Special Education Support (Bureau) is issuing the FFY 2021 Local Education Agency (LEA) determination letters for each school district. The determinations, required under the Individuals with Disabilities Education Act 2004, are part of the on-going efforts to improve results for children and youth with disabilities.

Pursuant to 34 CFR 300.600(a)(2), the Bureau is required to determine if districts meet the requirements and purposes of IDEA and other state focused areas of need. The rubric criteria may change from year to year based on the federal requirements and State data.

School district determinations are made using the same four categories that the Office of Special Education Programs (OSEP) used when making the determination of States. The four categories of determination based on the rubric criterion are:

- Meets the requirements and purposes of the IDEA;
- Needs assistance in implementing the requirements of the IDEA;
- Needs intervention in implementing the requirements of the IDEA; or
- Needs substantial intervention in implementing the requirements of the IDEA or substantial failure to comply with the requirements of IDEA.

There are specific technical assistance or supports, consistent with the level of need signaled by the determination, for any district that does not meet the requirements of the IDEA.

In making our determination for each district, the Bureau considers the totality of the information we have about each district as outlined on the attached LEA Determination Rubric for your district. Each results section percentage score is determined by the percent of points received by the district in that particular section and the overall LEA Determination is established by the combination of results sections.

The Bureau has reviewed the information and determined that the Timberlane Regional School District **Needs Intervention** based on the established criteria.

The Bureau will support the district leadership team with completing a root cause analysis on an identified area(s) of need as determined by the LEA Determination Rubric. The district will develop a plan on how to address the area of need identified through the root cause analysis. The bureau will provide technical assistance and/or training for all areas that district identifies in their plan. Districts will be required to provide periodic progress reports to the bureau over the next year.

Brian Cochrane, Superintendent
Timberlane Regional School District
April 18, 2022
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The Bureau would like to provide NI districts with an orientation meeting for districts' leadership on Determination process and to answer questions. Please have your district leadership register for one of the zoom orientation meeting dates and times offered below:

Date and Time	Registration Link for Orientation Meeting Below:
Tuesday, May 10, 2022 10:00am – 12:00pm	Register Here
Thursday, May 12, 2022 10:00am – 12:00pm	Register Here
Thursday, May 19, 2022 10:00am – 12:00pm	Register Here
Wednesday, May 25, 2022 1:00pm – 3:00pm	Register Here

If you have any questions, about the LEA Determinations, please contact Elizabeth Graichen at (603) 271-4982 or Elizabeth.J.Graichen@doe.nh.gov.

The Bureau is committed to supporting school district's efforts to improve results for children with disabilities.

Sincerely,



Rebecca Fredette
Administrator, Bureau of Special Education Support
State Director of Special Education

cc: Kelley Brooks, Special Education Director

Enclosures:
LEA Determination Rubric

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

LEA:	Timberlane Regional	Determination:	Needs Intervention
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DETERMINATIONS MADE BASED ON INDIVIDUAL SECTION RESULTS AS DESCRIBED ON PAGE 2

