

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION
POLICY SERVICES
“SPRING” 2019 POLICY UPDATE

Sample Policies Included in this Update:

*Also new in this Update: Typographic, Grammatic or Reference Changes
(see page 5)*

BBBH – Organization and Operation of SAU Joint Board

[Optional policy]

Related Policy: SAU Policy BBBH-S

- We have revised policy BBBH to better describe the relationship between district policies and independent SAU board policies.

BBBH-R – Organization and Operation of SAU Joint Board

[WITHDRAWN]

Related Policy: District Policy BBBH and SAU Policy BBBH-S

- Former “policy” BBBH-R has been substantially revised and re-coded as BBBH-S. See sample policy BBBH-S for more complete information regarding the revisions. The re-coding to “-S” is to clarify that the policy is one of the SAU board, and not the individual district. The “-S” also distinguishes this policy from NHSBA’s “-R” designation, which generally is used to designate sample administrative regulations or procedures that are included for convenience of the administration, subject to review by the Board only as may be requested by the board. (See, for instance, NHSBA sample policy BGD).

BBBH-S – Organization and Operation of SAU Joint Board

[Recommended policy]

Related Policy: BBBH

- The revisions to former BBBH-R (re-coded as BBBH-S) are to more closely track applicable statutes, and to provide guidance at multiple district requests as to the representative and weighted voting provisions of RSA 194-C. The re-coding to “-S” is to clarify that the policy is one of the SAU board, and not the individual district. The “-S” also distinguishes this policy from NHSBA’s “-

R” designation, which generally is used to designate sample administrative regulations or procedures included for convenience of the administration, subject to review by the Board only as may be requested by the board. (See, for instance, NHSBA sample policy BGD). Additionally, a provision was added clarifying that a SAU treasurer is appointed from the SAU board, unlike a school district treasurer -which under RSA 671:6, is an independent elected position.

✓ **BEDDA – Board Meeting – Rules of Procedure & Order**

[Recommended policy]

Related Policy: BEC, BEDA, BEDB, BEDC, & BEDH

- Except as provided in RSA 91-A with respect to open meetings and minutes, and the First Amendment relative to public comment, there are few requirements in statutes or regulations which dictate how a board should conduct its meetings. Rather, the rules of procedure or rules of order are a matter of local board policy. The contents of this policy are based upon NHSBA best practice guidelines for small deliberative bodies. We have offered this alternative policy after requests for something more specific than current sample BEDD, and clearer to those not traditional rules of order.
- This policy is an ALTERNATIVE policy to NHSBA sample policy BEDD and procedures document BEDD-R. Boards adopting BEDDA should formally (i.e., vote to) REPEAL/WITHDRAW current BEDD and the corresponding BEDD-R. The “Recommended” designation above, does not place BEDDA over BEDD/BEDD-R, but rather to one election or the other.

✓ **DAF – Administration of Federal Grant Funds**

[Priority/Required by Law policy]

Related Policy: DI, DID, DJ, DJC, DJE, DJF & DK

See Also: ADB, EFAA, EHB, JICI, & JRA

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

✓ **GBEA – Staff Ethics**

[Recommended policy]

Related Policies: GBEAB, GBEB, & GBEBB

- NHSBA revised policy GBEA, along with the related policies GBE, GBEB, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

✓ **GBEAB – Mandatory Code of Conduct Reporting – All Employees**

[Recommended policy]

Related Policies: GBEA, GBEB, GBEBB, JICK, & JLF

- This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of Conduct”). NHSBA has also revised its sample policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEBA, applies to all employees, designated volunteers, and third-party contractors.

✓ **GBEB – Staff Conduct**

[Recommended policy]

Related Policies: GBEA, GBEAB, & GBEBB

- NHSBA revised policy GBEB, along with the related policies GBE, GBEA, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

✓ **JEBA – Early Entrance into Kindergarten**

[Recommended policy]

Related Policies: JCA, JEB, & JEC

- This is a NEW POLICY prepared in response to requests from member districts regarding criteria for allowing early admittance to kindergarten. Because of the frequency of parents seeking such admittance, NHSBA does not recommend an avenue of appeal to the School Board. Such review may be appropriate in extraordinary cases under the statutes and policies relating to best interests or manifest educational hardship. (See e.g., NHSBA sample policies JCA & JEC).

✓ **JFABD – Education of Homeless Children and Unaccompanied Youth**

[Priority/Required by Law policy]

Related Policies: EEA, JFA, JFAA, & JFABE

- This NHSBA substantially revised sample policy JFABD with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also include clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.

✓ **JFABE – Education of Children in Foster Care**

[Recommended policy]

Related Policies: EEA, JFA, JFAA, & JFABD

- This is a NEW POLICY to reflect changes to the McKinney-Vento Act (included as part of ESSA) which create several substantive and procedural requirements relative to enrollment, education, and transportation of children placed (or awaiting placement) in foster care.

✓ **JIA – Student Due Process**

[Recommended policy]

Related Policies: JIC, JICD, JICDD, JICK

- Sample policy JIA has been revised to better coordinate with RSA 193:13, and Ed. 317.04. Language regarding students with disabilities has also been added.

✓ **JICD – Student Discipline and Due Process**

[Priority/Required by Law policy]

Related Policies: JI, JIA, JIC, JICDD, & JICK

See Also: Appendix JICD-R

- NHSBA revised policy JICD to format, and a rewrite of the first sentence of the introductory paragraph. The new language is to clarify that the behavioral standards are not enumerated in JIC itself, but are included in either district specific administrative regulations, and/or other policies.

✓ **JICDAA – Employee – Student Relations**

[WITHDRAWN]

Related Policies: GBE, GBEA, GBEB, & GBEBB

- Previous sample policy JICDAA was identical to an earlier version of GBEBB. In order remove the redundancy, NHSBA is withdrawing previous sample JICDAA which was identical to the earlier iteration of GBEBB. The latter policy has been revised concurrent with the

withdrawal of JICDAA to align with other staff conduct and ethics policies, as well as the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

JHHD – Student Interviews and Interrogations

[Optional policy]

Related Policies: JLF

- NHSBA revised this policy to reflect the specific provisions of RSA 169-C:38, IV regarding interviews of children who are suspected of being abused or neglected, and with minor grammatical or formatting changes.

JLCC – Head Lice / Pediculosis

[Recommended policy]

- Revisions to JLCC include a retitling to accurately reflect the subject matter, and minor modifications to clarify when a child with active head lice should/may be excluded, and the process for checking classmates and minimizing stigma.

JLF– Reporting Child Abuse or Neglect

[Priority/Required by Law policy]

Related Policy: GBEBA, IJOC, & JICK

- Sample policy JLF was revised to (a) more closely track the requirements RSA 169-C, (b) clarify the participation of the principal, (c) include reference to the NH Code of Conduct for Educators, and (d) provide a mandate for annual training. See adoption notes above for further information.

Typographic, Grammatical or Reference Changes: NHSBA has made slight grammatic, typographic, or reference edits to the sample policies/procedures below. The edits do not in any way affect the substance of the policies. To the extent a district chooses to edit its own versions, Board action should not be required. Please note that copies of these policies are not included in the update but can be located on the NHSBA policy website.

CBI – Superintendent Evaluation and Goal Setting

[Recommended policy]

See Also: Appendices CBI-F1 and CBI-F2

- Included “See Also: CBI-F1 and CBI-F2”.

CBI-F1 – Superintendent Evaluation and Goal Setting Form

- Recoded from CBI-R to CBI-F1.

CBI-F2 – Evaluation of the Superintendent

- Recoded from CBI-R to CBI-F2.

EBCA – Crisis Prevention & Emergency Response Plans

- Removed second NHSBA disclaimer at the end.

IJNDB – School District Internet Access for Students

- Recategorized from Priority/Required by Law to Withdrawn.

JIC – Student Conduct

- Changed “Identical Policy” reference to “Related Policies”.

DISCLAIMER

The *NHSBA Sample Policy Manual* is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, or distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, as well as other relevant education activity.

w/p-policies nhsba updates/updates/2019 Update 2 Spring/FINAL/1 - NHSBA Summer 2019 Policy Update - Cover Document

RULES OF ORDER

Unless changed by the members of the board, the Chairperson will use the following rules of procedure to conduct the meetings of the board. The main purpose of these rules is to keep the meeting moving, and not get bogged down in procedural quagmires. The Chairperson will not follow Robert's Rules of Order.

1. The Superintendent of Schools, with approval of the Chairperson and Vice-Chairperson, will prepare and distribute an agenda prior to every meeting.
2. The Chairperson will take agenda items in the order that they appear on the agenda unless the Chairperson announces the intent to take agenda items out of order.
3. The members will consider each agenda item as follows:
 - a. The Chairperson will announce the agenda item being considered.
 - b. The Chairperson will recognize a member or officer to explain the agenda item.
 - c. The Chairperson will entertain a motion to approve or act on the agenda item. If the motion is seconded, the meeting will debate and then vote on the agenda item.
4. The Chairperson will allow only one motion on the floor at a time. There is one exception to this rule: A motion to amend the pending motion is allowed.
5. The Chairperson will not accept negative motions, which are motions that require a "no" vote to vote in the affirmative such as "I move that we not adopt the budget".
6. Non-members of the board may speak at the meeting with the permission of the board. All speakers must be courteous. The Chairperson will not allow personal attacks or inappropriate language.
7. The Chairperson will accept motions to reconsider an agenda item only during the same meeting, and only if made by someone who voted on the prevailing side of the vote to be reconsidered.
8. The Chairperson may vote on all agenda items.
9. By majority vote, the members can change these rules or overrule any procedural decision that the Chairperson makes at a board meeting.

