

**HOLLIS SCHOOL BOARD
APRIL 3, 2019
ORGANIZATIONAL MEETING
MEETING MINUTES**

The Organizational Meeting of the Hollis School Board was conducted on Wednesday, April 3, 2019 at 6:00 p.m. at the Hollis Primary School.

Andrew Corey, Superintendent presided:

Members of the Board Present: Brooke Arthur
 Tammy Fareed
 Amy Kellner
 Robert Mann
 Carryl Roy

Members of the Board Absent:

Also in Attendance: Gina Bergskaug, Assistant Superintendent
 Kristen Maher, Assistant Business Administrator

ORGANIZATION OF SCHOOL BOARD

ELECTION OF OFFICERS

Superintendent Corey called for nominations for Chairman of the Hollis School Board for the 2019-2020 term.

**MEMBER FAREED NOMINATED MEMBER MANN
SECONDED BY MEMBER KELLNER**

**VOTE ON ELECTION OF ROBERT MANN TO THE POSITION OF CHAIRMAN OF THE HOLLIS
SCHOOL BOARD FOR THE 2019-2020 TERM**

MOTION CARRIED

4-0-1

Member Mann Abstained

Superintendent Corey declared Robert Mann Chairman of the Hollis School Board for the 2019-2020 term.

Superintendent Corey stepped down and Chairman Mann presided.

Chairman Mann called for nominations for Vice-Chairman of the Hollis School Board for the 2019-2020 term.

**MEMBER KELLNER NOMINATED MEMBER FAREED
SECONDED BY MEMBER ROY**

**VOTE ON ELECTION OF TAMMY FAREED TO THE POSITION OF VICE-CHAIRMAN OF THE
HOLLIS SCHOOL BOARD FOR THE 2019-2020 TERM**

MOTION CARRIED

5-0-0

Chairman Mann declared Tammy Fareed Vice-Chairman of the Hollis School Board for the 2019-2020 term.

Chairman Mann called for nominations for Secretary of the Hollis School Board for the 2019-2020 term.

**MEMBER FAREED NOMINATED MEMBER ARTHUR
SECONDED BY MEMBER KELLNER**

**VOTE ON ELECTION OF BROOKE ARTHUR TO THE POSITION OF SECRETARY OF THE
HOLLIS SCHOOL BOARD FOR THE 2019-2020 TERM
MOTION CARRIED
5-0-0**

Chairman Mann declared Brooke Arthur Secretary of the Hollis School Board for the 2019-2020 term.

AGENDA ADJUSTMENTS - None

APPROVAL OF MINUTES

Hollis School Board [January 2, 2019](#)

**MOTION BY MEMBER FAREED TO ACCEPT, AS PRESENTED
MOTION SECONDED BY MEMBER KELLNER
MOTION CARRIED
3-0-2**

Members Arthur and Roy Abstained

Hollis School Board [January 29, 2019](#)

**MOTION BY MEMBER FAREED TO ACCEPT, AS PRESENTED
MOTION SECONDED BY MEMBER KELLNER
MOTION CARRIED
3-0-2**

Members Arthur and Roy Abstained

Hollis School Board [February 19, 2019](#)

**MOTION BY MEMBER FAREED TO ACCEPT, AS PRESENTED
MOTION SECONDED BY MEMBER KELLNER
MOTION CARRIED
3-0-2**

Members Arthur and Roy Abstained

NOMINATIONS/ RESIGNATIONS/CORRESPONDENCE - None

NON-PUBLIC SESSION

**MOTION BY MEMBER FAREED THAT THE BOARD, BY ROLL CALL, GO INTO NON-PUBLIC
SESSION PURSUANT TO RSA 91-A:3 II (a) THE DISMISSAL, PROMOTION OR COMPENSATION
OF ANY PUBLIC EMPLOYEE AND RSA 91-A:3 II (c) TO DISCUSS A MATTER, WHICH IF
DISCUSSED IN PUBLIC, WOULD LIKELY AFFECT ADVERSELY THE REPUTATION OF A
PERSON, OTHER THAN A MEMBER OF THE BODY OR AGENCY ITSELF
MOTION SECONDED BY MEMBER KELLNER**

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Brooke Arthur, Amy Kellner, Carryl Roy, Robert Mann, Tammy Fareed

5

Nay:

0

MOTION CARRIED

The Board went into non-public session at 6:10 p.m.

