Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
March 21, 2022
Merrimack Town Hall – Matthew Thornton Room

Send public comments to: publiccomment@sau26.org. Comments must be received between the start of the meeting on March 21, 2022 at 7:00 p.m. and Agenda Item #11. Based on the volume of public comments received, the board chair will determine if all public comments can be read. If not, they will be incorporated into the meeting minutes.

6:30 p.m. **NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) (c)** – Merrimack TV Training Classroom

- Staff Welfare

PUBLIC MEETING

7:00 p.m. **1. CALL TO ORDER and PLEDGE OF ALLEGIANCE**

7:05 p.m. **2. PUBLIC PARTICIPATION**

3. RECOGNITIONS

7:25 p.m. **4. INFORMATIONAL UPDATES**

a. Superintendent Update
b. Assistant Superintendent for Curriculum Update
c. Assistant Superintendent for Business Update
d. School Board Update
e. Student Representative Update

5. OLD BUSINESS — Cinda Guagliumi

a. Approval of Revised Student Conduct, Discipline and Due Process Policy (JICD)

7:35 p.m. **6. NEW BUSINESS**

a. Review of 2022-2023 School Calendar — Everett Olsen
b. The Vision of a Merrimack High School Graduate — Kimberly Yarlott, Steve Claire, Marcy Pope and Dayna Chow
c. Review of 2022 Proposed Voter Information Guide — Matt Shevenell
d. Scheduling the 2022 Graduation Date — Everett Olsen

8:35 p.m. **7. POLICIES**

a. First Reading of Administration of Federal Grant Funds Policy (DAF) — Matt Shevenell

8:40 p.m. **8. APPROVAL OF MINUTES** — Cinda Guagliumi

a. February 21, 2022 Public Minutes
b. March 7, 2022 Public Minutes
c. March 8, 2022 Public Minutes

8:45 p.m. **9. CONSENT AGENDA** — Kimberly Yarlott

a. Educator Retirement
b. Educator Nomination

8:55 p.m. **10. OTHER**

a. Committee Reports
b. Correspondence
c. Comments

9:00 p.m. **11. PUBLIC COMMENTS ON AGENDA ITEMS**

9:20 p.m. **12. ADJOURN**

MERRIMACK SCHOOL BOARD POLICY **JICD**

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
Safe School Zone

The Board endorses the following principles of student conduct:

1. Respect for law and those given authority to administer it shall be expected of all students. This includes conformity to school rules as well as to general provisions of the law regarding minors.
2. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community.
3. Respect for the real and personal property, pride in one's work, and exemplary personal standards for courtesy, decency, honesty, and wholesome attitudes shall be maintained.
4. Respect for individual worth and diversity is the obligation of the school. Diligence and a desire to benefit from the opportunity is the obligation of the students.

The Board expects student conduct to contribute to a productive learning climate. Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

The Board further recognizes the right of each school to establish disciplinary procedures in accordance with RSA 193:13 and RSA 193-D through the development of administrative procedures which are approved by the Superintendent or his/her designee. Due process shall be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 19:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:14, IV. In addition, the District shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) and the NH Rule for the Education of Children with Disabilities when disciplining students.

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils
RSA 189:15, Regulations
NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures
NH Code of Administrative Rules, Section Ed. 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed. 306.06, Culture & Climate
Individuals with Disabilities Education Act, 20 SC Section 1400 (et seq.)
NH Code of Administrative Rules, Section Ed. 1119.11 Disciplinary Procedures for Children with Disabilities

1st Reading: February 20, 2007
2nd Review: March 5, 2007
Adoption: March 19, 2007

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

Policy Statement

The School Board is committed to promoting a safe, healthy, and supportive school and learning environment for all students. To achieve this goal, the Merrimack School District plays a significant role in supporting positive student conduct and behavior with respect to students, district personnel, and members of the community. This expectation extends to when students are on District property, on property within the jurisdiction of the School District (including vehicles), or while attending school activities.

In order to promote a safe, healthy, and supportive school and learning environment, this policy prohibits student conduct and behavior that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, constitutes a crime or a violation of the Safe School Zones Act, or violates the District's established expectations for student conduct and behavior. Responses to violations of established expectations for student conduct and behavior will be designed to maximize academic, emotional, and social success while at the same time ensuring the safety of all students, staff and school visitors. To attain this objective, the Board endorses the adoption of a Multi-Tiered System of Supports (MTSS) as the underlying framework for implementing a system of graduated responses which incorporates in-school supports and disciplinary consequences.

Established Expectations for Student Conduct and Behavior

The School Board delegates to the Superintendent, in consultation with building administrators, the responsibility of adopting and implementing age-appropriate expectations for student conduct and behavior for each school. These will include school-wide approaches, as well as small group and individualized interventions that target a student's specific areas of need.

In-School Supports

Whenever appropriate, and consistent with safety concerns, the Merrimack School District shall seek to improve student conduct and behavior through alternatives other than the use of exclusionary discipline practices (i.e., suspension or expulsion).

The District maintains a proactive, progressive response system of age-appropriate supports which are designed to promote acceptable behavior, correct student misconduct, reduce incidents of future misconduct, and safeguard the health, safety, and welfare of students and staff. The following are examples of in-school supports that may be offered to students before, in conjunction with, or after disciplinary consequences:

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

A. Elementary School In-School Supports

The supports offered to students at the elementary schools include, but are not limited to, the following:

- *Preventive Classroom Management* - Preventive classroom management includes the implementation of a variety of strategies that support students to be successful in the classroom (e.g., having an organized classroom, establishing clear routines and procedures, setting high expectations, stating expected behaviors positively, modeling expected behaviors).
- *In-Class Regulation Support* - Students are supported to build and practice a "toolbox" of regulation strategies that they can select from when they feel dysregulated (e.g., breathing strategies, movement/sensory activities, mindfulness strategies, positive time away from the class).
- *Precorrection* - A precorrection is a quick reminder that describes the expected behavior for a task, activity, or transition that is about to happen. The goal of precorrection is to proactively prompt expected behavior before problem behaviors occur.
- *Active Adult Supervision* - Staff circulate among and interact with students, acknowledging when students demonstrate expected behaviors by providing positive reinforcement.
- *Conference* - Teachers or administrators meet with students and/or their parents/guardians to debrief a particular situation or incident in order to support students to reflect on a particular situation or incident, etc.
- *Reflection* - Students reflect on what happened, what they were thinking/feeling, what action they took, what their action accomplished, and what they would do differently next time.
- *Adult Mentorship* - Staff members serve as mentors who coach students to make positive behavior changes, monitor the students' behavior, and provide the presence of a trusted adult at school (e.g., Check In/Check Out).
- *Social Skills/Behavior Instruction* - A social skills curriculum is targeted to address specific areas of need for an individual student or a small group of students (e.g., asking for help, taking turns, sharing, initiating play, making friends).
- *Reinforcement Systems* - Reinforcement systems include providing instruction on the expected or desired behavior and then developing a plan for reinforcing that behavior such as:
    - Token Economies - Students earn tokens when they exhibit the expected behavior. Tokens can be used to obtain an item or a preferred activity.
    - School-to-Home Communication – Daily/weekly communication, typically via a home to school notebook, identifying daily/weekly successes and challenges. When students meet a daily/weekly goal for behavior, the school calls home or sends a positive note home.

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- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., build regular movement breaks into a student's schedule, build a weekly time with the school counselor into the student's schedule).
- *Functional Behavior Analysis (FBA)* - FBA is an assessment that is designed to uncover the reason(s) why students are engaging in problem behaviors.
- *Behavior Intervention Plan (BIP)* - Following an FBA, intervention plans are designed to support students in reducing problem behaviors through the use of appropriate replacement behaviors.
- *Wrap-Around Services* - This intervention involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

B. Middle and High School In-School Supports

In addition to the supports listed for elementary school, the supports offered to students at the middle and high school include, but are not limited to, the following:

- *Social Skills/Behavior Instruction* - A social skills curriculum targets specific areas of need for an individual student or a small group of students (e.g., organizational skills and goal setting, interpersonal communication skills, problem-solving, coping with feelings).
- *Restorative Meeting* - Restorative meetings focus on implementing a victim-sensitive process for problem solving that shows the school community members involved how they can deal with the consequences of the wrongdoing and repair the harm done.
- *Counselor Intervention* - The School Counselor and Student Support Counselor provide social-emotional support and/or services that enable students to progress consistent with the educational, social-emotional, career, and transitional goals of all students. Support services are provided in 1:1 meetings, in small groups, and in co-taught, in-class environments.
- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., rearrange class schedule).
- *Youth Employment and Empowerment Services (YEES)* - YEES is a state-certified program that facilitates communication between the family, school, and community and coordinating resources that are available to identified students.
- *Wrap-Around Services* - Involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

In-school supports are not considered disciplinary consequences. Any educator or staff member may refer a student to an administrator for in-school supports. The examples listed above are not exclusive, and administrators may implement other supports that they deem appropriate. The

decision to provide in-school supports is final and not appealable. Except in the case where a support requires parental consent and the parent has withheld consent, a student's refusal to accept or participate in an in-school support may constitute cause for the administrator implementing a disciplinary consequence or an additional disciplinary consequence.

Graduated Disciplinary Consequences

The Merrimack School District maintains a system of graduated disciplinary consequences that are available for implementation when responding to student misconduct that does not warrant suspension or expulsion. When an administrator determines that a disciplinary consequence is warranted, the administrator may determine, at their sole discretion, an appropriate consequence. Administrators will seek to implement graduated disciplinary consequences (sanctions) and, when doing so, will not be detrimental to the health, safety, or welfare of students or staff. The following are examples of graduated disciplinary consequences that may be administered. When appropriate, graduated disciplinary consequences may be paired with in-school supports.

A. Elementary School Graduated Disciplinary Consequences

The graduated disciplinary consequences that may be administered at elementary schools include, but are not limited to, the following:

- *Planned Ignoring* - The student remains in the setting, but the teacher appears to ignore the student misbehavior rather than allow it to gain time and attention.
- *Withdrawal of Materials* - If a student misuses a material, the material is taken away for a specified amount of time.
- *Time Away from Activity/Group* - Students are able to observe, but cannot participate in, an activity for a specified amount of time.
- *Loss of Privilege* - Students are not allowed to use a specific material or piece of equipment as a result of a misbehavior. For example, if a student repeatedly walks up the slide on the playground, the student may be told that they cannot use the slide for the rest of the day or week. Students may not be allowed to participate in a particular activity. For example, a student may not attend an extra-curricular activity as a result of their misbehavior.
- *Apology* - Students may be asked to provide a verbal or written apology to those impacted by their misbehavior. The district will not require apologies but will work with students to understand the need to repair harm caused in relationships.
- *Restitution/Community Service* - Students are responsible for repairing the harm or damage done as a result of their inappropriate behavior.
- *Parent Contact* - The teacher, administrator, counselor and/or behavior specialist contacts a parent/guardian to let them know about their child's inappropriate behavior, as well as

any disciplinary consequences that will be implemented as a result of their inappropriate behavior.

