

# Policies for Review - 2<sup>nd</sup> Reading

April 6, 2020

DJE - Bidding Requirements

DJE-R - Bidding Procedures

JFABE - Education of Children in Foster Care

## BIDDING REQUIREMENTS

All contracts for, and purchases of supplies, materials, equipment, and contractual services in the amount of \$10,000 or more, shall be based, when feasible, on at least three competitive bids. All purchases less than \$10,000 in amount may be made in the open market but shall, when possible, be based on at least three competitive quotations or prices

The following exceptions to the formal bid requirements include:

- a. Purchases made through cooperative purchasing programs with other school districts or governmental entities and authorized by the Superintendent;
- b. When there is only one known source of purchase, and no comparable substitute product or service;
- c. When a specific type or brand of equipment or material is necessary for the operation of a machine or device; by a warranty or contract for a machine or device; or to achieve standardization of equipment or material within a building or district-wide.

Professional services, such as architectural, accounting, consulting and legal services may be procured on an invited basis, RFP basis or by negotiation at the direction of the Board and Superintendent.

In the case of an emergency seriously affecting District operations for safety, the Superintendent may make needed purchases to restore operations. In any such case, the Superintendent should provide to the Board no later than the next business meeting, a report documenting the nature of the emergency and itemize any actions and expenses needed to restore operation.

All purchases made in the open market shall be completed after careful pricing.

When bidding procedures are used, bids shall be advertised appropriately. Suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed to all merchants and firms who have indicated an interest in bidding.

All bids must be submitted in sealed envelopes, addressed to the Gilford School District, and plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified and all bidders and other persons shall be invited to be present.

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.

The bidder to whom the award is made shall be required to enter into a written contract with the district.

**Legal References:**

*RSA 194-C:4 II (a), Superintendent Services*  
*NH Code of Administrative Rules, Section Ed. 303.01 (b),*  
*Substantive Duties of School Boards*

**(Adopted: 1/6/98)**  
**(Revised 12/5/05)**

*Current GSD policy for review.  
2-11-2020 Policy Committee  
3-2-2020 School Board – first reading  
3-4-2020 Sent to GEA  
4-6-2020 School Board – second reading*

## **BIDDING PROCEDURES**

### **WRITTEN BIDS:**

- I. The following procedures will be followed for the Gilford School District for written bids in the purchase of all goods and services priced \$10,000 or more.
  - A. All bids will be advertised in a daily newspaper of wide circulation.
  - B. The bid specifications will be sent to local and other bidders and will be determined by the superintendent of schools or his designees.
  - C. All bids shall carry, where appropriate, a clause to save the Gilford School District from all liens or damages to persons or property arising from or caused by the contractor's work. The bid document shall further stipulate the bidder shall comply with all federal or state laws and regulations and that the bidder, when appropriate, shall provide a certificate of insurance for a minimum liability of \$500,000 for bodily injury and property damage. The bids shall further state that the bidder will provide adequate workmen's compensation insurance when needed.
  - D. All bids in excess of sums of \$50,000 shall carry, when appropriate, a clause requiring a performance and payment bond to be furnished by the bidder. Cost of said bond shall be quoted, billed, and paid for separately.
  - E. The bid documents will stipulate a time certain when bids will be opened and shall specify that all bids be returned in a sealed envelope specifying the item(s) to be bid on on the envelope.
  - F. The bid documents shall state that the Gilford School District reserves the right to accept or reject any or all bids.
- II. The fiscal administrator or his/her designee will have responsibility for drafting and distributing bid documents when needed.
- III. Contracts for goods and/or services may be extended without further bidding at the discretion of the superintendent or his/her designee.

## **BIDDING PROCEDURES**

### **VERBAL QUOTES:**

- I. The following procedures will be followed for the Gilford School District for verbal quotes in the purchase of all goods and services priced less than \$10,000.

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- A. Specifications will be given to local and other sources and will be determined by the superintendent of schools or his designee.
- B. The administration will stipulate a time certain when quotes will be taken.
- C. The administration shall advise all quoters that the Gilford School District reserves the right to accept or reject any or all quotes.
- D. The successful quote must be confirmed in writing.

**(Adopted: 10/18/82, 11/01/82, 2/20/95)  
(Revised: 11/7/94, 12/5/05)**

**(Ref. 3450, 3455)**

*NHSBA sample policy. We do not have a current GSD policy*

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## EDUCATION OF CHILDREN IN FOSTER CARE

JFABE

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

### **A. Definition.**

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

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

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

### **B. District Point of Contact with Child Welfare Agencies.**

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

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*3-2-2020 School Board – first reading*

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

### **C. Best Interest Enrollment Determinations, Disputes and Enrollment.**

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

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

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

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

### **Legal References:**

*-20 U.S.C. 1232g (Family Educational Rights and Privacy Act – "FERPA")*

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

*-20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (provisions in ESSA regarding obligations to students in foster care)*

*-42 U.S.C. 671 (a)(10) and 675 (1)(G) (child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care)*

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

*-Public Law 110-351, The Fostering Connections to Success and Increasing Adoptions Act of 2008*

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*-34 C.F.R. 200.30 (f)(1)(iii) (ESSA’s definition of “foster care”)*

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

*-RSA 193:12, Legal Residence Required*

*-“N.H. Guidance on ESSA and Foster Care to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed”, January 2017, NHDOE and NHDHHS*

**(Adopted:    )**