Adopted: October 6, 2004

BOARD MEETING - RULES OF PROCEDURE & ORDER

Category: *Recommended*

Related Policies: *BEC, BEDA, BEDB, BEDC & BEDH*

ADOPTION NOTES –

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

- (a) *Except as provided in RSA 91-A with respect to open meetings and minutes, and the First Amendment relative to public comment, there are few requirements in statutes or regulations which dictate how a board should conduct its meetings. Rather, the rules of procedure or rules of order are a matter of local board policy. The contents of this policy are based upon NHSBA best practice guidelines for small deliberative bodies. We have offered this alternative policy after requests for something more specific than current sample BEDD, and clearer to those not traditional rules of order.*
- (b) *This policy is an ALTERNATIVE policy to NHSBA sample policy BEDD and procedures document BEDD-R. Boards adopting BEDDA should formally (i.e., vote to) REPEAL/WITHDRAW current BEDD and the corresponding BEDD-R. The “Recommended” designation above, does not place BEDDA over BEDD/BEDD-R, but rather to one election or the other.*
- (c) *{**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the District’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (e) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

Purpose: The purpose of this policy is to help promote effective and efficient board meetings.

A. General Principles.

1. Meeting rules should facilitate, rather than inhibit, the Board’s deliberation and decision-making process. The rules should be readily understandable and help keep meetings free from procedural quagmires.
2. All board members have equal rights, privileges and obligations in the deliberative and decision-making process. Meeting rules should help assure that each member is able to participate in the debate, and that no single member is able to dominate discussion to the exclusion of other members.
3. Every board member, and the public in attendance, has the right to hear what is going on at all times.
4. A meeting can deal effectively with only one specific matter at a time.

BOARD MEETING - RULES OF PROCEDURE & ORDER

5. Members have a right to know beforehand what they will be discussing and/or voting upon.
6. A school board meeting is a meeting at which the Board conducts its business. While board meetings are open to the public (except as provided under RSA 91-A:2 and 3), board meetings are not public hearings where the public has the right to speak. Public comment at board meetings shall be governed by Board Policy *{**}BEDH*.

B. Meeting Rules.

1. The Board Chair shall preside over all meetings of the Board. In the Chair's absence the Vice Chair will preside, followed by the most senior member then present.
2. By majority vote, the Board can overrule any ruling of the presiding officer regarding the application of these rules. A board member can raise such a request by a "Point of Order", followed by a motion with respect to the specific decision.
3. The presiding officer may make adjustments to the agenda with the consent of the majority, whether by vote or otherwise. *[Districts should check their current agenda policy to remove or resolve any conflicting language. NHSBA's sample is BEDB].*
4. All speakers should be courteous and should speak on the issue then under discussion, not to the individuals raising them.
5. Each board member has the right to participate in discussion and debate if he/she wishes, before any other member may speak a second time.
6. No one may speak unless he or she has been recognized by the presiding officer. A board member may interrupt only to state a "Point of Order", "Point of Information" or "Point of Inquiry". The presiding officer will then recognize the member for the limited purpose of stating the point of order, etc..
7. The presiding officer may decide, on his/her own initiative, or upon request by a board member, to recognize a non-board member, to address the Board with respect to the matter then under discussion.
8. Agenda items requiring action by the Board should be preceded by a specific motion, clearly articulated, followed by a second. Motions should address only one issue or idea. If a motion is complex, or has conditions, the motion should be written out and read back by the Board's minute taker.
9. If a motion does not receive a second, then the motion is treated as if it were not considered by the Board. Such a matter may be raised again at a later date in accordance with the Board's agenda policy and rules.
10. When a motion is on the floor, no new topics should be debated, and no new motions will be accepted, other than the following motions addressing the main motion or the meeting itself:
11. As provided under RSA 91-A:2, II for open sessions, and 91-A:3, III for non-public sessions, no vote may be taken by secret ballot.
12. The presiding officer should, in accordance with the duties of all board members, vote on every issue.

BOARD MEETING - RULES OF PROCEDURE & ORDER

13. No item may be discussed or decided upon in non-public session except as provided under RSA 91-A:2 and 3. See also Board Policy *{**}BEC*.

| Motion | Debatable | Votes Required to Pass |
|---|---------------|------------------------|
| Amend Motion | Yes | 51% |
| Limit Debate (e.g., time limits or # of times each member may address the motion) | Non-debatable | 2/3 (60%) |
| Call the question/close debate | Non-debatable | 2/3 (60%) |
| Refer to Committee/Admin Study | Yes | 51% |
| Postpone to a Later Time (Diff. day) | Yes | 51% |
| Postpone Indefinitely (Kill) | Yes | 51% |
| For roll call* vote <i>*All votes in non-public must be by roll call</i> | No | 2 members |
| Recess | Non-debatable | 51% |
| Adjourn | Non-debatable | 51% |

14. Abstentions are noted and counted, but do not affect the outcome of the vote.

15. Motions for reconsideration are not favored except when new circumstances exist or a perceived error has been made. Motions for reconsideration may only be raised at the same meeting as the original decision by a person who voted in favor of the original motion. Motions for reconsideration at a later meeting may only be considered when approved by a 3/5 super-majority, and only when the proposed motion is posted with the agenda for the subsequent meeting. Only one motion for reconsideration on an issue may be made at a meeting later than the meeting at which the original decision was made, irrespective of whether the first motion for reconsideration is successful. This provision shall only apply to the Board as constituted as of the date of the original decision.

16. The presiding officer may rule any member or other person out of order if such person disrupts the orderly conduct of a meeting, behaves in a disorderly manner, makes unlawful threats, willfully violates any of the above rules of order/procedure, or engages in any unprotected speech. If the board member or other person continues such behavior after being ordered by the presiding officer to cease, the presiding officer is authorized to request that a police officer, warn and then remove such person from the meeting and meeting location.

BOARD MEETING - RULES OF PROCEDURE & ORDER

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

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

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

NHSBA history: New – alternative policy, July 2019.

w/p-update/2019 Spring/BEDDA Rules of Order 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing districts with policy development. **School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

BEDD - RULES OF ORDER

(Download policy)

Category: Optional

General rules of parliamentary procedure are used for every Board meeting. The Chair shall adopt simplified rules of order, following the basic structure of Robert's Rules of Order. NHSBA sample regulation, BEDD-R - Rules of Order, provides a simplified set of rules. The order of business shall be reflected on the agenda.

Revised: May 2017 in response to member inquiries regarding use of Robert's Rules of Order.

Reviewed: June 2013

Revised: July 1998

NHSBA Note, April 2017: Robert's Rules of Order are extensive and complex, beyond being beneficial for the typical work of a School Board.

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

BEDD-R

Sample Rules of Order

1. The chair will use the following general rules of order. The intent of these rules of order is to keep the meeting efficient, understandable, and free of procedural quagmires. The chair will not follow the formal Robert's Rules of Order.
2. By majority vote, the school board can overrule any decision that the chair makes, including any rule that the chair establishes. A board member can raise such a request by a "Point of Order."
3. The Moderator will take the agenda in the order that it was presented, unless the school board, by majority vote, chooses to take agenda items in a different order.
4. Everyone who speaks must do so in a manner in which he or she can be heard.
5. No one may speak unless he or she has been recognized by the chair. A board member may interrupt only to state a "Point of Order." The chair will then recognize the member for the limited purpose of stating the point of order.
6. Individuals speaking during a public comments portion of a meeting are asked to state their name and address. All public comments should be directed to the chair.
7. The chair will allow only one motion and only one proposed amendment to the main motion on the floor at a time. Exceptions may be made for the limited purpose of resolving a "Point of Order."
8. The chair will not accept negative motions, which are motions that require a "no" vote to cast a vote in the affirmative such as: "I move that we not adopt the budget."
9. All speakers must be courteous and must speak to the issues, not the individuals raising them. All comments and questions will be directed only to the chair. The chair will decide whether to recognize another board member or staff member to respond. The chair will not allow personal attacks or inappropriate language.
10. If any person disrupts the orderly conduct of a meeting, behaves in a disorderly manner, makes unlawful threats, in any other way disturbs the meeting, or willfully violates any rule of order, and after notice from the chair to cease, persists in such behavior, the chair may have a police officer remove such person from the meeting.
11. Each board member may only speak once until every board member has had an opportunity to speak once.
12. Recorded roll call votes will be taken when required by law, upon the request of two or more board members, and when called for by the chair.

See Policy BEDD

Issued April 2017

RAYMOND SCHOOL DISTRICT POLICY - DAF

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:

| | |
|--|-----------|
| DAF-1 ALLOWABILITY | 2 |
| DAF-2 CASH MANAGEMENT AND FUND CONTROL | 6 |
| DAF-3 PROCUREMENT | 7 |
| DAF-4 PROCUREMENT – | |
| ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM | 14 |
| DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES | 15 |
| DAF-6 INVENTORY MANAGEMENT - | |
| EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS | 16 |
| DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS | 17 |
| DAF-8 ACCOUNTABILITY AND CERTIFICATIONS | 17 |
| DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT | 17 |
| DAF-10 GRANT BUDGET RECONCILIATION | 19 |

NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

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

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

The Board directs the Business Administrator to develop, monitor, and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable assurances that the District is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all requirements of federal and/or law and regulation and shall be based on best practices.

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

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

1. identification of all federal funds received and expended and their program source;
2. accurate, current, and complete disclosure of financial data in accordance with federal requirements;

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

3. records sufficient to track the receipt and use of funds;
4. effective control and accountability over assets to assure they are used only for authorized purposes; and
5. comparison of expenditures against budget.