- *Time in Office* - Students are removed from the classroom and need to spend time in the office so that the administrator, counselor or behavior specialist can talk with the student about their inappropriate behavior.
- *Administrator Letter to Parent* - Inappropriate behavior by students is documented and shared with parent(s)/guardian and becomes part of their disciplinary record.
- *During-School Detention*
  During school reteaching (elementary level)
- *After-School Detention*
  Lunch reteaching (elementary level)
  Recess reteaching (elementary level)

B. Middle and High School Graduated Disciplinary Consequences

In addition to the graduated disciplinary consequences identified for elementary school students, graduated disciplinary consequences that may be administered for middle and high school students include, but are not limited to, the following:

- *Temporary Removal from Class* – Referal to school counselor or resource officer.
- *Academic Consequence* - Such action may include requiring students to redo an assignment or retake an assessment for a reduced grade when caught cheating.
- *Police Report* - A report to police is made when a student may have committed a criminal act on school property or while attending a school-sponsored activity.
- *Superintendent Involvement*

These graduated disciplinary consequences shall be administered in a manner which does not result in the student's loss of access to their educational programming. Any staff member may refer a student to the administrator for disciplinary consequences. The decision of an administrator shall be final and shall not be appealable.

Neither in-school supports nor graduated disciplinary consequences shall be deemed a precondition for a suspension or expulsion which is permitted under the law without prior in-school supports or graduated discipline.

Suspension of Students

It is the stated objective of the Merrimack School District to reduce the need for suspensions and expulsions through the use of responses such as in-school supports and graduated disciplinary consequences. The District reserves suspension for those matters which threaten and/or disrupt the educational community, which represent repeated or significant violations of the conduct or

behavioral standards of the District, which threaten to, and/or endanger the health, safety, or welfare of students or staff.

There are three forms of suspension: short-term suspension of five (5) days or fewer, short-term suspensions between six (6) and ten (10) days, and long-term suspension for more than ten (10) days.

Standards for Short-Term Suspension up to Five (5) School Days [Level One]

A short-term suspension of up to five (5) school days shall be reserved for:

- Misconduct that presents a low level, yet significant, detriment to the health, safety, or welfare of the student committing the act and a low level of detriment to the health, safety, or welfare of other students or staff.
- Repeated and willful disregard of the rules of the school that has not been remediated through in-school supports and graduated lesser forms of discipline.
- Such other infraction as the school administrator deems to warrant a short-term suspension of up to five (5) days.

Examples of misconduct which may result in a suspension of up to five (5) days include, but are not limited to, the following:

- Nicotine Products/Paraphernalia
- Social Media Violations/Harassment
- Vandalism
- Bullying
- Physical Assault
- Fighting
- Sexual harassment without unwanted physical contact
- Possession of a controlled drug without a valid prescription
- Repeated violation of any conduct standard
- Conduct that is repeatedly disruptive to classroom or school activities
- Dishonesty, including cheating on school assignments or assessments

The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of up to five (5) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants, up to five (5) days.

In addition, school administrators shall have the discretion to refrain from issuing a suspension when they determine that student conduct may be remediated through in-school supports and/or a lesser consequence. In considering the length of the suspension, school administrators shall consider:

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- The extent to which the conduct presented a threat or risk to, the health, safety, or welfare of other students or school personnel, the integrity of the educational process, or the functioning of the school.
- Whether the conduct was disruptive to the school environment and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident.
- In the case of a student with a disability, whether the issuance of a suspension is consistent with Section 504 and the IDEA.

The administrator may implement the suspension on the day of the infraction, depending on the nature and severity of the violation. Suspensions of no more than five (5) days may be made by an administrator. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student. A suspension of five (5) days or fewer is not appealable.

Standards for Short-Term Suspension up to Ten (10) School Days [Level Two]

A short-term suspension between six (6) and ten (10) school days shall be reserved for:

- Behavior or misconduct that threatens significant harm to the health, safety, or welfare of the student, or other students or staff;
- Behavior or misconduct that results in significant harm to the health, safety, or welfare of the student, or other students or staff; or
- Repeated and willful disregard of the expectations for behavior that has not been remediated through in-school supports and graduated lesser forms of discipline (which may include a Level One suspension).
- Misconduct that involves or threatens disruption of the school environment.
- Such other infraction as the principal deems to warrant a short-term suspension between six (6) and ten (10) days.

Examples of misconduct which may result in a Level Two suspension, include but are not limited to, the following:

- Multiple Level One infractions, whether in combination or repeated infractions
- Drug/alcohol policy violations
- Assault resulting in physical injury
- Repeated bullying
- Repeated sexual harassment
- Sexual harassment involving unwanted physical contact
- Disruption of the school day (Threats of Violence)
- Possession of an object that could be considered a weapon (i.e. jack knife).

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The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of between six (6) and ten (10) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants. In addition, the school administrator shall have the discretion to issue lesser forms of discipline when they determine that the student conduct may be remediated through in-school supports and/or a lesser consequence. In considering the length of the suspension, the school administrator shall consider:

- The extent to which the conduct presented a risk to the health, safety, or welfare of other students or school personnel.
- Whether the conduct was disruptive to the school environment, and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident and whether prior disciplinary measures have been unsuccessful.
- In the case of a student with a disability, whether the issuance of a level Two suspension is consistent with Section 504 and the IDEA.

The administration reserves the right to implement the suspension during the day of the infraction, depending on the nature and severity of the violation and/or the potential results of the violation. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student.

The decision of the School administrator is final and there is no right of appeal of a suspension of ten (10) days or fewer.

Interventions after Suspension

Students who are suspended for bullying shall be provided with targeted interventions, which shall also be considered remedial measures. These may include, but are not limited to, the in-school supports bulleted above. Students who engage in repeated substantiated bullying after such targeted interventions may be subject to long-term suspension or expulsion, depending on the misconduct.

Standards for Long-Term Suspensions [11 to 20 days] [Level Three]

The Superintendent is designated and authorized by the School Board to extend a suspension for a period of ten (10) additional consecutive school days up to a total of twenty (20) consecutive school days (including the prior ten (10) days) following a hearing before the Superintendent for the following misconduct:

- High level misconduct that threatens or results in significant harm to the health, safety, or welfare of the student, other students, or the school staff.

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- Misconduct that causes, or threatens to cause, substantial disruption to the school environment.
- Criminal conduct on school property or at a school function

The Superintendent or their designee is authorized to extend a suspension for a period from an eleventh (11th) day up to twenty (20) days based on the extreme nature of a situation. Examples of misconduct which may result in a total suspension of up to twenty (20) days include, but are not limited to, the following:

- Any substantial threat to the school community
- Persistent and continual disregard of district policies
- An act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D [The Safe School Zones Act]
- Bullying pursuant to school district policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student
- Possession of a firearm [pending an expulsion recommendation], BB gun, paintball gun, or look-alike weapon
- The sale of drugs, either on or off campus
- Sexual assault, other than a felony if committed by an adult
- Possession of a knife or other weapon on campus or at a school activity
- Physical injury to staff or another student
- Any misconduct which is pending the Superintendent's recommendation for an expulsion hearing

A student who repeats any of the long-term suspension infractions listed above may be referred to the School Board for an expulsion hearing. A student who has been referred to the School Board for expulsion may be subject to either a Level Two or Level Three suspension as an interim disciplinary measure, pending the hearing before the School Board.

Any time a student is suspended more than ten (10) school days in any school year, upon the student's return to school, the District shall develop an intervention plan designed to proactively address the student's misconduct.

Prior suspensions for drug/alcohol, weapons, or fighting violations may be considered aggravating factors in making disciplinary decisions.

When the District contemplates a suspension which will result in cumulative suspension days for the school year of more than twenty (20) days in total, the District shall arrange for and provide alternative educational services to the student for the duration of their suspension. The alternative educational services shall be designed to enable the student to advance from grade to grade.

No student shall be penalized academically solely by virtue of missing classes due to suspension.

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Before any long-term suspension [more than 10 days] may be implemented, except as provided for below, students and their parent/guardian must be informed in writing of the charges, and a hearing must be scheduled before the Superintendent or designee, at which the student shall be permitted to be represented by a parent, other adult, or counsel (at student expense) to refute any charges or evidence against them, offer evidence, explanations or mitigating circumstances, cross-examine witnesses, and call witnesses of their own. The long-term suspension process shall comply with the requirements of Ed 317, as amended from time-to-time by the New Hampshire Department of Education. The failure on the part of students and/or their parent/guardian to show at a hearing without just cause shall constitute a waiver of the right to a hearing.

Long-term suspensions are appealable to the School Board unless determined by the Board. Any appeal of a long-term suspension to the Board shall be made in writing and received by the Superintendent within ten (10) business days after the issuance of the decision being appealed.

The Board shall hold a hearing on the appeal. The long-term suspension shall remain in force while the appeal is pending, unless the Board stays the suspension while the appeal is pending. The Board may affirm, reverse, shorten, lengthen, or otherwise modify the terms of the long-term suspension, and, when appropriate under the law of the state, may expel the student. The decision of the School Board shall be in writing.

Standards for Expulsion of Students

Expulsion decisions may only be made by the School Board after written notice of the Superintendent's recommendation for expulsion has been provided to the student's parent/guardian or to the adult student. The written recommendation shall set forth the basis for the Superintendent's recommendation.

Additionally, expulsion may only occur after a hearing by the Board which affords the minimum due process required by the regulations of the State Board of Education. The hearing shall be conducted in a nonpublic session unless the parent/guardian or adult student requests a public hearing.

Any student may be expelled from the District by the Board for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would otherwise warrant long term suspension but for its repetition
- Any act of physical or sexual assault that would be a felony if committed by an adult
- Any act of violence pursuant to RSA 651:5, XIII
- Criminal threatening pursuant to RSA 631:4, II(a)
- An act of theft, destruction, or violence in a Safe School Zone
- Possession of a pellet or BB gun, paintball gun, rifle, or handgun
- Any act of similar or greater severity as those acts listed above

Furthermore, any student who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code on school campus, on school transportation, or to any District activity or event

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 no less than twelve (12) months.

In considering whether expulsion is warranted, the Board shall consider:

- The student's age
- The student's disciplinary history
- Whether the student is a student with a disability
- The seriousness of the violation or behavior committed by the student
- Whether the school district has implemented positive behavioral interventions subsequent to a ten (10) day suspension
- Whether a lesser intervention would properly address the violation or behavior committed by the student

A student expelled from school in another New Hampshire school district or another state shall not be eligible to enroll in the Merrimack School District for the period of such expulsion. If the expulsion is for an indefinite period, the student or their parent/guardian may petition the School Board for enrollment provided they reside in the District or agree to pay tuition. If the student is denied enrollment, the expulsion may be appealed to the State Board of Education. The Superintendent is authorized to modify an expulsion and any reenrollment requirement on a case-by-case basis.

Any expulsion shall be subject to review by the School Board if requested prior to the start of each school year. Any parent/guardian or adult student has the right to appeal any such expulsion by the School Board to the State Board of Education at any time while the expulsion remains in effect.

Implementation and Notice

The Superintendent shall ensure that established expectations for student conduct and behavior shall be published annually in each school's student handbook, which are submitted, reviewed, and approved annually by the School Board.

These expectations will be made available to parents/guardians at the beginning of the school year and be publicly available on the school or district website. Expectations for student conduct and behavior will also be made available in another language or presented orally upon request.

Additionally, building principal(s) shall ensure student awareness of the established expectations for student conduct and behavior and other District policies through print, postings and/or periodic announcements.