SUMMARY

1. Results Based	
Area	Score
A Indicator 1: Graduation	2
B Indicator 2: Drop Out	2
C.1 Indicator 5A: Ed Environments	2
C.2 Indicator 5B: Ed Environments	2
C.3 Indicator 5C: Ed Environments	2
D.1 Indicator 6A: Preschool Environments	2
D.2 Indicator 6B: Preschool Environments	0
E.1 Indicator 7A1: Preschool Outcomes	2
E.2 Indicator 7A2: Preschool Outcomes	2
E.3 Indicator 7B1: Preschool Outcomes	2
E.4 Indicator 7B2: Preschool Outcomes	2
E.5 Indicator 7C1: Preschool Outcomes	2
E.6 Indicator 7C2: Preschool Outcomes	2
F Indicator 8: Parent Involvement <i>(going forward)</i>	NA
G.1 Indicator 14A: Post-School Outcomes <i>(going forward)</i>	NA
G.2 Indicator 14B: Post-School Outcomes <i>(going forward)</i>	NA
G.3 Indicator 14C: Post-School Outcomes <i>(going forward)</i>	NA
Total Score:	24/26
Percent of Total:	92.31%
Section Result:	Needs Substantial Intervention
2. Assessment	
Area	Score
A.1 Indicator 3A: Reading Participation (4)	2
A.2 Indicator 3A: Reading Participation (8)	2
A.3 Indicator 3A: Reading Participation (11)	2
A.4 Indicator 3A: Math Participation (4)	2
A.5 Indicator 3A: Math Participation (8)	2
A.6 Indicator 3A: Math Participation (11)	2
B.1 Indicator 3B: Reading Proficiency (4)	2
B.2 Indicator 3B: Reading Proficiency (8)	0
B.3 Indicator 3B: Reading Proficiency (11)	0
B.4 Indicator 3B: Math Proficiency (4)	2
B.5 Indicator 3B: Math Proficiency (8)	2
B.6 Indicator 3B: Math Proficiency (11)	0
C.1 Indicator 3C: Alt Reading Proficiency (4)	0
C.2 Indicator 3C: Alt Reading Proficiency (8)	0
C.3 Indicator 3C: Alt Reading Proficiency (11)	NA
C.4 Indicator 3C: Alt Math Proficiency (4)	0
C.5 Indicator 3C: Alt Math Proficiency (8)	0
C.6 Indicator 3C: Alt Math Proficiency (11)	NA
D.1 Indicator 3D: Gap Reading Proficiency (4)	2

D.2 Indicator 3D: Gap Reading Proficiency (8)	0
D.3 Indicator 3D: Gap Reading Proficiency (11)	0
D.4 Indicator 3D: Gap Math Proficiency (4)	0
D.5 Indicator 3D: Gap Math Proficiency (8)	0
D.6 Indicator 3D: Gap Math Proficiency (11)	0
E Alt Assessment Participation (1%)	0
Total Score:	20/46
Percent of Total:	43.48%
Section Result:	Needs Assistance
3. Compliance	
Area	Score
A Indicator 4B: Suspension/Expulsion	0
B Indicator 9: Disproportionate Rep.	0
C Indicator 10: Disproportionate Rep./Dis.	0
D Indicator 11: Child Find	1
E Indicator 12: Early Childhood Transition	0
F Indicator 13: Secondary Transition <i>(going forward)</i>	NA
Total Score:	1/10
Percent of Total:	10.00%
Section Result:	Meets Requirements
4. Additional/Other Factors	
Area	Score
A Grants: FY22 Grant Submission	0
B Grants: 50% Allocated (Budgeted) by Jan 1st.	0
C Grants: Percent of Allocation Returned	0
D Grants: Reporting Monthly <i>(going forward)</i>	NA
E Last Monitored (CIM)	0
F Submission of CEIS Data	NA
G Substantiated Sp. Ed. Complaint Allegations	1
H SPED Admin Turnover <i>(going forward)</i>	NA
I Use of NHSEIS <i>(going forward)</i>	NA
Total Score:	1/10
Percent of Total:	10.00%
Section Result:	Meets Requirements

Section Results Scale:	% of possible points
Meets Requirements.....	00.00% – 38.00%
Needs Assistance	38.01% – 65.00%
Needs Intervention	65.01% – 85.00%
Needs Substantial Intervention	85.01% – 100.00%

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

LEA Determinations are based on individual section results using the following:

Step 1:

- Are there 2 or more section results of Needs Substantial Intervention?
 - Yes – LEA Determination of **Needs Substantial Intervention**
 - No – go to Step 2.

Step 2:

- Are there 2 or more section results of Needs Intervention or one section result of Needs Substantial Intervention?
 - Yes – LEA Determination of **Needs Intervention**
 - No – go to Step 3.

