

Policies for Review - 2nd Reading

March 2, 2020

DAF - Administration of Federal Grant Funds

ACE- Procedural Safeguards Nondiscrimination on the Basis of Disability

IJO - Community Resources

KA - School, Community and Home Relations

IKB - Homework

JLDBB - Suicide Prevention and Response

JFA - Admissions Procedures

JFABD - Education of Homeless Children and Unaccompanied Youth

NHSBA sample policy. This policy is required by law. We do not have this policy.

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ADMINISTRATION OF FEDERAL GRANT FUNDS

DAF

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

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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.

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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 law and regulation and shall be based on best practices.

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

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

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

DAF-1 ALLOWABILITY

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

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

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

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

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

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

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

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

D. Determining Whether A Cost is Direct or Indirect

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

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

2. “Indirect costs” are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically

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

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

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

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

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

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

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

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

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

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.

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

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

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

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

DAF-2 CASH MANAGEMENT AND FUND CONTROL

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and

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

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

The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.

- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The District receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

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4. A foreign government or banking system prohibits or precludes interest bearing accounts.

G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (“PMS”) through an electronic medium using either Automated Clearing House (“ACH”) network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

DAF-3 PROCUREMENT

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

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

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

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

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selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

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

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

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

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

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

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

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

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

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

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

1. Micro-purchases

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

2. Small Purchases (Simplified Acquisition)

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

3. Sealed Bids

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

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

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

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

- i. Bids shall be solicited in accordance with the provisions of State law and policy DJE . Bids shall be solicited from an adequate number of qualified suppliers,

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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. The Gilford School District reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the district. The Gilford School District reserves the right to waive any formalities in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered. The Gilford School District also reserves the right to negotiate with a bidder when all bids exceed the budgeted appropriation.
- v. The Board reserves the right to reject any and all bids for sound documented reason.
- vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

4. Competitive Proposals

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

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources, if feasible.
- 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

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not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Additional Requirements for Procurement Contracts Using Federal Funds:

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

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

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution.

NHSBA sample policy. This policy is required by law. We do not have this policy.

10-1-2019 Policy Committee

10-7-2019 School Board – first reading

2-11-2020 Policy Committee

2-20-2020 Sent to GEA

3-2-2020 School Board – second reading

Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

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

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

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

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

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

- A. Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:
1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
 2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or
 3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;

NHSBA sample policy. This policy is required by law. We do not have this policy.

10-1-2019 Policy Committee

10-7-2019 School Board – first reading

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3-2-2020 School Board – second reading

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

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

C. “Buy American” Requirement:

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

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

1. Exceptions: The two main exceptions to the Buy American requirements are:

NHSBA sample policy. This policy is required by law. We do not have this policy.

10-1-2019 Policy Committee

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- 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 or designee shall
- a) Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);
 - b) Monitor contractor performance;
 - c) Require suppliers to certify the origin of the product;
 - d) Examine product packaging for identification of the country of origin; and
 - e) Require suppliers to provide specific information about the percentage of U.S. content in food products from time-to-time.

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

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

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

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

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

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

NHSBA sample policy. This policy is required by law. We do not have this policy.
10-1-2019 Policy Committee
10-7-2019 School Board – first reading
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2-20-2020 Sent to GEA
3-2-2020 School Board – second reading

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
- B.** cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.
- C. Records:** The Superintendent or designee shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
- D. Inventory:** No less than once every two years, the Superintendent or designee shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years.
- E. 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

NHSBA sample policy. This policy is required by law. We do not have this policy.
10-1-2019 Policy Committee
10-7-2019 School Board – first reading
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3-2-2020 School Board – second reading

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 or designee.

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

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

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

In addition, for any costs that are charged directly to the federal award, the Superintendent or designee shall maintain sufficient records to justify that:

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

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

All fiscal transactions must be approved by the Superintendent or designee who can attest that the expenditure is allowable and approved under the federal program. The Superintendent or designee 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

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objectives established by the awarding agency are being achieved. The District will submit all reports as required by federal or state authorities.

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

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

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

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

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

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The Superintendent or designee is responsible for the collection and retention of

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employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

DAF-10 GRANT BUDGET RECONCILIATION

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

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

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT

When entering agreements involving the expenditure or disbursements of federal grant funds, the District shall determine whether the recipient of such federal funds is a "contractor" or "sub recipient", as those terms are defined in 2 CFR §200.23 and §200.93, respectively. See also guidance at 2 CFR §200.330 "Sub recipient and contractor determinations". Generally, "sub recipients" 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., *DJB*, *DJB-R*, *DAF-3* relative to federal grant funds, *DJE* relative to bidding requirements for non-federal money projects, etc.). Sub recipients are subject to this Policy.