DAF-1 ALLOWABILITY

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

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

1. Be "necessary" and "reasonable" for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
 - a. To determine whether a cost is "reasonable", consideration shall be given to:
 - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
 - ii. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
 - iii. market prices for comparable goods or services for the geographic area;
 - iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
 - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
 - b. When determining whether a cost is "necessary", consideration may be given to whether:
 - i. the cost is needed for the proper and efficient performance of the grant program;
 - ii. the cost is identified in the approved budget or application;

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

- iii. there is an educational benefit associated with the cost;
 - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or
 - v. the cost addresses program goals and objectives and is based on program data.
- c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
- 2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
 - 3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
 - 4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
 - 5. Be determined in accordance with generally accepted accounting principles.
 - 6. Be representative of actual cost, net of all applicable credits or offsets.

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

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

B. Selected Items of Cost: The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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 benefited, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs. These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

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

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

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

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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

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

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

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

When the obligation is for:

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

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

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later.

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

In the case of a direct grant, obligations may begin when the grant is substantially approved, unless an agreement exists with NHDOE or the pass-through entity to reimburse for pre-approval expenses.

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

DAF-2 CASH MANAGEMENT AND FUND CONTROL

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

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

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

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

The Business Administrator 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.

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The District receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

DAF-3 PROCUREMENT

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

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

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

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

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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

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

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

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

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

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

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

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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

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

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

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

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

1. Micro-purchases

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

2. Small Purchases (Simplified Acquisition)

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

3. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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 policy DJE. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
 - ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
 - v. The Board reserves the right to reject any and all bids for sound documented reason.
 - vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

4. Competitive Proposals

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

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

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

5. Noncompetitive Proposals

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

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

D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:

The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

E. Contract/Price Analysis: The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.323(a)). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

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

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

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

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

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

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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).

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

H. Additional Requirements for Procurement Contracts Using Federal Funds:

1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)).
3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)).
4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J).

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)).

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

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

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts. Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

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

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

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

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

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

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

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

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 Business Administrator, 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.

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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

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

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

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

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

B. Records: The Business Administrator 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 Business Administrator shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years. Except as otherwise provided in this policy *DAF Administration of Federal Grand Funds*, inventories shall be conducted consistent with Board Policy DID-R.

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

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient. For purposes of this policy, "travel costs" shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.

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

The validity of payments for travel costs for all district employees and school officials shall be determined by the 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 Business Administrator 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 Business Administrator who can attest that the expenditure is allowable and approved under the federal program. The Business Administrator 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.

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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

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

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

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

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The Business Administrator is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

DAF-10 GRANT BUDGET RECONCILIATION

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

RAYMOND SCHOOL DISTRICT POLICY - DAF

Administration of Federal Grant Funds

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.

Legal References:

2 C.F.R. Part 180

2 C.F.R. Part 200

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

Adopted: June 5, 2019

ADMINISTRATION OF FEDERAL GRANT FUNDS

Category: *Priority/Required by Law*

Related Policies: *DI, DID, DJ, DJC, DJE, DJF & DK*
See also: *ADB, EFAA, EHB, JICI & JRA*

ADOPTION NOTES –

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

Policy begins on third page.

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

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

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

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

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

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

ADOPTION NOTES – CONTINUED....

- (f) *Other current existing policies implicated by this sample DAF should be reviewed to help assure continuity of practices within the District. Most significantly:*
- *Modify DJ to identify who has authority to approve purchase orders;*
 - *Modify DJB to outline approved process for purchase order procedures. The policy may instruct the Superintendent to approve and implement written procedures which more specifically spell out the process.*
- (g) *The UGG and this policy apply specifically to federal grant funds - whether or not received directly, through NHDOE or through any other pass-through entity, and irrespective of whether the federal moneys are the sole funds used for the particular purpose, program, purchase, etc. Because many of the elements required under the UGG are significantly more restrictive or burdensome than those which may exist under state law, the component “sub-policies” (see page 3 of this packet, page 1 of the policy) are framed to pertain to Federal Fund use only. Boards may choose to extend some of the requirements found in this policy more generally. For instance, the Travel section (DAF-6), or Conflict of Interest (DAF-4), could be extended to district programs which do not rely on Federal grant funds. In those instances, we recommend revising current policies to simply refer to the appropriate section(s) of this policy. E.g., the last two sentences of NHSBA sample policy DKC would be replaced with “Travel reimbursement shall be subject to the same restrictions, procedures and controls as set forth in Board Policy DAF-7 regarding travel relating to federal grant funds.”*
- (h) *Because this sample implicates subject matter found in several other NHSBA samples (see related policies section in the headers of pages 1 and 3), districts should review their own companion policies and consider whether to include the following notation:*
- All purchases for property and services made using federal funds are conducted in accordance with all applicable Federal and State laws and regulations, the Uniform Grant Guidance, and the District’s written policies and procedures. See Board Policy DAF.**
- (i) *Given the complexity of this sample policy, and relationship to many existing NHSBA samples, NHSBA contemplates further development and revisions relative to the over the next several policy updates.*
- Direct any inquiries to either NHSBA’s Director of Policy Services or local district counsel.**

ADMINISTRATION OF FEDERAL GRANT FUNDS

ADMINISTRATION OF FEDERAL GRANT FUNDS

Category: Priority/Required by Law

*Related Policies: DI, DID, DJ, DJC, DJE, DJF & DK
See also: ADB, EFAA, EHB, JICI & JRA*

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

Please change or delete page numbers according to your own formatting

DAF-1 ALLOWABILITY.....2

DAF-2 CASH MANAGEMENT AND FUND CONTROL.....6

DAF-3 PROCUREMENT8

DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM.....15

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES.....16

DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS17

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS.....18

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS19

DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT19

DAF-10 GRANT BUDGET RECONCILIATION20

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT20

NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

DAF-1 ALLOWABILITY

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

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits

ADMINISTRATION OF FEDERAL GRANT FUNDS

accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
 8. Be adequately documented:
 - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- B. Selected Items of Cost:** The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.
- C. Cost Compliance:** The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.
- D. Determining Whether A Cost is Direct or Indirect**
1. “Direct costs” are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).
 2. “Indirect costs” are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

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

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

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

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District – when the services are performed.
3. Personal services by a contractor who is not an employee of the District – on the date which the District makes a binding written commitment to obtain the services.
4. Public utility services – when the District received the services.

ADMINISTRATION OF FEDERAL GRANT FUNDS

5. Travel – when the travel is taken.
6. Rental of property – when the District uses the property.
7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E – Cost Principles – on the first day of the project period.

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

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

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

DAF-2 CASH MANAGEMENT AND FUND CONTROL

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

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

The [*Superintendent* /*Officer*] is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS**DAF-3 PROCUREMENT**

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

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

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

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

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

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

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

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

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

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

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

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be

ADMINISTRATION OF FEDERAL GRANT FUNDS

made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

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

3. Sealed Bids

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

a. In order for sealed bidding to be feasible, the following conditions shall be present:

- i. a complete, adequate, and realistic specification or purchase description is available;
- ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

b. When sealed bids are used, the following requirements apply:

- i. Bids shall be solicited in accordance with the provisions of State law and *{**}DJE*. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

ADMINISTRATION OF FEDERAL GRANT FUNDS

- v. The Board reserves the right to reject any and all bids for sound documented reason.
- vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

4. Competitive Proposals

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

If this method is used, the following requirements apply:

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

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

5. Noncompetitive Proposals

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

- D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:** The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
- E. Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.323(a)). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.
- The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.
- When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- F. Time and Materials Contracts:** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

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

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

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

H. Additional Requirements for Procurement Contracts Using Federal Funds:

1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).

ADMINISTRATION OF FEDERAL GRANT FUNDS

2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)).
 3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)).
 4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J).
 5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)).
- I. Bid Protest:** The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

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

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

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS**DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM**

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

- A. Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:
1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
 2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or
 3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
 4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
 5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;
 6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
 7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.
- B. Contracts with Food Service Management Companies:** Procedures for selecting and contracting with a food service management company shall comply with guidance provided by the NHDOE, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts.

ADMINISTRATION OF FEDERAL GRANT FUNDS**C. “Buy American” Requirement:**

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

Under the NSLA, “*domestic commodity or product*” is defined as an agricultural commodity or product that is produced or processed in the United States using “*substantial*” agricultural commodities that are produced in the United States. For purposes of the act, “*substantial*” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowable under this provision as territories of the United States.

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

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

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

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

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

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

- A. **“Equipment” and “Pilferable Items” Defined:** For purposes of this policy, “equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of \$5,000, or the capitalization level established by the District for financial statement purposes. “Pilferable items” are those items, *regardless of cost*, which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.
- B. **Records:** The [____ *Superintendent* /*Officer*] shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.

ADMINISTRATION OF FEDERAL GRANT FUNDS

- C. **Inventory:** No less than once every two years, the [*Superintendent* / *Officer*] shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years. Except as otherwise provided in this policy DAF , inventories shall be conducted consistent with Board Policy [{"**"}]DID.
- D. **Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:
1. prevent loss, damage, or theft of the property; Any loss, damage, or theft must be investigated;
 2. to maintain the property and keep it in good condition; and
 3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS

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

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

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

The validity of payments for travel costs for all district employees and school officials shall be determined by the [*Superintendent* / *Officer*].

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

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

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

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

- A. Participation of the individual is necessary to the federal award.