The Board came out of non-public session at 6:41 p.m.

PRINCIPALS' REPORT

Superintendent Corey highlighted items included in the Principals' Report such as Parent Information Night for Grade 6 parents taking place the following evening and Kindergarten Information Night on April 16th beginning at 6:00 p.m. at the Hollis Primary School (HPS).

Superintendent Corey noted enrollment numbers for kindergarten are running slightly behind projections. Although the budget includes two teaching positions for kindergarten, the District currently has one opening, and will not move forward with the second position until getting closer to the summer months. The Board will be kept apprised.

Asked if there is an opinion as to why enrollment is below projection, at this point, Superintendent Corey remarked when the District moved to all-day kindergarten, local kindergartens closed. In previous years, the District would see 15± students coming from the private kindergartens. He reiterated the Administration is keeping an eye on enrollment figures. If getting to a point of not hiring for the position, the funds would be frozen/encumbered and not permitted to be expended.

At the Hollis Upper Elementary School (HUES), the large monitor was installed allowing all outside cameras to be viewed on a single monitor. At HPS, 1/3 of the doors were replaced over vacation; narrowed the profile of the glass.

At HPS, damage to the playground and siding occurred as a result of recent high winds (toppled Pine tree). An insurance claim has been filed. As was done last year, the Pine trees on the property will be assessed. It is likely they will be cut back creating a larger buffer around the playground.

Superintendent Corey congratulated Karen Kelley on having been honored as one of the three finalists for the Richard C. Evans Distinguished Mathematics Educator Award. Having reached the level of being a finalist is commendable.

Officer Bergeron has been nominated for DARE Officer of the Year.

Asked for additional information on enrollment projections, Superintendent Corey stated his experience in each district he has worked has been that kindergarten is the wildcard. He noted we are just entering the season where corporate America starts their transfers. We will start to see houses come on the market and things move within the Town. What will transpire with enrollment is not yet understood.

PUBLIC INPUT

Maryanne Shanley, 7 Buttonwood Drive

Requested additional information on the DARE Officer of the Year Award. Superintendent Corey clarified it is the School Resource Officer (SRO) of the Year Award. At the elementary level, it relates to the District's participation in DARE.

DISCUSSION

- Election Results

Superintendent Corey thanked the Board, his colleagues at the SAU, building administrators, and the Budget Committee for the work that went into creation of the budget put forth to the voters. He thanked the voters for the continued support of the District. He spoke of the transparency of the process that is undertaken, and the ability to get information out to the public.

- Revenue and Expense Update

Kristen Maher, Assistant Business Administrator, addressed the report provided with the [Agenda](#) noting the data is through March 25, 2019.

Line #2600 - Facilities; propane, oil and electric costs higher than budgeted (\$80,277.56). The Hollis Energy Committee has installed devices to track peak demands. The supply contract is relatively inexpensive; however, the charge to Eversource for peak demand and the provider of the electricity are a bit of a wildcard. The hope is that the devices will identify the peak demand for the District and how that can be brought down.

Ms. Maher noted the solar panels did not come on until the end of the summer last year. This year will be the first full summer having the panels online.

A Consumption Report will be provided to the Board beginning with its May meeting. The report will provide comparisons to prior years in terms of dollars and consumption. Stressed was the importance of weighing the consumption comparisons understanding cost has many variables from year to year and cannot be viewed as an apples-to-apples comparison.

Vice Chairman Fareed provided the example of the prior September/October where the electric bill was in the area of \$1,200. The District only drew power off the grid for a few minutes here and there. For reasons not yet identified, there are peaks that occur for a few moments at a time, and the District is charged for the entirety of the month based on those peak moments. The desire of the Energy Committee is to identify if there is a particular source, e.g., machine, that causes the peaks, or a confluence of coincidences. There are months when the District is generating nearly all of its own power; however, is still paying high electric bills due to demand charges.