Under the UGG, the District is considered a "pass-through entity" in relation to its sub recipients, and as such requires that sub recipients comply with applicable terms and conditions (flow-down provisions). All sub recipients 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 sub recipient 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) Sub recipient name
 - b) Sub recipient's unique ID number (DUNS)
 - c) Federal Award ID Number (FAIN)
 - d) Federal award date

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- e) Period of performance start and end date
 - f) Amount of federal funds obligated
 - g) Amount of federal funds obligated to the sub recipient
 - 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 sub recipients as necessary.
 4. An approved indirect cost rate negotiated between sub recipient and the Federal government or between the pass-through entity and sub recipient.
 5. Requirements that the District and its auditors have access to the sub recipient records and financial statements.
 6. Terms and conditions for closeout of the sub-award.

B. Sub recipient Monitoring Procedures.

The Superintendent is responsible for having all the District project managers monitor sub recipients. The District will monitor the activities of the sub recipient 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.

Sub recipient monitoring procedures include:

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

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10-1-2019 Policy Committee

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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 sub recipient to meet objectives of the sub-award. To facilitate this review, sub recipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage sub recipients to submit regular invoices.
 5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
 6. In conducting regular oversight and monitoring, the District project managers will:
 - a) Verify invoices that include progress reports.
 - b) Review progress reports to ensure project is progressing appropriately and on schedule.
 - c) Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
 - d) Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
 - e) Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the sub recipient.
 - f) Review sub recipient match tasks for eligibility.
 - g) Initial the progress report and invoice confirming review and approval prior to payment.
 - h) Raise any concerns to the Superintendent or designee.
 7. The *Superintendent or designee* upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.
 8. Payments will be withheld from sub recipients 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 sub recipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.
- C. **Sub recipient Project Files**. Sub recipient project files will contain, at a minimum, the following:
- a) Project proposal
 - b) Project scope

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10-1-2019 Policy Committee

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

D. Audit Requirements.

All sub recipients are required to annually submit their audit and Single Audit report to the District for review to ensure the sub recipient 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 sub recipients 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 sub recipients in accordance with 2 CFR 200.338 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

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

Current GSD policy

Suggest replacing with NHSBA sample policy to redirect interested persons the NHDOE's Procedural Safeguard Handbook

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

3-2-2020 School Board – second reading

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PROCEDURAL SAFEGUARDS NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22(4)(f), and 104.36 of the Regulations implementing Section 504 of The Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment of or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. Esther Kennedy, Director of Student Services, is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance procedure established by the Board.

Grievance Procedure

Parents/guardians of a student with a disability have the right to notify the above-designated employee with their complaint. Additionally, any disabled individual also has the right to notify the above-designated employee with their complaint.

The designated employee will provide an initial response within ten (10) days of receipt of the complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the complaint resolution should be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If the issue is not resolved after the informal resolution process, the complainant may: (a) request that the Board places this matter on its agenda; or (b) request a meeting with the Superintendent of the complaint. The Superintendent will notify the Board if he/she receives such a complaint.

If the Board schedules the matter for a hearing, the complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

Current GSD policy

Suggest replacing with NHSBA sample policy to redirect interested persons the NHDOE's Procedural Safeguard Handbook

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

3-2-2020 School Board – second reading

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Procedural Safeguards

As required by 34 C.F.R. Section 104.36, parents/guardians of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. An impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services; an opportunity for participation by the parent/guardian and representation of counsel as provided under the Individuals with Disabilities Education Act.
4. A review process.

Legal References:

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973

Adopted: 10/14/75

Revised: 9/12/94, 4/4/05, 6/6/05, 4/20/09)

NHSBA sample policy. Suggest replacing current GSD policy to redirect interested persons to the NHDOE's Procedural Safeguard Handbook

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

PPROCEDURAL SAFEGUARDS

NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The School District will ensure that all students with a disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook which can be found in the SAU office or on-line at the NH Department of Education.

Legal References:

*NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards
34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973*

(Adopted 10/14/2075)

(Revised: 9/12/94, 4/4/05, 6/6/05, 4/20/09)

Current GSD policy. This policy is required by law. Suggest the Board reaffirm.

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

COMMUNITY RESOURCES

The Board encourages the use of community resources and citizens to assist in furthering the educational program. Each Principal should study the needs of his or her individual school and survey the resources available in the school community. Opportunities may include school-to-work programs, community service projects, school-business partnerships, artists and writers in residence, etc.