Step 3:

- Are there no section results of Needs Substantial Intervention and 2 or more section results of Needs Assistance or 1 section result of Needs Intervention?
 - Yes – LEA Determination of **Needs Assistance**
 - No – got to Step 4

Step 4:

- Are there 4 section results of Meets Requirements or 3 section results of Meets Requirements & 1 section result of Needs Assistance?
 - Yes – LEA Determination of **Meets Requirements**

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

1. Results Based				
Data Point	Rubric	Target	LEA Data	LEA Score
A. Indicator 1: Graduation	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 95%	80.36	2
<p>Graduation: Percent of youth with IEPs graduating with regular high school diploma.</p> <p>State Data: 78.45%</p> <p>Target: <u>Greater than or equal to 95%</u> of youth with IEPs graduating (exiting) from high school with a regular high school diploma in school year 2020-2021</p> <p>Data Source: Reported by the district through NHSEIS</p>				
B. Indicator 2: Dropout	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	< = 0.65%	16.07	2
<p>Dropout: Percent of youth with IEPs dropping out of high school</p> <p>State Data: 9.54%</p> <p>Target: <u>Less than or equal to 0.65%</u> of youth with IEPs dropping out of high school in school year 2020-2021</p> <p>Data Source: Reported by the district through NHSEIS</p>				
C.1. Indicator 5A: Ed Environments	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 74%	65.69	2
<p>Educational Environments: Percent of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day</p> <p>State Data: 73.75%</p> <p>Target: <u>Greater than or equal to 74%</u> of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day in school year 2020-2021</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
C.2. Indicator 5B: Ed Environments	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	< = 7%	7.48	2
<p>Educational Environments: Percent of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 served inside the regular class less than 40% of the day</p> <p>State Data: 8.94%</p> <p>Target: <u>Less than or equal to 7%</u> of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 served inside the regular class less than 40% of the day in school year 2020-2021</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS</p>				
C.3. Indicator 5C: Ed Environments	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	< = 2.05%	4.40	2
<p>Educational Environments: Percent of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 in separate schools, residential facilities, or homebound/hospital placements</p> <p>State Data: 2.46%</p> <p>Target: <u>Less than or equal to 2.05%</u> of children with IEPs aged 5 who are in kindergarten and aged 6 through 21 in separate schools, residential facilities, or homebound/hospital placements in school year 2020-2021</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS</p>				
D.1. Indicator 6A: Preschool Environments	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 60%	22.22	2
<p>Preschool Environments: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program</p> <p>State Data: 41.51%</p> <p>Target: <u>Greater than or equal to 60%</u> of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program in school year 2020-2021</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
D.2. Indicator 6B: Preschool Environments	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	< = 12%	4.44	0
<p>Preschool Environments: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program attending a separate special education class, separate school or residential facility</p> <p>State Data: 12.48%</p> <p>Target: <u>Less than or equal to 12%</u> of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program attending a separate special education class, separate school or residential facility in school year 2020-2021</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS</p>				
E.1. Indicator 7A1: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 80%	52.63	2
<p>Preschool Outcomes: Preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships) – of those preschool children who entered the preschool program below age expectations in each outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.</p> <p>State Data: 75.05%</p> <p>Target: <u>Greater than or equal to 80%</u> of those preschool children who entered the preschool program below age expectations in each outcome substantially increased their rate of growth by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				
E.2. Indicator 7A2: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 62%	59.26	2
<p>Preschool Outcomes: Preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships) – the percent of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program</p> <p>State Data: 53.15%</p> <p>Target: <u>Greater than or equal to 62%</u> of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
E.3. Indicator 7B1: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 80%	66.67	2
<p>Preschool Outcomes: Preschool children aged 3 through 5 with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy) – of those preschool children who entered the preschool program below age expectations in each outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.</p> <p>State Data: 75.34%</p> <p>Target: <u>Greater than or equal to 80%</u> of those preschool children who entered the preschool program below age expectations in each outcome substantially increased their rate of growth by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				
E.4. Indicator 7B2: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 61.5%	51.85	2
<p>Preschool Outcomes: Preschool children aged 3 through 5 with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy)</p> <p>State Data: 51.63%</p> <p>Target: <u>Greater than or equal to 61.50%</u> of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				
E.5. Indicator 7C1: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 77.5%	72.73	2
<p>Preschool Outcomes: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved use of appropriate behaviors to meet their needs – of those preschool children who entered the preschool program below age expectations in each outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.</p> <p>State Data: 76.26%</p> <p>Target: <u>Greater than or equal to 77.50%</u> of those preschool children who entered the preschool program below age expectations in each outcome substantially increased their rate of growth by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
E.6. Indicator 7C2: Preschool Outcomes	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	> = 63.5%	59.26	2
<p>Preschool Outcomes: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved use of appropriate behaviors to meet their needs – the percent of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program</p> <p>State Data: 49.88%</p> <p>Target: <u>Greater than or equal to 63.50%</u> of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program in school year 2020-2021</p> <p>Data Source: Reported by district through AEPS (Assessment, Evaluation, & Programming System) or TS Gold (Teaching Strategies)</p>				
F. Indicator 8: Parent Involvement <i>(going forward)</i>	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>NR: No Responses..... 1 Point</i>	NA	NA	NA
<p>Parent Involvement: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities</p> <p>State Data: 51.92%</p> <p>Target: <u>Greater than or equal to 39%</u> of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities in school year 2020-2021</p> <p>Data Source: Parent Involvement Survey</p>				
G.1. Indicator 14A: Post School Outcomes <i>(going forward)</i>	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>NR: No Responses..... 1 Point</i> <i>Not Applicable..... NA</i>	NA	NA	NA
<p>Post School Outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education within one year of leaving high school</p> <p>State Data: 45.45%</p> <p>Target: <u>Greater than or equal to 45.5%</u> of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education within one year of leaving high school from school year 2019-2020</p> <p>Data Source: Exiting Report – reported by district through NHSEIS, Surveys – districts send to students who are one year post exit from school</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
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G.2. Indicator 14B: Post School Outcomes <i>(going forward)</i>	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>NR: No Responses..... 1 Point</i> <i>Not Applicable..... NA</i>	NA	NA	NA
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Post School Outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education or competitively employed within one year of leaving high school

