

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

106 Hancock Road

Peterborough, New Hampshire

CONTOOCCOOK VALLEY SCHOOL BOARD

School Board Meeting

Tuesday, May 3, 2022

7:00 p.m.

Physical Location: SAU #1 Board Room

Livestream Link: <https://www.youtube.com/c/ConValEvents>

Agenda

- 1. Call to Order and Pledge of Allegiance**
- 2. Points of Pride**
- 3. Student Representative – Abby Kamieniecki**
- 4. Public Comment**
- 5. Consent Agenda**
 - a. Acceptance of School Board Meeting Minutes**
 - 1) April 19, 2022 (pg. 1-5)
 - b. Personnel (pg. 6)**
 - 1) Leave of Absence 22/23 School Year
 - 2) Resignation
- 6. Superintendent's Report and Presentation of Business**
 - a. Monthly Events Calendar (pg. 7-8)**
 - b. School Board Requests**
 - c. NEASC Letter**
- 7. Reports**
 - a. Teacher Representative – Cheryl Jessie**
 - b. Policy Committee – Crista Salamy**
 - c. Communication Committee – Janine Lesser/Alan Edelkind**
 - d. Strategic Plan Committee – Tim Theberge**
 - e. Selectmen's Advisory Committee – Tim Theberge**
- 8. Old Business**
 - a. Legislative Update**
 - b. 2nd Read/Adoption (Board Vote Required)**
 - DK: Payment Procedures (pg. 9-10)
 - DAF: Administration of Federal Grants (pg. 11-34)
- 9. New Business**
 - a. 1st Read Policy**
 - DID: Fixed Assets (pg. 35-36)
 - FA: Facilities Development Goals/Priority Objective (pg. 37)
 - FAA: Annual Facility Plan (pg. 38)
 - FE: Facilities Construction (pg. 39)
 - GBCD: Background Investigation and Criminal Records Check (pg. 40-43)
 - JLCJA: Emergency Plan for Sports Related Injuries (pg. 44-45)
 - b. Accept Gift/Donation (Board Vote Required) (pg. 46)**
 - 1) Peterborough Elementary School requests authorization to accept from PES PTO, the following donation of an outdoor basketball hoop valued at \$1,400.00 for the purpose having a better outdoor basketball option for students.
 - c. Memorials & Facility Naming**
- 10. Public Comment**
- 11. Approval of Manifests (Board Vote Required)**
- 12. Non-Public Session: RSA 91-A: 3, II (If Required)**
 - a. Negotiations**
 - b. Legal**
 - c. Personnel**

OFFICE OF THE SUPERINTENDENT OF SCHOOLS
106 Hancock Road
Peterborough, New Hampshire

CONTOOCOOK VALLEY SCHOOL BOARD

School Board Meeting

Tuesday, April 19, 2022

Immediately Following Public Hearings that begin at 7:00 p.m.

Physical Location: SAU #1 Board Room

Livestream Link: <https://www.youtube.com/watch?v=k5VJI-mFYik>

Minutes

BOARD

Tom Burgess, Richard Dunning,
Alan Edelkind, Jim Fredrickson,
Katherine Heck, Greg Kriebel,
Janine Lesser, Crista Salamy,
Liz Swan, Tim Theberge,
Stephen Ullman

ADMINISTRATION

Dr. Kimberly Saunders, Supt.
Dr. Ann Forrest, Asst. Supt.
Lori Schmidt, B.A.
Tim Grossi, Facilities
Cari Christian-Coates, Student Serv.
Carrie James, H.R.
Mark Schaub, Technology

1. Call to Order and Pledge of Allegiance

Tim Theberge called the meeting to order at 7:26 p.m. The Pledge of Allegiance was recited.

2. Points of Pride

Kimberly Saunders shared various Points of Pride as reported to her by administrators.

3. Student Representative – Abby Kamieniecki

None.

4. Public Comment

None.

5. Consent Agenda

a. Acceptance of School Board Meeting Minutes

1) April 5, 2022

b. Personnel

1) Retirement

2) Resignation

3) Nominations – SY' 2022-2023

Kimberly Saunders asked to add an item to the consent agenda to accept a gift from an anonymous donor. Board confirmed.

Kimberly Saunders asked to remove nominations from consent agenda and address it immediately following. Board confirmed.

School Board Minutes, retirement, and resignation make up the consent agenda along with a \$5K anonymous donation. Ms. Young is resigning from administration and moving back to the classroom.

Dick Dunning commended Steve Bartsch as an administrator and individual. This is a great loss for the ConVal School District.

The School Board unanimously accepted the consent agenda with thanks to anonymous donor.

Nominations:

Tim Theberge referenced the annual to annual, annual to continuing, and continuing to continuing contracts.

Teachers are on an annual contract for their first five years of employment. On their sixth year they are nominated to move to continuing contract. It is the reelection of the continuing contract.

Katherine Heck moved to accept the nominations for annual to annual contract for School Year 2022/2023. Janine Lesser second. Dick Dunning abstained. All others in favor. Motion carried.