Use of outside people will conform to policies of the Board, as implemented by the Superintendent and his/her staff.

Legal References:

NH Code of Administrative Rules, Section Ed. 306.04(a)(13), Policy Development

NH Code of Administrative Rules, Section Ed. 306.04(k), Policy Development - Community Partnerships

NH Code of Administrative Rules, Section Ed. 306.08(a)(2)(d), Instructional Resources

(Adopted: 6/4/07)

Current GSD policy. This policy is required by law. Suggest reaffirming the policy.

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

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SCHOOL, COMMUNITY, AND HOME RELATIONS

The School Board recognizes the importance of having a strong partnership between the school system and the parents of our students as well as the community at large. It is therefore the policy of the Board to define standards for involvement between the schools, the community and the parents of all students enrolled in District schools. The Superintendent is directed to implement these standards.

- District schools are a welcoming place, clearly accessible to parents and the community.
- Communication between home and school is regular, two-way, meaningful and inclusive of student progress and teachers' expectation.
- Parents are full partners in the educational decisions that affect children and families.
- Parents will be encouraged to visit their schools for beginning of the year events such as "Open House" and new student orientations. These events will be used to disseminate information on school policies, discipline procedures, assessment tools and school goals.
- Opportunities are provided to guide parents on ways to assist with homework, give feedback to teachers, and how parents can help their children improve skills and perform well on assessments.
- Parents are encouraged to attend school-sponsored parent workshops to learn about parenting skills, health, safety, nutrition, home environments that support education and other topics of child and adolescent development throughout the year.
- Reasonable efforts will be made to communicate with parents in their primary language or in the language in which they feel comfortable.
- For the purposes of this policy, the term "parent" refers to any adult who has legal custody of child/student.
- Students and parents will receive information regarding cultural, recreational, academic, health, social and other resources that serve families within the community.
- Partnerships will be developed with local organizations, local city and county governments, individuals to strengthen school programs, family practices and student learning.
- Student participation in community service will be encouraged.
- Business partnerships will also be developed to assist students in the successful transition to employment or further education.

Legal References:

NH Code of Administration Rules, Section Ed. 306.04(a)(11), Policy Development

NH Code of Administration Rules, Section Ed. 306.04(k), Policy Development

(Adopted: 6/4/07)

Gilford School District Policy

Current GSD policy. Suggest replacing with NHSBA sample policy to comply with ED 306.141(a) which requires the policy includes “a policy on homework, including its relationship to the grading system”

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

HOMEWORK

The Gilford School Board recognizes the professional staff’s responsibility to assign work outside the instructional day to supplement classroom instruction. Homework should be relevant, appropriate for age and ability of students.

(Adopted: 4/07/86, 4/19/99)
(Revised: 12/5/2011)

(Ref. 6325)

NHSBA sample. Suggest replacing suggest GSD policy with this policy to comply with ED 306.141(a)
1-14-2020 Policy Committee
2-3-2020 School Board – first reading
2-10-2020 Sent to GEA
3-2-2020 School Board – second reading

HOMEWOK

IKB

Homework is a constructive tool in the teaching/learning process when geared to the needs and abilities of students. Purposeful assignments not only enhance student achievement, but also develop self-discipline and associated good working habits. As an extension of the classroom, homework must be planned and organized, must be viewed as purposeful to the students, and should be evaluated and returned to students in a timely manner.

Teachers may give homework to students to aid in the student's educational development. Teachers may assign homework as part of their curriculum. If homework is to be used by teachers as part of a student's grade, the teacher will explain to students how such homework assignments relate to the teacher's grading system. Homework should be an application or adaptation of a classroom experience, and should not be assigned for disciplinary purposes.

Legal References:

Ed 306.14(b)(1), Policy on Homework (until July 1, 2015)

Ed 306.141(a)(1), Policy on Homework (after July 1, 2015)

(Adopted: 4/07/86, 4/19/99)

(Revised: 12/5/11)

NHSBA sample policy. We do not have this policy. This is a new policy and is required by law.

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

SUICIDE PREVENTION AND RESPONSE

JLDBB

The School Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, and response to suicide or suicide attempt (“postvention”); and to promote access to suicide awareness, prevention and postvention resources.

A. District Suicide Prevention Plan and Biennial Review. No later than May 31, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Suicide Prevention Plan (the “Plan”) to include guidelines, protocols and procedures with the objectives of prevention, risk assessment, intervention and response to youth suicides and suicide attempts.