State Data: 80.30%

Target: Greater than or equal to 80.3% of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education or competitively employed within one year of leaving high school from school year **2019-2020**

Data Source: Exiting Report – reported by district through NHSEIS, Surveys – districts send to students who are one year post exit from school

G.3 Indicator 14C: Post School Outcomes <i>(going forward)</i>	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>NR: No Responses..... 1 Point</i> <i>Not Applicable..... NA</i>	NA	NA	NA
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Post School Outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school

State Data: 93.94%

Target: Greater than or equal to 93.94% of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from school year **2019-2020**

Data Source: Exiting Report – reported by district through NHSEIS, Surveys – districts send to students who are one year post exit from school

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

2. Assessment

Data Source: Assessment data sent to NHDOE
SAT Proficiency: Students scoring at Achievement Levels 3 and 4
Alt Assessment Proficiency: Students scoring At Target or Advanced

Data Point	Rubric	Target	LEA Data	LEA Score
A.1 Indicator 3A: Statewide Assessment – Reading Participation Grade 4	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 95%	77.97	2
Reading Participation Grade 4: Assessment participation rate for children with IEPs in grade 4 State Data: 77.44% Target: <u>Greater than or equal to 95%</u> overall reading assessment participation rate for children with IEPs in school year 2020-2021				
A.2 Indicator 3A: Statewide Assessment – Reading Participation Grade 8	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 95%	76.32	2
Reading Participation Grade 8: Assessment participation rate for children with IEPs in grade 8 State Data: 66.97% Target: <u>Greater than or equal to 95%</u> overall reading assessment participation rate for children with IEPs in school year 2020-2021				
A.3 Indicator 3A: Statewide Assessment – Reading Participation Grade 11	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 95%	50.00	2
Reading Participation Grade 11: Assessment participation rate for children with IEPs in grade 11 State Data: 56.98% Target: <u>Greater than or equal to 95%</u> overall reading assessment participation rate for children with IEPs in school year 2020-2021				
A.4 Indicator 3A: Statewide Assessment – Math Participation Grade 4	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 95%	79.66	2
Math Participation Grade 4: Assessment participation rate for children with IEPs in grade 4 State Data: 78.29% Target: <u>Greater than or equal to 95%</u> overall math assessment participation rate for children with IEPs in school year 2020-2021				
A.5 Indicator 3A: Statewide Assessment – Math Participation Grade 8	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i>	> = 95%	73.68	2
Math Participation Grade 8: Assessment participation rate for children with IEPs in grade 8 State Data: 67.04% Target: <u>Greater than or equal to 95%</u> overall math assessment participation rate for children with IEPs in school year 2020-2021				