The Superintendent shall designate personnel to explore and pursue relevant State or Federal grants, technical assistance, and professional development opportunities available to facilitate the implementation of a Multi-Tiered System of Support (MTSS) for social, emotional, and behavioral health and wellness.

Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to

modify, supersede, or suspend any provision of the established expectations for student conduct and behavior.

Parental Notification of Simple Assaults

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring notice to parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposely or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

Disciplinary Removal of Students with Disabilities

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to students with disabilities, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01 and federal law.

Legal References:
RSA 189:15, Regulations
RSA 193:13, Suspension & Expulsion of Pupils
RSA Chapter 193-D, Safe Schools Zones
18 U.S.C. § 921, Et seq., Firearms
20 U.S.C. § 7151, Gun-Free Schools Act
RSA 631:4, Criminal Threatening
RSA 651:5, XIII "Act of Violence"
NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy
NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion
NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline
NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils
Assuring Due Process Disciplinary Procedures
In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

1st Reading: February 2, 2007
2nd Review: March 5, 2007
Adoption: March 19, 2007

Policy Revision
1st Reading: February 21, 2022
2nd Review: March 7, 2022
3rd Review: March 21, 2022
Revised:

MERRIMACK SCHOOL DISTRICT
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KIMBERLY YARLOTT
Assistant Superintendent for Curriculum

EVERETT V. OLSEN, Jr.
Interim Chief Educational Officer

MATTHEW D. SHEVENELL
Assistant Superintendent for Business

To: Cinda Guagliumi
Laurie Rothhaus
Shannon Barnes
Jenna Hardy
Lori Peters
Kaitlyn Vadney

From: Everett V. Olsen, Jr.

Date: March 15, 2022

Subject: Proposed 2022-2023 School District Calendar

Several weeks ago, I established a committee to develop a school district calendar for the 2022-2023 school year. The committee included the following staff:

Michaela Champlin, Assistant Principal, TFS
Laura Livie, Assistant Principal, RFS
Marsha McGill, Principal, JMUES
Rich Zampieri, Assistant Principal, MHS
Sally Agel, Teacher, MHS
Deb Fournier, Teacher, MES
Melissa Fazlic, Director of Human Resources
Heather Barker, Director of Student Services
Kim Yarlott, Assistant Superintendent
Everett Olsen, Interim Chief Educational Officer

Philosophy Behind Calendar Development

The development of a school district calendar involves a number of issues for consideration, which include:

- Appearance and Readability of Calendar
- Required Number of Instructional Days and Contract Days
- Professional Development Needs (discretionary and mandatory)
- Holidays/Cultural Observances/Vacation Periods
- High School Graduation Date
- Parent Conferences

- Election Days
- Collective Bargaining Agreements
- Kindergarten Registration
- Transition Day
- School Daily Start/End Times
- Parent and Staff Input
- Sensitivity to Cultural/Religious Observances
- Movement Toward Alignment with Calendars of Regional Career Technical Education Centers (State initiative)

The Calendar Committee is presenting you with two calendars to consider for approval. The calendars differ only in the start and end dates of the school year. One calendar reflects the school year beginning prior to Labor Day and the other calendar reflects a school year beginning after Labor Day. Both calendars address the above-mentioned calendar considerations with the following information:

Appearance and Readability of Calendar

The Committee felt it was important to develop and present a school calendar that is more appealing and readable than prior school calendars. We organized the calendar into a new template format with some explanatory material adjacent to each month and utilized color to highlight certain events during the school year. Weekend days are also included to enhance the readability and flow from one week to the next.

Required Number of Instructional Days and Contract Days and Professional Development Time

Both calendars meet the minimum number of school days (180) required by New Hampshire Statute 189:1; New Hampshire Code Administrative Rule 306.18. The calendars also align with both the Merrimack Teachers Association (MTA) and the Merrimack Educational Support Staff Association (MESSA) union contracts. The MTA contract has more language to comply with regarding the school calendar, including:

- Teacher Workshop Days: One hundred eighty-seven (187) days, between the Monday before Labor Day of one year and June thirtieth (30th) of the next year.
- In-Service Days: A minimum of seven (7) in-service days in school year, with at least three and one half (3.5) days reserved for workshops and building meetings, one (1) day for classroom preparation prior to the beginning of school for students, and the equivalent of two and one half (2.5) days for parent conferences/parent information night. The 2022-2023 calendar incorporates four (4) early release days into the school year. These days may be used for staff collaboration time, building meetings, discretionary and mandatory staff training. These early release days are strongly supported in both parent and staff surveys.

Holidays/Cultural Observances/Vacation Periods

The calendar committee is maintaining the traditional school vacation week periods in the 2022-2023 calendar. This will allow us to address the state's proposed legislation that, by the end of the 2023-2024 school year, the school calendars of Career Technical Education Centers (CTE) member districts may not be out of instructional day alignment (with the CTE) by more than 10 days. Additionally, the major holidays (some with local discretion of observance) are noted in yellow on the calendar. Of special note is the inclusion of a "Guide to Religious and Cultural Observances" that will be included with the 2022-2023 calendar. This guide will be sent to all staff in an effort to enhance our organizational level of cultural competency. It is important for staff to understand the observances of students and their families and demonstrate sensitivity in scheduling events, exams, major assignments, etc.

High School Graduation Date

The state statute with respect to high school graduation is as follows:

"The high school graduation date shall be set no more than 5 school days or 30 instructional hours before the end of the scheduled school year without consideration of making up lost time, pursuant to Ed 306.18 (a) (4)."

If we begin the 2022-2023 school year before Labor Day, the date of high school graduation will be Saturday, June 10, 2023. If we begin the school year after Labor Day, the date of high school graduation will be Saturday, June 17, 2023.

Parent Conference, Election Days and Kindergarten Registration

These events are listed on the "Important Dates" table at the bottom of the calendar. A "mid-term" national election will be held on November 8, 2020. The consensus of the Leadership Team is that we conduct school on this date with the understanding that we will have safety procedures in place at both school polling locations (MMS and JMUES).

Transition Time

Regardless of whether you approve a school year that begins prior to, or after Labor Day, we will have a transition time during the first two hours on the first day of school. Students in grades K, 5, 7, 9 (and new students) will arrive at school at the normal start time on the first day of school. This transition time is intended to reduce the anxiety of students attending a new school with new and/or additional peers.

Parent and Staff School Calendar Input

A school calendar survey (enclosed) was sent to staff and parents and we have responses from 1,356 parents and 392 staff. The responses are included with this memo. Of note, is the strong

support by both parents and staff for beginning the school year prior to Labor Day, providing a transition time for students in grades K, 5, 7, 9 on the opening day of school, and the inclusion of four early release days throughout the school year.

Calendar Committee Recommendation

It is the recommendation of the calendar committee that we begin the 2022-2023 school year prior to Labor Day. Most families are ready for a return to school in late August of each year and the instructional days in late August/early September are more robust than the school days in the latter part of June.

I wish to thank the members of the calendar committee for their dedication toward developing a school calendar that, I believe, serves our school district and the community very well. My thanks, also, to the parents and staff who took time to complete the calendar survey. I do hope that you will find this newly designed school calendar to be informative and helpful to students, staff, and the community. I look forward to discussing this with you at our upcoming meeting.

Merrimack School District- SAU 26
School Calendar 2022-2023
(After Labor Day Draft)

Students: 0 MTA: 1

Aug 31- Classroom Set Up

August '22						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Students: 19 MTA: 21 (parent info night incl)

Sept 1- Building Meetings

Sept 2- 1/2 day Teacher Workshop- No School

Sept 6- First Day of School Transition Day

Gr.K,5,7,9 (&new students) Reg Arrival

Returning Students 2hr delay

Sept 5- No School- Labor Day

September '22						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Students: 19 MTA: 20

Oct 7- Teacher Workshop- No School

Oct 10- Columbus/Indigenous people Day

October '22						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Students: 18 MTA: 19 (conferences)

Nov 11- Veterans Day

Nov 22- Early Release

Nov 23, 24, 25- Thanksgiving Break

November '22						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Students: 16 MTA: 16

Dec 23-30 Winter Break

December '22						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

KEY	
	Teacher Workshop, No School for Students
	First/Last Day of School for Students
	No School, Observed Holiday/Vacation
	Early Release
	Summer Break/Weekends (no school)
	Half Day (Last day of school)

January '23						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Students: 20 MTA: 20

Jan 2- No School

Jan 13- Early Release

Jan 16- No School MLK Jr Day

February '23						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Students: 18 MTA: 18

Feb 27,28- No School/February Break

March '23						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Students: 20 MTA: 21 (conferences)

March 1,2,3 No School/February Break

March 24- Early Release

April '23						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Students: 15 MTA: 15

April 24-28 No School/Spring Break

May '23						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Students: 21 MTA: 22

May 12- Teacher Workshop

May 26, Early Release

May 29- No School Memorial Day

June '23						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Students: 14 MTA: 14

June 17- Tentative Graduation Date

June 20- tentative last day for students ER

June 21-27 make up days

School Start/End Times

School	Start	End	ER Dismissal
Merrimack Middle School	7:30	2:05	11:00
Merrimack High School	7:30	2:15	11:15
Mastricola Elementary	8:30	2:45	12:15
Reeds Ferry Elementary	8:30	2:45	12:15
Thorntons Ferry Elementary	8:30	2:45	12:15
Mastricola Upper Elementary	8:40	2:55	12:25

Important Dates*

Event	MES	RFS	TFS	MUES	MMS	MHS
Fall Parent Teacher Conferences		November 10 and 15	November 18 & 21	November 9 and 15	October 11, 13, 19	October 20 and 27
Kindergarten Registration	January 9th	January 9th	January 9th	N/A	N/A	N/A
Parent Information Night		September 21	September-TBD	September 22	September-TBD	September- TBD
Spring Parent Teacher Conferences		April 13 and 18	March 10 & 16	February 9 and 15	March 7, 9, 14, 16	
Term/Marking Period End Dates	12/2, 3/10, 6/20	12/2, 3/10, 6/20	12/2, 3/10, 6/20	12/2, 3/10, 6/20	November 4, January 27, April 7, June 20	
Report Cards	12/16, 3/24, 6/20	12/16, 3/24, 6/20	12/16, 3/24, 6/20	12/16, 3/24, 6/20	November 18, February 10, April 21, June 20	
Election Dates	September 13, November 8, April 11					

**Dates above are subject to change with notice*

Merrimack School District- SAU 26
School Calendar 2022-2023
(Before Labor Day Draft)

Students: 1 MTA: 3

Aug 29- Classroom Set Up
Aug 30- Building Meetings
Aug 31- First Day of School Transition Day
Gr.K,5,7,9 (&new students) Reg Arrival
Returning Students 2hr delay

August '22						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Students: 20 MTA: 21.5 (info night)

Sept 1 is a full school day for all students
Sept 2- Teacher Workshop- No School
Sept 5- No School- Labor Day

September '22						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Students: 19 MTA: 20

Oct 7- Teacher Workshop- No School
Oct 10- Columbus/Indigenous people Day

October '22						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Students: 18 MTA: 19 (conferences)

Nov 11- Veterans Day
Nov 22- Early Release
Nov 23, 24, 25- Thanksgiving Break

November '22						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Students: 16 MTA: 16

Dec 23-30 Winter Break

December '22						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Students: 20 MTA: 20