1. Specific Requirements for Plan Terms: The District Suicide Prevention Plan shall include terms relating to:
 - a) Suicide prevention (risk factors, warning signs, protective factors, referrals);
 - b) Response to in-or-out-of-school student suicides or suicide attempts (postvention, suicide contagion);
 - c) Student education regarding safe and healthy choices, coping strategies, recognition of risk factors and warning signs of mental disorders and suicide; and help seeking strategies;
 - d) Training of staff, designated volunteers, and contracted personnel on the issues of youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention and resources available within the school and community;
 - e) Confidentiality considerations;
 - f) Designation of any personnel, in addition to the Crisis Counselor, to act as points of contact when students are believed to be at an elevated risk of suicide;
 - g) Information regarding state and community resources for referral, crisis intervention, and other related information;
 - h) Dissemination of the Plan or information about the Plan to students, parents, faculty, staff, and school volunteers;
 - i) Promotion of cooperative efforts between the District and its schools and community suicide prevention program personnel;

NHSBA sample policy. We do not have this policy. This is a new policy and is required by law.

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

- j) Such include such other provisions deemed appropriate to meet the objectives of this Policy (e.g., student handbook language, reporting processes, “postvention” strategies, memorial parameters, etc.).
 - 2. Biennial Review: No less than once every two years, the Superintendent, in consultation with the Crisis Counselor with input and evidence from community health or suicide prevention organizations, and District health and guidance personnel, shall update the District Suicide Prevention Plan, and present the same to the Board for review. Such Plan updates shall be submitted to the Board in time for appropriate budget consideration.
- B. Suicide Prevention Coordinator and Liaisons.
- 1. District Suicide Prevention Coordinator. The Crisis Counselor is designated as the District Suicide Prevention Coordinator, who, under the direction of the Superintendent shall be responsible for:
 - a) developing and maintaining cooperative relationships with and coordination efforts between the District and community suicide prevention programs and personnel;
 - b) annual updating of (i) State and community crisis or intervention referral intervention information, and (ii) names and contact information of Building Suicide Prevention Liaisons, for inclusion in student handbooks and on the District’s website;
 - c) developing - or assisting individual teachers with the development – of age appropriate student educational programming, such that all students receive information in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help;
 - d) developing or assisting in the development of the annual staff training required under section C of this policy;
 - e) Such other duties as referenced in this Policy or as assigned by the Superintendent.
 - 2. Building Suicide Prevention Liaison. The Crisis Counselor or, in his/her absence, the building principal, shall be designated as the Building Suicide Prevention Liaison, and shall serve as the in building point-of-contact person when a student is believed to be at an elevated risk for suicide. Employees who have reason to believe a student is at risk of suicide, or is exhibiting risk factors for suicide, shall report that information to the Building Liaison, who shall, immediately or as soon as possible, establish and implement a response plan with the District Suicide Prevention Coordinator.
- C. Annual Staff Training. The Superintendent shall assure that beginning with the 2020-21 school year, all school building faculty and staff, designated volunteers, and any other personnel who

NHSBA sample policy. We do not have this policy. This is a new policy and is required by law.

1-14-2020 Policy Committee

2-3-2020 School Board – first reading

2-10-2020 Sent to GEA

3-2-2020 School Board – second reading

have regular contact with students, including contracted personnel or third-party employees, receive at least two hours of training in suicide awareness and prevention. Such training may include such matters as youth suicide risk factors, warning signs, protective factors, intervention, response procedures, referrals, and postvention and local resources.

- D. **Dissemination.** Student handbooks and the District’s website will be updated each year with the contact information for the Building Suicide Prevention Liaisons, State and community crisis or intervention referral intervention resources. The District Suicide Prevention Plan will be made available on the District’s, and each school’s respective websites.

Legal References:

RSA 193-J: Suicide Prevention Education

Other Resources:

- *The New Hampshire Department of Education’s Bureau of Student Wellness, Office of Social and Emotional Wellness (OSEW), provides resources and technical assistance to school districts to work collaboratively with their community to respond to the needs of students through a multi-tiered system of support for behavioral health and wellness. For further information see: www.nhstudentwellness.org*
- *American Foundation for Suicide Prevention (AFSP) - <https://www.afsp.org>*
- *Suicide Prevention Resource Center - <http://www.sprc.org>*
- *The National Suicide Prevention Lifeline – <https://www.suicidepreventionlifeline.org>*
- *The Trevor Project - <https://www.thetrevorproject.org>*

Current GSD policy. Suggest replacing with NHSBA sample policy.