ADMINISTRATION OF FEDERAL GRANT FUNDS

B. The costs are reasonable and consistent with Board policy.

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

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

DAF-9 TIME-EFFORT REPORTING / OVERSIGHT

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

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

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

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

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

1. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
2. be incorporated into the official records of the District;
3. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;

ADMINISTRATION OF FEDERAL GRANT FUNDS

4. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
5. comply with the District's established accounting policies and practices;
6. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The [*Superintendent* / *Officer*] is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

DAF-10 GRANT BUDGET RECONCILIATION

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

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

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT

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

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

ADMINISTRATION OF FEDERAL GRANT FUNDS**A. Sub-award Contents and Communication.**

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

1. Every sub-award will be clearly identified and include the following Federal award identification:
 - a) Subrecipient name
 - b) Subrecipient's unique ID number (DUNS)
 - c) Federal Award ID Number (FAIN)
 - d) Federal award date
 - e) Period of performance start and end date
 - f) Amount of federal funds obligated
 - g) Amount of federal funds obligated to the subrecipient
 - h) Total amount of the Federal award
 - i) Total approved cost sharing or match required where applicable
 - j) Project description responsive to FFATA
 - k) Name of Federal awarding agency, pass through entity and contact information
 - l) CFDA number and name
 - m) Identification of the award is R&D
 - n) Indirect cost rate for the Federal award
2. Requirements imposed by the District including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the District deems necessary for financial or performance reporting of subrecipients as necessary.
4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.
5. Requirements that the District and its auditors have access to the subrecipient records and financial statements.
6. Terms and conditions for closeout of the sub-award.

B. Subrecipient Monitoring Procedures.

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

Subrecipient monitoring procedures include:

1. At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.
2. Evaluate each subrecipient's risk of noncompliance prior to executing a sub-award. In doing so, the District will assess the subrecipient's:

ADMINISTRATION OF FEDERAL GRANT FUNDS

- a) Prior experience with the same or similar sub-awards.
 - b) Results of previous audits and single audit (if applicable).
 - c) New personnel or new or substantially changed systems.
 - d) The extent and results of Federal awarding agency monitoring.
3. Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.
 4. Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the sub-award. To facilitate this review, subrecipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage subrecipients to submit regular invoices.
 5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
 6. In conducting regular oversight and monitoring, the District project managers will:
 - a) Verify invoices that include progress reports.
 - b) Review progress reports to ensure project is progressing appropriately and on schedule.
 - c) Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
 - d) Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
 - e) Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
 - f) Review subrecipient match tasks for eligibility.
 - g) Initial the progress report and invoice confirming review and approval prior to payment.
 - h) Raise any concerns to the [____ *Superintendent* __/Officer].
 7. The [____ *Superintendent* __/Officer], upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.
 8. Payments will be withheld from subrecipients for the following reasons:
 - a) Insufficient detail to support the costs billed;
 - b) Unallowable costs;
 - c) Ineligible costs; and/or
 - d) Incomplete work or work not completed in accordance with required specifications.
 9. Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.

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

- a) Project proposal
- b) Project scope

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

D. Audit Requirements.

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

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

E. Methodology for Resolving Findings.

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

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- 42 USC 1751 – 66 National School Lunch Act
- 2 C.F.R. Part 180
- 2 C.F.R. Part 200
 - 200.0 - 200.99; 200.305; 200.313(d); 200.317-326; 200.403-.406; 200.413(a)-(c); 200.430; 200.431; 200.458; 200.474(b)
 - 200 Appendix II

ADMINISTRATION OF FEDERAL GRANT FUNDS

7 CFR Part 210

210.16; 210.19; 210.21; 215.14a; 220.16

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

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

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

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

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

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

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy - GBEA

STAFF ETHICS

An employee speaking or writing as a citizen should be free from institutional censorship or discipline, but his/her special position in the community carries special obligations. The employee must remember that the public may judge the profession and institution by his/her utterances. Hence the employee should, at all times, be accurate, exercise appropriate restraint, show respect for the opinion of others, and make every effort to indicate that he/she is not a school spokesperson.

District employees will:

1. Make the well-being of students the fundamental value of all decision-making and actions.
2. Maintain fair, courteous and proper relationships with student, parents, staff members, and others.
3. Fulfill their job responsibilities with honesty and integrity.
4. Direct any constructive criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
5. Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
6. Honor all contracts until fulfillment or release.
7. Maintain all privacy and confidentiality standards as required by law.
8. Exhibit professional conduct both on and off duty.

Employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as employees. This includes, but is not limited to:

1. Employees will not participate for financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or their parents.
2. Employees who have patented or copyrighted any device, publication, or other item will not receive royalties for use of such item in the District. If said device, publication, or item was created while on duty with the District, the device, publication, or item is the property of the School District.

3. Employees will not engage in any type of work where the source of information concerning customer, client, or employer originates from information obtained through the District.
4. School employees will not solicit or sell for personal gain any educational materials or equipment in the attendance areas served by the District. Nor will any employees make available lists of names of students or parents to anyone for sales purposes.

To avoid nepotism in the supervision of personnel, the Board directs that no employee be assigned in any position where the employee would be responsible to a relative.

Employees are put on notice that these lists are not intended to be exhaustive or complete. Employees who fail to abide by the terms of this policy may be non-renewed and/or face discipline up to and including termination. Any action taken regarding an employee's employment with the District will be consistent with all rules, laws, and collective bargaining agreements, if applicable.

Adopted: August 1, 2002
Revised: October 5, 2011

STAFF ETHICS

*Category: Recommended**Related Policies GBEAB, GBEB & GBEBB***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised to (a) remove the discipline language that is more appropriate to Staff Conduct (see sample policy GBEB (Staff Conduct)), revised July 2019 (Ethics); and (b) incorporate as employment standards the newly enacted (11/18) Code of Ethics for NH Educators.*
- (b) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (c) *{**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

All employees of the District are expected to maintain high standards in their conduct both on and off duty. District employees are responsible for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. To these ends, the Board adopts the following statements of standards. District employees will adhere to the standards enunciated in this Policy in the decision-making process involving their interactions with students, the school community, colleagues, parents and the public.

A. Adoption and Incorporation of Standards of Code of Ethics for New Hampshire Educators.

The Board incorporates by reference and adopts as independent ethical standards relative to employment in the District, the provisions of the New Hampshire Code of Ethics for New Hampshire Educators (the "NH Code of Ethics"), as the same may be amended by the State from time to time.

B. Additional Ethical Standards.

In addition to the ethical standards set forth in the New Hampshire Code of Ethics, and without limiting the application thereof to District employment, employees will:

- Make the wellbeing of students the fundamental value of all decision-making and actions.

STAFF ETHICS

- Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
- Maintain just, courteous, and proper relationships with students, parents, staff members, and others.
- Fulfill their job responsibilities with honesty and integrity.
- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state, and national laws.
- Obey and implement the School Board’s policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic, or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

C. Dissemination.

The content of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted party.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

N.H. Dept. of Education Administrative Rule – Ed 303.01

N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators

N.H. Dept of Education, Code of Ethics for NH Educators

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor*

STAFF ETHICS

as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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

NHSBA history: Revised: April 2011, July 1998, November 1999, and July 2019

NHSBA note, July 2019: NHSBA revised policy GBEA, along with the related policies GBE, GBEB, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ /GBEA Staff Ethics 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

Category: *Recommended*Related Policies: *GBEA, GBEB, GBEBB,
JICK & JLF***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of Conduct”). Note, that NHSBA is revising its policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEB, applies to all employees, designated volunteers, and third party contractors).*
- (b) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

A. General.

The Code of Conduct for New Hampshire Educators, sections 510.01- 510.05 of the N.H. Dept. of Education Administrative Rules (the “NH Code of Conduct”) imposes various reporting requirements upon each “Credential Holder” as that term is defined by N.H. Dept. of Ed. Administrative Rule 501.02 (h). The reporting requirements include, among others:

1. reporting any “suspected violation of the code of conduct” (see NH Code of Conduct at Ed 510.05 (a)); and
2. self-reporting within five (5) days any arrest for violations of crimes enumerated in RSA 189:13-a, V (“Section V Offenses”) (see NH Code of Conduct, at Ed 510.01 (b)(2)).

By way of District Policy *{**}GBEB*, the Board has adopted the provisions of the NH Code of Conduct as employment rules and standards applicable to all employees and consultant/independent contractor, irrespective of whether or not such persons are Credential Holders. Consequently, each District employee designated volunteer, or contracted service provider (collectively referred to in this policy as a “Covered Individual”), is required to report certain acts, incidents and misconduct as provided in this policy.

Reports under this Policy are in addition to other reports as may be mandated by law or other policies (e.g., abuse or neglect of children, required by RSA 169-C:29 and Policy *{**}JLF*; acts of “theft, destruction, or violence” as defined under RSA 193-D:4, I (a), incidents of “bullying” per Board Policy *{**}JICK*, and hazing under RSA 671:7).

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES**B. Reports by Covered Individuals of Suspected Misconduct or Violations.**

1. Any Covered Individual having reason to suspect that any other district or SAU employee, designated volunteer, or third party consultant/contractor has violated any provision of the NH Code of Conduct, and or District Policy **{**}GBEB**, whether on or off duty, shall report the same to such Covered Individual's building principal, or to the Superintendent.

If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the [_____ *Business Administrator/Human Resources Director* **{note: the titled administrator should be the most senior level SAU administrator who is not the superintendent}**], who is hereby granted authority to consult with the District's attorney on the matter.

Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent's suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District's reporting procedures as expressed in this Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

2. **[OPTIONAL PROVISIONS – the Code of Conduct does not require the initial report to be in writing, but does require that the report “follow[] the ... school district ... reporting procedures” (510.05(a)). If the Policy requires reporting in writing, then it would be a code of conduct violation for a credential holder to fail to make the report in writing. Districts, may, however, consider that a writing requirement may discourage an initial report.]**

CHOOSE EITHER

Any initial report made relative to A.1 or A.2 above, may be made orally in the first instance, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than two business days. Upon request of the Covered Individual, the recipient of the report shall provide a copy of said report to the Covered Individual with a signed “received” annotation, such that the Covered Individual may document his/her State mandated obligation to report.

OR

Covered Individuals are encouraged to make their reports in writing. Doing so will provide the Covered Individual with evidence that they have complied with the requirements of this Policy and the NH Code of Conduct (if applicable).