Superintendent Corey commented it should be noted the electric companies realized what was occurring with solar. Their demand charge rates have increased. A recent review of the data noted something is going on at 3:00 a.m. that is resulting in a spike.

Vice Chairman Fareed commented on infrared photos that were taken of the brick walls on a cold October day. The windows were radiating poorly and the bricks more. The estimation was they had an insulation value of R2. It is now estimated there is an insulation value of R40. Superintendent Corey noted, due to budgetary

constraints, the District has not yet replaced the lights. When the lights are changed to LED, there will be an even greater savings achieved.

Ms. Maher noted the District received a Workers' Compensation premium holiday, which means the insurance company reimbursed the District (\$12,609.32) due to their over-budgeting the cost of the benefit.

The unreserved fund balance, as of March 25, 2019 was \$230,119. Reducing that amount by the allocations approved by the voters (totaling \$168,970) and an anticipated retained fund balance (\$61,149; traditionally \$152,000), results in a fund balance of zero.

Vice Chairman Fareed spoke of the allocations approved by the voters noting the language in the articles indicates an up to amount, and questioned if it is best practice to fully fund the articles. Superintendent Corey reiterated there is a long way to go. The District works on a system of encumbering funds. All funds are encumbered at this point. What typically happens is the District begins to understand actual expenditures and costs. He commented back in December the projection was to get to year end with a \$30,000 balance where the current estimate is \$230,119. He reminded the Board and viewing audience of the use of Contingency funds to cover the cost of the additional kindergarten teacher over the past summer. Projected benefit costs were exceeded by \$48,993.91, which is the result of employees choosing plans that were at a cost greater than what was budgeted, e.g., life changes such as marriages, children, etc. resulting in a change to a higher cost plan.

Vice Chairman Fareed questioned Line #1100 - Regular Education; balance remaining of \$71,457.23 - unfilled para positions/unfilled sub needs. Superintendent Corey explained how para positions can be fluid, e.g., a student moving out of district removing the need for a position. At this time, hourly wage positions are difficult to acquire.

Noting Line #2700 – Transportation costs were lower than expected resulting in a balance of \$45,561.74 remaining, Vice Chairman Fareed requested route deletions be tracked and reported. She noted the information can be gained through review of the manifests. She would like to get an overall number for the SAU by the end of the fiscal year.

Asked about Line #4200/4300 - Building Improvements; unexpected heat controller replacement (HPS), Superintendent Corey stated it to be a single device, which failed, and had not been expected to need replacement (separate and independent from the energy project). This was discussed in the fall as an item that may be funded through the Maintenance Trust Fund. The decision was reached for the cost, at this time, to come from the general budget. Vice Chairman Fareed recollected this as the actual building management system.

Regarding Line #4580 - Medicaid (Revenue), Superintendent Corey stated there to be some services students have within their IEP that are Medicaid eligible. The Student Services Department works with families and Medicaid to, when appropriate, recoup some of the costs.

Superintendent Corey spoke of the District having a potential grant opportunity with the Town to acquire a generator. When the power goes out, the water system goes down. A year ago taxpayers approved a trust fund for the water system that also supplies Town Hall, the Middle School and some residences. A decision regarding next steps will be made once the outcome of the grant opportunity is understood.

- SAU Building Renovations/Capital Improvement Projects
 - Facilities Committee Formation

Superintendent Corey spoke of the passage of the Warrant Article for the study of the barn. In May, he will look to the Board to take formal action in forming a committee.

The period beginning July 1 and until the September/October timeframe will be used to conduct the planning/feasibility study on not only the barn and the SAU, but the elements of HSTEP that were not completed, e.g., lights, 13 classrooms that did not get heat pumps. Originally, it was believed the boiler rooms would be consolidated, The Administration is now going back and forth with the energy group. It does provide backup, will have a useful life, and consideration should be given as to whether the District would be best served to wait for the useful life to expire or be proactive. There will also be the opportunity to consider removing the underground oil tank. It must come up in 12 years' time, and there may be a benefit to removing it sooner and moving to propane.

Once the committee is formed, the Board and Budget Committee will receive bi-weekly progress updates.

