

CONTOOCOOK VALLEY SCHOOL DISTRICT
Office of the Superintendent of Schools
106 Hancock Road, Peterborough, NH 03458-1197

POLICY COMMITTEE

May 7, 2019
SAU Finch Room
6:00 PM

Agenda

Committee Members:

Rich Cahoon – Chair, Janine Lesser, Kristen Reilly, Crista Salamy, Jerry Wilson, Stephan Morrissey, Tim Theberge

Attendees:

1. Call to Order & Approval of April 2, 2019 Minutes

2. Policies to the Board:

The following policies will be presented for a first read at tonight's Board meeting:

- a) EEAG: Use Of Private Vehicles to Transport Students and for Other School Purposes
- b) JICDD: Student Discipline Out-of-School Actions (have also attached JICK, as requested)

3. Returning Policies for Discussion

Existing Policies That Require Further Discussion:

- a) ADB/GBEC: Drug-Free Workplace & Drug-Free Schools (contains Legal edits)
- b) CFA: Individual School Administrative Personnel (contains edits from Legal)
- c) JLD: School Guidance and Counseling Program (contains edits from Legal)
- d) STA - Kindergarten Drop-Off Procedures (contains Legal edits)

New Discussion:

- a) DAF: Administration of Federal Grant Funds – this is new from NHSBA
- b) EHAB: Data Governance and Security – bring forth at Dave Jack's request
- c) IGE: Parental Objections to Specific Course Material – revised by NHSBA in Sept. 2017 (both versions included)
- d) KLB: Public Complaints About the Curriculum or Instructional Materials – this is an old policy (1991) that needs updating to KEC (2004, NHSBA)

*** Pending from Past Meetings: Status Report --** They are not included in this packet but will appear on a future agenda.

- a) GBEF: Acceptable Use Policy: Staff (bringing back) Also includes JICL/EHAA: Internet Safety and Responsible Use – for Students. The Superintendent will draft a policy specifically to the collections process for damages or missing district property.
- b) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- e) IHBG: Home Education – Returning for further discussion. Superintendent reworking policy.
- f) EFDA: Overdue Accounts – awaiting additional content on reconciliation of overdue account process.

4. Strategic Plan Related Policies: Not in this packet

The following policies fall under the Assessment category for the Strategic Plan and will first go before the **Education Committee**. They are not included in this packet but will appear on a future agenda.

- a) IHBH: Extended Learning Opportunities (returned to Ed. Committee)
- b) IMBC: Alternative Credit Options (returned to Ed. Committee)
- c) IGA: Curriculum Development
- d) IK: Earning of Credit
- e) ILBA: Assessment of Educational Programs
- f) ILBAA: High School Competency Assessments

5. Communications Committee:

- a) Community Partnerships: KCB;

Next Meeting: May 21, 2019

CONTOOCCOOK VALLEY SCHOOL DISTRICT
Office of the Superintendent of Schools
106 Hancock Road, Peterborough, NH 03458-1197

POLICY COMMITTEE

April 2, 2019
SAU Finch Room
6:00 PM

Minutes

Committee Members:

Rich Cahoon – Chair, Janine Lesser, Kristen Reilly, Crista Salamy, Jerry Wilson, Stephan Morrissey, Tim Theberge, Kimberly Saunders, Ann Forrest

Attendees: Stephan Morrissey, Tim Theberge, Janine Lesser, Rich Cahoon, Crista Salamy, Jerry Wilson, Myron Steere, Ann Forrest, Kimberly Saunders

1. Call to Order & Approval of March 19, 2019 Minutes

The meeting was called to order at 6:00PM.

Motion to accept the minutes of March 19, 2019 meeting was made by Stephan Morrissey and seconded by Janine Lesser. Motion passed.

2. Policies to the Board:

The following policies will be presented for a second read at tonight's Board meeting:

- a) ADC/GBED/JICG: Tobacco Products Ban Use and Possession In and On School Facilities and Grounds – this is a revised policy from the NH School Board Assoc.
- b) BGA: Policy Development System – this is a revised policy from the NH School Board Assoc.

3. Returning Policies for Discussion

Existing Policies That Require Discussion:

- a) CFA: Individual School Administrative Personnel (see edits). This may be a short-lived policy. The Legislature is addressing who appoints the teachers, which would be the Board. Rich Cahoon does not have a problem with either the model or the edits.

ACTION: Hold for next meeting to review Legal edits.

- b) EEAG: Use of Private Vehicles on School Business (may have additional information from Legal)

ACTION: Committee agreed to send for a 1st read.

- c) GBEF: Acceptable Use Policy: Staff (bringing back)

This was brought back to address collections of monies that do not apply specifically to Food Services. This would apply to damages/loss to school property, and requires a more general policy that documents the practice. Dr. Forrest indicated that we still do not have a resolution for those who refuse to pay a debt. Rich Cahoon asked that we cover this in the policy. Tim

Theberge indicated that the Board should have a definitive policy that covers collection. Do we draw a distinction between willful malice and accidental damage? We need to leave open the possibility of taking people to court. If it involves a minor, the parents are responsible. Do we jump to law enforcement, or do we work with the families for collection? What about theft of a Chromebook? Dr. Saunders needs to know that the Board will have her back if she okay's the collection process in certain circumstances.