Jan 2- No School
Jan 13- Early Release
Jan 16- No School MLK Jr Day

January '23						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Students: 18 MTA: 18

Feb 27,28- No School/February Break

February '23						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Students: 20 MTA: 21 (conferences)

March 1,2,3 No School/February Break
March 24- Early Release

March '23						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Students: 15 MTA: 15

April 24-28 No School/Spring Break

April '23						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Students: 22 MTA: 22

May 26, Early Release
May 29- No School Memorial Day

May '23						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Students: 11 MTA: 11.5

June 10- Tentative Graduation Date
ne 15-Tentative last day for students- ER
June 16- 1/2 day Teacher Workshop
June 16-22 make up

June '23						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	~~15~~	~~16~~	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

KEY	
	Teacher Workshop, No School for Students
	First/Last Day of School for Students
	No School, Observed Holiday/Vacation
	Early Release
	Summer Break/Weekends (no school)
	Half Day (June 15 and 16)

School Start/End Times

School	Start	End	ER Dismissal
Merrimack Middle School	7:30	2:05	11:00
Merrimack High School	7:30	2:15	11:15
Mastricola Elementary	8:30	2:45	12:15
Reeds Ferry Elementary	8:30	2:45	12:15
Thorntons Ferry Elementary	8:30	2:45	12:15
Mastricola Upper Elementary	8:40	2:55	12:25

Important Dates*

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Parent Information Night			September-TBD	September 22	September-TBD	September- TBD
Spring Parent Teacher Conferences			April 13 and 17	February 9 and 15	March 7, 9, 14, 16	
Term/Marking Period End Dates	12/2, 3/10, 6/15	12/2, 3/10, 6/15	12/2, 3/10, 6/15	12/2, 3/10, 6/15	November 4, January 27, April 7, June 15	
Report Cards	12/16, 3/24, 6/16	12/16, 3/24, 6/16	12/16, 3/24, 6/20	12/16, 3/24, 6/20	November 18, February 10, April 21, June 16	
Election Dates	September 13, November 8, April 11					

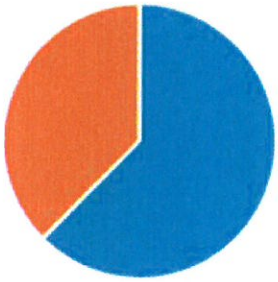
**Dates above are subject to change with notice*

Merrimack School District PARENTS
2022-2023 School Calendar Survey

1356	02:07	Closed
Responses	Average time to complete	Status

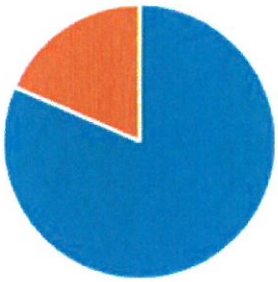
1. Do you support having NO SCHOOL on Columbus Day (October 10, 2022)?

Yes	847
No	509



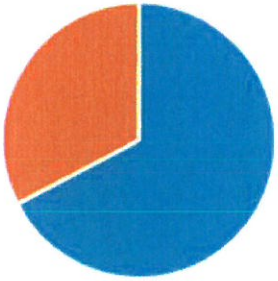
2. Do you support having NO SCHOOL the Wednesday before Thanksgiving (November 23, 2022)?

Yes	1105
No	251



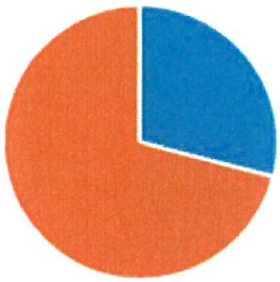
3. Do you support having NO SCHOOL on Martin Luther King Jr. Day (January 16, 2023)?

Yes	913
No	443



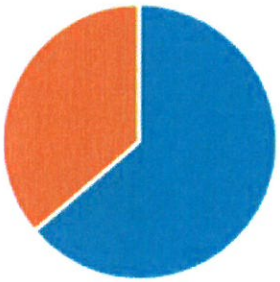
4. Do you support having NO SCHOOL on Presidents Day (February 20, 2023)? Note that February vacation next year is scheduled to begin the following week (February 27-March 3, 2023).

Yes	392
No	964



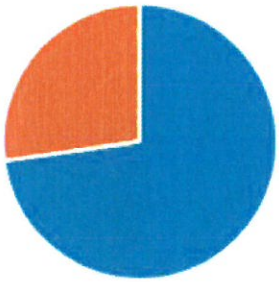
5. We are planning to begin the 2022-2023 school year on Wednesday, August 31, 2022. Do you support this start date?

Yes	865
No	491



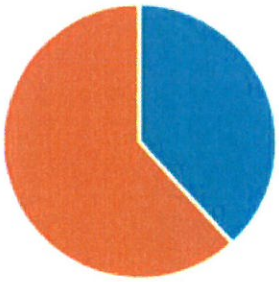
6. Do you support a "transition day" at the beginning of the school year (August 31st) for students entering grades K, 5, 7, 9? (These students would arrive at the school's usual start time. Other students would have a two-hour delay.)

Yes	987
No	369



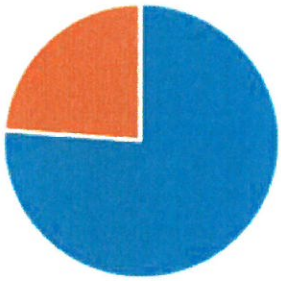
7. If school is in session on June 19, 2023 (Juneteenth), do you support having no school on this day?

Yes	516
No	840



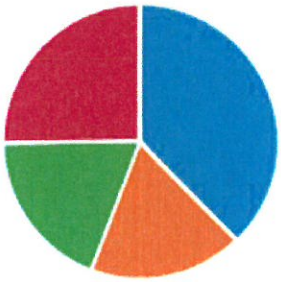
8. Do you support several early release days during the school year for staff training and teacher collaboration?

Yes	1033
No	323



9. What levels of school are your children attending? (choose all that apply)

Elementary	733
Upper Elementary	355
Middle School	370
High School	492

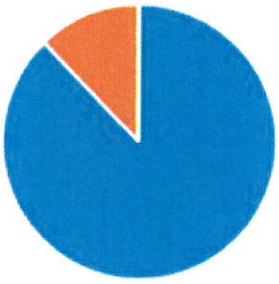


Merrimack School District STAFF
2022-2023 School Calendar Survey

392	05:53	Closed
Responses	Average time to complete	Status

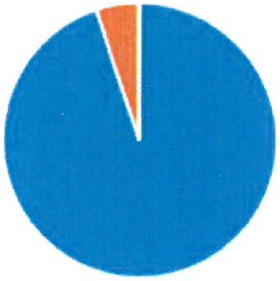
1. Do you support having NO SCHOOL on Columbus Day (October 10, 2022)?

Yes	344
No	48



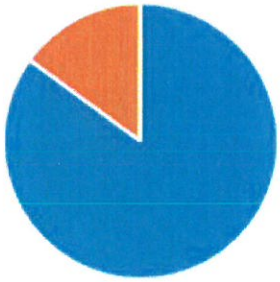
2. Do you support having NO SCHOOL the Wednesday before Thanksgiving (November 23, 2022)?

Yes	372
No	20



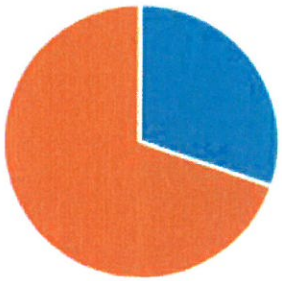
3. Do you support having NO SCHOOL on Martin Luther King Jr. Day (January 16, 2023)?

Yes	333
No	59



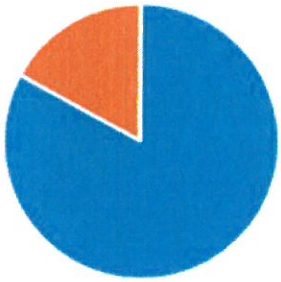
4. Do you support having NO SCHOOL on Presidents Day (February 20, 2023)? Note that February vacation next year is scheduled to begin the following week (February 27-March 3, 2023).

Yes	118
No	274



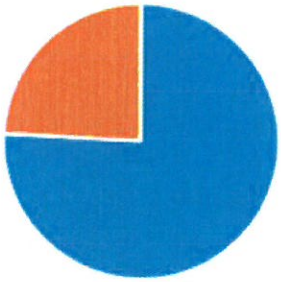
5. We are planning to begin the 2022-2023 school year on Wednesday, August 31, 2022. Do you support this start date?

Yes	325
No	67



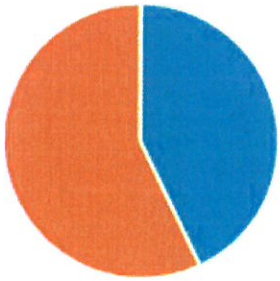
6. Do you support a "transition day" at the beginning of the school year (August 31st) for students entering grades K, 5, 7, 9? (These students would arrive at the school's usual start time. Other students would have a two-hour delay.)

Yes	297
No	95



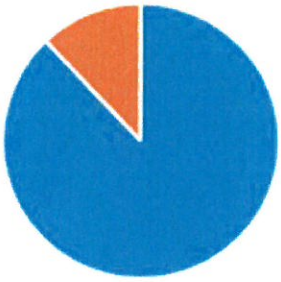
7. If school is in session on June 19, 2023 (Juneteenth), do you support having no school on this day?

Yes	168
No	224



8. Do you support several early release days during the school year for staff training and teacher collaboration?

Yes	261
No	36



Merrimack School District
2022-2023 School Year
Guide to Religious and Cultural Observances

Holiday and How it Is Observed	Date(s) Observed
***Rosh Hashanah* – *begins at sundown (Jewish)** **Holiday with significant work restriction** Rosh Hashanah is the start of the Jewish New Year, day of judgment and remembrance; the Jewish calendar celebrates the New Year in the seventh month (Tishrei) as a day of rest and celebration ten days before Yom Kippur. General Practices: Prayer in synagogue in the evening and following day and festive meals. Date Details: Begins at sundown of prior day. Rosh Hashanah is a two-day holiday, but some members of the Jewish faith may only observe the first day.	*Sept. 25-27, 2022
***Yom Kippur* – *begins at sundown (Jewish)** **Holiday with significant work restriction** Yom Kippur is often considered the holiest day of the year for Jews, and the day is dedicated to atonement and abstinence. General Practices: During Yom Kippur, Jews fast from before sundown until after sunset, refrain from work and light a Yahrzeit memorial candle at sundown on the night of Yom Kippur. Date Details: Begins at sundown of prior day.	*October 5, 2022
Diwali (Hindu, Buddhist, Sikh, Jain) **Holiday with significant work restriction** Diwali – the Hindu "festival of lights" – is an extremely popular holiday for multiple religions throughout Southern Asia. Diwali extends over five days and celebrates the victory of good over evil. The *Times of India* described Diwali as "a reaffirmation of hope, a renewed commitment to friendship and goodwill, and a religiously sanctioned celebration of the simple." Fireworks, oil lamps, and sweets are common, making this a favorite holiday for children. The lamps are lit to help the goddess Lakshmi find her way into people's homes. General Practices: Lighting oil lamps and candles, setting off fireworks, prayer, gifts and feast. Date Details: Diwali usually falls between mid-October and mid-November.	October 24, 2022