Data Point	Rubric	Target	LEA Data	LEA Score
A.6 Indicator 3A: Statewide Assessment – Math Participation Grade 11	Met target..... 0 Points Did not meet target..... 2 Points	> = 95%	50.00	2
Math Participation Grade 11: Assessment participation rate for children with IEPs in grade 11 State Data: 56.98% Target: <u>Greater than or equal to 95%</u> overall math assessment participation rate for children with IEPs in school year 2020-2021				
B.1. Indicator 3B: Statewide Assessment – Reading Proficiency Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 14.68%	6.82	2
Reading Proficiency Grade 4: Reading proficiency rate for children with IEPs in grade 4 against grade level academic achievement standards State Data: 14.68% Target: <u>Greater than or equal to 14.68%</u> reading proficiency rate for children with IEPs in grade 4 against grade level academic achievement standards in school year 2020-2021				
B.2. Indicator 3B: Statewide Assessment – Reading Proficiency Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 10.04%	11.11	0
Reading Proficiency Grade 8: Reading proficiency rate for children with IEPs in grade 8 against grade level academic achievement standards State Data: 10.04% Target: <u>Greater than or equal to 10.04%</u> reading proficiency rate for children with IEPs in grade 8 against grade level academic achievement standards in school year 2020-2021				
B.3. Indicator 3B: Statewide Assessment – Reading Proficiency Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 20.46%	35.48	0
Reading Proficiency Grade 11: Reading proficiency rate for children with IEPs in grade 11 against grade level academic achievement standards State Data: 20.46% Target: <u>Greater than or equal to 20.46%</u> reading proficiency rate for children with IEPs in grade 11 against grade level academic achievement standards in school year 2020-2021				
B.4. Indicator 3B: Statewide Assessment – Math Proficiency Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 15.76%	15.56	2
Math Proficiency Grade 4: Math proficiency rate for children with IEPs in grade 4 against grade level academic achievement standards State Data: 15.76% Target: <u>Greater than or equal to 15.76%</u> math proficiency rate for children with IEPs in grade 4 against grade level academic achievement standards in school year 2020-2021				

Data Point	Rubric	Target	LEA Data	LEA Score
B.5. Indicator 3B: Statewide Assessment – Math Proficiency Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 6.2%	1.92	2
Math Proficiency Grade 8: Math proficiency rate for children with IEPs in grade 8 against grade level academic achievement standards State Data: 6.20% Target: <u>Greater than or equal to 6.2%</u> math proficiency rate for children with IEPs in grade 8 against grade level academic achievement standards in school year 2020-2021				
B.6. Indicator 3B: Statewide Assessment – Math Proficiency Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 7.47%	12.90	0
Math Proficiency Grade 11: Math proficiency rate for children with IEPs in grade 11 against grade level academic achievement standards State Data: 7.47% Target: <u>Greater than or equal to 7.47%</u> math proficiency rate for children with IEPs in grade 11 against grade level academic achievement standards in school year 2020-2021				
C.1. Indicator 3C: Statewide Assessment – Reading Proficiency Alt Assessment Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 33.53%	50.00	0
Reading Proficiency Alt Assessment Grade 4: Reading proficiency rate for children with IEPs in grade 4 against alternate academic achievement standards State Data: 28.71% Target: <u>Greater than or equal to 33.53%</u> reading proficiency rate for children with IEPs in grade 4 against alternate academic achievement standards in school year 2020-2021				
C.2. Indicator 3C: Statewide Assessment – Reading Proficiency Alt Assessment Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 33.53%	75.00	0
Reading Proficiency Alt Assessment Grade 8: Reading proficiency rate for children with IEPs in grade 8 against alternate academic achievement standards State Data: 40.79% Target: <u>Greater than or equal to 33.53%</u> reading proficiency rate for children with IEPs in grade 8 against alternate academic achievement standards in school year 2020-2021				
C.3. Indicator 3C: Statewide Assessment – Reading Proficiency Alt Assessment Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 33.53%	NA	NA
Reading Proficiency Alt Assessment Grade 11: Reading proficiency rate for children with IEPs in grade 11 against alternate academic achievement standards State Data: 31.08% Target: <u>Greater than or equal to 33.53%</u> reading proficiency rate for children with IEPs in grade 11 against alternate academic achievement standards in school year 2020-2021				