12-10-2019 Policy Committee

1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2/10/2020 Sent to GEA

3/2/2020 School Board – 2nd reading

ADMISSIONS PROCEDURES

The school district of residence of a student is defined by RSA 193:12, II.

Upon registering a child for entrance into the Gilford schools, the parent/custodian registering the child will be asked to provide the school with the child's birth certificate, a copy which will be placed in the child's permanent record file.

If, at the time of registration, the child's name is different from that which appears on the birth certificate, then, the parent/custodian will be responsible for providing documentation to verify the change of name. A copy of this documentation will be placed in the child's permanent record file.

In the event a parent/custodian is unable to present a birth certificate, the selection of alternate form of documentation will be left to the discretion of the Superintendent of Schools.

Legal References:

RSA 193:1, Duty of Parent, Compulsory Attendance by Pupil

RSA 193:12,II, Legal Residence Required

Appendix JFA-R, Technical Advisory

(Adopted: 12/08/92)

(Revised: 8/20/2012, 12/2/2013)

(Ref. 5231)

NHSBA sample policy – suggest replacing current GSD policy with this sample
12-10-2019 Policy Committee
1-6-2020 School Board – 1st reading
2-3-2020 School Board – 2nd reading
2/10/2020 Sent to GEA
3/2/2020 School Board – 2nd reading

JFA

ADMISSION OF RESIDENT STUDENTS

The School District of residence of a student is defined by RSA 193:12, II.

New Resident Students

All new resident students, accompanied by a parent/guardian, should register at school before opening day and/or as early as possible.

Children entering school for the first time must have proof of physical examination, immunization records, a copy of the child's birth certificate and proof of residency satisfactory to the Superintendent or his/her designee. Principals or their designees will meet with new children and parents to explain school programs.

Legal References:

RSA 193:1, Duty of Parent, Compulsory Attendance by Pupil

RSA 193:12,II Legal Residence Required

RSA 110-D, Interstate Compact on Educational Opportunities for Military Children

(Adopted: 12/08/1992)

(Revised: 8/20/2012, 12/2/2013)

Current GSD policy. Suggest replacing with NHSBA sample policy.

12-10-2019 Policy Committee

1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2-13-2020 Sent to GEA

3-2-2020 School Board – 2nd reading

ADMISSION OF HOMELESS STUDENTS

The District will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Per the No Child Left Behind Act of 2002, homeless students are defined as those students lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in previous examples.

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools.

If there is an enrollment dispute between the child's parent/guardian and the school district, the student shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent/guardian shall be informed in writing of the district's final decision and the parent/guardian's appeal rights. Unaccompanied youth will also be enrolled pending resolution of a dispute.

Current GSD policy. Suggest replacing with NHSBA sample policy.

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1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2-13-2020 Sent to GEA

3-2-2020 School Board – 2nd reading

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment, consistent with district policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If a homeless student is living in another district but will attend his or her school of origin, both districts will make reasonable efforts to coordinate the transportation services necessary for the student.

The district's liaison for homeless students and their families shall coordinate with: local social service agencies that provide services to homeless children and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. The district's liaison will also review and recommend to the district policies that may eliminate barriers to the enrollment of homeless students.

Legal References:

NH Code of Administrative Rules, Section Ed 306.04(a)(17), Homeless Students

RSA 193:12, Legal Residence Required

No Child Left Behind Act, 2002

McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.

(Adopted: 8/2/2004)

(Revised: 12-3-2012)

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

12-10-2019 Policy Committee

1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2-13-2020 Sent to GEA

3-2-2020 School Board – 2nd reading

JFABD

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

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

A. Homeless Students.

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

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

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

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

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

12-10-2019 Policy Committee

1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2-13-2020 Sent to GEA

3-2-2020 School Board – 2nd reading

B. Enrollment and School Stability.

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

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

C. Homeless Liaison.

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

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student’s records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

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- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

D. Enrollment Determinations for Homeless Students.

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

E. Transportation of Homeless Students.

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

F. Dispute Resolution.

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

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

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

12-10-2019 Policy Committee

1-6-2020 School Board – 1st reading

2-3-2020 School Board – 2nd reading

2-13-2020 Sent to GEA

3-2-2020 School Board – 2nd reading

1. Notification of Appeal Process.

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

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

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

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

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

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

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an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

3. Appeal to the Superintendent – Level II.

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

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

G. Records.

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

Legal References:

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

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

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

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

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

RSA 193:12, Legal Residence Required

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

(Adopted: 8/2/2004)

(Revised: 12/3/2012)