In the November timeframe, it is anticipated there will be drawings/specifications that can be used to initiate the bid process. Public Forums will be utilized to inform the citizenry prior to bringing the issue forward for consideration at the Annual Meeting. The Budget Committee has requested a number of capital improvements be included in the bond article brought forward, e.g., sprinkler system for HPS. The committee will consider options available for leasing as well as bonding.

The committee will be asked to review and make a recommendation relative to the field owned by the SAU. This may present an opportunity to Deed the property to HPS or the Hollis District and leave the property for the SAU. By doing so, should a decision be made in the future to sell the SAU facility, the field would not be part of any sale.

Mitsubishi, the firm that did all the heat source air pumps, is looking to do a white paper on the project as the District is one of the furthest schools north to attempt this. As technology continuously changes, their additional review would provide a fresh look at new opportunities for addressing the remaining 13 classrooms. From a BTU standpoint, they believe there to be opportunities to do things differently. They will be given permission to do the white paper, which the District will have the opportunity to review prior to publishing, as well as take photos of the outside of the building when no students are present (for marketing purposes).

The intent is for the committee to begin meeting in June.

DELIBERATIONS

- To see action the Board will take regarding the Administration's recommendations for teacher nominations.

**MOTION BY MEMBER FAREED TO ACCEPT THE ADMINISTRATION'S RECOMMENDATION
FOR TEACHER NOMINATIONS, AS PRESENTED**

MOTION SECONDED BY MEMBER KELLNER

MOTION CARRIED

5-0-0

- To see what action the Board will take regarding the re-adoption of Policy BCA – Board Member Code of Ethics.

MOTION BY MEMBER FAREED THAT THE BOARD, BY ROLL CALL, STATE AGREEMENT TO ADHERE TO POLICY BCA – BOARD MEMBER CODE OF ETHICS

MOTION SECONDED BY MEMBER KELLNER

ON THE QUESTION

Vice Chairman Fareed remarked, as a witness to what this Board’s culture and practice has been for the past five years, she can state the Board takes the Code of Ethics very seriously and is very scrupulous. She spoke of the importance of understanding an instance such as an email that results in back and forth discussion by the Board on issues it has authority over constitutes is an illegal meeting of the Board under the State’s Right-to-Know Law. Also noted was the strength of the Board is acting as a Board; not individuals.

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Tammy Fareed, Robert Mann, Carryl Roy, Amy Kellner, Brooke Arthur

5

Nay:

0

MOTION CARRIED

- To see what action the Board will take regarding the re-adoption of Policy DFA – Investment

The Board was informed of the State requirement to review the policy on a yearly basis. The intent is to provide an opportunity, at least yearly, to consider investments. In large districts that receive tax dollars in a single transfer, there may be a decision to invest as a means of generating revenue. As identified within the current policy, the School District Treasurer working in conjunction with the Superintendent and his/her designee and pursuant to RSA 197:23-a, is authorized to invest the funds of the District subject to specified objectives and standards of care.

MOTION BY MEMBER FAREED TO ADOPT POLICY DFA – INVESTMENT

MOTION SECONDED BY MEMBER KELLNER

ON THE QUESTION

Vice Chairman Fareed questioned the checks and balances for the practices identified. Superintendent Corey responded the policy remains in effect, but has not been utilized. In the downturn of the economy, it often isn’t time to invest funds. That may change, and is why the policy is adopted annually. Were the Business Administrator to see something that was believed advantageous, the opportunity would be brought before the Board and the Administration would work with the individuals elected as Trustees for the Towns.

Ms. Roy questioned, and was informed, should a recommendation come forward to invest, it would require a formal vote of the Board to move forward. Approval of the Budget Committee would also be required.

MOTION CARRIED

5-0-0

- To see what position the Board will take regarding the policy memo submitted by the Policy Committee

KHC - Information Distribution and Display

- 1st Reading 11-7-18
- 2nd Reading 12-5-18

Given its third reading;

Assistant Superintendent Bergskaug stated there to be no additional changes recommended since the time of the 2nd reading.