Data Point	Rubric	Target	LEA Data	LEA Score
C.4. Indicator 3C: Statewide Assessment – Math Proficiency Alt Assessment Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 49%	100.00	0
Math Proficiency Alt Assessment Grade 4: Math proficiency rate for children with IEPs in grade 4 against alternate academic achievement standards State Data: 49.00% Target: <u>Greater than or equal to 49%</u> math proficiency rate for children with IEPs in grade 4 against alternate academic achievement standards in school year 2020-2021				
C.5. Indicator 3C: Statewide Assessment – Math Proficiency Alt Assessment Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 15.8%	75.00	0
Math Proficiency Alt Assessment Grade 8: Math proficiency rate for children with IEPs in grade 8 against alternate academic achievement standards State Data: 15.79% Target: <u>Greater than or equal to 15.8%</u> math proficiency rate for children with IEPs in grade 8 against alternate academic achievement standards in school year 2020-2021				
C.6. Indicator 3C: Statewide Assessment – Math Proficiency Alt Assessment Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	> = 29.7%	NA	NA
Math Proficiency Alt Assessment Grade 11: Math proficiency rate for children with IEPs in grade 11 against alternate academic achievement standards State Data: 29.73% Target: <u>Greater than or equal to 29.7%</u> math proficiency rate for children with IEPs in grade 11 against alternate academic achievement standards in school year 2020-2021				
D.1. Indicator 3D: Statewide Assessment – Gap in Reading Proficiency Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 38.4%	44.25	2
Gap in Reading Proficiency Grade 4: Gap in reading proficiency rates for children with IEPs and all students in grade 4 against grade level academic achievement standards State Data: 34.19% Target: <u>Less than or equal to 38.4%</u> gap in reading proficiency rates for children with IEPs and all students in grade 4 against grade level academic achievement standards in school year 2020-2021				
D.2. Indicator 3D: Statewide Assessment – Gap in Reading Proficiency Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 38%	29.41	0
Gap in Reading Proficiency Grade 8: Gap in reading proficiency rates for children with IEPs and all students in grade 8 against grade level academic achievement standards State Data: 39.13% Target: <u>Less than or equal to 38%</u> gap in reading proficiency rates for children with IEPs and all students in grade 8 against grade level academic achievement standards in school year 2020-2021				