Jerry Wilson indicated that we need to make every effort to work with families, but we do need to draw the line at some point.

ACTION: We will draft a policy (include at the discretion of the Superintendent)

- d) JICL/EHAA: Internet Safety and Responsible Use – for Students (bringing back) see above (may have to be updated next year)

- e) IHBH: Extended Learning Opportunities (bringing back) to discuss the appeals process
Has the Superintendent's designee done this work, or is she prepared to do this work? Kids at the middle school can earn high school credits. The Alternative Credit Options applies to the high school only.

ACTION: Dr. Forrest will bring this policy back to the Education Committee for further discussion.

- f) IMBC: Alternative Credit Options (bringing back) See funding paragraph for edits. State's current law read that a student can receive up to 20 credits through home education.

ACTION: Dr. Forrest will speak with high school administration to resolve outstanding issue/questions.

ACTION: Dr. Forrest will bring this policy back to the Education Committee for further discussion.

New Discussion:

- a) JICDD: Student Discipline Out-Of-School Actions (do we also want to add "single significant event or bullying"?)

Dr. Saunders asked that the call letters be check.

There was a discussion on the word "near" in the NHSBA. Bullet # 5 would cover this. If it interferes with school, or affects the educational process of a student/s.

Janine Lesser asked for an explanation of students in two different schools/districts.

What is the definition of a bus stop? This is also public property.

ACTION: Bring JICK to next meeting. Send for a first read after edits.

Dr. Saunders asked that we not have a meeting on April 19, due to a nonpublic issue.

Governance Data Privacy Policy plan: bring to a future meeting. There is a bill that passed the House around staff and student data security. There are a lot of work associated with this bill, HB16:12

*** Pending from Past Meetings: Status Report --** They are not included in this packet but will appear on a future agenda.

- a) GBEC: Drug-Free Workplace/Drug-Free Schools (also applies to identical policy ADB, included) – awaiting feedback from Legal.
- b) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- g) JLD: Guidance Counselors: awaiting feedback from Legal
- h) IHBG: Home Education – Returning for further discussion. Superintendent status report
- i) EFDA: Overdue Accounts – awaiting additional content on reconciliation of overdue accounts

4. Strategic Plan Related Policies: Not in this packet

The following policies fall under the Assessment category for the Strategic Plan and will first go before the **Education Committee**. They are not included in this packet but will appear on a future agenda.

- a) IGA: Curriculum Development
- b) IK: Earning of Credit
- c) ILBA: Assessment of Educational Programs
- d) ILBAA: High School Competency Assessments

5. Communications Committee:

- a) Community Partnerships: KCB;

Next Meeting: May 7, 2019

Motion to adjourn made by Crista Salamy and seconded by Stephan Morrissey. Motion carried.
Meeting adjourned at 6:54 PM.

Respectfully submitted,

Carol Hills

EEAG – Use Of Private Vehicles to Transport Students and for Other School Purposes

Any use of private vehicles to transport students to or from school, field trips, athletic events, or other school functions, must have prior authorization by the Superintendent or his/her designee. Nothing in this policy shall prohibit a parent or guardian from transporting their child to or from school for daily attendance. Nothing in this policy shall limit the authority of the Superintendent or his/her designee from contracting with a private vendor to provide student transportation in a manner consistent with the laws of the State.

The Board specifically forbids any employee to transport students, except the employee's own children, for school purposes without prior written authorization by the Superintendent or his/her designee. Any employee seeking such permission shall be required to provide proof of a valid driver's license, (one not subject to suspension) and to disclose whether in the past ten (10) years they have been convicted of reckless operation of a motor vehicle, driving under the influence of intoxicating liquors or controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic. Permission shall not be granted to any employee who lacks a valid driver's license free of suspension, or who has been convicted of the aforementioned offenses. Individuals providing unauthorized student transportation do so without District permission and at their own risk, expense and liability.

Any employee or private citizen using their own or a rented vehicle to provide school-authorized student transportation must have automobile liability insurance of not less than \$300,000 Combined Single Limit, provide a Certificate of Insurance naming the District as an Additional Insured and be a designated volunteer. The District will maintain liability insurance, which shall be deemed in excess of the owner's primary insurance for authorized student transportation.

To use a private vehicle for other school purposes, the employee must have the written permission of the Superintendent or his or her designee. Any employee seeking such permission shall be required to provide proof of a valid driver's license, (one not subject to suspension) and to disclose whether in the past ten (10) years they have been convicted of reckless operation of a motor vehicle, driving under the influence of intoxicating liquors or controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic. Permission shall not be granted to any employee who lacks a valid driver's license (one free of suspension). Permission shall not be granted to any employee or who has been convicted of the aforementioned offenses unless the employee provides the Superintendent or his/her designee with clear and convincing evidence of mitigating circumstances post-conviction, whereupon permission may be granted to the employee to use a vehicle for other school purposes, but not for student transportation.