**MOTION BY MEMBER FAREED TO ACCEPT THE THIRD READING AND ADOPT POLICY KHC
– INFORMATION DISTRIBUTION AND DISPLAY
MOTION SECONDED BY MEMBER KELLNER**

ON THE QUESTION

Vice Chairman Fareed commented on the District being limited to internal organizations and non-profits only. This policy forbids the posting or distribution through students for the benefit of a for-profit organization. Superintendent Corey stated any requests would come through his office, be governed by this policy, and the District would not participate.

MOTION CARRIED

5-0-0

KEC - Policy on Reconsideration of Instructional Materials

- 1st Reading 11-7-18
- 2nd Reading 12-5-18

Given its third reading;

Assistant Superintendent Bergskaug spoke of the lengthy discussion that occurred at the November meeting noting no additional changes have been proposed.

**MOTION BY MEMBER FAREED TO ACCEPT THE THIRD READING AND ADOPT POLICY KEC
– RECONSIDERATION OF INSTRUCTIONAL MATERIALS
MOTION SECONDED BY MEMBER KELLNER**

ON THE QUESTION

Asked to summarize the intent of the policy, Assistant Superintendent Bergskaug provided the example of a parent expressing a concern regarding a book. The request would be submitted for reconsideration of the material, in writing, to the building Principal. The Principal acknowledges receipt, convenes the Book Review Committee, and the committee renders a decision, which is forwarded to the individual who expressed concern and the Superintendent. If not satisfied with the result, the individual could bring his/her concern to the Superintendent.

MOTION CARRIED

5-0-0

JKA - Corporal Punishment and Physical Restraint

- 1st Reading 11-7-18
- 2nd Reading 12-5-18

Given its third reading;

Assistant Superintendent Bergskaug stated no additional changes have been proposed since the time of the last reading.

MOTION BY MEMBER FAREED TO ACCEPT THE THIRD READING AND ADOPT POLICY JKA – CORPORAL PUNISHMENT AND PHYSICAL RESTRAINT

MOTION SECONDED BY MEMBER KELLNER

ON THE QUESTION

Assistant Superintendent Bergskaug commented the essence of the policy is a statement that no one is subjected to corporal punishment. There are times when there is the need for restraint. That is governed by Policy JKAA, which the Board recently reviewed as a result of changes in State Statute.

MOTION CARRIED

5-0-0

CFB – Building Principal Evaluation

- 1st Reading 12-5-18

Given its second reading;

Assistant Superintendent Bergskaug remarked no changes have been proposed since the time of the first reading. At that time, changes proposed were intended to have the policy align with current practice.

MOTION BY MEMBER FAREED TO ACCEPT THE SECOND READING OF POLICY CFB – BUILDING PRINCIPAL EVALUATION

MOTION SECONDED BY MEMBER KELLNER

MOTION CARRIED

5-0-0

Assistant Superintendent Bergskaug remarked the two policies before the Board for a first reading essentially mirror each other; one states the District foundationally believes it will not discriminate and the second states we will not discriminate when looking at equal opportunity employment.

Policy AC includes the legal requirement of gender identity. Noted during the review was the exclusion of economic status, which is intended to be added.

AC - Non-Discrimination

Given its first reading;

MOTION BY MEMBER FAREED TO ACCEPT THE FIRST READING OF POLICY AC – NON-DISCRIMINATION, AS PRESENTED

MOTION SECONDED BY MEMBER KELLNER

ON THE QUESTION

Chairman Mann questioned if there are RSAs that govern both elements, and was informed there are. Vice Chairman Fareed questioned, if existing RSA, why the language has to be included in policy rather than simply referencing the State law.

Assistant Superintendent Bergskaug stated her belief something as foundational as discrimination requires the language to be spelled out.

MOTION CARRIED

5-0-0

GBA - Equal Opportunity Employment

Given its first reading;

Assistant Superintendent Bergskaug spoke of the additional language proposed to ensure the language mirrors that of policy AC.