Data Point	Rubric	Target	LEA Data	LEA Score
D.3. Indicator 3D: Statewide Assessment – Gap in Reading Proficiency Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 42.7%	32.54	0
Gap in Reading Proficiency Grade 11: Gap in reading proficiency rates for children with IEPs and all students in grade 11 against grade level academic achievement standards State Data: 43.13% Target: <u>Less than or equal to 42.7%</u> gap in reading proficiency rates for children with IEPs and all students in grade 11 against grade level academic achievement standards in school year 2020-2021				
D.4. Indicator 3D: Statewide Assessment – Gap in Math Proficiency Grade 4	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 33.9%	26.75	0
Gap in Math Proficiency Grade 4: Gap in math proficiency rates for children with IEPs and all students in grade 4 against grade level academic achievement standards State Data: 25.64% Target: <u>Less than or equal to 33.9%</u> gap in math proficiency rates for children with IEPs and all students in grade 4 against grade level academic achievement standards in school year 2020-2021				
D.5. Indicator 3D: Statewide Assessment – Gap in Math Proficiency Grade 8	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 34%	18.26	0
Gap in Math Proficiency Grade 8: Gap in math proficiency rates for children with IEPs and all students in grade 8 against grade level academic achievement standards State Data: 26.69% Target: <u>Less than or equal to 34%</u> gap in math proficiency rates for children with IEPs and all students in grade 8 against grade level academic achievement standards in school year 2020-2021				
D.6. Indicator 3D: Statewide Assessment – Gap in Math Proficiency Grade 11	Met target..... 0 Points Did not meet target..... 2 Points Not Applicable..... NA	< = 34.8%	31.26	0
Gap in Math Proficiency Grade 11: Gap in math proficiency rates for children with IEPs and all students in grade 11 against grade level academic achievement standards State Data: 34.95% Target: <u>Less than or equal to 34.8%</u> gap in math proficiency rates for children with IEPs and all students in grade 11 against grade level academic achievement standards in school year 2020-2021				
E Percent of Students with IEPs taking the Alternate Assessment [1%]	Less than 1% 0 Points 1% to 1.99% 1 Point 2% or Greater 2 Points	< 1%	0.80	0
ESEA section 1111(b)(2)(D)(i)(I) limits the total number of students with the most significant cognitive disabilities who are assessed Statewide with an AA-AAAS to 1.0 percent of the total number of students in the State who are assessed in that subject. State Data: 0.83%				

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

3. Compliance				
*NA – LEA data on rubric reflects trend data, not the district’s annual data for this indicator, which is not comparable at the state level so state level data and targets are not included here.				
Data Point	Rubric	Target	LEA Data	LEA Score
A. Indicator 4B: Suspension Based on Race	<i>No years 0 Points</i> <i>1 year..... 1 Point</i> <i>2 or more years 2 Points</i>	*NA	0 yrs	0
<p>Suspension: LEAs that have a significant discrepancy, as defined by the State, by race or ethnicity, in the rate or suspensions and expulsions of greater than 10 days in a school year for children with IEPs and policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards</p> <p>Rubric: Number of years of noncompliance with the requirements of Indicator 4b within the past five years</p> <p>Data Source: Discipline Report – reported by the district through NHSEIS, Child Count and Environment – reported by the district through NHSEIS.</p>				
B. Indicator 9: Disproportionate Representation in Special Education	<i>No years 0 Points</i> <i>1 year..... 1 Point</i> <i>2 or more years 2 Points</i>	*NA	0 yrs	0
<p>Disproportionate Representation: LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification</p> <p>Rubric: Number of years of noncompliance with the requirements of Indicator 9 within the past five years</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS, Fall District Enrollment – reported by the district.</p>				
C. Indicator 10: Disproportionate Representation in Specific Disability Categories	<i>No years 0 Points</i> <i>1 year..... 1 Point</i> <i>2 or more years 2 Points</i>	*NA	0 yrs	0
<p>Disproportionate Representation: LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification</p> <p>Rubric: Number of years of noncompliance with the requirements of Indicator 10 within the past five years</p> <p>Data Source: Child Count and Environment – reported by the district through NHSEIS, Fall District Enrollment – reported by the district.</p>				
D. Indicator 11: Child Find	<i>No years 0 Points</i> <i>1 year..... 1 Point</i> <i>2 or more years 2 Points</i>	*NA	1 yrs	1
<p>Child Find: Children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe</p> <p>Rubric: Number of years of noncompliance with the requirements of Indicator 10 within the past five years</p> <p>Data Source: Ind. 11 – Timeliness of Initial Evaluations – Reported by the district through NHSEIS and desk audit.</p>				

