

**BROOKLINE SCHOOL BOARD
ORGANIZATIONAL MEETING
MARCH 27, 2019
MEETING MINUTES**

The Organizational Meeting of the Brookline School Board was conducted on Wednesday, March 27, 2019 at 6:00 p.m. at the Captain Samuel Douglass Academy.

Superintendent Andrew Corey presided:

Members of the Board Present: Kenneth Haag
 Rebecca Howie
 Matthew Maguire
 Alison Marsano
 Erin Sarris

Members of the Board Absent:

Also in Attendance: Gina Bergskaug, Assistant Superintendent
 Kristen Maher, Assistant Business Administrator
 Dennis Dobe, Principal, Captain Samuel Douglass Academy
 Daniel Molinari, Principal, Richard Maghakian Memorial School

ORGANIZATION OF SCHOOL BOARD

ELECTION OF OFFICERS

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

**MEMBER HAAG NOMINATED MEMBER MAGUIRE
SECONDED BY MEMBER MARSANO**

**VOTE ON ELECTION OF MATTHEW MAGUIRE TO THE POSITION OF CHAIRMAN OF
THE BROOKLINE SCHOOL BOARD FOR THE 2019-2020 TERM**

MOTION CARRIED

5-0-0

Superintendent Corey declared Matthew Maguire Chairman of the Brookline School Board for the 2019-2020 term.

Superintendent Corey stepped down and Chairman Maguire presided.

Chairman Maguire called for nominations for Vice-Chairman of the Brookline School Board for the 2019-2020 term.

**MEMBER SARRIS NOMINATED MEMBER HAAG
SECONDED BY MEMBER HOWIE**

VOTE ON ELECTION OF KENNETH HAAG TO THE POSITION OF VICE-CHAIRMAN OF THE BROOKLINE SCHOOL BOARD FOR THE 2019-2020 TERM

MOTION CARRIED

5-0-0

Chairman Maguire declared Kenneth Haag Vice-Chairman of the Brookline School Board for the 2019-2020 term.

Chairman Maguire called for nominations for Secretary of the Brookline School Board for the 2019-2020 term.

**MEMBER SARRIS NOMINATED MEMBER HOWIE
SECONDED BY MEMBER MARSANO**

VOTE ON ELECTION OF REBECCA HOWIE TO THE POSITION OF SECRETARY OF THE BROOKLINE SCHOOL BOARD FOR THE 2019-2020 TERM

MOTION CARRIED

5-0-0

Chairman Maguire declared Rebecca Howie Secretary of the Brookline School Board for the 2019-2020 term.

Chairman Maguire announced the following committee assignments:

	(Liaison)	(Alternate Liaison)
Brookline Finance Committee	Alison Marsano	Erin Sarris
Brookline Policy Committee	Kenneth Haag	Erin Sarris
SAU 41 Governing Board Budget Sub-Committee	Alison Marsano	
SAU 41 Governing Board Policy Committee	Erin Sarris	
Regional Services Educational Center (2 nd yr. of term)	Erin Sarris	Alison Marsano
Signing of Manifests	Alison Marsano	Rebecca Howie
Teacher Luncheon	Erin Sarris	Alison Marsano Rebecca Howie

AGENDA ADJUSTMENTS

Superintendent Corey requested the agenda be adjusted by moving discussion of the Revenue and Expense Report ahead of the non-public session.

**MOTION BY MEMBER HAAG THAT THE AGENDA BE ADJUSTED AS REQUESTED
MOTION SECONDED BY MEMBER SARRIS**

MOTION CARRIED

5-0-0

CORRESPONDENCE/RESIGNATIONS/NOMINATIONS

Superintendent Corey informed the Board of a communication addressed to the Chair from the Brookline Teachers' Association NEA-NH indicating the desire to bargain a master contract for the contract year beginning July 1, 2020. The letter states "This notification is in accordance with the requirements of 273-A:3. Members of the negotiating team would like to gather with their representatives from the School Board to set ground rules and dates for meetings."

Superintendent Corey commented on the effectiveness of meeting in April and May to set meeting dates.

Superintendent Corey will respond to the communication indicating the School Board will appoint representatives to the negotiating team at its April meeting.