This permission may be in the form of a standing permit for employees who use their own cars regularly for school purposes. The permit shall state the particular purpose, and whether it includes transportation of students.

For all special trips involving students, including field trips, a special permit must be obtained in advance for the specific trip.

The employee who transports a student without the authorization described above shall be deemed to have acted outside the scope of their authority and the district shall assume no responsibility for indemnification of the employee in the event of a third party claim arising from an accident. The board specifically forbids any employee to transport students for school purposes without prior authorization by the Superintendent or his or her designee, except in the case of an imminent health or safety emergency involving a student where no other emergency transportation alternative is available. In such an event, the employee shall immediately report the circumstances to the Superintendent or his/her designee.

No student shall be sent on school errands using any automobile.

EEAG – Use Of Private Vehicles to Transport Students and for Other School Purposes

Reimbursement for use of private vehicles will be made only when the staff person has prior approval of the responsible administrator and any reimbursement shall be subject to any other applicable reimbursement policies and requirements of the District

Legal References:

New Hampshire Code of Administrative Rules Section Saf-C 1304.05, Exemption From School Bus Driver's Certificate
NH RSA 259:96-a.
NH RSA 189:6-c.

Category: R – Recommended

First Read: May 7, 2019

Second Read:

Adopted:

JICDD – Student Discipline Out-Of-School Actions

The ConVal School Board recognizes that out-of-school and off-campus student conduct is not normally the concern of the Board. However, the Board also recognizes that some out-of-school and off-campus conduct may have an adverse effect upon the school, school property, or school staff.

Therefore, it shall be the policy of this Board that the Board or school administrators may impose disciplinary measures against students for some out-of-school or off-campus conduct.

Discipline may be imposed if such out-of-school conduct causes a significant disruption or substantial interference with the school's educational mission, purpose, or objectives. Additionally, any off-campus or out-of-school behavior that has a strong potential to disrupt normal school operations may also be met with appropriate disciplinary actions.

Out-of-school and off-campus student conduct that may subject a student to discipline includes, but is not limited to:

1. Damaging school property;
2. Violence at or near the school's bus stop, during bussing times ~~either before or after the school day~~;
3. Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, during bussing times ~~either before or after the school day~~;
4. Damaging the private property of school staff or employees; or
5. Any other activity the Board or administration determines impedes the general welfare of scholastic activities or the safety or welfare of the student body.

Cyber-Bullying and Internet Threats

Reports and/or allegations of cyberbullying will be addressed in accordance with the provisions of Board policy JICK.

Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account.

However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

Revised: September 2015

Revised: May 2006, August 2007, August 2008, September 2010

Category: *Recommended*

See Also JIA, JIC, JICK

First Read: May 7, 2019

Second Read:

Adopted:

JICK – Pupil Safety And Violence Prevention

I. General Statement of Policy and Prohibition Against Bullying and Cyberbullying

The Contoocook Valley School District is committed to providing all pupils a safe school environment. Conduct constituting bullying or cyberbullying will not be tolerated, and is prohibited by this policy in accordance with RSA 193-F. This policy applies to all pupils and school-aged persons on school property and participating in school functions, regardless of their status under the law.

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

II. Definitions

The following definitions apply to this policy:

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

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

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

B. Cyberbullying: bullying (as defined above) undertaken through the use of electronic devices.

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

D. Perpetrator: a pupil who engages in bullying or cyberbullying.

E. School property: all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

F. Victim: a pupil against whom bullying or cyberbullying has been perpetrated.

G. Educational opportunities: the curricular and extra-curricular programs and activities offered by the District.

JICK – Pupil Safety And Violence Prevention

H. Interference with educational opportunities: a single significant incident or pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof which impedes a pupil 's ability to participate in, or access, the educational opportunities offered by the District. The determination as to whether an incident or a pattern of incidents interferes with a pupil's educational opportunities shall be made by the person investigating the reported incident(s).

I. Hostile educational environment: a single significant incident or pattern of incidents that is so severe and pervasive that it effectively denies a student equal access to the District's educational opportunities. The determination as to whether an incident or pattern of incidents has created a hostile educational environment shall be made by the person investigating the reported incident(s).

J. The determination as to whether a single significant incident or a pattern of incidents causes a "substantial disruption to the orderly operation of the school" shall be made by the person investigating the reported incident(s), and shall be based on the totality of the circumstances, and may include disruptions to curricular or extra-curricular programs and activities offered by the District.

In accordance with RSA 193-F:4, the Contoocook Valley School District reserves the right to impose discipline for bullying and/or cyberbullying that:

Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school--sponsored activity or event.

III. Reporting Procedure

The Principal of each school is responsible for receiving oral or written reports of bullying or cyberbullying. The Principal may designate, in writing, an additional person to receive such reports.

Student or Parent Reports

1. Any student who believes that he or she has been the victim of bullying or cyberbullying, as defined in Section II, above, should immediately report the alleged act(s) to the Principal; however, if the student prefers, he/she may inform any school employee or volunteer.