Katherine Heck moved to accept SSPs for School Year 2022/2023. Janine Lesser second. Dick Dunning abstained. All others in favor. Motion carried.

Katherine Heck moved to accept the nominations for annual to continuing contract for School Year 2022/2023. Janine Lesser second. Dick Dunning abstained. All others in favor. Motion carried.

Katherine Heck moved to accept the nominations for continuing to continuing contract for School Year 2022/2023. Janine Lesser second. Dick Dunning abstained. Motion carried.

6. Superintendent's Report and Presentation of Business

a. Monthly Events Calendar

No changes were made to the month calendar.

b. School Board Requests

Kimberly Saunders noted that there is one website request outstanding.

c. Leadership Cohort

Kimberly Saunders reported on a Leadership Cohort with Keene State College that ConVal is able to fund with grants. Consideration to include funding for books might occur. \$4,500 total for the amount of the program for all participants.

Janine Lesser moved to allocate \$4,500 for Leadership Cohort books.

Katherine Heck second if funding is available.

Dick Dunning asked where we are in the process with letting staff know that this is possible.

Kimberly Saunders reported that information will be included in the Pay Day Memo.

Unanimous.

d. Position Justification

Kimberly Saunders referenced information for a position should the board so desire. The high school has put together a proposal for a School Resource Officer.

Katherine Heck asked for a sense of the board and then have a discussion.

Katherine Heck moved to move forward with a School Resource Officer position as requested for the high school.

Crista Salamy second.

Jim Fredrickson asked if the vote is to move forward to hire or for investigation. Tim said that the direction is to move forward with recruiting and hiring.

Jim asked where candidates come from when considering the skill set. The response was typically the police force.

Katherine Heck amended her motion that we accept the recommendation of hiring an SRO for CVHS for the amount up to \$75K.

Crista Salamy second. Unanimous.

e. Research Project Notification

Kimberly Saunders shared a research project request. The Board confirmed.

7. Reports

a. Teacher Representative – Cheryl Jessie

None.

b. Policy Committee – Crista Salamy

Crista Salamy reported that several policies will be coming for a first read. Any questions should be forwarded to Kimberly Saunders or Crista Salamy.

c. Education Committee – Stephen Ullman

Stephen Ullman reported that a Learning Recovery update on middle schools and high school was shared.

Approaching learning recovery has been reviewed by Ms. Janoch and maintaining normal grade level instruction, supplemented by intensive tutoring, is best. Consultants have been engaged.

The challenges in getting tutors was discussed. The highlight was a presentation on a draft Professional Development Plan. Mr. Ullman said that he was impressed by the level of offerings. There are five pathways for various instructors. The document was sent out as a link with the Education Committee agenda. Feedback should be sent to Ann Forrest as well as Stephen Ullman. This will eventually come to the full board.

d. Budget & Property Committee – Jim Fredrickson

Jim Fredrickson reported an RFI for modernization was released. Three vendors attended the walk-through. Responses are due in May.

Four policies and one procedure related to fixed assets were reviewed by Budget & Property. Lastly, the Trust Fund Summary was updated.

Strategic Plan Committee met on Monday. Defining priority areas took place with two groups remaining to complete their work. Goals will follow, as well as objectives, after Thursday.

8. Old Business

a. Legislative Update

Katherine Heck reported that HB1417 related to Retirement Contributions was heard on Wednesday and in a different committee a one-time payment from surplus was proposed. One bill is long-term and sustainable and the other is a one-time payment in the same spirit.

SB420, extraordinary need, will soon be voted that will provide direct tax offset.

HB1671 is relative to content of an adequate education. It adds financial literacy and other components.

Other bills were shared.

b. Preschool

Kimberly Saunders referenced information in tonight's packet about *Preschool for All* to make sure that the board is supportive of the sliding fee and recommendations for placement.

Sliding Fee - Dick Dunning moved to adopt the sliding scale as presented.

Greg Kriebel second.

The scale is based on the criteria for Free and Reduced Lunch.

Liz Swan asked if this preschool for all will be available to families outside of this district.

Kimberly Saunders said that we would accept out of district students if there were space.

Liz asked in light of the petitions that came from Temple and Franchestown, she asked for confirmation of locations.

PES, HES, and GES will add additional programs where currently located.

Katherine Heck asked if out of district student came in and we have a sliding scale, would out of district be full cost or sliding. Kimberly confirmed that they would pay full tuition.

Katherine Heck said that this should be discussed since it is tax subsidized.

Katherine further asked if the preschool program is fairly distributed in terms of cost.

Kimberly responded by saying that right now, the preschool program is evenly distributed across the district. ADM can be used if so desired.

Katherine asked that these two items, ADM and tuition, be placed on a future agenda.

Crista Salamy reported that taxpayers have asked if we could get a count per town as to where the preschool students are from.

Kimberly reported annual income guidelines; \$36K income for a family of five would not pay.

Jim Fredrickson asked if someone qualifies for reduced tuition what they would pay. There is a 40-70% range for reduced cost.

Katherine Heck asked how we are basing the tuition cost. It will be based on estimated cost.