C. Self-Reporting of Certain Crimes.

Self-reports of the Section V Offenses as described in A.2 above, shall be made in the same manner as reports under B, above. Because the list of Section V Offences is subject to change by the N.H. Legislature, employees, etc. who are arrested for any reason should promptly review the then statute, which may be found online at:

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

D. Provisions Applicable to Principals.

Upon receiving a report of suspected violation of *GBEB* or the NH Code of Conduct, or otherwise has knowledge of a violation, the Principal or any other administrator shall immediately report the same to the Superintendent. If the Superintendent is the subject of report, then the Principal’s report shall be made in the same manner as described in B.2, above.

E. Superintendent’s Report to the Department Regarding Credential Holders.

The Superintendent shall report misconduct by Credential Holders to the N.H. Department of Education in accordance with section 510.05 (c) of the NH Code of Conduct.

F. Procedures.

The Superintendent may establish such administrative procedures, forms, etc. as he/she may deem necessary or appropriate to implement this policy.

G. Dissemination.

The content or a copy of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted consultant.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators

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

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

NHSBA history: New policy – July 2019.

NHSBA note, July 2019, This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

Conduct”). NHSBA has also revised its sample policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEBA, applies to all employees, designated volunteers, and third-party contractors.

w/p-update/2019 Spring/ /GBEAB Code of Conduct Reporting

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

STAFF CONDUCT

Category: *Recommended*Related Policies: *GBEA, GBEAB & GBEBB***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised to (a) include the discipline language that formerly appeared in sample policy GBEA (Staff Ethics); and (b) incorporate as employment standards the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (without incorporation, the state Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District).*
- (b) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.*

A. General Provisions.

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, all policies and decisions of the Board, and the administrative regulations and directives designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

Employees are advised that failure to abide by this and other school board policies can lead to disciplinary action, up to and including dismissal, and can result in non-renewal. Any action taken regarding an employee's employment with the District will be consistent with all rules, laws, and collective bargaining agreements, if applicable.

B. Adoption and Incorporation of Standards of Code of Conduct for New Hampshire Educators.

The Board incorporates by reference, and adopts as independent standards of conduct relative to employment in the District, the provisions of the New Hampshire Code of Conduct for New Hampshire Educators (Ed 510.01-510.05) (the "NH Code of Conduct"), as the same may be amended by the State from time to time. The District reserves the right to take employment action against any employee based upon the District's interpretation of the provisions of the NH Code of Conduct and the District's independent assessment of whether an employee has violated

STAFF CONDUCT

said provisions. The District’s interpretation, assessment and/or action thereon, are independent of any interpretation by the New Hampshire Department of Education (“DOE”) with respect to those standards, and irrespective of any investigation by or action taken by the DOE relative to a District employee’s conduct.

C. Dissemination.

The content or a copy of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted party.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- N.H. Dept. of Education Administrative Rule – Ed 303.01
- N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators
- NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel
- N.H. Dept of Education, Code of Ethics for NH Educators
- RSA 189:13, Dismissal of Teacher
- RSA 189:14-a, Failure to be Renominated or Reelected
- RSA 189:14-d, Termination of Employment

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

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

NHSBA history: Revised – July 2019; New Policy - August 2006

NHSBA note, July 2019: NHSBA revised policy GBEB, along with the related policies GBE, GBEA, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ GBEB Employee Conduct 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy – JEB

ENTRANCE AGE REQUIREMENTS

A student may enter grade one if his/her chronological age will be six (6) before September 30 of the year of entering school.

A student may enter Kindergarten if his/her chronological age will be five (5) before September 30 of the year of entering school.

A birth certificate must be presented upon registration as proof of the date of birth.

Incoming transfer students in grades 2 to 8, inclusive, will be initially placed in accordance with the data forwarded by the sending District. Such placement is tentative and subject to reassignment by the Superintendent or his/her designee.

Incoming transfer students in grade one will only be initially admitted to grade one if their chronological age will be six (6) before December 31 of the year of entering school or if previously enrolled in grade one in another community and attending local schools only on a temporary basis (10 months or less). Such placement is tentative and subject to reassignment by the Superintendent or his/her designee.

Statutory Reference:

RSA 193:1

Adopted: May 15, 1974
Revised: August 1, 2002

EARLY ENTRANCE INTO KINDERGARTEN

Category: *Recommended*Related Policies: *JCA, JEB & JEC***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY prepared in response to requests from member districts regarding criteria for allowing early admittance to kindergarten. Because of the frequency of parents seeking such admittance, NHSBA does not recommend an avenue of appeal to the School Board. Such review may be appropriate in extraordinary cases under the statutes and policies relating to best interests or manifest educational hardship. (See e.g., NHSBA sample policies JCA & JEC).*
- (b) *{**} indicates a reference to another NHSBA sample policy. A District should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each District carefully review this sample policy prior to adoption to assure suitability with the District's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

Under Board Policy *{**}JEB*, a student may enter kindergarten if his/her chronological age is five prior to _____ September 30 of the year entering school.

A child whose fifth birthday falls between October 1 and _____, may be allowed to enter kindergarten if skills and maturity level strongly indicate readiness for kindergarten as determined by the Superintendent or his/her designee.

Among other things, the determination shall be based upon an assessment by the Superintendent (or designee) of the child's:

1. Cognitive development;
2. Social development;
3. Physical development;
4. Language development.

The Superintendent shall have sole discretion to determine the nature of the information used in the assessment (i.e., records, documents, interviews, etc.). In making his/her decision, the Superintendent shall also consider such factors as class size, resources, etc.. The Superintendent's decision whether to allow early admittance shall be final, and is not subject to review or appeal to the Board or otherwise.

The Superintendent is authorized to establish such criteria and administrative procedures as the Superintendent deems appropriate and/or necessary to implement this policy.

EARLY ENTRANCE INTO KINDERGARTEN

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision/adoption history:

Legal References:

RSA 193:1, Compulsory Attendance of Pupil

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

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

NHSBA history: NEW POLICY July 2019

w/p-update/2019 Spring//JEBA Early Entrance into Kindergarten 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy – JFABD

ADMISSION OF HOMELESS STUDENTS

In accordance with federal and state law, the Raymond School Board will ensure that homeless children and youth are provided with equal access to its educational programs and services comparable to those provided to other students in the schools; are not segregated on the basis of their status as homeless; and are provided transportation to and from the homeless student's school of origin.

Local Homeless Liaison

The Raymond School Board appoints the Special Education Director as its Local Educational Agency Liaison for Homeless Children and Youth. The liaison shall coordinate with local social service agencies that provide services to homeless children and youth and their families; the other school district on issues of transportation and records transfers; and State and local housing agencies responsible for comprehensive housing affordability strategies. The liaison will also review and recommend to the School District changes in policies that may act as barriers to the enrollment of homeless students.

Definition of Homeless Children and Youth

The term "homeless children and youths" means children who lack a fixed, regular, and adequate nighttime residence due to loss of housing, economic hardship, or similar reasons.

It includes children who:

1. Are temporarily sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
2. Are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations
3. Are living in emergency shelters
4. Are abandoned in hospitals; or are awaiting foster care placement
5. Have a nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
6. Are living in cars, parks, public spaces, abandoned buildings, substandard

housing, bus or train stations, or similar settings.

Migratory children (as defined in 20 U.S.C. § 6399) and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition.

Procedure

School Selection

In accordance with federal and state law, the Raymond School District will make placement decisions based on the child's best interests and will:

1. Continue the child's education in the school of origin for the duration of homelessness, if the child becomes homeless between academic years or during an academic year; or for the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend.

In determining the best interest of the homeless child, the Raymond School District will:

1. To the extent feasible, keep the child in the school of origin, except when doing so is contrary to the wishes of the child's parents or guardian;
2. Provide a written explanation, including a statement regarding the right to appeal as described below, to the homeless child's parent or guardian if the School District sends the child to a school other than the school of origin or a school requested by the parent or guardian:
3. In the case of an unaccompanied youth, ensure that the School District's homeless liaison assists in the placement or enrollment decisions regarding the student, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described below.

The "school of origin" means the school that the child attended when permanently housed, or the school in which the child was last enrolled.

The decision regarding placement shall be made regardless of whether the child lives with the homeless parents or guardian or has been temporarily placed elsewhere.

Enrollment

The school selected shall immediately “enroll” the child, even if the child is unable to produce records normally required for enrollment. The school selected will immediately contact the school last attended by the child to obtain records.

The terms “enroll” and “enrollment” are defined to mean attending school and participating fully in school activities.

Comparable Services

Each homeless child shall be provided services comparable to services offered to other students in the school selected, such as

1. Preschool programs
2. Transportation services
3. Educational services for which the child meets eligibility requirements such as ESL or special education programs
4. Programs for “At Risk” students
5. School nutrition programs
6. After School programs

Transportation

The request of the parent or guardian (or in the case of an unaccompanied youth, the local homeless liaison), the Raymond School District will provide transportation for homeless children to and from the school of origin in accordance with the following requirements.

1. If the homeless child continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child’s transportation to or from the school of origin
2. If the homeless child continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally

Disputes

If a dispute arises over school selection or enrollment, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute; and the following procedures shall be used to resolve the dispute:

1. The local homeless liaison will provide guidance, technical assistance and mediation support to resolve disputes at the local level
2. If the issue is not resolved, parents of homeless children and/or unaccompanied youth will be provided with written information about the dispute process. The local homeless liaison will act on the behalf of unaccompanied youth to resolve disputes.
3. The State Coordinator for the Education of Homeless Children in the State Department of Education will be called upon to assist in resolving differences which are not resolved at the local level.
4. The superintendent shall decide residency issues
5. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make a decision, and such determination shall be final.
6. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final.