2. Students or parents who have witnessed or who have reliable information that a pupil has been subjected to bullying or cyberbullying should immediately report the same to the Principal, or, if

JICK – Pupil Safety And Violence Prevention

the student or parent prefers, he/she may inform any school employee or volunteer about the alleged bullying or cyberbullying.

3. Forms to report incidents of alleged bullying or cyberbullying shall be available at the Principal's office. Use of the form is encouraged, but not required. If the Principal or his/her designee receives the report verbally, he/she shall reduce the report received to writing within twenty-four hours of receiving the information.

Reports by Staff, Volunteer, or Employees of a Company Under Contract with the School District, or with any school in the Contoocook Valley School District:

1. Any school employee, volunteer, or employee of a company under contract with the Contoocook Valley School District, who has witnessed or has reliable information that a pupil has been subjected to bullying, or cyberbullying as defined in Section II above, shall report such incident to the Principal or his/her designee as soon as reasonably possible.

IV. Notice to Parents/Guardians

Within 48 hours of receiving a report of alleged bullying or cyberbullying, the Principal, or his/her designee, shall give notice of the report of the alleged incident to the parent(s) or guardian(s) of the victim and the perpetrator. The report shall be made by telephone or in writing; if made by telephone, a record of the report shall be made. The record should include, at a minimum, the date and time of the call. Any such notification under this policy must comply with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g. At a minimum, the notice shall advise the individuals involved of the nature of the incident, the date and time the report was received, and the procedures described in this policy. In accord with FERPA, the notice shall not contain any personally identifiable information obtained from student education records.

V. Waiver of Notification Requirement

The Superintendent may, within the 48 hour time period referenced in Section IV of this policy, grant the Principal or his/her designee a written waiver from the notification requirement in Section IV of this policy, if the Superintendent or his/her designee deems such waiver to be in the best interest of either the victim or the perpetrator. The granting of a waiver does not negate the responsibility to follow the other procedures set forth in this policy.

1. The Principal or his/her designee is responsible for investigating reports of bullying or cyberbullying. The superintendent reserves the right to appoint another individual to conduct the investigation.

2. Investigations shall be initiated within five (5) school days of the date that the incident is reported to the Principal or his/her designee, and shall be completed within 10 school days.

JICK – Pupil Safety And Violence Prevention

3. If the Principal or his/her designee requires additional time to complete the investigation, the Superintendent or his/her designee may extend the time period for the investigation by up to seven (7) school days. Any such extension shall be in writing, and the Superintendent or his/her designee shall provide all parties involved with written notice of the granting of the extension.

4. Upon completion of the investigation, the Principal or his/her designee shall draft a written investigation report. The report must include, at a minimum, a description of the scope of the investigation, the findings, and the actions taken (i.e., the response to remediate, discipline, non-disciplinary interventions, etc).

5. Upon completion of the investigation, the Principal or his/her designee shall report all substantiated incidents of-bullying or cyberbullying to the Superintendent or his/her designee.

6. Within ten (10) school days of the completion of the investigation, the Principal or his/her designee shall provide the parents of the alleged victim and the alleged perpetrator with written notice of the results of the investigation (i.e., substantiated or unsubstantiated) and the available remedies and assistance. The notice shall comply with FERPA, and other State and Federal laws concerning student privacy.

VI. Response to Remediate Substantiated Incidents of Bullying or Cyberbullying

The Principal or his/her designee shall develop a response to remediate any substantiated incident of bullying or cyberbullying. The response should be designed to reduce the risk of future incidents, and where appropriate, to offer assistance to the victim or perpetrator.

In those cases where a perpetrator or victim is identified as a student with an educational disability, the Principal's response to remediate any substantiated incident of bullying or cyberbullying shall be presented to the IEP Team. The IEP Team is permitted to amend or augment the response in a manner necessary to ensure that the perpetrator and/or victim receives a free, appropriate public education, while still taking appropriate measures to remediate bullying.

VII. Discipline and/or Interventions

If, after investigating pursuant to Section VI of this policy, the Principal or his/her designee concludes that a pupil engaged in bullying or cyberbullying, that student may be subject to appropriate disciplinary action, which may include, but is not limited to, suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements.

JICK – Pupil Safety And Violence Prevention

VIII. Prohibition Against Retaliation and False Accusations

All individuals are prohibited from retaliating or making false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The Principal or his/her designee shall investigate claims of retaliation or false accusations, and if substantiated, the retaliator and/or the false accuser may be subject to discipline, including but not limited to, suspension or expulsion.

Students who falsely accuse other students of bullying or cyberbullying may also be subject to disciplinary action, which may include, but is not limited to, suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements.

At the discretion of the Principal or his/her designee, students who commit an act of bullying or cyberbullying or falsely accuse another of the same as a means of retaliation or reprisal may, either in addition to discipline or in lieu of discipline, receive non-disciplinary interventions. Interventions are not considered disciplinary in nature.

Nothing in this policy shall supersede the disciplinary procedures of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act, including the protections offered through the manifestation determination process.