Cari Christian-Coates clarified on the sliding scale and how tuition is arrived at.

We are continuing to use the current model, which is an assessment of like programs in and outside the area, to determine the going rate and then we base our rate on that. The tuition rate is not based on the cost per child to implement the program. If it needs to change, that is a different conversation. We have been billing tuition for preschool for 25 years. The rate is periodically reviewed. This program was never about making money. The target group of children are those that would not be able to afford it otherwise.

Kimberly Saunders said that the board has turned over and they would be interested in seeing the numbers.

Katherine Heck said that she would like to see the total cost of the program divided by number of children. Then the total financial implication of the program can be known regardless of tuition.

Kimberly said that administration has been transparent about the total cost of the program. She was unsure if discussing this is a fruitful endeavor.

Tim Theberge said that the sliding scale should be understood. Second, the question of how we choose to distribute that is a question. Relative to that, what do we want to do with tuition; stick with ConVal rate or charge more. It is not a question of support for preschool.

c. 2nd Read/Adoption (Board Vote Required)

- IHCD/LEB: Advanced Coursework/Advanced Enrollment

Stephen Ullman moved to adopt policy IHCD/LEB. Janine Lesser second. Unanimous.

9. New Business

a. 1st Read Policy

- DK: Payment Procedures

- DAF: Administration of Federal Grants

Tim Theberge referenced the above two policies for a first read. Send comments to Crista Salamy.

b. Rescind Policies (Board Vote Required)

- GBAA: Sexual Harassment – Employees/Staff (Replaced by ACAC)

Janine Lesser moved to rescind this policy for employees and staff because it has been replaced by ACAC. Dick Dunning second. Unanimous.

- JBAA: Sexual Harassment – Students (Replaced by ACAC)

Janine Lesser moved to rescind this policy for students because it has been replaced by ACAC. Dick Dunning second. Unanimous.

c. Draft RFI

This is an RFI/RFQ to identify a statement of need to conduct an analysis of consolidation and/or realignment in the ConVal School District. The RFI document was reviewed.

Liz Swan publicly acknowledged that this RFI does respond to the warrant article that was passed in 2019 that a comprehensive analysis be submitted to the ConVal communities.

Tim Theberge said that the work has been done at least three times in the past. The discussion has been that administration would not be asked to do this work once again but rather contract with an outside organization or person to conduct this work.

Kimberly Saunders asked if legal counsel should review the RFI. Tim said that after input it would be reviewed by legal. Greg Kriebel asked for clarification about building capacity. 240 in an elementary school would result in a student in every portion of the building vs. seven classrooms with 20 students as an example.

Alan Edelkind said that the 240 was provided to the State but it is not what we subscribe to. If board members have suggestions on companies or consultants it would be helpful.

Dick Dunning said that the elementary schools were built for 120 students. Vermont and Maine might have resources to provide guidance.

Janine Lesser said that there is an expectation that models previously worked on would be looked at. The impact on communities and logistics has been the missing piece. She said that she does not see that in the RFI.

Send questions or comments to Tim Theberge.

This will move to legal within the next several weeks.

d. Technology Purchase Recommendations

Katherine Heck moved the first purchase for 20 laptops from WCA for \$19,220.00. Dick Dunning second. Unanimous.

Katherine Heck moved to purchase 560 11" touch screen chrome books with license from WCA for \$190,960.00. Dick Dunning second. Unanimous.

Katherine Heck moved to purchase 6 Allied Telesis switches and 10 GBIC port adapters from ISC in the amount of \$18,422.00. Dick Dunning second. Unanimous.

e. Discipline Review Committee

Tim Theberge said that Janine Lesser, Kevin Pobst, Stephen Ullman, Tom Burgess, and Crista Salamy are on the Discipline Review Committee (DRC).

A Motion is to authorize the DRC to act on behalf of the board during those hearings was asked.

Dick Dunning moved to authorize the DRC to act on behalf of the board during hearings. Liz Swan second.

The Discipline Review Committee hears issues of suspension or expulsion. If there is a recommendation to expel a student or if a student appeals a suspension, the board hears those appeals on the board's behalf.

Kimberly Saunders said that the first 10 days of suspension cannot be appealed to the board level. Anything over ten days is appealable to the board.

If, after a hearing, the behaviors are repetitive or a single significant behavior, Kimberly may move a student to a hearing before the School Board.

JICD outlines the policy as well.

Kimberly clarified that there was a training held on Monday for the DRC to more deeply understand the process.

Unanimous.

f. General Assurances

General Assurances cover the rules when receiving federal funds.

Kimberly Saunders said that we receive approximately \$2.5M in potential grant dollars for FY'22-23. This includes competitive grants. This is a uniquely NH requirement by the Commissioner.

Dick Dunning moved to allow Chair to sign documents as requested. Janine Lesser second. Unanimous.

g. Investment Guidance

Lori Schmidt said that the Trustees of the Trust Funds have requested guidance on the intended use of District Trust Funds to assist them in choosing investment instruments that align with the District's liquidity needs.