PUBLIC INPUT - None

- Revenue and Expense Report

The report provides an update through March 18, 2019. Kristen Maher, Assistant Business Administrator, spoke of changes/increases in the area of special education. Overtime expenses have increased as a result of employees covering for positions left open due to leave(s).

Higher kindergarten enrollment has resulted in an increase in revenue.

The unreserved fund balance is \$120,636, which is reduced by the allocations to the Special Education Trust Fund (\$50,000), Facilities Maintenance Trust Fund (\$50,000) and Contingency Fund (\$25,000). As the amount of the proposed allocations is greater than the unreserved fund balance, the suggestion made was to utilize approx. \$39,364 of the Special Education Trust Fund. That would result in a balance of \$35,000 to be returned to the Town to offset the amount that has to be raised in taxes. The \$35,000 represents what the District indicated would be available for that purpose.

Ms. Sarris questioned the difference between utilizing the Special Education Trust Fund and then replenishing it versus just allocating less.

Superintendent Corey stated the intent was to provide the information to the Board, post a Public Hearing to be conducted at the April meeting after which the Administration and Board could discuss the available options. If not returning funds to the tax base, there may not be the need to expend from the Special Education Trust Fund. Projected at the start of the year was an unreserved fund balance of approx. \$59,000, which has been reduced as a result of move-ins. That could increase or decrease over the next few months. The Board will be provided with options, e.g., may choose to only allocate \$20,000 to the Contingency Fund, etc. Should the Board decide to utilize the Special Education Trust Fund, a vote could be taken at the next meeting for a not-to-exceed dollar amount.

Superintendent Corey expressed his gratitude to the individuals in the Business Office commenting on the difficulty around the budget, e.g., at one point it was uncertain if the warrant articles would be able to be funded based on an unreserved fund balance.

Vice Chairman Haag commented on Catastrophic Aid, which would be received in time for the next budget cycle. Superintendent Corey noted the final insurance cost would be understood shortly and that the Guaranteed Maximum Rate will come down slightly; projected at 8.1% increase and is believed will be closer to 6.5 - 7%. Another example provided was that the District has advertised for a teacher of the deaf, which is a difficult position to fill. During the budget process, that position was listed as a consulting dollar amount, which would be the worst-case scenario and much more expensive than hiring. Applicants have already come forward.

Vice Chairman Haag questioned the \$17,115.45 listed under Facilities. Superintendent Corey commented on illnesses and maternity leaves in the area of specialty services, which are difficult to fill. Existing employees (on overtime) have been used to cover those positions. When asked, he indicated it is less expensive, in a lot of regards, than utilizing consultants whose hourly rates include benefits.

NON-PUBLIC SESSION

MOTION BY MEMBER MARSANO 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 HOWIE

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

Yea: Kenneth Haag, Matthew Maguire, Alison Marsano, Erin Sarris, Rebecca Howie

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Nay:

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MOTION CARRIED

The Board went into non-public session at 6:25 p.m.

The Board came out of non-public session at 6:37 p.m.

PRINCIPALS' REPORT

Principals Dobe and Molinari highlighted the events listed on the Principals' Report included with the [agenda](#).

Principal Dobe spoke of an initiative related to improving programs and practices around students who, in some cases, struggle to learn at the pace of other students. Although the Captain Samuel Douglass Academy (CSDA) has done very well on standardized tests, there continues to be a segment of the student body that does not achieve at the highest levels. The desire is to review the process to ensure we maximize educational opportunity for all students all the time.

The solution: Our process of continuous improvement in this area of our collective practice will require both short-term and long-term actions:

Short Term Action - Trimester II & III, 2018-2019

- Professional Learning Community Teams – Institute standard schedule

Grade/department level; teams of teachers that meet weekly. Homeroom teachers meet with curriculum area specialists periodically for science, mathematics, and reading. The School Counselor attends when the discussion includes social/emotional learning.

- Child Study & Intervention Team – Restructured and refocused

Group that meets weekly to review student progress for students on specific plans not related to special education.

- Leadership Team – More systematic and connected to learning outcomes

Been renewed/refined, and is focused on analyzing student achievement data as well as other areas related to quality academic programming and best instructional practices.