***Hanukkah/Chanukah* – *begins at sundown (Jewish)** Hanukkah is the Jewish festival of lights, and lasts for eight days. Hanukkah commemorates the Jewish struggle for religious freedom. The history of the holiday involves a historic military victory in which a Jewish sect called the Maccabees defeated the Syrian Greeks. The celebration commemorates a miracle in which a sacred temple flame burned for eight days on only one day's worth of oil. General Practices: On each of the eight nights of Hanukkah, Jewish families light an additional candle of the menorah candelabrum until all eight candles are lit. Jews celebrate with food and song, as well as exchanging gifts for eight days. Date Details: Hanukkah begins at sundown on the prior day.	*Dec. 19-26, 2022
***Christmas* – *begins at sundown (Christian/Roman Catholic and Protestant) Holiday with significant work restriction** Christmas is an annual celebration commemorating the birth of Jesus of Nazareth, the Messiah whose message and self-sacrifice began the Christian religion. General Practices: Many celebrate Christmas by giving gifts, attending church services, decorating Christmas trees, and visiting family. Date Details: Begins at sundown on December 24 annually and continues with all day celebration on December 25.	*December 25 Annually
Kwanzaa Kwanzaa is a week-long celebration honoring African heritage in African-American culture. Historian and activist Maulana Karenga developed the holiday in the 1960s. It is not a religious holiday, per se, but is a cultural celebration. Kwanzaa has seven core principles: Unity, self-determination, collective work and responsibility, cooperative economics, purpose, creativity, and faith. General Practices: Families celebrating Kwanzaa decorate their households with objects of art, and colorful African cloth known as kente, and many women wear kaftans. Many families display symbols of Kwanzaa that represent the seven core principals including the candle holder (kinara) with seven candles, and the black, red and green flag (pan-African colors). Kwanzaa ceremonies may include drumming, libation, discussion of the principals, candle-lighting rituals and a feast (karamu). Date Details: Kwanzaa is observed every year from Dec. 26 – Jan. 1.	Dec. 26 to Jan. 1 Annually

Merrimack School District
2022-2023 School Year
Guide to Religious and Cultural Observances

Lunar New Year – (Confucian, Taoist, Buddhist) ***Holiday with significant work restriction*** ***(Also known as Chinese New Year)*** The Lunar New Year is the most important of traditional Chinese and other Southeast Asian holidays and is very important in the Buddhist tradition. General Practices: Families gather together to spend the evening preparing boiled dumplings and festive meals and giving out symbolically decorated "good luck" red envelopes with gift money. This custom is centered on children, but red envelopes are also exchanged between friends, relatives and colleagues. Date Details: Corresponds to the New Moon in Aquarius, which can fall from late January to mid-February	January 22, 2023
Good Friday/Holy Friday (Christian-Roman Catholic and Protestant) Good Friday is the Friday Before Easter. It commemorates the crucifixion of Jesus Christ; among some sects of Christianity and in many countries Good Friday marks a day of fasting. General Practices: Prayer, fasting, and noon or afternoon services in some Christian denominations. Date Details: Always falls on the Friday before Easter Sunday.	April 7, 2023
Easter (Christian/Roman Catholic and Protestant) ***Holiday with significant work restriction*** Easter is an annual commemoration of the resurrection of Jesus Christ. General Practices: Church services, celebratory meals, family gatherings, distribution of colored eggs, baskets and chocolate bunnies. It is a celebration of renewal. Date Details: Easter Sunday is determined by the Gregorian calendar (Gregorian calendar regulates ceremonial cycle of the Roman Catholic and Protestant churches).	April 9, 2023

Pesach/Passover – *begins at sundown (Jewish) **Holiday with significant work restriction** Pesach is an eight-day observance commemorating the freedom and exodus of the Israelites (Jewish slaves) from Egypt during the reign of the Pharaoh Ramses II (one of three pilgrimage festivals). General Practices: Family gatherings, ritualized meals called Seders on the first two nights on which the Haggadah (a recounting of the escape to freedom) is read, lighting of Yahrzeit memorial candle at sundown on the last night of Passover. Date Details: Begins at sundown of the prior day.	*April 5-12, 2023
Holy Friday/Good Friday (Eastern Orthodox Christian) Holy Friday is the Friday before Easter. It commemorates the crucifixion of Jesus Christ; among some sects of Christianity and in many countries marks a day of fasting. General Practices: Prayer, fasting, confession, and church services as well as the wrapping or dying of eggs (often red) in preparation for Easter Sunday. Date Details: Orthodox Good Friday is determined by the Julian calendar which regulates ceremonial cycle of the Eastern Orthodox Christian churches.	April 14, 2023
Ramadan – *begins at sundown (Islamic) Ramadan is the month on the Muslim calendar in which teenage and adult Muslims are obligated to fast. Fasting requires Muslims to refrain from consuming food and drinking liquids during daylight hours. This is a time for self-reflection and to focus on faith through fasting and prayer and is a time of great significance for Muslims. Ramadan is also revered because the Qur'an (Muslim Holy Book) was first revealed during this month, and Muslims see the Qur'an as God's words. General Practices: Daily fasting is required during the entire month of Ramadan. Muslims refrain from food and beverages from sunrise to sunset. Worshipers break the fasting each night with prayer, reading of the Qur'an, and a meal called the "iftar". In addition, many Muslims also attend night prayers at Mosques. Muslims also believe that their good actions bring a greater reward during this month than any other time of the year. It is customary to many Muslims to give charity to the poor, spend more time in prayer and worship, refrain from bad habits. Date Details: Dates are determined by the lunar calendar. Lunar calendars can vary based on region and practice. The observed date marks the beginning of a 29 to 30-day observation.	*Mar. 22-Apr. 20, 2023

Eid al-Fitr – *begins at sundown (Islamic) Holiday with significant work restriction Eid al-Fitr means "break the fast" and is a major Muslim holiday. It is the last day of Ramadan, marking the end of a month of fasting. General Practices: An important part of the observance is a morning prayer service at the mosque. The celebration often includes exchanging gifts, giving a monetary gift to the children call "Eidi", enjoying feasts and getting together with family and friends. Date Details: Dates are determined by the lunar calendar. Lunar calendars can vary based on region and practice. Eid al Fitr is observed on the day immediately following the month-long observance of Ramadan. It is a three-day celebration in the Muslim world but is only observed on the first day in North America.	*April 22, 2023
Juneteenth Juneteenth, was named a federal holiday on June 17, 2021, after first being recognized as a state holiday in Texas in 1979 and adopted by other states thereafter. This day marks the official end of slavery in the United States of America and is sometimes referred to as this country's "second Independence Day". General Practices: Communities around the country have traditionally celebrated with prayer services, music, barbecues, and other events.	June 19 Annually

Source Documents:

University of Missouri, Division of Inclusion, Diversity and Equity

Winchester Multicultural Network, Winchester, Massachusetts

Merrimack School District
Voting Day – Tuesday April 12, 2022
7:00AM to 7:00PM
James Mastricola Upper Elementary School
Merrimack Middle School
St. John Neumann Church

Elections, Voting, and Poling Locations
https://www.merrimacknh.gov/elections-voting

SUMMARY OF WARRANT ARTICLES

ARTICLE 1: Election of School District Officials

The names of candidates for elected offices for the Merrimack School District will appear on the ballot. Candidate names are those seeking the offices for School Board, School District Planning and Building Committee and School District Budget Committee.

ARTICLE 2: Accepting Gifts on Behalf of the School District

This article would allow the Merrimack School Board to accept gifts of personal or real property during the year such as land. This article appears on the ballot every year to allow the School Board to accept property on behalf of the District. If this article was not approved, all non-cash donations would have to come before the voters. This does not negate public discussion by the School Board and would still require a vote of the Board.

TAX IMPACT: NONE

This article has been recommended by the School Board.

ARTICLE 3: Merrimack Teachers Association Contract

This article seeks to provide a 3.75% increase for the 22-23 school year for the teachers of Merrimack. It is a one-year only contract that acts as the beginning of our attempt to become somewhat competitive in the market for professional staff to serve the children of Merrimack. Currently, compared to 12 districts in our area, those being Amherst, Bedford, Bow, Brookline, Concord, Derry, Hollis, Londonderry, Milford, Nashua, Salem, and Windham, we are from $4,000 to over $12,000 dollars behind the area average of those districts. We compete in those markets and are in a dire struggle to keep what we have and attract what we need.

With the passage of this warrant article, we will be able to somewhat close the salary gap and just begin to become competitive with the gap for beginning teachers still $3,000 behind and an experienced highly educated professional still being $11,000 behind those of our competition. For a cost of $76 on a $300,000 house, it is well worth the investment in our school district and our children.

TAX IMPACT - $.25 cents increase per thousand or a total of $76.00 dollars on a 300K house.

This article has been recommended by the School Board and the Budget Committee.

ARTICLE 4: Merrimack Teachers Association Contract (Special Meeting)

This article gives the School Board the option of calling one special meeting to discuss cost items only in the negotiated agreement if not passed by the voters. If this article is not on the warrant, the School Board would have to petition Superior Court to get approval for a special meeting. The court only grants such special meetings for emergency purposes.

TAX IMPACT: None.

This article has been recommended by the School Board.

ARTICLE 5: Merrimack Teachers Association Contract – Market Adjustment

This article seeks to provide a market adjustment over Article 3 in the 22-23 school year for the teachers of Merrimack. As stated before, compared to 12 districts in our area, those being Amherst, Bedford, Bow, Brookline, Concord, Derry, Hollis, Londonderry, Milford, Nashua, Salem and Windham, even if article 3 passes will still be $3,000 to over $11,000 dollars behind the area average of those districts. We compete in those markets and are in a dire struggle to keep what we have and attract what we need. This represent an additional 3% increase.

With the passage of this warrant article, we will be able to close the salary gap even more and begin to become competitive with the gap for beginning teachers at $1,700 behind and an experienced highly educated professional still being $7,500 behind those of our competition.

For a cost of $58 on a $300,000 house, it is well worth the investment in our school district and our children.

TAX IMPACT – up to $.19 cents per thousand or a total of $58.00 dollars on a 300K house.

This article has been recommended by the School Board and the Budget Committee.

ARTICLE 6: Thorntons Ferry Elementary School Roof Replacement

This article seeks to replace 38,571 square feet of roof at Thorntons Ferry Elementary School that is in the process of failing. The consequences of not taking such action at this time could be deck rot and the potential for mold in classrooms at a cost of $1,400,500.

The sections to be replaced were constructed in 1994 and have been out of warranty since 2009. These sections are a built-up roofing of tar and gravel that was applied on top of the original 1970 roof when the school was first constructed.

The roof is currently telegraphing potentially urgent problems with the insulation below. There are areas where the morning frost has melted immediately adjacent to unmelted areas This indicates that the insulation in the melted areas were likely saturated from leakage at the surface. These areas also corresponded with the areas where there was leakage into the classrooms below.

Saturated insulation has no insulating value and can lead to mold problems and damage the metal deck below. We must pass this article to ensure that the current issue does not become an emergency that cannot be taken care of in a controlled fashion during the summer of 2022.

TAX IMPACT – up to $.29 cents per thousand or a total of $86.00 dollars on a 300K house.

This article has been recommended by the School Board and the Budget Committee.