The recommendation is to provide the District's targeted balances and anticipated annual use of trust funds to the Trustees of the Trust Funds. The target balances should be the guideline for higher yield investments.

Jim Fredrickson moved to approve the proposed Investment Guidance.

Katherine Heck second.

Specific instruments to invest in cannot be directed.

Katherine Heck proposed the preservation of capital while maximizing interest. Mitigating the impact of inflation is important. The intent of the longer-term investment is intended as longer than one year.

The guidance would be provided in writing with backup documentation.

This guidance would be issued likely next month.

Jim Fredrickson asked for information for review to be brought to the Budget & Property committee but to send information to the Trustees as soon as possible.

The Trustees have asked for guidance on how we plan to spend our money so that they can align the investments.

The "Prudent Person Rule" was discussed. Preserving principal while trying to maximize is the aim.

Tim read the recommendation as shared by Lori.

Unanimous.

h. Expenditure and Encumbrance Report – Lori Schmidt

Lori Schmidt referenced the report. We are in the process of closing out open purchase orders and items will be cleaned up.

Dick Dunning moved to accept the Expenditure Report and encumbrances therein. Katherine Heck second.

At the second meeting in May the unencumbered balance will be discussed.

Unanimous.

10. Public Comment

None.

11. Approval of Manifests (Board Vote Required)

Lori Schmidt certified that manifests listed, totaling \$4,538,591.13, have been reviewed by her and found to be proper charges against the Contoocook Valley School District for goods and/or services received and have been properly processed prior to their submittal to the School Board.

Dick Dunning moved to approve the Manifests as presented. Jim Fredrickson second. Unanimous.

12. Non-Public Session: RSA 91-A: 3, II (If Required)

a. Negotiations

b. Legal

c. Personnel

Janine Lesser moved to enter into Non-Public Session in accordance with RSA 91:A:3, II for matters of negotiations, legal and personnel at 8:54 p.m. Katherine Heck second. Unanimous on a roll call vote.

Stephen Ullman motioned to exit Non-Public Session at 9:21 p.m. Janine Lesser second. Unanimous.

Stephen Ullman moved to seal the minutes of Non-Public Session for personnel and negotiations for five years. Janine Lesser second. Unanimous.

Katherine Heck moved to approve the buyback as discussed. Janine Lesser second. Unanimous.

Stephen Ullman moved to approve changes to the CVAA agreement. Jim Fredrickson second. Unanimous.

Stephen Ullman motioned to adjourn at 9:23 p.m. Janine Lesser second. Unanimous.

Respectfully submitted,

Brenda Marschok

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS
Peterborough, New Hampshire**

CONTOOCOOK VALLEY SCHOOL DISTRICT

May 3, 2022

Personnel Agenda

Leave of Absence 22/23 School Year:

GBS

Personal LOA:

Lindsay Caputo Grade 5 Teacher

Parental LOA:

Emily Bracken Grade 5 Teacher

Resignations – June 2022:

CVHS

Anna Muncy Science Teacher

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MAY 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Policy Committee Mtg. @ SAU @ 6:00 pm School Board Mtg. @ SAU @ 7:00 pm	3	4	5	6	7
8	9 Food Service/Wellness Committee Mtg. @ SAU @ 6:00 pm	10 Budget & Property Committee Mtg. @ SAU @ 6:00 pm	11	12 Community Forum @ CVHS LHT @ 7:00 pm	13	14
15	16 Education Committee Mtg. @ SAU @ 5:30 pm	17 Policy Committee Mtg. @ SAU @ 6:00 pm School Board Mtg. @ SAU @ 7:00 pm	18	19 Communication Committee Mtg. @ SAU @ 6:30 pm Strategic Plan Committee Mtg. @ SAU @ 7:30 pm	20	21
22	23	24	25	26 Selectmen's Advisory Committee Mtg. @ SAU @ 7:00 pm	27	28
29	30	31				

June 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 Policy Committee Mtg. @ SAU @ 6:00 pm School Board Mtg. @ SAU @ 7:00 pm	8	9	10	11
12	13	14 Budget & Property Committee Mtg. @ SAU @ 6:00 p.m.	15	16 Communication Committee Mtg. @ SAU @ 6:30 pm Strategic Plan Committee Mtg. @ SAU @ 7:30 pm	17	18
19	20 Education Committee Mtg. @ SAU @ 5:30 pm	21 Policy Committee Mtg. @ SAU @ 6:00 pm School Board Mtg. @ SAU @ immediately following Public Hearings	22	23 Selectmen's Advisory Committee Mtg. @ SAU @ 7:00 pm	24	25
26	27	28	29	30		

DK – Payment Procedures

REVISED

In keeping with the District's desire for efficient fiscal management, the following procedure for payment of its liabilities is in effect:

Payment by the Treasurer will be authorized on the basis of two (or more) School Board members. In order that Board Members be fully informed, and have the opportunity to ask questions concerning payment, a copy of the detailed check register will be noticed to the Board in advance, upon completion of the preparation of that manifest.

In the event that a Board Member requests that a particular vendor payment be held for additional questions, that Board Member will contact the Business Administrator directly, and that particular check will be held until the matter has been resolved.