Team has reviewed the Master Schedule to ensure the school will have a schedule in the coming year that will support the kind of interventions offered to students requiring them.

- Response to Instruction-Tier I – Quality ‘Core’ and ‘Differentiated’ instruction by Teacher

Before students qualify for special education services, the three tiers of Response to Instruction are the interventions used.

- Response to Instruction -Tier II – Targeted ‘FLEX’ & ‘Center’ time instruction in small groups

- Response to Instruction -Tier III – Intensive interventions by Specialists in small groups or 1:1

- Special Education – Long-term, research-based supplemental instruction, related directly to student IEP goals, implemented by Special Education staff

- Master Schedule – Small adjustments in response to new model for service delivery

Long-Term Action - Trimester III (2018-2019) and Trimester I & II (2019-2020)

- Continued reflection, refinement, and improvement

Principal Dobe commented testing is one measure of student success; one piece that is used and taken very seriously. However, there is a whole constellation of other data that is pulled from, e.g., local assessments, math topic assessments, writing samples, etc. Teachers review that continuously and measure it against practices to determine how effective we are.

Ms. Sarris spoke of the use of PowerSchool for report cards, and questioned if there is a plan to utilize it as a communication tool with parents. Assistant Superintendent Bergskaug responded there is no plan to utilize the online feature of that, open grade book, K-6. The grades are made up of many components that are not as quantifiable as 7-12. However, she understands the concern of

communication, and the Administration is engaged in discussions of how to be more transparent and improve and encourage open communication between the school and home.

A change was made this year for 6th grade parents registering for 7th grade to start that PowerSchool process earlier to see what all of the options are and what the students have been recommended for so that the dialogue can start earlier.

With moving forward with things such as Google Classroom, one of the positive outcomes is the ability to start the dialogue, but that dialogue is between the student and teacher. The Administration is looking to determine the best way to complete the circle and bring parents in the loop.

Ms. Sarris questioned the option of parent accounts for Google Classroom. Assistant Superintendent Bergskaug stated there are guardian accounts. However, it is a privacy violation to add the parent as that would provide access to the names of the students on the roster.

Ms. Sarris commented PowerSchool could be a good training tool for parents going into middle school. Even if very basic just to get the parents on there to discuss grade-level projects to introduce the software to parents. She noted an understanding at the elementary level the flow of school is very different and necessary.

DISCUSSION

- Election Results

Superintendent Corey thanked the Board for its support during the budget process. He thanked the Finance Committee for the input provided, and spoke of the efforts of Principals Dobe and Molinari as well as Jennifer Ball in advocating on behalf of the students. He thanked the voters who came out to support the process and the District.

- New Hampshire School Board Association (NHSBA) Delegate Assembly

Superintendent Corey commented on the active position the Board took this past year.

Ms. Marsano spoke of the experience participating provided. The Board came into the process a little late, and she would like to see a greater exchange of information between the districts. She would like the districts within the SAU to work together to identify issues/concerns and for a coordinated and timely effort in bringing the issues forward for consideration.

Ms. Sarris suggested a committee consisting of a representative from each of the school boards within the SAU. Superintendent Corey suggested the topic be addressed at the Organizational Meeting of the SAU 41 Governing Board.

Vice Chairman Haag questioned the process following the Delegate Assembly, and was informed the NHSBA's policy positions are determined by its members (majority) at the Delegate Assembly. Resolutions are adopted by NHSBA members and guide the positions NHSBA takes at the Legislature.

Ms. Marsano commented on Public Hearings conducted by the Legislature and the ability for the Board or individuals to provide input.

Superintendent Corey noted the Monadnock School District joined ConVal in the education funding lawsuit against the State over the amount that the State provides for funding education.

From the point of view of the SAU, we are in a wait and see mode. The last time this came up communities like Brookline and Hollis were termed donor towns. As much as we believe every child should be educated equitably, there is discussion about how that should be executed from a financial position. There is the need for additional details.

Superintendent Corey spoke of having talked to the Superintendent of ConVal who asked what his thoughts were. He explained the SAU will digest the information that will come out and is an interested party.