The picture below is of stained ceiling tiles that have since been replaced due to failure of the roofing system at Thorntons Ferry.

ARTICLE 7: Authorization to Retain Year-End Unassigned General Fund Surplus

This article seeks to allow the School Board at a public meeting to retain 5% of the current fiscal year's net assessment. The net assessment is the amount to be raised by taxes net of all revenues. This year, the net assessment was $53,653,239 therefore the maximum allowable surplus that could have been retained would be $2,682,000. That amount or a lesser amount would have been the subject of a school board vote.

Here is an excerpt from the statue - a school district, by a vote of the legislative body, may authorize the school district to retain any unused portion of the year-end unassigned general fund balance provided that the total amount does not exceed 5 percent of the current fiscal year's net assessment.

Prior to spending these funds, the school board shall hold a prior public hearing.

Last year the District, due to COVID driven shortfalls in hiring and expenses, returned $8.1 million to reduce the school portion of the tax rate for the 20-21 school year. The normal amount that we return is approximately $3 million dollars. This will create a dip and then a spike in your tax rate having returned to normal operations in 2021-2022. If we had this article last year, the district could have retained some of the $8.1 million dollar surplus to avoid dips and spike in the future. It could also use these funds for any emergency purposes after a public hearing and a school board vote.

The Town of Merrimack already has this ability to avoid volatility in the town portion of the tax rate. This is considered prudent, best practices to ensure fiscal stability.

The School District would like to have the same option as afforded to all towns in New Hampshire. Passage of this article would allow us the mechanism to put these measures in place.

TAX IMPACT: TBD

This article has been recommended by the School Board.

ARTICLE 7: Merrimack School District Operating Budget

This article is to raise and appropriate $83,439,166 to support the operation of the School District. This budget represents a 1.48% increase over the 2021-2022 operating budget and was derived through a series of public meetings with the School Board, Budget Committee, and voters at the Deliberative Session. If this article is defeated, the School District will revert to a default budget which is $ 83,174,461.

BUDGET AND REVENUE SUMMARY 2022-2023				
Description	2021-2022 Approved Budget	2022-2023 Bud Comm. Budget	Dollar Variance 2021-2022 vs.	Percent Variance 2021-2022 vs.
	2021-2022	2021-2022	2022-2023	2022-2023
General Fund Operating Budget	79,300,942	80,517,460	1,216,518	1.53%
Food Service	1,421,707	1,421,706	(1)	0.00%
Federal Funds	1,500,000	1,500,000	-	0.00%
Total Budget	**82,222,649**	**83,439,166**	**1,216,517**	**1.48%**

2022-2023 Proposed Budget	**83,439,166**
2022-2023 Default Budget	**83,174,461**
Over Default	**264,705**

TAX IMPACT - $.25 cents increase per thousand or a total of $76.00 dollars on a 300K house. This article has been recommended by the School Board and the Budget Committee.

SCHOOL DISTRICT VOTER WORKSHEET

ARTICLE 2: **Accepting Real Property**

YES - ○ **NO -** ○

ARTICLE 3: **Teachers Contract**

YES - ○ **NO -** ○

ARTICLE 4: **Special Meeting Collective Bargaining Agreement**

YES - ○ **NO -** ○

ARTICLE 5: **Teachers Contract Market Adjustment Contract**

YES - ○ **NO -** ○

ARTICLE 6: **Thorntons Ferry Elementary School Roof Replacement**

YES - ○ **NO -** ○

ARTICLE 7: **Authorization to Retain Year-End Unassigned General Fund Surplus**

YES - ○ **NO -** ○

ARTICLE 8: **Operating Budget**

YES - ○ **NO -** ○

For more information, please visit us online at - http://www.sau26.org

NON-PROFIT
ORGANIZATION
ECRWSS
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Merrimack, NH
03054
PERMIT NO. 64

POSTAL PATRON

Merrimack School District
36 McElwain Street
Merrimack, NH 03054

VOTER INFORMATION GUIDE
School District Election
April 12, 2022 7:00 AM – 7:00 PM

James Mastricola Upper Elementary School
Merrimack Middle School
St. John Neumann Church

Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack High School - Cafeteria
February 21, 2022

6:30 p.m. Non-Public Session pursuant to RSA 91 – A:3, II (a) (b) (c) – Merrimack TV Training Classroom

- **Staff Welfare**

Present: Chair Guagliumi, Vice-Chair Rothhaus, Board Member Hardy, and Board Member Barnes. Also present were Assistant Superintendent for Business Shevenell, Assistant Superintendent for Curriculum, Instruction & Assessment Yarlott, Interim Chief Educational Officer Olsen, and Student Representative Vadney.

Not Present: Board Member Peters – Excused

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Guagliumi called the meeting to order at approximately 7:00 p.m. and led the Pledge of Allegiance.

Chair Guagliumi pointed out that the School Board would accept public comment via email and to do those members of the public could send emails to publiccomment@sau26.org.

2. NEW BUSINESS (TAKEN OUT OF ORDER)

a. Discussion with School District Moderator Lynn Christensen in Preparation for Deliberative Session

Ms. Christensen said the Deliberative Session would be held the same as it had been for the past thirty years. She said participants would be asked to wear a mask, however, she pointed out there would be a small section of the room designated for those who could not or would not wear a mask. She added there would be microphones available for both sections.

Ms. Christensen said the School Deliberative Session would be held on March 8th and the Town's Deliberative Session would be held on March 9th both beginning at 7:00 p.m.

b. Preparation for Warrant Presentations for Deliberative Sessions

Chair Guagliumi suggested the following people move and second the motions on the floor.

Gifts & Property:	Motion: Board Member Hardy	Second: Board Member Peters
MTA Contract:	Motion: Board Member Barnes	Second: Vice-Chair Rothhaus
MTA Contract Trailer:	Motion: Board Member Barnes	Second: Board Member Hardy
Market Adjustment:	Motion: Vice-Chair Rothhaus	Second: Chair Guagliumi
Thorntons Ferry Roof:	Motion: Chair Guagliumi	Second: Board Member Peters
Year-end Unassigned General Funds:	Motion: Board Member Peters	Second: Board Member Hardy

c. Competency Assessment and Grading Discussion

Assistant Superintendent of Curriculum Yarlott stated the standards-based grading scale used a points method rather than the traditional grading scale, a percentage method. She said the points ranged from 1 through 4 with points 3 and 4 indicating the student had met the necessary competency.

Assistant Superintendent of Curriculum Yarlott said using a competency-based grading system students were expected to master competencies aligned to college and career-ready standards with clear, transferable learning objectives, and students could access customized support to ensure mastery. She said grades would reflect the degree of mastery of competencies instead of students having to re-take an entire course when they were struggling. She added they would have the opportunity to re-learn specific competencies.

Assistant Superintendent of Curriculum Yarlott said a Steering Committee would be identified for the continuation of the work in the coming summer.

d. First Reading of Revised Student Conduct, Discipline, and Due Process Policy (JICD)

Interim Chief Educational Officer Olsen said the proposed revision had been recommended by Attorney Dean Eggert, Merrimack's Civil Rights Counsel, and was pursuant to RSA 193:13.

Interim Chief Educational Officer Olsen said the policy would be posted on the district's website.

The Board unanimously agreed to waive the first reading of the Revised Student Conduct, Discipline, and Due Process Policy (JICD). The twelve-page policy is available for review on the District's web page.

e. Other

Board Member Barnes noted that she felt it was alarming that the district lost 10% of the grade 12 class since the beginning of the school year. She requested the administration to provide further information.

3. RECOGNITIONS

There were no recognitions.

4. PUBLIC COMMENT

Ms. Heather Robitaille, 45 Springfield Circle, addressed the Board and thanked Ms. Fern Seiden for their efforts surrounding Social and Emotional Learning. Ms. Robitaille also thanked the Unified Art Teachers at the Thorntons Ferry Elementary School.

Ms. Sherry Quirion, 5 Portside Drive (Board Member Barnes read the following email into the record)

I want to say thank you for the SEL work that the district is doing in our schools. It makes me chuckle when my kindergartner tells me she has a big feeling, and it is called frustration and we can talk through it. Then she explains some of the strategies she has learned to help her process these feelings. Thank you for the many tantrums we have been able to avoid due to this wonderful and important teaching that you have incorporated into the student's education. These skills are invaluable and will build a healthy and strong emotional foundation for many years to come. Also, please make it a priority to start paying the teachers more. Teachers are the backbone of our student's education, and we need to make sure we are getting and retaining the best teachers because it all trickles down from there. This is so important right now and they are wearing so many hats to try to support our students through these challenging years.

Ms. Naomi Halter, 10 Everest Drive, addressed the Board and she was also grateful that the district was paying attention to the social and emotional well-being of the students, especially coming out of the pandemic.

Mr. Robbie Reisman, Iris Drive, addressed the Board and reiterated his gratitude to the staff for incorporating social and emotional wellness into the curriculum.

5. INFORMATIONAL UPDATES

a. Superintendent Update

Interim Chief Educational Officer Olsen said they had completed one week of optional masking and thanked the students, teachers, and parents for making it work as seamlessly as it did.

Interim Chief Educational Officer Olsen shared that the leadership team had an extremely successful school safety training session conducted by Detective Bill Vandersyde from the Merrimack Police Department and two members of the Merrimack Fire Department. He said the Crisis Management Teams would continue training over the next month and would plan to train with the staff and students as they approached the following school year.

Interim Chief Educational Officer Olsen said the School Calendar Committee was working very aggressively to put together the new School Calendar. He added he would be providing the staff with a guide to Religious and Cultural Celebrations of significance. He said he felt it would bring their awareness to a higher level in terms of tests, major assignments, projects, and scheduling events at night.

Interim Chief Educational Officer Olsen shared that the Girl's Swim Team was the Division I state runner-up, freshman, Sylvia, state's all-around gymnastics champion, senior Evan, was the Division II state wrestling in his weight class, sophomore Anthony, was the Division II state wrestling runner-up in his weight class, and sophomore Mitchell, Division II state wrestling runner-up in his weight class.

b. Assistant Superintendent for Curriculum Update

Assistant Superintendent of Curriculum Yarlott said the first Visioning Taskforce had taken place with Mr. Bill Wilmot as well as 30 other participants.

Assistant Superintendent of Curriculum Yarlott also said they had their first working session with EduPlanet 21, the company hired to help populate the curriculum software they purchased.

Assistant Superintendent of Curriculum Yarlott said they would be working with paraeducators and professional staff on understanding restorative practices on the early release day in March.

c. Assistant Superintendent for Business Update

Assistant Superintendent for Business Shevenell reiterated that the emergency training received was invaluable.

d. School Board Update

Chair Guagliumi reiterated that the School Deliberative Session would be held on March 8, 2022, at the James Mastricola Upper Elementary School beginning at 7:00 p.m.

e. Student Representative Update

Student Representative Vadney stated that the student council had started planning for the prom and details would be forthcoming. She congratulated the Girls' Varsity Swim Team for winning 2nd place at the Division I State Championships.

6. OLD BUSINESS

a. Social and Emotional Learning Strategies for Success in School and Beyond

Ms. Fern Seiden, System of Care Coordinator, stated the goal of the presentation was for the community to have a better understanding of what SEL (Social and Emotional Learning) was and how it was leveraged to support student wellness and development, and why it was an integral part of teaching and learning.