All manifests, supported by original invoices, must be certified by the Business Administrator and must be approved by a majority of the School Board, immediately following the certification.

Moneys drawn on the District's general fund or any special fund other than activity and principal funds will require the signature of the Treasurer. Payments drawn on the activity and principal funds will require the signature of the building principal or their designee. The activity advisor shall not be an authorized signor.

All payments or disbursements involving Federal Grant Funds, shall comply with the provisions of Board policy DAF -Uniform Guidance (2 CFR § 200).

Electronic payments to vendors may be made according to the procedure outlined in policy DGA (Authorized Signatures).

Functions of the Treasurer may be carried out in the Treasurer's absence by a duly appointed Deputy Treasurer.

The Board strictly prohibits any person from signing a blank check and physical (paper) checks will be pre-numbered.

Legal References:

RSA 197:23-a, Treasurer's Duties

RSA 294-E, Uniform Electronic Transfers Act

Category: R

1st Read: May 5, 2015

2nd Read: October 6, 2015

Adopted: October 6, 2015

Revised/Re-adopted:

1st Read: April 19, 2022

2nd Read: May 3, 2022

Adopted:

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

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

DAF-1 ALLOWABILITY

DAF-2 CASH MANAGEMENT AND FUND CONTROL

DAF-3 PROCUREMENT

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

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

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

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT

DAF-10 GRANT BUDGET RECONCILIATION

DAF-11 SUBRECIPIENT MONITORING AND MANAGEMENT

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

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

DAF-1 ALLOWABILITY

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

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

1. Be “necessary” and “reasonable” for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
 - a. To determine whether a cost is “reasonable”, consideration shall be given to:
 - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
 - ii. the restraints or requirements imposed by such factors as sound business practices, arm’s length bargaining, Federal, State, local, tribal and other laws and regulations;
 - iii. market prices for comparable goods or services for the geographic area;
 - iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
 - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

“necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.

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

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

- 7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

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 CFR 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 benefited, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

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

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

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

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

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

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

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

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

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

When the obligation is for:

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

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- 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.

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

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

DAF-2 CASH MANAGEMENT AND FUND CONTROL

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

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

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

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

The Superintendent 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

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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.

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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 200.317-327) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District's documented general purchase Policy DJ.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Micro-purchases

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

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2. Small Purchases (Simplified Acquisition)

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property which is acquired above the *aggregate dollar* micro-purchase threshold and not exceeding the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Sealed Bids

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

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

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

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

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

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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 source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

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

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

5. Noncompetitive Proposals

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

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

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

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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 200.324). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

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

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

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

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

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

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

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

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

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

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

H. Additional Requirements for Procurement Contracts Using Federal Funds:

1. **Clause for Remedies Arising from Breach:** For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. **Termination clause:** For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II (B)).

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3. **Anti-pollution clause:** For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II (G)).
 4. **Anti-lobbying clause:** For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (I).
 5. **Negotiation of profit:** For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.324(b)).
 6. **"Domestic Preference" Requirement:** The District must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, to the greatest extent practicable. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g. subcontractor, food service management companies, etc.). It also generally applies to all purchases, even those below the micro-purchase threshold, unless otherwise stipulated by the Federal awarding agency. See also additional "Buy American" provisions in DAF-4.C regarding food service procurement.
 7. **Huawei Ban:** The District may not use Federal funds to procure, obtain, or enter into or renew a contract to procure or obtain equipment, services, or systems which substantially use telecommunications equipment or services produced by Huawei Technologies Company or ZTE Corporation, or any of their subsidiaries.
- I. Bid Protest:** The District maintains the following protest procedures to handle and resolve 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 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.

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

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

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

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

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7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

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

C. “Buy American” Requirement: NOTE - See DAF-3.H.6 regarding “domestic preference” requirements for procurements other than for food service.

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

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

1. **Exceptions:** The two main exceptions to the Buy American requirements are:
 - a) The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
 - b) Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.
2. **Steps to Comply with Buy American Requirements:** In order to help assure that the District remains in compliance with the Buy American requirement, the Superintendent, shall
 - a) Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);
 - b) Monitor contractor performance;
 - c) Require suppliers to certify the origin of the product;
 - d) Examine product packaging for identification of the country of origin; and

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- e) Require suppliers to provide specific information about the percentage of U.S. content in food products

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, who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.

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

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

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

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

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

- 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.

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- B. Records:** The Superintendent shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
- C. Inventory:** No less than once every two years, the Superintendent shall cause a physical inventory of all equipment and pilferable items to be taken and the results reconciled with the property records. Except as otherwise provided in this policy DAF-6, inventories shall be conducted consistent with Board Policy DID.
- D. Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:
1. prevent loss, damage, or theft of the property; any loss, damage, or theft must be investigated;
 2. to maintain the property and keep it in good condition; and
 3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS

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

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

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

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

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

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

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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 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 who can attest that the expenditure is allowable and approved under the federal program. The Superintendent submits all required certifications.