- Potential invitation for our State Representatives to attend a Board meeting

Chairman Maguire suggested the matter of adequate education funding as well as funding associated with kindergarten as items to address with the State Representatives.

Ms. Sarris commented the issue of State funding around retirement and the stabilization grant are other areas our Representatives could be asked about.

Superintendent Corey suggested extending an invitation to attend the May meeting. At that point, updates could be provided. If not available for the May meeting, they could be invited to the June meeting.

Asked about the adequacy aid, Superintendent Corey stated there is a regular education component as well as dollars allocated to special education. There is a component based on 3rd grade reading; if not reading at grade level – additional funds allocated to district to address. How they arrive at the \$2,600 is in question. Teacher salaries used would not be found on many salary scales. Superintendent salaries are not included although having a Superintendent is a requirement by law. There are a lot of questions regarding what makes up the formula.

Superintendent Corey stated his belief there are very dedicated people up in Concord working very hard on this, and the last time there were lawsuits filed, the Legislature stopped what they were doing as they did not know what the outcome of that would be. He remains hopeful that will not occur again.

Ms. Marsano noted the proposed resolution that stated “The NHSBA supports legislation that makes clear the authority of local school districts to restrict all but authorized police and security officers from bringing firearms onto school property. This restriction applies to all students, school visitors, employees, volunteers, those attending school functions, and those voting while the polling place is in a school” was voted down. As a result, the NHSBA will not advocate for that.

Ms. Sarris commented their position going into it was not supportive of the resolution. However, had the majority voted in favor of it, they would have changed their position.

Ms. Marsano suggested a different iteration of that resolution would likely come forward again. Vice Chairman Haag questioned if the Board would propose resolution(s) this year noting an interest in a resolution in that regard as well as a resolution to address special education noting the lag time in catastrophic aid.

DELIBERATIONS

- To see what action the Board will take regarding the School Calendar - 2019-2020

Assistant Superintendent Bergskaug spoke of having reached out to the Town to discuss the possibility of alternate polling locations. For a variety of reasons, there are none, e.g., the Brookline events center does not have a paved parking lot.

There is little wiggle room for some of the other boards to have multiple Professional Development days in February and March.

A review of voting history revealed in 2019 on the March voting day, voter turnout was 25%, in 2018 it was 21%, in 2017 it was 17.5%, and in 2016 it was 15%. In 2016, the last Primary Election, voter turnout was 67%. The polling place for Primary Elections is the High School.

Food Service was asked what could be done were school conducted in March. In that instance, an additional Police Officer could be present and located strategically to block off all students. There could be a delivery of bag lunches only so that no students would be coming to the cafeteria to eat on that day. The only time a student would need to cross over the barrier would be to visit the nurse. In that instance arrangements could be made for an adult to assist with that transition on that day.

Assistant Superintendent Bergskaug stated her recommendation to be to conduct school in March and have a Professional Development day in February. The date has not been officially set. February 11th has been identified and will be subject to change based on when the State decides to hold Primary Elections.

During the Curriculum Instruction and Assessment meeting, which is attended by other Assistant Superintendents in the region, the subject was discussed. This same problem is being faced in other districts. The bulk are not holding two days off. Many are choosing the February day to close schools for students, but hold school on the March day.

Ms. Sarris stated her belief the Primary would be in January. Assistant Superintendent Bergskaug responded it could be in January, it is often in February, and is projected to be February 11th.

Vice Chairman Haag questioned if the modular classrooms could be used as a polling place. Assistant Superintendent Bergskaug noted those are used during the day. She commented on the many options that were considered, e.g., redirect voters so they only enter the back, but there is not sufficient parking, hold voting at the Richard Maghakian Memorial School (RMMS) so voters could enter through the gym, but there is a little bit more of a barrier with kindergarten and 1st grade being right there. She stated her belief CSDA is set up nicely with all the students on the far end, the ability to deliver lunches in the classroom area for the day, etc.

Ms. Marsano commented on having seen snow bags used in other districts, and questioned if there is a way to do something similar.

Superintendent Corey commented on having done that in a district he worked at previously. As a school district they felt it went extremely well. However, the State frowned on it because their use of the bags is only for snow. He would have no problem bringing that concept up and requesting permission. Having, as a District, gone to Google Classroom, that would provide access. It would have to be looked at from a teacher standpoint because of how the Collective Bargaining Agreement is governed.