IX. Training

The Superintendent shall ensure that school employees, regular school volunteers, and employees of a company under contract with the Contoocook Valley School District, and/or any of the schools within the Contoocook Valley School District, who have significant contact with pupils annually receive training on this policy for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.

The School District shall provide age-appropriate educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.

X. Notice of Policy

The Superintendent or his/her designee shall provide written notice of this policy to students, parents, legal guardians, school employees, school volunteers, and employees of companies under contract with the Contoocook Valley School District, or any school within the Contoocook Valley School District, through appropriate references in the student and employee handbooks, by publishing a copy of this policy on the District/SAU website, by providing companies under contract with the Contoocook Valley School District, with a copy of the policy, by providing training on the policy in accord with RSA 193-F, or through other reasonable means.

JICK – Pupil Safety And Violence Prevention

At the commencement of each school year, this policy shall be provided to all students. All students who enroll during the course of the school year shall receive a copy of this policy at the time they enroll.

XI. Capture of Audio and Video Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the ConVal School Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities.

XII. Report to the Department of Education

The Principal or his/her designee is responsible for reporting substantiated incidents of bullying to the Superintendent or his/her designee.

The Superintendent or his/her designee shall, on an annual basis, or as requested, report substantiated incidents of bullying and cyberbullying to the School Board and/or Department of Education. The reports shall not contain any personally identifiable information pertaining to any pupil.

Legal Reference:

RSA 193-F, Pupil Safety and Violence Prevention Act of 2000

RSA 570-A, Wiretapping and Eavesdropping (if applicable – see Note and Section XIII, above)

NH Ed R. 306.04(a)(8), Student Harassment

Category: P

See also, JBAA, JIC, JICD, IHBA

1st Read: November 16, 2010

2nd Read: December 7, 2010

Adoption: December 7, 2010

Amended: April 3, 2012

GBEC/ADB - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

(Download policy)

Category: *Priority-Required by Law*

Identical Policy: *ADB*

Related Policy: *JICH*

A. Drug-Free Workplace

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

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drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

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

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

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone" at any time during the year. The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B:1 and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii)

determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

E. Security of Prescribed Medications

Employees are responsible for maintaining the security of all prescribed medications ("medication") while in the employ of the District. Employees shall only maintain on their person such medications as they may be required to self-administer during the school day. Except in the case of a medical emergency, employees shall not self-administer medication in the presence of students. Employees shall keep medications on their person or temporarily locked in their desk or other secure location during the school day. Employee medications shall not be stored overnight on school property. At no time shall employee medications be visible or left unattended and accessible to students.

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District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history: _____

Legal References:

- 41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients
- RSA Chapter 193-B Drug Free School Zones
- [RSA 126-X:3, Use of Cannabis for Therapeutic Purposes](#)
- N.H. Admin. Code, Ed. Part 316

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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 and replaced September 2018.

Revised: April 2017; April 2010; February 2004; July 1998

NHSBA revision note: September 2018 - GBEC (and its identical policy ADB) is updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

The policy is further amended to include the optional language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program") when requested by a "syringe service program administrator".

Important note: Although a district may not adopt the **optional** provision regarding syringe

service programs, districts should replace existing GBEC/ADB such that the policy better reflects the requirements of Federal law.

NHSBA revision note: April 2017 - Revised to reflect changes to federal and state law.

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CFA – Individual School Administrative Personnel

Principals

Appointment

The principals shall be appointed by the Superintendent after a review by the Board. Should the School Board fail to accept the Superintendent's appointment, the Superintendent will be directed to present another for the position.

Candidates for position of principal will file a written application with the Director of Human Resources (HR). All applications will be screened by the HR Director and may be selected for interview by the nominating committee.

Terms of Contract

All appointments will be on a one-year basis between July 1 and June 30.

Functions

Building principals shall act as the Chief Administrative Officers for their own school buildings and grounds and shall serve under the direction of the Superintendent and when designated by the Superintendent, the Assistant Superintendent, Business Administrator, Human Resource Director, Director of Student Services, and/or Director of Special Education. They shall be responsible for and shall have authority over the actions of students, professional and non-professional employees, visitors, and persons hired to perform special tasks. They shall perform the powers and duties of Principals prescribed by Part Ed 304 Duties of School Principal School Administration regulations and related RSAs.

All principals shall keep the Superintendent informed of activities in their buildings.

Principals shall attend School Board meetings if requested by the Superintendent or the School Board.

PART Ed 304 DUTIES OF SCHOOL PRINCIPALS

Statutory Authority: RSA 186:8

Ed 304:01 – Substantive Duties

The school principal shall be responsible for the internal organizational structure of the school, the programs of the school, the governance of the student body, the utilization of technology and the utilization of the plant in accordance with local school board policy and/or as directed by the Superintendent of Schools.

- (a) The school principal shall evaluate and make recommendations to the Superintendent concerning candidates for professional and non-professional positions in accordance with local School Board policy or as directed by the Superintendent of Schools.

CFA – Individual School Administrative Personnel

- (b) The school principal shall assign, direct, and evaluate all personnel employed with school administrative unit in accordance with local School Board policy, administrative regulations, and as directed by the Superintendent of Schools.
- (c) The school principal shall perform any other duties assigned by the Superintendent of Schools in accordance with local School Board policy, state statutes, and regulations of the State Board of Education.