DAF-9 TIME-EFFORT REPORTING / OVERSIGHT

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

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

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

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

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

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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 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 AND GRANT CLOSEOUT

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

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

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

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

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

DAF-11 SUBRECIPIENT MONITORING AND MANAGEMENT

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

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

A. Sub-award Contents and Communication.

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

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

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4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.
5. Requirements that the District and its auditors have access to the subrecipient records and financial statements..
6. Terms and conditions for closeout of the sub-award.

B. Subrecipient Monitoring Procedures.

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

Subrecipient monitoring procedures include:

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

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

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

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

D. Audit Requirements.

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

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

E. Methodology for Resolving Findings.

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

The District will only consider taking enforcement action against non-compliant subrecipients in accordance with 2 CFR 200.339 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- a) Temporarily withhold cash payments pending correction of the deficiency;
- b) Disallow all or part of the cost of the activity or action not in compliance;
- c) Wholly or partly suspend or terminate the sub-award;

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- d) Initiate suspension or debarment proceedings;
- e) Withhold further Federal awards for the project or program; and/or
- f) Take other remedies that may be legally available.

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

Legal References:

42 USC 1751 – 66 National School Lunch Act

2 CFR Part 180

2 CFR Part 200

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

200.458; 200.474(b)

200 Appendix II

7 CFR Part 210

210.16; 210.19; 210.21; 215.14a; 220.16

First Read: April 19, 2022

Second Read: May 3, 2022

Adopted:

DID – Fixed Assets



CAPITAL (FIXED) ASSETS

The ConVal School District has invested in a broad range of capital assets that are used in the school system's operations. The Superintendent will designate the person responsible for managing the District's capital assets and maintaining the fixed assets inventory. In accounting for capital assets, the District will implement the standards required by Statement 34 of the Government Accounting Standards Board.

Capital assets are real or personal property that have a value equal to or greater than the capitalization threshold of the particular classification of asset, and have an estimated useful life of greater than one year.

Capital assets include:

- Land
- Land Improvements (not depreciable)
- Land Improvements (depreciable)
- Infrastructure
- Construction in Progress
- Leasehold Improvements
- Buildings and Building Improvements
- Vehicles
- Furniture, Equipment & Machinery

All assets, or at least a representative sampling must be evaluated once annually to reflect either an increase or decrease in total value.

CAPITALIZATION THRESHOLD

For financial reporting purposes, capitalization thresholds are set at \$15,000 per item, or for like-kind (aggregate) purchases, for all classes except Infrastructure assets, which are capitalized and depreciated if over \$100,000 per item.

ESTIMATED USEFUL LIFE THRESHOLD

For financial reporting purposes, an asset must have an estimated useful life greater than five years to be considered for capitalization and depreciation.

ACQUISITION OF ASSETS

Capital assets may be acquired through donation, purchase, or may be constructed. The asset value for donations will be the fair market value at the time of the donation. The asset value, when purchased, will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The asset value of constructed assets will include all costs of construction.

DEPRECIATION OF ASSETS

For all assets that qualify as a depreciable asset, the straight-line, full-year depreciation method should be utilized to depreciate the capital asset, over the estimated useful life of the related asset.

DISPOSITION OF ASSETS

When capital assets are sold or otherwise disposed of, the inventory of capital assets should be relieved of the cost of the asset and the associated accumulated depreciation. Assets will be removed on an annual basis in conjunction with the annual update. The appropriate depreciation will be taken for the year of disposal.

Reference DN & DN-F

Category: R

1st Read: May 3, 2022

2nd Read:

Adopted:

FA - FACILITIES DEVELOPMENT GOALS/PRIORITY OBJECTIVES

As the Board seeks to incorporate the most appropriate and cost-effective risk management techniques for less prevention and control, and to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching. The Board specifically recognizes the need and importance of regular and substantial capital maintenance, renovation, improvement and expansion consistent with realistic fiscal constraints.

The Board aims specifically toward:

1. Facilities, including buildings, ground, and playing fields, that will accommodate organization and instructional patterns that support the district's educational philosophy and instructional goals.
2. Meeting all safety requirements through the remodeling and renovation of older structures.
3. Providing building renovations to meet requirements on the availability of public school facilities to handicapped persons whenever possible.
4. Building design, construction, and renovation that will lend themselves to low maintenance costs and the conservation of energy.
5. Facilities that will also lend themselves to utilization by the community in ways consistent with the overall goals of the district.
6. Keeping the community informed about the condition of district facilities as well as the perceived needs in the areas of capital improvement expansion and acquisition.

Decisions pertaining to education specifications of new buildings and those undergoing extensive remodeling will be developed with the input of teachers, students, parents, and the community.

Category O

First Read: May 3, 2022

Second Read:

Adopted:

FAA - ANNUAL FACILITY PLAN

- A. Drafting and Adoption.** Each year, the School Board shall adopt an updated Facility Plan. The first Facility Plan shall be adopted no later than November 15, 2021, with an updated plan approved by the Board by June 1 of 2023 and each year thereafter.

The Facility Plan shall be developed and drafted by the Superintendent or his/her designee, and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadlines articulated above.