Data Point	Rubric	Target	LEA Data	LEA Score
E. Indicator 12: Part C to B Transition	<i>No years 0 Points</i> <i>1 year..... 1 Point</i> <i>2 or more years 2 Points</i>	*NA	0 yrs	0
<p>Part C to B Transition: Children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays</p> <p>Rubric: Number of years of noncompliance with the requirements of Indicator 12 within the past five years</p> <p>Data Source: Ind. 12 – Early Childhood Transitions – reported by the district through NHSEIS and desk audit.</p>				
F. Indicator 13: Secondary Transition (going forward)	<i>Met target..... 0 Points</i> <i>Did not meet target..... 2 Points</i> <i>Not Applicable..... NA</i>	100%	NA	NA
<p>Secondary Transition: Percent of youth ages 16 and above with annually updated measurable postsecondary goals based upon a transition assessment, including courses of study, transition services, and annual goals related to transition needs. Also evidence the student was invited to the IEP meeting, and if appropriate, permission to invite and involve outside agencies who may be responsible for transition service(s).</p> <p>State Data: 64.29%</p> <p>Rubric: Met 100% Target</p> <p>Data Source: State review of District files.</p>				

2021-2022 SPECIAL EDUCATION LEA DETERMINATIONS RUBRIC

4. Additional/Other Factors			
Data Point	Rubric	LEA Data	LEA Score
A. Grants: IDEA/Preschool Submission of Grant Funds	<i>On or before 9/1/21 0 Points Between 9/1 & 9/30..... 1 Point After 9/30/21..... 2 Points</i>	6/21/2021	0
FY 22 (2021-2022) Grant First Submitted by District through the Grants Management System (GMS) for review			
Data Source: District initial submission for IDEA/Preschool funds in GMS			
B. Grants: 50% Allocated (Budgeted) by Jan 1st.	<i>50% or more Allocated 0 Points 0.01% - 49.99% Allocated. 1 Point 0.00% Allocated 2 Points</i>	89.09	0
Percent allocated (budgeted) of the total (IDEA and Preschool) 2021-2022 Grant			
Data Source: District allocation of IDEA/Preschool funds in GMS			
C. Grants: Percent of Allocation Returned as of Nov. 15th	<i>0%-4.99% Returned 0 Points 5%-9.99% Returned 1 Point 10% or greater Returned... 2 Points</i>	0.00	0
Total (IDEA and Preschool) 2019-2020 Grant, Percent returned November 2021.			
Data Source: District reimbursement of IDEA/Preschool funds in GMS			
D. Grants: Is the District reporting monthly expenses in IDEA Grants (going forward)	<i>SCALE TBD 0 Points SCALE TBD 1 Point SCALE TBD 2 Points</i>	NA	NA
Full year of reporting monthly (Sept – July) from previous year (<i>going forward</i>)			
Data Source: District reporting of IDEA/Preschool funds in GMS			
E. Years since last monitored through the CIM process	<i>2017 to present 0 Points 2015 or prior 1 Point NULL: Never monitored... 2 Points</i>	2018	0
How many years since the district was last monitored through the Compliance & Improvement Monitoring Process.			
Data Source: Bureau of Special Education Support historical records			
F. Submission of CEIS Data	<i>Yes 0 Points No 2 Points Not Applicable..... NA</i>	NA	NA
For Districts using CEIS Funds; was the collection of CEIS reporting timely and accurate for FY21			
Data Source: CEIS Activities – entered by districts in GMS, CEIS Reporting Spreadsheet – submitted by districts to Bureau			
G. Special Education Complaints – Substantiated Allegations	<i>Less than 2 over 2 or more years 0 Points 2-4 over 2 or more years 1 Point 5 or more over 2 or more years 2 Points</i>	4 SA/2 yrs	1
Number of substantiated allegations within the past three years			
Data Source: NHDOE Office of Governance records			

Data Point	Rubric	LEA Data	LEA Score
H. Special Education Administrator Turnover <i>(going forward)</i>	<i>No turnover 0 Points</i> <i>SCALE..... 1 Points</i> <i>SCALE..... 2 Points</i>	NA	NA
Has there been turnover in the Special Education Administrator (not building coordinators, or building directors)? <i>(Going forward)</i>			
I. Use of the New Hampshire Special Education Information System (NHSEIS) <i>(going forward)</i>	<i>Yes 0 Points</i> <i>No 2 Points</i>	NA	NA
Does the district use EasyIEP in NHSEIS? <i>(going forward)</i>			