Category: R

~~1st Read: June 4, 2013~~

~~2nd Read: June 18, 2013~~

~~Adoption: June 18, 2013~~

JLD - SCHOOL ~~GUIDANCE~~ AND COUNSELING PROGRAM

(Download policy)

Category: *Recommended*

The School Board is committed to ensuring a high quality school ~~guidance~~counseling program that is comprehensive, developmentally appropriate, fosters academic achievement, and personal growth, which is provided to all District students in an equitable manner.

The program will include the following:

- Distribution of information and support to students and families about academic programming, community supports, and other relevant information.
- Conformance with national standards, including "The ASCA National Model: A Foundation for School Counseling Program," published by the American School Counselor Association ("ASCA") in 2012.
- Prevention, intervention, and crisis response services.
- Promotion of personal, interpersonal, health, academic, and career development for all students through classroom programs and other services.
- A summary report of student performance in achievement, attendance, and behavior shall be provided to the board at least once a year, addressing the effectiveness of the school counseling program.
- All [relevant](#) provisions of NH Administrative Rules, Section Ed 306, Minimum Standards for Public School Approval.

It is the policy of this Board that, at all grade levels, school counselors collaborate with parents, students, staff, and community to remove barriers to learning and provide opportunities and supports to empower students to embrace their full potential and achieve their academic and personal aspirations. The ~~schoolguidance~~ counselor is responsible for developing a program or plan that identifies student success in academic performance, social awareness, and career planning.

Notice is given that the services provided by the school counselor are not a substitute for appropriate outside clinical or therapeutic mental health services. The School Board acknowledges that nothing in this policy shall be deemed to supplant or replace the fundamental responsibility of parents and guardians to ensure that when necessary their child receives appropriate mental health services.

The Superintendent shall develop and have on file a comprehensive K-12 School counseling program implementation plan consistent with this policy and kept current biennially.

Legal References:

Ed 306.39, ~~Guidance~~School Counseling Program

Revised: April 2017

Revised: May 2014

Revised: May 2008

NHSBA Note, April 2017: This policy was updated to reference current standards and regulatory requirements.

NHSBA Note, May 2014: This policy is no longer categorized as Priority/Required by Law. It is now categorized as Recommended. Changes are to Legal References. Content of the policy is unchanged.

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KINDERGARTEN DROP-OFF POLICY

The ConVal School District (SAU-1) has a policy that no Kindergarten Student riding a school bus shall be dropped off / unloaded during a home to school bus route unless an approved Adult is present and waiting to receive the child. If there is no one present to receive the child, the child will remain on the bus and the driver will radio into base notifying dispatch that there was no one present for the first attempt to deliver the child. The child shall remain on the bus until:

1. The parent is contacted and available for a second attempt to deliver child.
2. Or, if parent cannot be contacted, then an emergency contact may be notified to receive the child at the scheduled stop/location.
3. If no one is available to receive the child , then the child will be returned to the school. The parent or emergency contact shall be expected to receive the child at the school in a timely fashion.
- 3.4. If the parent or emergency contact does not receive the child in a timely fashion, SAU-1 may elect to seek assistance from state or local emergency services, including law enforcement.

Please sign and date that you have read and understand the above policy

PRINT NAME _____

Signature _____ DATE _____

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 – DELETE BEFORE ADOPTION:***Policy begins on third page.***

(a) *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.***

(b) *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.

(c) *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.*

Administration of Federal Grant Funds

ADOPTION NOTES – CONTINUED....

- (d) *A sampling review of the policy manuals of various school districts, reveals that many districts have adopted some UGG policies or components of policies required by the federal Uniform Grant Guidance (2 CFR 200). In order to avoid redundancy, we recommend that prior to adoption of this sample, Districts review their own policy manuals for related policies, and make such changes as are appropriate.*
- (e) *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.”*
- (f) *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, State and local laws and regulations, the Uniform Grant Guidance, and the District’s written policies and procedures. See Board Policy DAF.

- (g) *Given the complexity of this sample policy, and relationship to many existing NHSBA samples, NHSBA contemplates further development and revisions relative to DAF and related policies 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

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

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DAF-4	PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM	14
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NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

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

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

The Board directs the [....*Superintendent, Business Administrator* ____ *other – for instance, a District* *may designate a “Federal Funds Coordinator”*] to develop, monitor, and enforce effective administrative

Administration of Federal Grant Funds

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 [DJ (DJ is NHSBA's sample, check for district reference_____)].*

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

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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 [Policy DJE (DJE is NHSBA's sample, check for district reference ____)]. 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

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used to determine the low bid when prior experience indicates that such discounts are usually taken.

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

4. Competitive Proposals

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

If this method is used, the following requirements apply:

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

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

5. Noncompetitive Proposals

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

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

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- d. after solicitation of a number of sources, competition is determined to be inadequate.