- B. Contents of Facility Plan.** The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities, administrative functions, and/or sports. Facilities for which no current or intended use is included on the plan shall be referred to in this policy as "Unused Facilities".
- C. Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education, with the first such report due January 1, 2022 and subsequent reports due July 1 each year thereafter. Pursuant to RSA 194:61, such Unused Facilities are then encumbered by a right of first refusal ("ROFR") available to every approved charter school operating in New Hampshire. The specifics of the ROFR are described in RSA 194:61, III-VII.

Category: Recommended

Related Policies: FA

Legal References:

RSA 194:61, Unused District Facilities

First Read: May 3, 2022

Second Read:

Adopted:

FE - FACILITIES CONSTRUCTION

Changing educational needs require the planning, design, and construction of new educational facilities as well as to renovate or make additions to existing schools. The size, complexity, and potential cost for such a program requires that the Superintendent develop a comprehensive plan in the following areas:

1. Educational program spatial requirements and assessment of the adequacy of existing facilities to accommodate present or proposed educational programs.
2. Cost/benefit considerations relating to facility modernization, renovation, or new construction.
3. An annual six-year capital improvements program showing population projections, new capital projects needed, and associated costs. Use of a community-based advisory committee is encouraged to assist in the creation and review of this program.
4. Community use of schools and school-related facilities.
5. An annual report reviewing projects underway or completed.

Construction plans, requests for bond money, and all other documents required to begin and/or complete needed school construction projects will be submitted to the appropriate local and state agencies in a timely manner

Category O

First Read: May 3,

Second Read:

Adopted:

GBCD – Background Investigation and Criminal Records Check

Background Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. The Superintendent or her/his designee shall maintain the confidentiality of all criminal history records information received by the District.

The requirement for a background check, including a criminal history records check shall include all potential employees, including substitute teachers, student teachers, selected applicants for employment, designated volunteers, volunteer organizations, or individual or entity which contracts with the District, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district.

The Superintendent or her designee shall be responsible for completing the criminal history records check on the people identified in the paragraph above, except for school bus drivers and transportation monitors, as provided in RSA 189:13-b. The cost for criminal history records checks for employees or selected applicants of entities that contract with the District shall be borne by the contractor.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done. However, the Superintendent shall destroy any criminal history record information within 60 days of receipt. The superintendent of the school administrative unit or chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving said information.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime which has not been annulled, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Except as otherwise set forth herein, the District shall either pay the costs associated with the criminal history records check or shall reimburse the individual for the costs associated with the same,

Criminal History Records Check

Each person considered for employment by the Board must submit to a State and FBI Criminal History Records Check and any other background check deemed appropriate by the Superintendent. The applicant shall comply with the fingerprinting requirements of RSA 189:13-a.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check and any other background check deemed appropriate by the Superintendent.

The Superintendent is responsible for reviewing the criminal history records check information prior to the District extending a final offer of employment.

Designated Volunteers

A designated volunteer is a volunteer who routinely participates in the classroom environment and is regularly assigned and meets with students in a group or on a one-on-one basis or regularly is involved in a volunteer leadership position involving students such as extracurricular sports or clubs. This shall include but is not limited to positions such as:

- a. volunteer drivers and chaperones
- b. volunteer aides who may work alone with a student in a private setting
- c. volunteer coaches, trainers or student club directors or advisers

Designated volunteers are subject to a background investigation/criminal records check and the provisions of this policy. The Board recognizes that rare occasions occur when a building principal may, on short notice, need to replace a designated volunteer with a non-designated volunteer. In such cases, it is the School Board's expectation that the designated volunteer pool will be looked at first for a replacement and every effort will be made to find a designated volunteer as a replacement before using a non-designated volunteer.

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State, FBI Criminal Records Check, and any other records checks as deemed necessary by the Superintendent.

No selected applicant for employment shall start work until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a

final offer of employment upon the completion of a Criminal Records Check which is compliant with the law and satisfactory to the Superintendent and Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1, 630:1-a, 630:1-b, 630:2, 632-A:2, 632-A:3, 632-A:4, 633:1, 633:7, 639:2, 639:3, 645:1, II or III, 645:2, 649-A:3, 649-A:3-a, 649-A:3-b, 649-B:3, or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, or any felony offense, referenced in RSA 189:13-a, V, as amended from time-to-time. In addition to the felonies enumerated in RSA 189:13-a, a person may be denied a final offer of employment if he/she has been convicted of ANY felony. Such determination will be made by the Superintendent or a designee, on a case by case basis.

Any person who has been convicted of any misdemeanor may, at the discretion of the Superintendent or her/his designee, not be hired.

The Superintendent, or designee, will transmit the required, completed forms to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the district whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the State Police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Additional Criminal Records Checks

The District may require a Criminal Records Check of any employee or designated volunteer at any time.

Notice to the New Hampshire Department of Education

If an applicant's criminal history records information indicates that the applicant has been charged pending disposition for or has been convicted of a crime listed in paragraph V of RSA 189:13-a, the Superintendent shall notify the department of education.