MOTION BY MEMBER FAREED TO ACCEPT THE FIRST READING OF POLICY GBA – EQUAL OPPORTUNITY EMPLOYMENT, AS PRESENTED

MOTION SECONDED BY MEMBER KELLNER

MOTION CARRIED

5-0-0

- To see what position the Board will take regarding the proposed 2019-2020 school calendar

The Brookline School Board has approved the calendar. The COOP School District has seen an initial version of the calendar.

Assistant Superintendent Bergskaug explained the proposed calendar is similar to what is in place. The Professional Development (PD) day typically scheduled for March is identified in February due to the Presidential Primary. In one of the Brookline and one of the COOP District schools voting for the Presidential Primary takes place in the schools. Although this year we had the March date as a professional development day, voter turnout is much higher for primary elections, which is why the decision was reached to move the PD day to coincide with the election.

The calendar includes asterisks by the February date, as the State has not yet officially determined the date of the Primary.

At the request of the COOP School Board, the November PD day was moved to Friday as there will not be a local election on November 5th. That provides, with Veterans Day, a four-day weekend, which is utilized quite a bit in that district for college visits.

There is a single transportation contract for all three of the districts thereby making it financially sound to ensure all the districts have school on the same days.

MOTION BY MEMBER FAREED TO APPROVE THE 2019-2020 SCHOOL CALENDAR, AS PRESENTED

MOTION SECONDED BY MEMBER KELLNER

MOTION CARRIED

5-0-0

- To see what action the Board will take regarding the Administration’s recommendation regarding an out-of-district tuition request.

**MOTION BY MEMBER FAREED TO ACCEPT THE RECOMMENDATION OF THE
ADMINISTRATION TO APPROVE THE OUT-OF-DISTRICT TUITION REQUEST AS PRESENTED
IN NON-PUBLIC SESSION
MOTION SECONDED BY MEMBER KELLNER**

ON THE QUESTION

Vice Chairman Fareed noted it has been established there is sufficient room in the grade that will be affected. Approval of the request results in no additional work for staff or additional required materials and generates revenue for the District. This approval is for a single year.

**MOTION CARRIED
5-0-0**

Superintendent Corey spoke of Federal dollars that are received on a yearly basis in the form of the lunch program, Title I, II, and IV dollars and the IDEA Grant. Last year the rules were changed, and the request made that the Board Chairman sign the Assurances. That created some concern across a number of districts. The material was provided for Board review (copy attached). The Administration will look to the Board to take formal action to authorize the Chairman to sign on behalf of the Board at its May meeting.

ADJOURNMENT

**MOTION BY MEMBER FAREED TO ADJOURN
SECONDED BY MEMBER KELLNER
MOTION CARRIED
5-0-0**

The April 3, 2019 Organizational Meeting of the Hollis School Board was adjourned at 7:41 p.m.

Date _____

Signed _____

New Hampshire Department of Education

FY2020

GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS

Subrecipients of any Federal grant funds provided through the New Hampshire Department of Education (NHDOE) must submit a signed copy of this document to the NHDOE Bureau of Federal Compliance prior to any grant application being deemed to be “substantially approvable”. Once a grant is deemed to be in substantially approvable form, the subrecipient may begin to obligate funds which will be reimbursed upon final approval of the application by the NHDOE (34 CFR 708).

Any funds obligated by the subrecipient prior to the application being in substantially approvable form will not be reimbursable even upon final approval of the application by the NHDOE.

This FY2020 general assurances document contains some differences from the FY2019 general assurances document. You are encouraged to do a side by side comparison of the two documents so that you thoroughly understand the requirements to which you are agreeing.

Following your review and acceptance of these General Assurances, Requirements and Definitions for Participation in Federal Programs please sign the certification statement on the appropriate page and then initial each of the remaining pages where indicated.

Please note that the practice of the School Board authorizing the Superintendent to sign on behalf of the School Board Chair is not acceptable to the NHDOE in this case and will be considered non-responsive.

Once the document is fully executed, you may either email or mail a copy of the entire document to:

Timothy Carney
New Hampshire Department of Education
Bureau of Federal Compliance
101 Pleasant Street
Concord, NH 03301
Timothy.Carney@doe.nh.gov

Should you have any questions please contact Timothy Carney at 603-271-2634 or Lindsey Scribner at 603-271-3837.