Should the calendar be adopted, and voting occur in the school, police presence will be increased. He has spoken with the Town Administrator, and adult presence would be increased as well. He indicated he could work from the school during that day.

He stated the hope to be to begin with the calendar, as presented, with a planned school day, but noted he would investigate the option.

Ms. Sarris commented she has no doubt the students will be safe that day and that the risk is relative to accidents and chance happenings. All these conversations are about the things we have to do being reactionary, and she believes the Board's role is to look at these times when we have to be reactionary and try to change them. She does not want to be perceived as being nervous about people coming into the school. That, to her is not the point. The point is we have a system that causes us to have to scramble, make phone calls, run around, adjust, etc. To her that is more indicative of the fact that there is a greater issue that needs to be addressed. She is fine with all the measures discussed.

Superintendent Corey noted legislation being considered that would bring back something similar to the Safe School Act. That may be in place by the end of the school year; however, its fate is uncertain. From the standpoint of trying to get information out to families, he would like to see the draft approved so that it could be presented to the other district boards.

Chairman Maguire commented on the possibility of scheduling field trip(s) or a visit to RMMS during that day. Superintendent Corey stated all those options would be considered.

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

MOTION SECONDED BY MEMBER HOWIE

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

MOTION SECONDED BY MEMBER MARSANO

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

Yea: Kenneth Haag, Matthew Maguire, Alison Marsano, Erin Sarris, Rebecca Howie

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Nay:

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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.

Superintendent Corey commented this is not widely used now, but a number of years ago when short-term investments were favorable, tax dollars would come in, and the District had the ability to invest them in a very safe manner, and gain some interest. The policy provides the Business Office the ability to investigate those options. Should the desire be to invest, the Administration would come before the Board seeking authorization.

MOTION BY MEMBER HAAG TO ADOPT POLICY DFA – INVESTMENT

MOTION SECONDED BY MEMBER MARSANO

MOTION CARRIED

5-0-0

- To see what action the Board will take regarding Policy JLJ - Life-Threatening Allergies
 - 1st Reading 10-24-18
 - 2nd Reading 11-28-18 (as amended)

Given its third reading;

Principal Dobe noted the original desire to model the policy after existing policy in the Hollis School District, but also include language this district has used in the past. The second paragraph is proposed new language replacing the struck through language.

Vice Chairman Haag commented on input provided by school nurses as well as a member of the public. He stated his belief the policy has undergone a thorough review. The Policy Committee is comfortable with the language brought forward.

Mr. Sarris questioned how the Brookline policy compares to that of Hollis. Principal Molinari noted the added language regarding the Nut Safe School Acknowledgement, which is also on the school website. The last paragraph provides the wiggle room to make adjustments throughout the year in regard to procedures.

Hollis' policy is worded differently. He spoke of the discussion that occurred during a prior Board meeting regarding desired language around after-school activities. That language does not exist in the Hollis district policy.

Ms. Sarris questioned if the Hollis district approaches nut allergies in the same way Brookline does. Principal Molinari stated the school nurses from both districts have been meeting to look to more closely align the policies. That is where the procedures will come into play.

Asked if the policies will be posted in the buildings, Superintendent Corey commented as we enter sports seasons the coordinators will be contacted, policies shared, and a request made that these policies be shared during a meeting with coaches, and that they be instructed to share them with the parents and kids on their teams.

Principal Molinari noted Hollis' policy includes the first paragraph and the language being proposed to be removed from this policy. The Policy Committee recommended removal of the paragraph around epinephrine as it is covered in the procedures. It is believed there will be a great deal more discussion around procedure. Superintendent Corey commented with the number of allergies, the District is moving away from certain things. You want the procedures to be able to be changed by the Principals in December if needed, and not have to go back through a review by the Policy Committee.

Ms. Sarris commented on sports teams having a web portal, which could be a good tool for requiring acknowledgment of having read the policy.