Training

Upon the Department of Education offering such, the Superintendent or her designee shall attend training concerning the reading and interpretation of criminal history records.

The District shall provide every school employee whose position requires a criminal background check under this section with informational materials, training, or other education, either online or in person, concerning child sexual abuse prevention, sexual assault and harassment policy training, warning signs of child abuse, and reporting mandates. For the purposes of this paragraph, school employees include coaches and any other individual subject to a background check. Such training shall be completed within 30 days of employment and renewed every 2 years for all employees.

Legal Reference:

RSA 189:13-a, School Employee and Volunteer Background Investigations

Appendix GBCD-R: Sample Background Check, Criminal History Records Check Protocol

Category: *P*

See also: *See IJOC*

First Read: May 3, 2022

Second Read:

Adopted:

JLCJA – EMERGENCY PLAN FOR SPORTS RELATED INJURIES AND ADDITIONAL PROTOCOLS FOR ATHLETICS PARTICIPATION

A. **Creation of Plan.** No later than August 1, 2022, the Superintendent or his/her designee [in consultation with each building Principal, the Athletic Director/Coordinator district athletic trainer(s) and school nurse(s)], shall establish a “Sports Injury Emergency Action Plan” (at times referred to in this policy as the “Plan”) for responding to serious or potentially life-threatening injuries sustained from sports or other school sponsored athletic activities. The Sports Injury Emergency Action Plan shall:

- a. Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity;
- b. List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation;
- c. Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan;
- d. Identify the activity location, address, or venue for the purpose of directing emergency personnel;
- e. Identify the equipment and supplies and location thereof needed to respond to the emergency;
- f. Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator; and
- g. Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers’ Association.

B. **Dissemination of Sports Injury Emergency Action Plan.** The Sports Injury Emergency Action Plan shall be posted within each school and disseminated to, and coordinated with, pertinent emergency medical services, fire department, and law enforcement.

C. **Additional Written Protocols and Procedures Required.** No later than August 1, 2022, the Superintendent or his/her designee [in consultation with each building Principal, the Athletic Director/Coordinator____, district athletic trainer(s) and school nurse(s)], shall develop written procedures and protocols as described below:

1. **Hydration, Heat Acclimatization and Wet Globe Temperature** – protocols relating to hydration, heat acclimatization and wet bulb globe temperature as established by the American College of Sports Medicine and the National Athletic Trainers’ Association;
2. **Student Medical History** – procedures for obtaining student-participant medical information for each student athlete prior to engaging in sports. Such information must include:
 - a. injury or illness related to or involving any head, face, or cervical spine;

- b. cardiac injury or diagnosis;
- c. exertional heat stroke;
- d. sickle cell trait;
- e. asthma;
- f. allergies; or
- g. diabetes.

Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA).

3. Student Return to Play - Procedures governing a student's return to play after a sports or illness related injury pertaining to this policy are in addition to the return to play provisions specific to head injuries set forth in Board policy JLCJ, and copies of the procedures must be maintained at the SAU office and available to the Department of Education and public upon request.

D. **Annual Review and Update.** The Superintendent and/or designee shall assure that the Sports Injury Emergency Action Plan, and all procedures and protocols adopted pursuant to this policy are reviewed no less than annually and updated as necessary. Copies of the updated Plan and procedures should be provided to the Board no later than the start of each school year.

E. **Inclusion of Sports Injury Emergency Action Plan with Emergency Response Plan.** The Sports Injury Emergency Action Plan shall be included with each school's annual Emergency Response Plan (see Board policy EBCA).

Category: Priority/Required by Law

Related Policies: EBBB, EBBC, EBCA, JJIB, JLCE/EBBC, JLCEA & JLCJ

Related Administrative Procedures: JJA-R

Legal References:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)
 34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations
 RSA 200:40-c, Emergency Plan for Sports Related Injuries

First Read: May 3, 2022

Second Read:

Adopted:

NEW HAMPSHIRE PUBLIC SCHOOLS
SCHOOL ADMINISTRATIVE UNIT #1

CONTOOCOOK VALLEY SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT OF SCHOOLS
106 Hancock Road, Peterborough, NH, 03458-1197

Telephone: 603-924-3336

Fax: 603-924-6707

Dr. Kimberly Saunders
Superintendent of Schools
ksaunders@conval.edu

Dr. Ann Forrest
Assistant Superintendent of Schools
aforrest@conval.edu

TO: Contoocook Valley School Board

FROM: Larry Pimental, Principal, Peterborough Elementary School

DATE: April 18, 2022

RE: REQUEST TO ACCEPT A GIFT OR DONATION

Peterborough Elementary School requests authorization to accept from:

PES- PTO

the following gift/donation of: an new outdoor basketball hoop valued at approximately * \$1400
for the purpose of having a better outdoor basketball option for our students.

*All checks, upon receipt, should be sent to Accounts Receivable at the SAU Office.



Teaching/Supervising Principal's Signature

.....
SAU OFFICE USE ONLY: Date Received _____

Date Approved by School Board _____

Date Not Approved by School Board/Reason: _____

Date Check Received by SAU: _____

Form Updated: April 2019