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

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

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

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

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

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

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

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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 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:** *[Revision note, this paragraph H is new. Re-letter remaining paragraphs accordingly.]*

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

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

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

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

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

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

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

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

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

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

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

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

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

Equipment and supplies acquired (“property” as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements.

Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

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

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property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.

C. Inventory: No less than once every two years, the [_____*Superintendent*_____/Officer] shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years. Except as otherwise provided in this policy *DAF*_____, inventories shall be conducted consistent with Board Policy [DID (DID is NHSBA's sample, check for district reference _____)].

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

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Board policy, or, in the absence of such policy, the federal General Services Administration for federal employees for locale where incurred.

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

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

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

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

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

DAF-9 TIME-EFFORT REPORTING / OVERSIGHT

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

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

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

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

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

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

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

DAF-10 GRANT BUDGET RECONCILIATION

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

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*District revision history:***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

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 – April 2019

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

w/p-update/2019 Fed/DAF Grant Mgt (Final 13-4-2)

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EHAB – Data Governance and Security

ADOPTION NOTE: Although NHSBA recommends that districts review all NHSBA sample policies prior to adoption, highlights indicate areas which Boards should review and change to reflect local personnel titles, policy references, etc..

To accomplish the ConVal School District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

A. Definitions

Confidential Data/Information - Information that the District is prohibited by law, policy or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with the ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- (d) A response plan for any breach of information; and
- (e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures will may or may not be included in the annual Data Governance Plan.

EHAB – Data Governance and Security

C. Information Security Officer.

The [_____] Director of Technology[??] is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with the both District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The [_____] assistant director of technology] is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

D. Responsibility and Data Stewardship.

All District employees, volunteers and agents are responsible for accurately collecting, maintaining and securing District data including, but not limited to, Confidential and/or Critical Data/Information.

E. Data Managers.

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise. The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of

EHAB – Data Governance and Security

password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

G. Using Online Services and Applications.

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

H. Training.

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

I. Data Retention and Deletion.

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Policy [____EHB and administrative procedure EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy [EHB].

J. Consequences

Employees who fail to follow the law or District policies or procedures regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures or other rules will result in the same consequences, regardless of the success of the attempt.

Legal References:

15 U.S.C. §§ 6501-6506 * Children's Online Privacy Protection Act (COPPA)
 20 U.S.C. § 1232g * Family Educational Rights and Privacy Act (FERPA)
 20 U.S.C. § 1232h * Protection of Pupil Rights Amendment (PPRA)
 20 U.S.C. § 1400-1417 * Individuals with Disabilities Education Act (IDEA)
 20 U.S.C. § 7926 * Elementary and Secondary Education Act (ESSA)
 RSA 189:65 * Definitions
 RSA 186:66 * Student Information Protection and Privacy
 RSA 189:67 * Limits on Disclosure of Information

EHAB – Data Governance and Security

*RSA 189:68 * Student Privacy*

*RSA 189:68-a * Student Online Personal Information*

*RSA 359-C:19-21 * Right to Privacy/Notice of Security Breach*

Category: Priority/Required by Law

Related Policies: EHAA, EHB, GBEBD, GBEF, IHBH, JICJ, JICL, JICM, KD, & KDC

First Read:

Second Read:

Adopted:

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 - September 2018

NHSBA note, September 2018, this policy was created to reflect, in part, the requirements of RSA 189:66, V (NH Laws 2018 Chapter 252 (HB 1612)). HB 1612 also requires NHDOE to establish minimum standards for privacy and security. As of September 18, 2018, those standards have yet to be finalized. NHSBA expects that those standards will require further modifications to this policy as well as companion administrative procedures and other existing NHSBA sample policies. Additionally, because a sampling review of the existing technology policies for various district reveal wide variations from current NHSBA samples (see "Related policies" reference at the top of this sample policy EHAB). Districts adopting this sample, therefore, are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.

NHSBA has designated this policy as "Priority/Required by Law". Technically, what is required is a Board approved Data Governance Plan, no later than June 30, 2019. However, because of the significance of the subject, and the required plan, we have determined that the policy meets the priority designation.

IGE – Parental Objections to Specific Course Material

The **ConVal** School Board recognizes that there may be specific course materials that some parents/guardians find objectionable.

In the event a parent/guardian finds specific course material objectionable, the parent/guardian may notify the building principal of the specific material to which they object and request that the student receive alternative instruction, sufficient to enable the child to meet state requirements for education in the particular subject area. This notification and request shall be in writing.

The building principal and the parent must mutually agree to the alternative instruction. The alternative instruction agreed upon must meet state minimum standards.

School district staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school, through approved independent study, or through other method agreed to by the parent/guardian and the building principal. Any cost associated with the alternative instruction shall be borne by the parent.

Nothing in this policy shall be construed as giving parents/guardians the right to appeal to the school board.

Parents who wish for particular instructional material be reviewed for appropriateness may submit a request for review in accordance with Board Policy KEC.

Legal References:

RSA 186:11, IX-c, State Board of Education; Duties.