As required by: The McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431, et seq. and RSA 193:12, IV.

Adopted: February 20, 2008

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

Category: *Priority/Required by Law*Related Policies: *EEA, JFA, JFAA, & JFABE***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised substantially, with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also includes clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.*
- (b) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a “Repealed/Revised” section within their manuals.*

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

A. Homeless Students.

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above. See also Policy *{**}JFABE*.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

B. Enrollment and School Stability.

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

C. Homeless Liaison.

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student's records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

D. Enrollment Determinations for Homeless Students.

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

E. Transportation of Homeless Students.

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

F. Dispute Resolution.

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes "attending classes and participating fully in school activities."

1. Notification of Appeal Process.

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child's placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

2. Appeal to the District Homeless Liaison – Level I.

- a. If the parent or unaccompanied youth disagrees with the District’s placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal (“appeal”) with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District’s placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

3. Appeal to the Superintendent – Level II.

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent’s designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
- c. The Superintendent/designee shall provide a copy of the Superintendent’s decision to the District’s Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

G. Records.

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)

20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)

20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)

42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)

Plyler v. Doe, 457 U.S. 202 (1982)

RSA 193:12, Legal Residence Required

NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students

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

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

NHSBA history: REVISED – July 2019, May 2018, May 2008, February 2005

NHSBA note, July 2019: NHSBA substantially revised sample policy JFABD with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also include clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.

w/p-update/2019 Spring/ JFABD Homeless Students 2019-7 (d5)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts’ needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EDUCATION OF CHILDREN IN FOSTER CARE

Category: *Recommended*Related Policies: *EEA, JFA, JFAA, & JFABD***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY to reflect changes to the McKinney-Vento Act (included as part of ESSA) which create several substantive and procedural requirements relative to enrollment, education and transportation of children placed (or awaiting placement) in foster care.*
- (b) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

It is the Board's intent to remove barriers to the identification, enrollment and retention in school of children who are in foster care. All staff shall take reasonable steps to ensure that children in foster care are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

A. Definition.

Under guidance issued jointly by NHDOE and the N.H. Department of Health and Human Services, and for the purposes of this Policy, “foster care” shall mean “24 hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility. This includes children in foster family homes, shelters, relative foster homes, group homes and residential facilities, regardless of whether the foster care facility is licensed or whether payments are made by the state.” To the extent required under applicable law, a child in foster care under this policy also includes children whom an appropriate child welfare agency indicates are awaiting a foster care placement. (Note: children awaiting foster care may also qualify as homeless under policy **{**}JFABE**.)

The District shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed. The coordination requirements apply to both situations (i) when a student who is a resident of the District is placed in foster care in another district, or (ii) when a student residing in another district is placed foster care in a home within this District.

The Superintendent is responsible for providing any required assurances to applicable state and federal agencies that the District is complying with applicable requirements related to ensuring the educational stability of children in foster care; and for reasonably monitoring compliance with such assurances.

EDUCATION OF CHILDREN IN FOSTER CARE**B. District Point of Contact with Child Welfare Agencies.**

The Superintendent shall designate a staff member to serve as the District's point of contact (the "Foster Care POC") between the New Hampshire Division of Children, Youth and Families ("DCYF"), NHDOE, other districts, and other child welfare agencies. The main duty of the Foster Care POC is to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care, pursuant to applicable state and federal statutes, regulations and guidance. Additionally, the Foster Care POC shall work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

The District shall provide training opportunities and other technical assistance to the Foster Care POC and other appropriate district staff regarding the District's obligations to students in foster care.

C. Best Interest Enrollment Determinations, Disputes and Enrollment.

Generally, a student in foster care will remain in his/her school of origin, unless there is a determination that it is not in the student's best interest. The Foster Care POC shall assist DCYF or any other child welfare agency to make a "best interest determination" education decision, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school. Unless local procedures are established in accordance with state and federal law, the District will use the model procedures prepared jointly by the NHDOE and DCYF.

If the determination is that the best interests of a child is not to remain in the school of origin, and instead placed within a new school within this District, the child in foster care shall be immediately enrolled in the new school ("receiving school"), even if any documents or records otherwise required for enrollment are not immediately available.

If there are disputes regarding a determination regarding the best interest determination for a child in foster care, it is expected that DCYF and the separate school districts, both sending and receiving, will work collaboratively at the local level to resolve the issue. Should there be no resolution, RSA 193.12, V-b, requires the Department of Health and Human Services to request in writing that the two Superintendents involved resolve the dispute. If the residency dispute remains unresolved after 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the Department of Education determine the residence of the child for purposes of school enrollment.

If a school within the District is a receiving school, such receiving school shall accept the student's certified coursework as if it had been completed at the receiving school. To the extent such coursework is not aligned with the curriculum, the awarded credit may be elective, but it must be counted toward required credits for advancement or graduation.

D. Transportation.

When the District is notified that a student in foster care needs, or may need, transportation to a District school, the Foster Care POC will take steps to establish an individualized plan that

EDUCATION OF CHILDREN IN FOSTER CARE

addresses transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student in foster care is attending his/her school of origin.

In establishing such a plan, the Foster Care POC and other district staff shall follow any existing transportation procedures, systems-level plan or agreement that the District, acting in collaboration with DCYF and/or other departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student. Out of District transportation of children in foster care shall be provided in accordance with DCYF's or other child welfare agency's authority to use child welfare funding for school of origin transportation.

If there are disputes regarding the provision or funding of transportation, the school district foster care point of contact and child welfare agency representative will contact their respective Supervisor and Superintendent of the school to resolve the dispute. To the extent feasible and appropriate, the school districts involved should ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce school transitions.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:**Legal References:**

- 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act – "FERPA"*)
- 20 U.S.C. 1701-1758 (*Equal Educational Opportunities Act of 1974 – "EEOA"*)
- 20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (*provisions in ESSA regarding obligations to students in foster care*)
- 42 U.S.C. 671 (a)(10) and 675 (1)(G) (*child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care*)
- 42 U.S.C. §11431 and §11432 (*McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth*)
- Public Law 110-351, *The Fostering Connections to Success and Increasing Adoptions Act of 2008*
- 34 C.F.R. 200.30 (f)(1)(iii) (*ESSA's definition of "foster care"*)
- Plyler v. Doe*, 457 U.S. 202 (1982)
- RSA 193:12, *Legal Residence Required*
- "N.H. Guidance on ESSA and Foster Care to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed"*, January 2017, NHDOE and NHDHHS

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

EDUCATION OF CHILDREN IN FOSTER CARE

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

NHSBA history: NEW POLICY July 2019

w/p-update/2019 Spring/ JFABE Foster Children 2019-7 (d2)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy - JIA

STUDENT DUE PROCESS RIGHTS

Student due process rights and the contents of RSA 193:13 shall be published and distributed annually in the Parent-Student Handbooks.

See Appendix JICD-R

Adopted: August 1, 2002

Revised: February 20, 2008

STUDENT DUE PROCESS

Category: Recommended

Related Policies: JIC, JICD, JICDD, & JICK

ADOPTION NOTES –

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

- (a) General – As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.
(b) {**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
(c) The district should maintain as part of its permanent records, copies of withdrawn policies, as well as earlier versions of revised policies.

Students facing discipline will be afforded all due process rights given by law. The Superintendent or his/her written designee is authorized to suspend any student for ten days or less for violations of school rules or policies. Should the Superintendent desire to extend a suspension beyond 10 days, or seek expulsion of a student, such student will be afforded a hearing consistent with the provisions of RSA 193:13, I (b) and (c), N.H. Dept. of Education Rule 317.04, and Board Policy {**}JICD. D.2.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

Student due process rights shall be printed in the Parent-Student Handbook and will be made available in another language or presented orally upon request.

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:15, Regulations

STUDENT DUE PROCESS

*RSA 193:13, Suspension and Expulsion of Pupils
NH Code of Administrative Rules, Section Ed 306.04(a)(3), Policy Development, Discipline
NH Code of Administrative Rules, Section Ed. 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed 317.04, Disciplinary Procedures*

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

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

NHSBA history: Revised – July 2019, September 2008, October 2005, November 1999 and July 1998

NHSBA note, July 2019 – Sample policy JIA has been revised to better coordinate with RSA 193:13, and Ed. 317.04. Language regarding students with disabilities has also been added.

w/p-update/2019 Spring/JIA Due Process (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy - JICD

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS

Inappropriate student conduct that causes material and substantial disruption to the school environment interferes with the rights of others, or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers to communicate and educate effectively.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

Suspension means an in-school suspension, an out-of-school suspension, long-term suspension, a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. A long-term suspension will not exceed an additional ten days. A restriction from school activities means a student will attend school and classes but will not participate in practice or other extra-curricular activities.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the Board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the Board.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA

193:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:13, IV. Students receiving special education services will be disciplined in accordance with the student's IEP and all applicable provisions of the Individual with Disabilities Education Act (IDEA).

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies.

Students and parents will be notified annually of this policy.

Legal References:

RSA 193:13, Suspension & Expulsion of Pupils

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures

See Appendix: JICD-R

Adopted: August 1, 2002

Revised: June 3, 2009

Revised: May 2, 2012

STUDENT DISCIPLINE AND DUE PROCESS

Category: Priority - Required by Law

Related Policies: JI, JIA, JIC, JICDD & JICK

See also Appendix JICD-R

ADOPTION NOTES –

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

- (a) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (b) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in or adopted pursuant to Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

A. Disciplinary Measures – "Definitions".

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
 - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).
 - b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).
5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.