**MOTION BY MEMBER MARSANO TO AMEND POLICY JLJ – LIFE-THREATENING ALLERGIES, IN ITS ENTIRETY, BY REPLACING IT WITH THE COPY PROVIDED WITH THE AGENDA, ACCEPT THE THIRD READING, AND ADOPT, AS AMENDED
MOTION SECONDED BY MEMBER HOWIE
MOTION CARRIED**

5-0-0

- To see what action the Board will take regarding Policy JH - Attendance, Absenteeism and Truancy

Principal Molinari commented the policy was adopted in 2001, and for some reason was removed from the website. It was brought back up for review during which a recommendation was made to update the policy to outline the practices employed.

**MOTION BY MEMBER SARRIS TO ACCEPT THE FIRST READING OF POLICY JH - ATTENDANCE, ABSENTEEISM AND TRUANCY, AS PRESENTED
MOTION SECONDED BY MEMBER HOWIE
MOTION CARRIED**

4-0-0

Member Haag had stepped away and was not present for the vote.

- To see action the Board will take regarding the Administration’s recommendations regarding teacher nominations

**MOTION BY MEMBER MARSANO TO ACCEPT THE SUPERINTENDENT’S
RECOMMENDATIONS FOR TEACHER NOMINATIONS, AS PRESENTED
MOTION SECONDED BY MEMBER SARRIS
MOTION CARRIED
4-0-0**

Member Haag had stepped away and was not present for the vote.

Superintendent Corey noted during the April meeting the Board will discuss General Assurances, which are conditions the District meets for the State regarding Federal Grants. A year ago the State made a recommendation the Board Chair also sign the Assurances. During the meeting, the Board will vote to authorize the Chair to sign the documents on behalf of the Board.

The question has come up of the Board Chair not having the daily oversight, which is discussed in the documents. Superintendent Corey noted he signs the documents; however, it is the Assistant Superintendent of Student Services who handles the special education grants and the Assistant Superintendent who handles the Title I, II, and IV grants. The requirements of the grants are followed.

As the process has become more formalized, he wished to bring it to the attention of the Board in advance of the April meeting to ensure understanding of the issue. He provided a copy of the documentation to the Board for review (copy attached).

Ms. Sarris noted she would not be in attendance at the May meeting. She would hope to be present for the meeting during which the Legislative delegation is present.

Chairman Maguire noted the April meeting would be on the 17th as a result of vacation week.

APPROVAL OF MINUTES

Brookline School Board [January 23, 2019](#)

**MOTION BY MEMBER MARSANO TO ACCEPT, AS PRESENTED
MOTION SECONDED BY MEMBER HAAG
MOTION CARRIED
4-0-1**

Member Haag Abstained

Brookline School Board – **Deliberative Session** [February 4, 2019](#)

- Page 4, Line 4; replace the period with a comma following “ago” and end the sentence after “system”
- Page 9, Line 26; insert “health” after “mental”
- Page 11, Line 5; replace “he” with “the”
- Page 12, Line 1; replace “the” with “there”
- Page 16, Line 22; replace “have” with “having”
- Page 19, Line 34; “students” should be singular
- Page 21, Line 26; replace “posted” with “posed”

MOTION BY MEMBER MARSANO TO ACCEPT, AS AMENDED
MOTION SECONDED BY MEMBER HOWIE
MOTION CARRIED
5-0-0

Brookline School Board [February 20, 2019](#)

The following amendments were offered:

- Page 2, Line 34; delete “will be in March and”

MOTION BY MEMBER SARRIS TO ACCEPT, AS AMENDED
MOTION SECONDED BY MEMBER MARSANO
MOTION CARRIED
4-0-1

Member Haag Abstained

Brookline School Board – **Public Hearing** [February 20, 2019](#)

The following amendments were offered:

- Page 2, Line 6; replace “113th” with “13th”

MOTION BY MEMBER HOWIE TO ACCEPT, AS AMENDED
MOTION SECONDED BY MEMBER MARSANO
MOTION CARRIED
4-0-1

Member Haag Abstained

ADJOURNMENT

**MOTION BY MEMBER SARRIS TO ADJOURN
SECONDED BY MEMBER HOWIE
MOTION CARRIED
5-0-0**

The March 27, 2019 Organizational Meeting of the Brookline School Board was adjourned at 7:39 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

- termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
 - 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 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