1st Read: October 15, 2013

2nd Read: November 5, 2013

Adopted: November 5, 2013

IGE - Parental Objections to Specific Course Material

(Download policy)

Sample Policy

Category: Priority/Required By Law

The Board recognizes that there may be specific course materials which some parents/guardians find objectionable.

Parents and legal guardians shall be notified by e-mail, other written means, website/social media posting, or phone call not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education, that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

In the event a parent/guardian finds specific course material objectionable, the parent/guardian may notify the building principal of the specific material to which they object and request that the student receive alternative instruction, sufficient to enable the child to meet state requirements for education in the particular subject area. This notification and request shall be in writing.

The building Principal and the parent must mutually agree to the alternative instruction. The alternative instruction agreed upon must meet state minimum standards.

School District staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school, through approved independent study, or through other method agreed to by the parent/guardian and the building principal. Any cost associated with the alternative instruction shall be borne by the parent.

Nothing in this policy shall be construed as giving parents/guardians the right to appeal to the School Board.

Parents who wish for particular instructional material be reviewed for appropriateness may submit a request for review in accordance with Board Policy KEC or IHAM.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.

Legal References:

RSA 186:11, IX-c & IX-e State Board of Education; Duties.

20 U.S.C §1232h, (c)(1)(C), Protection of pupil rights

Revised: September 2017

New Sample Policy: January 2012

NHSBA note, September 2017: The 2017 update adds new second paragraph requiring notice

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to parents and guardians in response to 2017 House Bill 103, Laws of 2017 Chapter 9 which added a requirement that advance notice of no less than two (2) weeks be given of curriculum course material to be used for instruction of human sexuality or human sexual education. The last paragraph applies only for School Districts that receive federal funds administered by the federal Department of Education. It addresses a requirement in the Protection of Pupil Rights Amendment (PPRA), that Local Education Agencies adopt a policy that permits parents to inspect instructional material.

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Contoocook Valley School District Policy

PUBLIC COMPLAINTS ABOUT THE CURRICULU OR INSTRUCTIONAL MATERIALS

It is the policy of the School Board to require that books and other reading matter shall be chosen for values of interest and enlightenment of all students in the community. A book shall not be excluded because of the race, nationality, political, or religious views of the writer or of its style and language. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times, international, national, and local, and books or other reading matter of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.

The School Board has approved principles governing the selection of all instructional materials, including library books and has established policies pertaining to the selection process. However, the Board wishes to amplify its principles on the selection of books and other materials which present controversial topics or which for other reasons might be challenged:

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

- ❖ Religion—factual, unbiased material on all major religions has a place in school libraries.
- ❖ Ideologies—libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students, on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics education, and other phases of life.
- ❖ Profanity/obscenity—materials shall be subjected to a test of literary merit and reality by media specialists and teachers who will take into consideration the maturity of students and the standards of the community.

Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. The Board recognizes the right of an individual parent to request that his own child not read a given book. When such a request is presented, the teacher and/or school administrator should resolve the situation, perhaps by arranging for use of alternative material meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and materials that the Board has adopted.

Contoocook Valley School District Policy

2. The Board shall not permit any individual or group to exercise censorship over the instructional materials and library collections, but recognizes that at times a reevaluation of certain material may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use:
 - a. The person who objects to the book or other material shall be asked to sign a complaint on a standard form on which he/she will document his criticism.
 - b. Following receipt of the formal complaint, the Superintendent shall provide for a reevaluation of the material in question.
 - c. The reevaluation shall be based on the points offered above, as well as, the principles governing the selection of all instructional materials. Additionally, the Board wishes to emphasize that:
 - ❖ A book shall not be excluded because of the writer's race or nationality or his political or religious views.
 - ❖ That the value of any book or other material shall be judged as a whole, taking into account the purpose of the material, rather than individual, isolated expressions or incidents in the work.
 - d. The Superintendent or his designee shall review the complaint and reevaluation, and shall render a decision in the matter. Should the solution be unsatisfactory to the complainant, he/she may appeal the decision to the Board.

In summary, the Board assumes final responsibility for all books and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parents with respect to controversial materials used by their own children; it will provide for the reevaluation of materials in library collections upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach shall be respected.

April 2, 1991

KEC - RECONSIDERATION OF INSTRUCTIONAL MATERIALS

(Download policy)

Category: Recommended

Persons not in agreement with the school on its selection of books or other instructional material and who wish a particular book or material to be reviewed must submit to the Principal a "Request for Reconsideration of Instructional Materials." The request forms are available at the school office.

The Principal, upon receipt of a "Request for Reconsideration" will acknowledge receipt to the complainant and list anticipated steps to be taken. The Principal will then notify the Book Review Committee and schedule meetings necessary to review the complaint and to write a report.

The final report will be forwarded to the complainant and the Superintendent of Schools. If the complainant is dissatisfied, the next step is to submit the request to the Superintendent of Schools for action. If the complainant does not accept the Superintendent's decision, the complainant may request a review by the School Board, whose decision will be final.

During the investigation the instructional material will remain in use unless a Selection Committee votes to remove or restrict the material until a final decision is made.

Appendix KEC-R

Reviewed: October 2004
Revised: July 1998

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