STUDENT DISCIPLINE AND DUE PROCESS

Prior to a long-term suspension, the student will be afforded an informal hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing before the School Board, but **the process must comply with the requirements of Ed 317.04 (f)(2) and Ed 317.04 (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the *[Superintendent]*'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

E. Process for Expulsion.

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.
2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
3. **Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.**
4. Any decision by the Board to expel a student may be appealed to the State Board of Education.
5. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

F. Sub-committee of Board. For purposes of sections D and E of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and

STUDENT DISCIPLINE AND DUE PROCESS

guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

See Appendix: JICD-R

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

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

NHSBA revision history: Revised – July 2019; May 2018; September 2017; April 2011; May 2008; November 2007; October 2005; November 1999

NHSBA note, July 2019: Revisions are to format, and a rewrite of the first sentence of the introductory paragraph. The new language is to clarify that the behavioral standards are not enumerated in JIC itself, but are included in either district specific administrative regulations, and/or other policies.

NHSBA note, May 2018: This sample policy has been substantially updated to more closely reflect and track the language of 193:13 and Ed 317.04. This revised version also includes a provision relative to discipline of children with educational disabilities. **NHSBA adoption considerations:** Because most of this policy derives from specific statutes or DOE regulations, and involves potential deprivation of a student's rights, it is essential that the language adopted by the local School Board, including the designation of responsible personnel, track the applicable statutes and regulations. Districts should also be certain to update pertinent handbooks, website, and other pertinent publications to assure consistency. Finally, districts which do not use the NHSBA/NEPN code reference system, should check to make sure that the internal policy references included in JICD are changed to reflect the local coding system. **See also** revisions to sample policy JIC.

STUDENT DISCIPLINE AND DUE PROCESS

NHSBA note, September 2017: Revised to include the requirement that educational assignments shall be made available to the suspended student when suspended up to ten (10) days, enacted by House Bill 216, Laws of 2017, Chapter 12, effective June 16, 2017, and to conform to other changes to law and administrative rules. In light of the Supreme Court's decision in *In re Keelin B.*, language is added reflecting the School Board's authority under that statute to adopt policies defining misconduct beyond that explicitly addressed in RSA Chapter 193-D and RSA 193:13. RSA 189:15 was last amended in 1969 and it uses the term "regulation." More recent law and NHSBA practice uses the term "policy" for rules set by the School Board. "Regulation" is the term used for rules and procedure set by the Superintendent or Administrators using authority delegated by the School Board or established by statute. We recommend that School Boards continue to classify their "rule-making as policy, but it may be beneficial when setting a policy using the authority granted by RSA 189:15, to include in the text of the policy reference to that statute.

w/p-update/2019 Spring /JICD Student Due Discipline and Due Process 2019 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy JICDAA (Also GBEBB)

EMPLOYEE-STUDENT RELATIONS

Staff members are expected to maintain courteous and professional relationships with students, maintain an atmosphere conducive to learning, through consistent and fairly applied discipline and established professional boundaries.

Unless necessary to serve an educational or health-related purpose:

1. Staff members shall not make derogatory comments to students regarding the school and/or its staff.
2. The exchange of purchased gifts between staff members and students is discouraged.
3. Staff members shall not fraternize, either verbally or in writing, with students except on matters that pertain to school-related issues.
4. Staff members shall not associate with students in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
5. Dating between staff members and students is prohibited.
6. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
7. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
8. Staff members shall not send students on personal errands.
9. Staff members shall, pursuant to RSA 169-C:29 and Board policy, immediately report any suspected signs of child abuse or neglect.
10. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate school staff or agency for assistance.
11. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
12. Staff members shall not be alone in a room with a student with a door closed, a locked door, or with the lights off.
13. Staff members are strongly discouraged from socializing with students outside of school on social networking websites, consistent with the provisions of Policy GBEBD.

Staff members who violate this policy may face disciplinary measures, up to and

including termination, consistent with state law and applicable provisions of a collective bargaining agreement.

Any employee who witnesses or learns of any of the above behaviors shall report it to the building principal or Superintendent immediately.

Adopted: May 5, 2010

EMPLOYEE - STUDENT RELATIONS

Category: *WITHDRAWN*

Related Policies: *GBE, GBEA, GBEB & GBEBB*

ADOPTION NOTES –

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

- (a) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (b) *{**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *NHSBA is withdrawing previous sample JICDAA which was identical to the earlier iteration of GBEBB. The latter policy has been revised concurrent with the withdrawal of JICDAA to align with other staff conduct and ethics policies, as well as the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018. NHSBA recommends that School boards should formally repeal JICDAA (or their equivalent policies).*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

WITHDRAWN JULY 2019

The District withdrew former policy *{**}JICDAA* . by vote of the School Board on _____
_____. The substance of earlier sample policy *{**}JICDAA* has been
incorporated into policy *{**}GBEBB*.

District Policy History:

Date withdrawn:

District revision history:

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

NHSBA history: WITHDRAWN - July 2019; Revised September 2014; August 2006; New Policy November 2006.

NHSBA note, July 2019: Previous sample policy JICDAA was identical to an earlier version of GBEBB. In order remove the redundancy, NHSBA is withdrawing previous sample JICDAA which was identical to the earlier iteration of GBEBB. The latter policy has been revised concurrent with the withdrawal of JICDAA to align with

EMPLOYEE - STUDENT RELATIONS

other staff conduct and ethics policies, as well as the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ JICDAA Staff Student Relations 2019 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy – JIHD

STUDENT INTERVIEWS AND INTERROGATIONS

Interviews by School Administrators

When a violation of Board policy or school rules occurs, the school principal or designee may question potential student victims and witnesses without prior consent of the parent, guardian, or legal custodian. If a school official is investigating a report of child abuse regarding the student and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made.

Interrogations by School Administrators

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interrogate the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The school principal or designee may question potential student victims and witnesses without prior consent of the parent, guardian, or legal custodian. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing to the proper school administrator.

Interviews and Interrogations by Law Enforcement Officers

It is the desire of the school district to cooperate fully with all law enforcement agencies in the community. When law enforcement officials find it necessary to interview students during the day for non-school related investigations, they will contact the student only through the principal's office. All interviews with students at school, by officers of the law, will be conducted in a private office with principal or counselor present and any other staff as necessary. The officer of the law will notify the parent of the interview, prior to meeting with the student. In the event it becomes necessary to interview the student away from school, either the police or a member of the school staff will notify the parents of the time and place of the interview. Occasionally, a principal may find it necessary to call the police department for assistance in handling a pupil guilty of some serious offense committed at school. In such cases, the principal will either prior to or immediately after contacting the police, attempt to contact the student's parents/guardian. The School Resource Officer (SRO) routinely makes inquiries regarding discipline. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstance exist, such interviews and interrogations are discouraged during the students' class time. The principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process, while at the same time cooperating with law enforcement efforts.

Adopted: March 19, 2008

STUDENT INTERVIEWS AND INTERROGATIONS*Category: Optional**Related Policies: JLF***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (b) *{**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

A. Interviews of Student Witnesses or Victims by School Administrators.

When a violation of Board policy or school rules occurs, the school Principal or designee may question potential student victims and witnesses without prior consent of the parent, guardian, or legal custodian. If a school official is investigating a report of child abuse regarding the student and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made.

B. Interrogations of Student Suspects by School Administrators.

In situations where a student is suspected of violating Board policies or school rules, the Principal or designee may interrogate the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing to the proper school administrator.

C. Interviews of Students by Law Enforcement or DCYF Caseworkers in Certain Cases.

Under RSA 169-C:38, law enforcement personnel and trained caseworkers of the New Hampshire Division of Human Services, Division of Children, Youth and Families (DCYF) shall have the right and authority to enter any school for the purpose of conducting an interview with a child, with or without the consent or notification of the parent or parents of such child, if there is reason to believe that the child has been:

- (a) Sexually molested.
- (b) Sexually exploited.
- (c) Intentionally physically injured so as to cause serious bodily injury.

STUDENT INTERVIEWS AND INTERROGATIONS

- (d) Physically injured by other than accidental means so as to cause serious bodily injury.
- (e) A victim of a crime.
- (f) Abandoned.
- (g) Neglected.

For any interview conducted pursuant to this paragraph C, school officials shall provide a private space within the school suitable for a recorded interview. (The recordings are made and retained by law enforcement/DCYF, not the school).

D. Other Interviews and Interrogations by Law Enforcement Officers.

In other instances, law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interviews and interrogations are discouraged during the students' class time. The Principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process, while at the same time cooperating with law enforcement efforts. Accordingly, the Principal or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the Principal or designee shall immediately contact the Superintendent or district legal counsel for assistance.

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Legal References:

RSA 169-C:29-39, Child Protection Act, Reporting Law

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

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

STUDENT INTERVIEWS AND INTERROGATIONS

NHSBA history: Revised – July 2019; New policy – November 2007

NHSBA note, July 2019: NHSBA revised this policy to reflect the specific provisions of RSA 169-C:38, IV regarding interviews of children who are suspected of being abused or neglected, and with minor grammatical or formatting changes.

w/p-update/2019 Spring /JIHD Interrogations 2019 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

COMMUNICABLE DISEASES/PEDICULOSIS

This policy is adopted to carry out the provisions of RSA 200:32, RSA 200:38, and RSA 200:39.

Pediculosis: Screening. Based on recommendations from the American Academy of Pediatrics, the Board recognizes that school-wide screening for nits (**live eggs**) alone is not an accurate way of predicting which children will become infested with head lice, and screening for live lice has not been proven to have a significant decrease on the incidence of head lice in a school community.

The school nurse will periodically provide information to families of all children on the diagnosis, treatment, and prevention of head lice. Parents are encouraged to check their children's heads for lice if the child is symptomatic. The school nurse may check a student's head if the student is demonstrating symptoms.