Ms. Rebecca Lessard, 3rd-grade teacher, Thorntons Ferry Elementary School, and Ms. Jamie Cordeiro, teacher, James Mastricola Elementary School, addressed the Board and said one of the biggest parts of SEL was that it prioritized positive educator and student relationships, noting it was not a trade-off with time teaching academics.

Ms. Lessard said SEL was helping students develop necessary skills for success in the workplace and not a mental health assessment or data collection or counseling.

Ms. Lessard showed a short video presentation that would be available on the school district's website.

Ms. Seiden said SEL prepared students for success beyond school, as well as in school as learners.

Vice-Chair Rothhaus stated she felt social and emotional learning was a critical component of the school system and was evidence-based.

Board Member Barnes commented she felt the students had better academic output due to the inclusion of social and emotional learning.

Board Member Hardy said she felt the presentation was excellent and also felt it was very important to continue to be transparent as to what social and emotional learning actually was.

Chair Guagliumi stated she felt it was a great presentation and thanked all involved for their continued efforts.

7. POLICIES

a. Second Review of Revised Drug-Free Workplace/Drug-Free School Policy (GBEC)

b. Second Review of Employment References & Verification (Prohibiting the Aiding & Abetting of Sexual Abuse Prohibiting) Policy (GADA)

Chair Guagliumi asked if members of the Board had any comments or edits regarding the policies. There were none.

Chair Guagliumi said the above two policies would be placed on the next meeting's Consent Agenda.

8. APPROVAL OF MINUTES

a. February 7, 2022, Public & Non-Public Minutes (6:30 p.m.)

MOTION: Vice-Chair Rothhaus made a motion to approve the public and non-public minutes from February 7, 2022, meetings, as presented. Board Member Barnes seconded the motion.

The motion passed 4 – 0 – 0.

9. CONSENT AGENDA

a. Approval of Investment Policy (DFA)

Assistant Superintendent for Business Shevenell said the policy had been in place since 2008, and it was a document that testified that the School District invested in stable commodities.

MOTION: Board Member Barnes made a motion to accept the Consent Agenda. Vice-Chair Rothhaus seconded the motion.

The motion passed 4 – 0 – 0.

10. OTHER

a. Committee Reports

Board Member Barnes stated the Professional Development Committee had met and said they discussed the IPDP (Independent Professional Development Plans) to make sure they were up to date.

Board Member Barnes also said the Grater Woods Sub-Committee met and said it was important for a School Board member to continue to be a liaison as she was not running for re-election for a seat on the School Board.

Board Member Hardy said the CIA (Curriculum, Assessment, & Instruction) Committee had met and evaluated two new educational tools and they were in the process of vetting the cost of the software.

Vice-Chair Rothhaus commented that the previous week she was in Orlando, FL, representing the Region I National Federation of High School Sports Rules Committee. She said the focus was on decreasing the number of concussions.

b. Comments

Board Member Barnes thanked the teachers and parents for attending and contributing to the meeting.

c. Correspondence

There was none.

11. PUBLIC COMMENTS ON AGENDA ITEMS

There were none.

At approximately 9:22 p.m. Vice-Chair Rothhaus made a motion to adjourn. Board Member Barnes seconded the motion.

The motion passed 4 – 0 – 0.

Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
March 7, 2022

6:00 p.m. Non-Public Session pursuant to RSA 91 – A:3, II (a) (b) (c) – Merrimack TV Training Classroom

- **Staff Welfare**

Present: Vice-Chair Rothhaus, Board Member Hardy, Board Member Barnes, and Board Member Peters. Also present were Assistant Superintendent for Business Shevenell, Assistant Superintendent for Curriculum, Instruction & Assessment Yarlott, Interim Chief Educational Officer Olsen, and Student Representative Vadney.

Not Present: Chair Guagliumi – Excused

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice Chair Rothhaus called the meeting to order at approximately 7:00 p.m. and led the Pledge of Allegiance.

Vice Chair Rothhaus pointed out that the School Board would accept public comment via email and to do those members of the public could send emails to publiccomment@sau26.org.

2. PUBLIC COMMENT

Ms. Heather Robitaille, 45 Springfield Circle, addressed the Board and recognized Ms. Jen Sayward, Physical Education Teacher, Thorntons Ferry School for all of her creativity and thought she put into the physical education classes.

Mr. Dan Ricker, Director of MYA Basketball (Board Member Barnes read the following email into the record)

Recently it has come to my attention that the basketball courts on O'Gara Drive fall under the Merrimack School District's property. With a lack of outdoor basketball facilities in the area, I would like to open discussions on how MYA basketball and the school district can improve this court. Please let me know the next steps to begin this process.

Ms. Sheana DeBourke, Belmont Drive (Board Member Barnes read the following email into the record)

As the Centers for Disease Control and Prevention (CDC) eliminated the mandate that masks be worn on school buses effective February 25th, children are no longer required to wear masks. As the CDC states, this is in line with the updated guidance that no longer recommends universal indoor masking. Unless a school district requires masks on school buses, children no longer need to wear a mask unless they would like to do so.

Bill has communicated that he is going to recommend to the Board that masks remain optional but from what the CDC has stated, they are already optional unless the Board decides to continue to force a medical device on our children while riding the school bus to school.

3. RECOGNITIONS

There were no recognitions.

4. INFORMATIONAL UPDATES

a. Superintendent Update

Interim Chief Educational Officer Olsen said several middle school students would participate in the "Winni Dip" at Lake Winnipesaukee on Monday, March 14th. He said they had already raised $664.00.

Interim Chief Educational Officer Olsen congratulated the high school students who were going to the finals of the "FinLit 300" (Financial Literacy) Competition on March 30th.

b. Assistant Superintendent of Curriculum Update

Assistant Superintendent of Curriculum Yarlott explained that just before the vacation the Universal Design for Learning (UDL) chairpersons from each building along with the administrative team performed a deep data dive where they looked at all of the data collected from instructional rounds throughout the year.

c. Assistant Superintendent of Business Update

Assistant Superintendent for Business Shevenell said the Deliberative Session would be held the following evening, March 8th at the James Mastricola Upper Elementary School beginning at 7:00 p.m.

d. School Board Update

Vice-Chair Rothhaus said the filing period for school offices was over and the individuals running would be available on the school district's website.

e. Student Representative Update

Student Representative Vadney reported that there would be a lot of prom information that would be sent home with students on the following Wednesday.

5. OLD BUSINESS

Interim Chief Educational Officer Olsen stated, for the record, that the school district's position regarding school transportation and masking was:

The CDC had recently come out with revised guidance concerning wearing masks on school buses and vans and had indicated that it is no longer mandatory.

Interim Chief Educational Officer Olsen said as late as February 24th the NH Department of Health and Human Services in its "Health Alert #57" indicated that a face mask continues to be required on school buses and vans under federal regulations. He said as of February 25th they were no longer requiring masks on school buses and vans. He added the information was confirmed by the Commissioner.

Interim Chief Educational Officer Olsen said he felt the policy should be changed from masks being required on school buses and vans to masks being optional on school buses and vans.

MOTION: Board Member Barnes made a motion to have masks optional while on all school transportation and to waive the two-week rule. Board Member Hardy seconded the motion.

The motion carried 4 – 0 – 0.

6. NEW BUSINESS

a. The Vision of a Merrimack High School Graduate

To be presented at the next meeting.

7. POLICIES

a. Second Review of Revised Student Conduct, Discipline, and Due Process Policy (JICD)

Interim Chief Educational Officer Olsen said to date the district had not received public comment on the proposed policy that complied with the requirements.

Board Member Barnes requested that the policy be placed on the next meeting's Consent Agenda.

8. APPROVAL OF MINUTES

a. February 15, 2022 – Public Minutes

Edit(s):

Page 3 – "Ms. Cathy Komar" was changed to "Ms. Kathy Komar" – Board Member Peters

MOTION: Board Member Hardy made a motion to approve the minutes from the February 15, 2022, meeting, as amended. Board Member Barnes seconded the motion.

The motion passed 4 – 0 – 0.

b. February 21, 2022 – Non-Public Minutes

MOTION: Board Member Barnes made a motion to approve the non-public minutes from February 21, 2022, as presented. Board Member Hardy seconded the motion.

The motion passed 3 – 0 – 1. (Abstained – Board Member Peters)

9. CONSENT AGENDA

a. Administrator Retirements
   - Mr. Peter J. Bergeron, Assistant Principal, Merrimack High School
   - Ms. Marsha McGill, Principal, James Mastricola Upper Elementary School
   - Ms. Kimberly Yarlott, Assistant Superintendent of Curriculum, Instruction, and Assessment

b. Approval of Revised Drug-Free Workplace/Drug-Free Schools Policy (GBEC)

c. Approval of Employment References and Verification (GADA)

MOTION: Board Member Peters made a motion to accept the Consent Agenda, as presented. Board Member Hardy seconded the motion.

The motion passed 4 – 0 – 0.

10. ACCEPTANCE OF GIFTS/GRANTS UNDER $5,000

a. Health Trust to Merrimack School District for $3,000

MOTION: Board Member Barnes made a motion to accept the gift from the Health Trust in the amount of $3,000 with the School Board's sincere gratitude. Board Member Peters seconded the motion.

The motion passed 4 – 0 – 0.

11. COMMITTEE REPORTS

a. Committee Reports

There were no committee reports.

b. Correspondence

There was no correspondence.

c. Comments

The Board collectively thanked all of the retirees for their work in the district and wished the very best for their futures.

Board Member Barnes pointed out that although the district owned the land that the basketball court was on, they did not have stewardship of the property, it was the town's responsibility.

12. PUBLIC COMMENTS ON AGENDA ITEMS

There were none.

At approximately 7:40 p.m. Board Member Barnes made a motion to adjourn. Board Member Hardy seconded the motion.

The motion passed 4 – 0 – 0.

Merrimack School Board Special Meeting
Merrimack School District
School Administrative Unit #26
March 8, 2022
(After Deliberative Session)

PUBLIC SESSION MINUTES

PRESENT: Chairman Guagliumi, Vice Chair Rothhaus, Board Members Barnes, Hardy and Peters, Interim Chief Educational Officer Olsen, Assistant Superintendent for Curriculum and Instruction Yarlott and Assistant Superintendent for Business Shevenell.

At 7:47 p.m. Board Member Barnes moved (seconded by Board Member Peters) to reduce the amount of Warrant Article #6, Thorntons Ferry Elementary School Roof Replacement by $200,000.

The motion passed 5-0-0.

At 7:48 p.m. Board Member Barnes moved (seconded by Board Member Peters) to adjourn the meeting.

The motion passed 5-0-0.