General Assurances, Requirements and Definitions for Participation in Federal Programs

A. General Assurances

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHDOE, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 4) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 5) The subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;
 - (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- 6) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- 7) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- 8) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
- 9) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
- 10) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 11) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
- 12) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200, Subpart F, "Audit Requirements," as applicable.
- 13) The recipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
- 14) The control of funds provided to the subrecipient under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.
- 15) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).

- 16) The subrecipient assures that is will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 17) The subrecipient will comply with the Stevens Amendment.
- 18) The subrecipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The recipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 19) The subrecipient will assure that all applications submitted for project/grant funding are proper and in accordance with the terms and conditions of the applications, the official who is authorized to legally bind the recipient agency/organization agrees to the following certification.

“By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs Document, I certify to the best of my knowledge and belief that all applications submitted are true, complete, and accurate, for the purposes and objectives set forth in the application, I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal or administrative penalties for false statements, false claims or otherwise.”

- 20) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment.

“By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs Document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.”

- 21) The subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 22) The subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.

- 23) The subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.
- 24) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 25) The subrecipient will submit a fully executed and accurate Single Audit Certification form to the NHDOE not later than March 31, 2020. The worksheet will be provided to each subrecipient by the NHDOE.
- 26) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 27) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 28) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988.
- 29) The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.

B. Explanation of Grants Management Requirements

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

1. Financial Management Systems

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.

- e) Generate comparisons of expenditures with budget amounts for each federal award.

2. Written Policies and Procedures

The subrecipient must have written policies and procedures for:

- a) Cash Management (2 CFR 200.302(b)(6) & 200.305)
- b) Determining the allowability of costs in accordance with 2 CFR 200 Subpart E—Cost Principles and the terms and conditions of the Federal award. (2 CFR 200.302(b)(7))
- c) Conflict of Interest (2 CFR 200.318(c))
- d) Procurement (2 CFR 200.320)
- e) Method for conducting Technical Evaluations of Proposals and Selecting Recipients (2 CFR 200.320(d)(3) and 200.323)
- f) Suspension and Debarment (2 CFR 200.213)
- g) Travel Policy (2 CFR 200.474(b))
- h) Equipment and Supplies (2 CFR 200.313(d), 200.314)
- i) Time and Effort (2 CFR 200.430(i))
- j) Record Keeping (2 CFR 200.333 and 200.335)

3. Internal Controls

The subrecipient must:

- a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- c) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- d) Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- e) Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.333.

4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- a) in payment of obligations incurred during the approved project period;
- b) in conformance with the approved project;
- c) in compliance with all applicable statutes and regulatory provisions;
- d) costs that are allocable to a particular cost objective;
- e) spent only for reasonable and necessary costs of the program; and
- f) not used for general expenses required to carry out other responsibilities of the subrecipient.

5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHDOE Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHDOE template provided by the BFC for audit findings related to NHDOE funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHDOE funded programs. The BFC will review the subrecipient's submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

6. Reports to be Submitted

Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at: [https://harvester.census.gov/facides/\(S\(mqamohbpfj0hmyh1r45p1po1\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpfj0hmyh1r45p1po1))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the subrecipient directly to:

- a) New Hampshire Department of Education
Bureau of Federal Compliance
101 Pleasant Street
Concord, NH 03301
- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

Single Audit Certification

An executed and accurate Single-Audit Certification form shall be submitted to the NHDOE not later than **March 31, 2020**. A copy of the form will be provided to each subrecipient by the NHDOE.

7. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.

- d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

8. Drug-Free Workplace (Grantees Other Than Individual)

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 and 84.610, the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
 - o The dangers of drug abuse in the workplace.
 - o The recipient's policy of maintaining a drug-free workplace.
 - o Any available drug counseling, rehabilitation, and employee assistance programs.
 - o The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
 - o Abide by the terms of the statement.
 - o Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e) Notifying the agency in writing within 10 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service
U.S. Department of Education
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]
Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).

- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
 - o Taking appropriate personnel action against such an employee, up to and including

- o Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

9. EDGAR - Education Department General Administrative Regulations

The federal grant administrative regulations for education (Title 34 CFR Parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99), was revised on December 26, 2014, with the implementation of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Grants Guidance), and delete 34 CFR Parts 74, 80, and 85 (Part 85 changed to 2 CFR Part 180) and included the deleted regulations into the Uniform Grants Guidance. Both administrative regulations (EDGAR and Uniform Grants Guidance), apply to all federal projects/awards.

10. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age.** Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

11. Gun Possession (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrative officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
 - 1) Whether a firearm is legally licensed under RSA 159; or
 - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
 - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
 - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 103:13, III and therefore is subject to expulsion.

12. Lobbying

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110,

the applicant certifies that:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

New Hampshire RSA 15:5 - Prohibited Activities.

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

13. Subrecipient Monitoring

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient[ient monitoring procedures may include, but not be limited to, on-site visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHDOE staff to the subrecipient regarding such audit.

14. More Restrictive Conditions

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be "high risk" shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

15. Obligations by Subrecipients

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

16. Participation of Private School Students and Staff in Federal Grants

Students and staff of nonpublic schools shall be given an opportunity for equitable participation in activities or services conducted by school districts using federal funds. Appropriate personnel must be aware of, and consult, program-specific guidelines discussed in the applicable program statute, regulations, and guidance documents.

17. Personnel Costs – Time Distribution

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

18. Project Effective Dates

For federal programs, funds shall be obligated no earlier than the date the project application was received by the NHDOE and determined to be in substantially approvable form or the effective date of the federal grant award, whichever is later.

All Project/Grant Award Notifications reflect the beginning and ending dates of the project period and the date for submission of the final expenditure report. All conditions stated in the award notification are considered binding on the subrecipient.

19. Protected Prayer in Public Elementary and Secondary Schools

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary

and secondary schools.

20. Purchasing

All subrecipients must have documented procurement policies and procedures that meet the minimum requirements of federal and state statutes, rules, and regulations. Under the Uniform Administrative Requirements, the procurement standards are located at 2 CFR 200.317 – 200.326.

22. Retention and Access to Records

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.333, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.336 (a) and (c), which states:

- a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

- c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

23. The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

24. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

B. Definitions

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 Audit findings, paragraph (a) to report in the schedule of findings and questioned costs (2 CFR 200.5).
- 2) **Management decision** - *Management decision* means the evaluation by the Federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision to the auditee as to what corrective action is necessary (2 CFR 200.66).
- 3) **Obligations** - When used in connection with a non-Federal entity's utilization of funds under a Federal award, *obligations* means 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 (2 CFR 200.71).
- 4) **Pass-through entity** - *Pass-through entity* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program (2 CFR 200.74).
- 5) **Period of performance** - *Period of performance* means the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award.
- 6) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92).
- 7) **Subrecipient** - *Subrecipient* means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency (2 CFR 200.93).

CERTIFICATION

Instructions: The Superintendent, or other Qualifying Administrator, if the School District does not have a Superintendent, (*See* RSA 194-C:5, II) **must** consult with the School Board for the School District by informing said School Board about the District’s participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHDOE. **No payment for project/grant awards will be made by the NHDOE without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHDOE Bureau of Federal Compliance at (603) 271-2634.

Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District hereby apply for participation in federally funded education programs on behalf of the School District named below. I certify, to the best of my knowledge, that the below School District will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 16 inclusive). I further certify, as is evidenced by the Minutes of the School Board/School Administrative Unit Meeting of _____, _____, that I have informed all members of the School Board of the federal funds the District will be receiving and of these General Assurances, Requirements and Definitions for the District’s participation in said programs.

SAU Number: _____ School District: _____

Typed Name of Superintendent Or other Qualifying Administrator	Signature	Date
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School Board Certification:

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board’s obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board’s oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal in said programs.

Typed Name of School Board
Chair (on behalf of the School Board)

Signature

Date

Please email or mail a copy of the entire document to:

Timothy Carney
New Hampshire Department of Education
Bureau of Federal Compliance
101 Pleasant Street
Concord, NH 03301

Timothy.Carney@doe.nh.gov