Management on the Day of Diagnosis. The Board recognizes that head lice infestation poses little risk to others and does not result in additional health problems. The management of pediculosis should proceed so as to not disrupt the education process. Nonetheless, any staff member who suspects a student has head lice will report this to the school nurse or Principal. Students known to have head lice will remain in class provided the student is comfortable. If a student is not comfortable, he/she may report to the school nurse or principal's office. Such students will be discouraged from close direct head contact with others and from sharing personal items with other students. District employees will act to ensure that student confidentiality is maintained so the child is not embarrassed.

The Principal or school nurse will notify the parent/guardian by telephone or other available means if their child is found to have head lice. Verbal and written instructions for treatment will be given to the family of each identified student. Instructions will include recommendations for treatment that are consistent with New Hampshire Department of Health and Human Services recommendations.

Based upon the school nurse's recommendation, other children who were most likely to have had direct head-to-head contact with the assessed child may be checked or screened for head lice.

Criteria for Return to School. Students will be allowed to return to school after proper treatment as recommended by the school nurse. The Board recognizes that The American Academy of Pediatrics and the National Association of School Nurses discourage "no nit" policies. In alignment with these recommendations, no student will be excluded from attendance solely based on grounds that nits may be present. The school nurse may recheck a child's head. In addition, the school nurse may offer extra help or information to families of children who are repeatedly or chronically infested.

Legal Reference:

RSA 200:32, Physical Examination of Pupils

RSA 200:38, Control and Prevention of Communicable Diseases: Duties of School Nurse

RSA 200:39, Exclusion from School

American Academy of Pediatrics, Clinical Report on Head Lice Infestation, September 2002

<http://aappolicy.aappublications.org/cgi/content/full/pediatrics;110/3/638>

Appendix JLCC-R

Adopted: August 1, 2002

Revised: August 6, 2008

HEAD LICE / PEDICULOSIS

Category: Recommended

ADOPTION NOTES –

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

- (a) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
- (b) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

This policy is adopted to carry out the provisions of RSA 200:32, RSA 200:38, and RSA 200:39.

Pediculosis: Screening. Based on recommendations from the American Academy of Pediatrics, the Board recognizes that school-wide screening for nits alone is not an accurate way of predicting which children will become infested with head lice, and screening for live lice has not been proven to have a significant decrease on the incidence of head lice in a school community.

The school nurse will periodically provide information to families of all children on the diagnosis, treatment, and prevention of head lice. Parents are encouraged to check their children's heads for lice if the child is symptomatic.

Management on the Day of Diagnosis. The Board recognizes that head lice infestation poses little risk to others and does not result in additional health problems. The management of pediculosis should proceed so as to not disrupt the education process. Nonetheless, any staff member who suspects a student has head lice will report this to the school nurse or Principal. Students known to have head lice will remain in class provided the student is comfortable. If a student is not comfortable, he/she may report to the school nurse or principal's office. Such students will be discouraged from close direct head contact with others and from sharing personal items with other students.

To avoid embarrassment and to contain the infestation, whole classrooms will be checked for head lice upon the report of possible infestation by a classroom teacher. The administrator, his/her designee, school nurse or another qualified professional will examine the child in question and the child's classmates. Siblings of students found with lice and their classmates will also be checked if there is suspicion that infestation may exist. Based upon the school nurse's recommendation, other children who were most likely to have had direct head-to-head contact with the assessed child may be checked or screened for head lice.

The Principal or school nurse will notify the parent/guardian by telephone or other available means if their child is found to have head lice. Verbal and written instructions for treatment will be given to the family of each identified student. Instructions will include recommendations for treatment that are consistent with New Hampshire Department of Health and Human Services recommendations.

HEAD LICE / PEDICULOSIS

Criteria for Return to School. Once a student with “live lice” has left the school, he/she will not be allowed until after treatment with an anti-parasitic drug or other proper treatment as recommended by the school nurse has begun. The Board recognizes that The American Academy of Pediatrics and the National Association of School Nurses discourage "no nit" policies. In alignment with these recommendations, no student will be excluded from attendance solely based on grounds that nits may be present. The school nurse may recheck a child's head for live infestation. In addition, the school nurse may offer extra help or information to families of children who are repeatedly or chronically infested.

Legal Reference:

RSA 200:32, Physical Examination of Pupils

RSA 200:38, Control and Prevention of Communicable Diseases: Duties of School Nurse

RSA 200:39, Exclusion from School

American Academy of Pediatrics, Clinical Report on Head Lice Infestation, September 2002
<http://aappolicy.aappublications.org/cgi/content/full/pediatrics;110/3/638>

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:15, Regulations

RSA 200:32, Physical Examination of Pupils

RSA 200:38, Control and Prevention of Communicable Diseases: Duties of School Nurse

RSA 200:39, Exclusion from School

American Academy of Pediatrics, Clinical Report on Head Lice Infestation, September 2002

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

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

NHSBA revision history: Revised – July 2019, February 2007, November 1999, and July 1998; REVIEWED October 2004

HEAD LICE / PEDICULOSIS

NHSBA note, July 2019: Revisions to JLCC include a retitling to accurately reflect the subject matter, and minor modifications to clarify when a child with active head lice should/may be excluded, and the process for checking classmates and minimizing stigma.

w/p-update/2019 Spring /JLCC Head Lice - Pediculosis 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy - JLF

REPORTING CHILD ABUSE

Any school employee having reason to suspect that a child is being or has been abused or neglected shall immediately report his/her suspicions to the building principal. The principal shall then immediately notify the appropriate state officials at the New Hampshire Department of Health and Human Services. The principal will then notify the Superintendent that such a report to Health and Human Services has been made.

A written report shall be made by the principal within 24 hours. The report should contain the name and address of the child suspected of being abused or neglected, the person responsible for the child's welfare, the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the Department of Health and Human Services.

All new employees would be required to receive training and information on requirements and how to identify child abuse and neglect. The Board recommends all school district employees receive periodic training or information on how to identify child abuse and neglect, or on any new requirements

Legal References:

NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect
RSA 169-C:29, Persons Required to Report
RSA 169-C:30, Nature and Content of Report
RSA 169-C:31, Immunity from Liability
RSA 169-C:34, III, Duties of the Department of Health and Human Services

Adopted: May 3, 1971
December 6, 1984
Revised: August 1, 2002
Revised: October 6, 2010

REPORTING CHILD ABUSE OR NEGLECT*Category: Priority/Required by Law**Related Policies: GBEBA, IJOC & JICK***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

1. *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
2. *{**} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
3. *Section D of this draft policy includes language mandating annual training for all employees, designated volunteers and third-party providers. Cost effective or free training programs are available through such organizations as the Granite State Children's Alliance (e.g., "Know and Tell"). Though advisable, the law does not mandate annual training. Board may consider removing the word "annual" or changing the mandate to something more aspirational.*
4. *The district should maintain as part of its permanent records, copies of withdrawn policies, as well as earlier versions of revised policies.*

A. Statutorily Mandated Reporting – All Persons.

Under New Hampshire law (RSA 169-C:29), every person who has “reason to suspect” that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169-C:30, the initial report “shall be made immediately via telephone or otherwise.”

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a “credential holder”, as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).

The report should contain:

- a. the name and address of the child suspected of being abused or neglected,
- b. the person responsible for the child's welfare,
- c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),

REPORTING CHILD ABUSE OR NEGLECT

- d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
- e. any other information that might be helpful in establishing neglect or abuse.

To report child abuse or neglect to **DCYF**, call **24/7 (800) 894-5533** (in-state) or (603) 271-6562. **In cases of current emergency or imminent danger, call 911.**

B. Additional provisions relating to school employees, volunteers and contracted service providers.

Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report may be made orally, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than one calendar day.

1. Request for Assistance in Making Initial Report.

The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:

- (a) the initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, **and**
- (b) reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.

When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.

2. Principal's Action upon Receiving Report.

Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.

A written report shall be made by the Principal to the Superintendent within twenty-four (24) hours, with a copy provided to DCYF if requested. The report shall include all of the information included in the initial oral report, as well as any other information requested by the Superintendent, law enforcement or DCYF.

3. Requirements for Reporting of Other Acts.

REPORTING CHILD ABUSE OR NEGLECT

Employees/contract providers are also reminded of the requirements to report any act of “theft, destruction, or violence” as defined under RSA 193-D:4, I (a), incidents of “bullying” per Board Policy {**}JICK, and hazing under RSA 671:7. See also Board Policy {**}GBEBA. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.

C. Signage and Notification.

The Superintendent is directed to assure that the Principal or administrator of each school shall post a sign within the school that is readily visible to students, in the form provided by the, Division for Children, Youth, and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district’s website.

D. Training Required.

The Superintendent shall assure that all District employees, designated volunteers and contracted service providers receive training (in-person or online) upon beginning service with the District, with annual refreshers thereafter, on the mandatory reporting requirements, including how to identify suspected child abuse or neglect.

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Legal References:

- NH Code of Administrative Rules, Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect
- NH Code of Administrative Rules, Code of Conduct for NH Educators, Ed 510.05(e), Duty to Report
- RSA 169-C, Child Protection Act
- RSA 169-C:29-39, Reporting Law
- RSA 189:72, Child Abuse or Neglect Information
- RSA 193-D:4, Safe School Zones, Written Report Required

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

REPORTING CHILD ABUSE OR NEGLECT

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

NHSBA history: Revised – July 2019, May 2008, October 2004, November 1999, and July 1998

NHSBA note, July 2019, Sample policy JLF was revised to (a) more closely track the requirements RSA 169-C, (b) clarify the participation of the Principal, (c) include reference to the NH Code of Conduct for Educators, and (d) provide a mandate for annual training. See adoption notes above for further information.

w/p-update/2019 Spring/J/JLF Reporting 2019-7 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.