MERRIMACK SCHOOL DISTRICT MONTHLY ENROLLMENTS 2021-2022

March 7, 2022

Enrollment On

March 7, 2022	PRE	K	1	2	3	4	Total	5	6	Total	7	8	Total	9	10	11	12	Total	ODP	HSS	TOTALS
MES	60	78	73	74	80	68	**433**														**433**
RFS	29	88	77	77	92	82	**445**														**445**
TFS	41	93	98	107	102	96	**537**														**537**
MUES								247	270	**517**											**517**
MMS											271	281	**552**								**552**
MHS														262	278	272	319	**1131**			**1131**
PR-12 Total																					**3615**
Student Services ODP**																			17		**17**
Home Study (HSS)																				135	**135**
Total	**130**	**259**	**248**	**258**	**274**	**246**	**1415**	**247**	**270**	**517**	**271**	**281**	**552**	**262**	**278**	**272**	**319**	**1131**	**17**	**135**	**3767**

**Out-of-District Placement

MONTHLY ENROLLMENTS 2021-2022

Month	*PRE	K	1	2	3	4	Total	5	6	Total	7	8	Total	9	10	11	12	Total	SSP	HSS	TOTALS
September 13, 2021	118	253	245	258	277	248	1399	242	264	506	274	286	560	262	279	276	352	1169	14	134	3782
October 1, 2021	118	256	245	258	277	246	1400	242	264	506	274	282	556	263	280	271	344	1158	13	136	3769
October 4, 2021	118	256	245	258	277	246	1400	242	264	506	274	282	556	263	280	270	344	1157	13	136	3768
November 1, 2021	122	256	246	256	276	243	1399	244	263	507	275	281	556	262	281	272	342	1157	15	136	3770
December 6, 2021	126	259	246	257	275	244	1407	246	267	513	276	281	557	263	280	273	332	1148	14	137	3776
January 3, 2022	126	259	246	257	273	244	1405	248	269	517	276	282	558	263	277	272	327	1139	17	133	3769
February 7, 2022	129	258	245	257	274	244	1407	247	270	517	275	281	556	263	278	274	321	1136	17	133	3766
March 1, 2022	129	258	247	256	274	244	1408	247	270	517	271	281	552	260	278	272	319	1129	17	134	3757
March 7, 2022	130	259	248	258	274	246	1415	247	270	517	271	281	552	262	278	272	319	1131	17	135	3767

BUS SUSPENSIONS FOR THE MONTH OF FEBRUARY

	MHS	MMS	JMUES	MES	RFS	TFS
Fighting						
Vandalism						
Disrespect/Disruption			1	1	2	1
Unsafe Behavior						
Other						
TOTAL	**0**	**0**	**1**	**1**	**2**	**1**

ADMINISTRATION OF FEDERAL GRANT FUNDS

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

DAF-1 ALLOWABILITY 2

DAF-2 CASH MANAGEMENT AND FUND CONTROL 6

DAF-3 PROCUREMENT 7

DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM 14

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES 16

DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS 16

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS 17

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS 18

DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT 18

DAF-10 GRANT BUDGET RECONCILIATION 19

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT 20

NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

The Board accepts federal funds, which are available, provided that there is a specific need for them and that the required matching funds are available. The Board intends to administer federal grant awards efficiently, effectively and in compliance with all requirements imposed by law, the awarding agency and the New Hampshire Department of Education (NHDOE) or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grant management to be used by the District in the administration of any funds received by the District through Federal grant programs as required by applicable NH and Federal laws or regulations, including, without limitation, the UGG.

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

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

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

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

DAF-1 ALLOWABILITY

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

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

1. Be "necessary" and "reasonable" for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

   a. To determine whether a cost is "reasonable", consideration shall be given to:

      i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;

      ii. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;

      iii. market prices for comparable goods or services for the geographic area;

      iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and

      v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.

b. When determining whether a cost is "necessary", consideration may be given to whether:

i. the cost is needed for the proper and efficient performance of the grant program;

ii. the cost is identified in the approved budget or application;

iii. there is an educational benefit associated with the cost;

iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or

v. the cost addresses program goals and objectives and is based on program data.

c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.

3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.

4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

5. Be determined in accordance with generally accepted accounting principles.

6. Be representative of actual cost, net of all applicable credits or offsets.

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

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

8. Be adequately documented:

a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;

b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

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

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

D. **Determining Whether A Cost is Direct or Indirect**

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

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

2. "Indirect costs" are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

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

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

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

   a. Administrative or clerical services are integral to a project or activity.

   b. Individuals involved can be specifically identified with the project or activity.

   c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

d. The costs are not also recovered as indirect costs.

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

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

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

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

When the obligation is for:

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

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

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

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

DAF-2 CASH MANAGEMENT AND FUND CONTROL

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

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

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

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

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

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

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

B. The District shall make timely payment to contractors in accordance with contract provisions.

C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

D. The District shall account for the receipt, obligation and expenditure of funds.

E. Advance payments shall be deposited and maintained in insured accounts whenever possible.

F. Advance payments will be maintained in interest bearing accounts unless the following apply:

1. The District receives less than $120,000 in Federal awards per year.

2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

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

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

DAF-3 PROCUREMENT

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

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

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-327) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District's documented general purchase policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Micro-purchases

   Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $10,000.00 to the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

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

3. Sealed Bids

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

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

      i. a complete, adequate, and realistic specification or purchase description is available;

ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and

iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

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

i. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.

iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

v. The Board reserves the right to reject any and all bids for sound documented reason.

vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

4. Competitive Proposals

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

If this method is used, the following requirements apply:

a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

b. Proposals shall be solicited from an adequate number of sources.

c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.

d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

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

5. Noncompetitive Proposals

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

a. the item is available only for a single source;

b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or

d. after solicitation of a number of sources, competition is determined to be inadequate.

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

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

E. **Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of $250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.324). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

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

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

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

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

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

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

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

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

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

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

H. Additional Requirements for Procurement Contracts Using Federal Funds:

1. Clause for Remedies Arising from Breach: For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. Termination clause: For any contract using Federal funds under which the contract amount exceeds $10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II (B)).
3. Anti-pollution clause: For any contract using Federal funds under which the contract amount exceeds $150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II (G)).
4. Anti-lobbying clause: For any contract using Federal funds under which the contract exceeds $100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (I).
5. Negotiation of profit: For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.324(b)).
6. "Domestic Preference" Requirement: The District must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, to the greatest extent practicable. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g. subcontractor, food service management companies, etc.). It also generally applies to all purchases, even those below the micro-purchase threshold, unless otherwise stipulated by the Federal awarding agency
7. Huawei Ban: The District may not use Federal funds to procure, obtain, or enter into or renew a contract to procure or obtain equipment, services, or systems which substantially use telecommunications equipment or services produced by Huawei Technologies Company or ZTE Corporation, or any of their subsidiaries.

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

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

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

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

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

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

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

A. **Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;

4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;

5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;

6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and

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

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

C. "Buy American" Requirement:

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

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

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

   a) The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or

   b) Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

2. Steps to Comply with Buy American Requirements: In order to help assure that the District remains in compliance with the Buy American requirement, the Superintendent, shall

   a) Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);

   b) Monitor contractor performance;

   c) Require suppliers to certify the origin of the product;

   d) Examine product packaging for identification of the country of origin; and

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

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

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

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

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

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

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

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

Equipment and supplies acquired ("property" as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track

equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

A. **"Equipment" and "Pilferable Items" Defined:** For purposes of this policy, "equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of $5,000, or the capitalization level established by the District for financial statement purposes. "Pilferable items" are those items, *regardless of cost,* which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.

B. **Records:** The Superintendent shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.

C. **Inventory:** No less than once every two years, the Superintendent shall cause a physical inventory of all equipment and pilferable items to be taken and the results reconciled with the property records

D. **Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:

1. prevent loss, damage, or theft of the property; any loss, damage, or theft must be investigated;
2. to maintain the property and keep it in good condition; and
3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS

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

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

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

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

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

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

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

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

A. Participation of the individual is necessary to the federal award.

B. The costs are reasonable and consistent with Board policy.

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

All fiscal transactions must be approved by the Superintendent who can attest that the expenditure is allowable and approved under the federal program. The Superintendent submits all required certifications.

DAF-9 TIME-EFFORT REPORTING / OVERSIGHT

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

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

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

satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

1. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and

2. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

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

1. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

2. be incorporated into the official records of the District;

3. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;

4. encompass both Federally assisted and other activities compensated by the District on an integrated basis;

5. comply with the District's established accounting policies and practices;

6. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The Superintendent is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

DAF-10 GRANT BUDGET RECONCILIATION AND GRANT CLOSEOUT

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

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

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

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

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

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT

When entering agreements involving the expenditure or disbursements of federal grant funds, the District shall determine whether the recipient of such federal funds is a "contractor" or "subrecipient", as those terms are defined in 2 CFR §200.23 and §200.93, respectively. See also guidance at 2 CFR §200.330 "Subrecipient and contractor determinations". Generally, "subrecipients" are instrumental in implementing the applicable work program whereas a "contractor" provides goods and services for the District's own use. Subrecipients are subject to this Policy.

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

A. Sub-award Contents and Communication.

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

1. Every sub-award will be clearly identified and include the following Federal award identification:

    a) Subrecipient name
    b) Subrecipient's unique ID number (DUNS)
    c) Federal Award ID Number (FAIN)
    d) Federal award date
    e) Period of performance start and end date
    f) Amount of federal funds obligated
    g) Amount of federal funds obligated to the subrecipient
    h) Total amount of the Federal award
    i) Total approved cost sharing or match required where applicable
    j) Project description responsive to FFATA

k) Name of Federal awarding agency, pass through entity and contact information
l) CFDA number and name
m) Identification of the award is R&D
n) Indirect cost rate for the Federal award

2. Requirements imposed by the District including statutes, regulations, and the terms and conditions of the Federal award.

3. Any additional requirements the District deems necessary for financial or performance reporting of subrecipients as necessary.

4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.

5. Requirements that the District and its auditors have access to the subrecipient records and financial statements.

6. Terms and conditions for closeout of the sub-award.

B. Subrecipient Monitoring Procedures.

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

Subrecipient monitoring procedures include:

1. At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.

2. Evaluate each subrecipient's risk of noncompliance prior to executing a sub-award. In doing so, the District will assess the subrecipient's:

   a) Prior experience with the same or similar sub-awards.
   b) Results of previous audits and single audit (if applicable).
   c) New personnel or new or substantially changed systems.
   d) The extent and results of Federal awarding agency monitoring.

3. Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.

4. Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the sub-award. To facilitate this review, subrecipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage subrecipients to submit regular invoices.

5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.

6. In conducting regular oversight and monitoring, the District project managers will:

    a) Verify invoices that include progress reports.
    b) Review progress reports to ensure project is progressing appropriately and on schedule.
    c) Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
    d) Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
    e) Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
    f) Review subrecipient match tasks for eligibility.
    g) Initial the progress report and invoice confirming review and approval prior to payment.
    h) Raise any concerns to the Superintendent

7. The Superintendent, upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.

8. Payments will be withheld from subrecipients for the following reasons:

    a) Insufficient detail to support the costs billed;
    b) Unallowable costs;
    c) Ineligible costs; and/or
    d) Incomplete work or work not completed in accordance with required specifications.

9. Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.

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

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

D. <u>Audit Requirements</u>.

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

1. Issue a management decision on audit findings pertaining to the Federal award.

2. Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records.

E. Methodology for Resolving Findings.

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

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

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

Legal References:

42 USC 1751 – 66 National School Lunch Act
2 CFR Part 180
2 CFR Part 200
200.0 - 200.99; 200.305; 200.313(d); 200.317-.326; 200.403-.406; 200.413(a)-(c); 200.430; 200.431; 200.458; 200.474(b)
200 Appendix II
7 CFR Part 210
210.16; 210.19; 210.21; 215.14a; 220.16

***Legal References Disclaimer**: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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2nd Review:
Adoption: