

Policy Committee Agenda, 6/3/2020, 5 – 5:45pm, via Zoom.

1. Call to Order; reading of “Checklist to Ensure Meetings Are Compliant with The Right-To-Know Law during the State of Emergency”; Approval of Agenda.

2. Draft Minutes of 5/6/20 meeting: Called to order via Zoom at 5:00 PM. In attendance Board members Pam Brown, Tammy Mahoney, Dawn Dutton and Superintendent Ambrose. Pam Brown was nominated and approved to continue serving as Policy Chair. Brown began by reading “Checklist to Ensure Meetings Are Compliant with The Right-To-Know Law during the State of Emergency.” Brown asked the following summary of the prior Policy meeting held on March 4, 2020 be included in the organizational meeting minutes of 5/6/2020 and committee members approved her request: *“The March 4th 2020 Policy Meeting was called to order at 3:38 PM in Room 102 of the High School. In attendance: Board members Pam Brown (Chair), Pete Broderick, Superintendent Ambrose, Assistant High School Principal Bob Dawson. Excused: Board member Larry Heath. Minutes of the 2/5/20 Policy meeting were approved without changes. The following new or revised policies were reviewed and agreed ready for 1st and 2nd reading by the Board on May 6th: GBEAB, JBAA-A, JLCFA, JLDDB, JLF and BGC. There were no public comments. Meeting adjourned at 3:59 pm.”* Brown briefly explained the function of the Board’s Policy committee to new member Dutton and summarized the work the committee had completed over the past 18 months. She noted that Guidelines exist for processing new policies and policy revisions and explained that sample policies were archived at the New Hampshire School Board Associations website for our reference and use, as NHSBA members. Mahoney asked for a repository of all policies revised or in process of revision be set up; Dutton suggested using our existing Google docs committee folder for our essential documents. Goals for 2020-2021 were then discussed. Superintendent Ambrose said policies in Sections D, E, F, and I of the Manual should receive priority and section J, Students, will also likely need revisions in the coming year. Brown suggested aligning the new and recently revised policies with existing policies. For example, DAF-1 to DAF-12, new policies which cover federal grants, impact other policies in section D. Policies that compliment or relate to others now need “See also” policy references updated. No public comments. Adjourned at 5:32 pm.

3. New Business

GBEC/ADB: DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS-needs update: Proposed vs Current; see below

GADA: EMPLOYMENT REFERENCES AND VERIFICATION (PROHIBITING AIDING AND ABETTING OF SEXUAL ABUSE) – New (Priority); see below

5. Public comment

6. Adjourn

Next Policy Committee meeting: Sept 2, 2020 at 5 pm, location TBA

Identical Policy: ADB

Related Policy: JICH

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Legal References:

- *41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients*
- *RSA Chapter 193-B Drug Free School Zones*
- *N.H. Admin. Code, Ed. Part 316*

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.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised and replaced September 2018.

Revised: April 2017; April 2010; February 2004; July 1998

NHSBA revision note: September 2018 - GBEC (and its identical policy ADB) is updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

The policy is further amended to include the optional language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program) when requested by a "syringe service program administrator".

Important note: Although a district may not adopt the **optional** provision regarding syringe service programs, districts should replace existing GBEC/ADB such that the policy better reflects the requirements of Federal law.

NHSBA revision note: April 2017 - Revised to reflect changes to federal and state law.

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GBEC: DRUG-FREE WORKPLACE

DRUG-FREE WORKPLACE /DRUG-FREE SCHOOLS – Current policy

Statement of Purpose

This policy declares that Sanborn Regional School District will provide a drug-free workplace in accordance with the Drug-free workplace requirements for federal contractors, 41 U.S.C. §8102, and federal grant recipients, 41, U.S.C. §8103. The School District will provide a drug-free school zone in accordance with New Hampshire's Drug-Free School Zones law, RSA Chapter 193-B.

Statement of Policy

In compliance with statutory requirements the Sanborn Regional School District certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, possession, dispensing or use of a controlled substance, illegal drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees. Further, it is grounds for disciplinary action to work under the influence of a controlled substance, alcohol or illegal drugs, no matter where consumed.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or reentry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.

3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration immediately.)
 - c. Possessing or distributing controlled substances or illegal drugs on School property.
 - d. Consuming, possessing, or distributing a controlled substance, alcohol or illegal drugs at official *School* functions not on School property.

*An official School function is defined as one which is authorized and conducted by the School with School officials present, in charge, and on duty, such as, but not limited to:

- i. Interscholastic athletic contests
 - ii. Field trips (including overnight or extended trips)
 - iii. School dances
5. Alert the local law enforcement agency of suspected violations of the policy.
6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
 - a. Suspension
 - b. Termination of employment
 - c. Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.
8. Post at each school and in each school bus Drug-Free School Zone signs with a map of the drugfree zone around each school. The signs will be those provided by the New Hampshire Department of Education, as required by RSA 193-B:3, I; Ed. Part 316.

Related Policy: GBEC **Legal Reference:**

41 USC §8101 Et. seq., Drug-free workplace requirements for Federal contractors, and Federal grant recipients
RSA 193-B, Drug Free School Zones

Effective: October 23, 1991
Revised: October 21, 1998
Revised: December 17, 2009
Reaffirm: March 2, 2011
Reaffirm: January 2, 2013
Revised: September 6, 2017

GADA - EMPLOYMENT REFERENCES AND VERIFICATION (PROHIBITING AIDING AND ABETTING OF SEXUAL ABUSE) - New

Category: Priority/Required by Law

Related Policies: GBCD, GBJ, GCF, GDB

The District shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed;
 - b. The District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
 - d. the case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Current policy/version adoption:

First reading: _____

Second reading/adopted: _____

Previous District revision history:

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

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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NHSBA history: New policy, September 2018

NHSBA policy note, September 2018: This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Below are additional attachments Matt Angell sent - related to policies for our meeting. From Matt's email: **we need these** "two policies, due to a recent audit from the NHDOE. The first is an update to the Drug-free Workplace policy at GBEC. The issue is that the current policy does not comply entirely with federal law. The second is a new policy related Prohibiting and Aiding and Abetting of Sexual Abuse. We don't have this policy at all. I have attached the recommended policies."

NHDOE Federal Fiscal Monitoring Report May 7, 2020 Sanborn Regional School District/SAU 17

Date of On-site Review: February 27, 2020 NHDOE
Review Staff: Lindsey Scribner

District Policies

The following eleven policies/procedures were requested to be made available for our review during our visit. Where the NHDOE has a compliance comment or a concern with a policy/procedure, those comments or concerns are written in italics below the policy/procedure.

1. Drug-free Workplace Policy in accordance with 34 CFR 84.200 and the Drug-Free Workplace Act of 1988.

Title of Related District Policy – Drug-Free Workplace/Drug-Free Schools (reviewed revised September 2017)

Although the provided policy meets the intent of the general regulations, it does not meet all of the requirements for entities that hold Federal grants. Please refer to the following link for more information regarding Drug-Free Workplace program requirements for Federal Contractors and Grantees - <https://www.samhsa.gov/workplace/legal/federal-laws/contractors-grantees> . Alternatively, refer to the New Hampshire School Board Associations sample policy on Drug-Free Workplace/Drug-Free Schools.

2. Procurement Policy in accordance with 2 CFR 200.318 through 2 CFR 200.326.

Title of Related District Policy – Procurement (effective May 2019)

This policy appears to generally meet the requirements of 2 CFR 200.318 through 2 CFR 200.316. As such, the NHDOE offers no comments or recommendations at this time. However, the overall implementation of the policy should be reviewed to assure proper compliance.

3. Conflict of Interest/Standard of Conduct Policy in accordance with 2 CFR 200.318(c)(1).

Title of Related District Policy – Conflict of Interest and Mandatory Disclosures (effective May 2019)

This policy appears to generally meet the requirements of 2 CFR 200.318(c)(1). As such, the NHDOE offers no comments or recommendations at this time. However, the overall implementation of the policy should be reviewed to assure proper compliance.

Sanborn Regional School District/SAU 17 Page 2 Federal Fiscal Monitoring Report

4. Inventory management policy in accordance with 2 CFR 200.313(d).

Title of Related District Policy –Inventory Management- Equipment and Supplies Purchased with Federal Funds (effective May 2019)

This policy appears to meet the requirements of 2 CFR 200.313(d). As such, the NHDOE offers no comments or recommendations on this policy. However, the overall implementation of the policy should be reviewed to assure proper compliance.

5. District travel policy/procedure in accordance with 2 CFR 200.474(b).

Title of Related District Policy- Travel Reimbursement- Federal Funds (effective May 2019)

This policy appears to generally meet the requirements of 2 CFR 200.474(b). As such, the NHDOE offers no comments or recommendations at this time. However, the overall implementation of the policy should be reviewed to assure proper compliance.

6. Subrecipient Monitoring policy/procedure in accordance with 2 CFR 200.331(d).

Title of Related District Policy- Sub-recipient Monitoring and Management

None provided. It was mentioned that the Sanborn Regional School District does not have any subrecipients. A subrecipient monitoring policy is not required at this time.

7. Time and Effort Policy/Procedure in accordance with 2 CFR 200.430.

Title of Related District Policy –Time-Effort Reporting/Oversight (effective May 2019)

This policy appears to meet the requirements of 2 CFR 200.430. As such, the NHDOE offers no comments or recommendations on this policy. However, the overall implementation of the policy should be reviewed to assure proper compliance.

8. Records Retention Policy/Procedure in accordance with 2 CFR 200.333.

Title of Related District Policy – Data Records Retention (revised April 2019)

This policy appears to meet the requirements of 2 CFR 200.333. It is suggested however to review this policy and schedule to ensure proper compliance with

Federal requirements and timelines.

Sanborn Regional School District/SAU 17 Page 3 Federal Fiscal Monitoring Report

9. Family Educational Rights and Privacy Act (FERPA) Policy in accordance with 20 U.S.C. 1232g; 34 CFR Part 99.

Title of Related District Policy – Student Records and Access (revised January 2019)

This policy appears to generally meet the Federal requirements of the authorizing legislation. As such, the NHDOE offers no comments or recommendations on this policy at this time.

10. Prohibiting the Aiding and Abetting of Sexual Abuse policy in accordance with ESEA 8546.

None Provided. Please refer to ESEA 8546 or the sample policy provided by New Hampshire School Board Association's (NHSBA) website if your district is a member.

11. Allowable Cost Determination policy/procedure in accordance with 2 CFR 200.302(b)(7).

Title of Related District Policy- Allowability (effective May 2019)

This policy appears to meet the requirements of 2 CFR 200.302(b)(7). As such, the NHDOE does not offer any additional comments at this time.

Please note that the NHDOE's review of the above policies/procedures was for the express purpose of confirming general compliance with applicable Federal regulations and the General Assurances, Terms, and Requirements for Participation in Federal Programs as signed by the Superintendent and District School Board Chairperson.

NHDOE's review of the above policy/procedure documents is not intended to be all-inclusive. As such, there may be other federally non-compliance policies/procedures not addressed above. Ultimately, it is the District's/SAU's sole responsibility to meet any and all Federal compliance requirements as a recipient of Federal funds.

District GMS Reimbursement Requests

In addition to reviewing District/SAU policies required by Federal law and rule, five (5) reimbursement requests for grant activities from the NHDOE Grants Management System (GMS) were selected for review. The selected activities were from the 2018-2019 school year and included the following;

Title IV A 20190436 Nov-19 75243 8,400.00 \$ Other Tuition

Sanborn Regional School District/SAU 17 Page 4 Federal Fiscal Monitoring Report

During our review, no instance of non-compliance beyond those directly caused by the District's/SAU's lack of Federally compliant policies and procedures as already identified and described above were noted in the five GMS reimbursement requests.

No questioned costs or other significant compliance issues were evident.

Please note that our review of the District's/SAU's management of its Federally funded grant activities was limited to our analysis of the five GMS selections and was not designed to identify all potential deficiencies in Federal compliance that might exist. As such, other instances of non-compliance may exist that was not identified during the review process.

Required Corrective Actions

Corrective Action Item #1

Based on the results of our review, the NHDOE is requiring the Sanborn Regional School District and/or SAU 17 update its policies and procedures to include the requirements of Federal rules and laws for those transactions or activities that include Federal grant funds. At the District's/SAU's discretion, separate policies may be developed for activities that use Federal funds versus those activities that are strictly funded using local or State sources. At a minimum, the following policies need to be created and/or implemented by the District/SAU,

1. Drug-free Workplace Policy in accordance with 34 CFR 84.200 and the Drug-Free

Workplace Act of 1988 2. Prohibiting the Aiding and Abetting of Sexual Abuse in accordance with Section 8546 of

ESEA

The NHDOE has prepared several Federal Fund Fact Sheets that you may find to be a useful resource when developing your policies and procedures. In addition, the NHDOE has been made aware that the New Hampshire School Board Association (NHSBA) has issued several model policies that are compliant with the requirements of 2 CFR 200 to its membership.

Timeline and Evidence for Corrective Actions

As the requirements of 2 CFR 200 went into effect approximately four years ago, it is imperative the District/SAU come into compliance with these regulations as soon as practicable. As the pass-through entity for the Federal grant funds, it is the NHDOE's responsibility to assure compliance of its subrecipients. As such, the NHDOE is requiring the District/SAU to complete the above action as soon as possible.

Corrective Action Item #1

Required Completion Date: As soon as possible. Please provide an anticipated completion date on the attached Subrecipient Response Report (SRR). The SRR is required to be returned to the NHDOE within 30 calendar days of the date of this report. Failure to meet this deadline may result in the NHDOE taking enforcement actions allowed under 2 CFR 200.

Sanborn Regional School District/SAU 17 Page 5 Federal Fiscal Monitoring Report

Evidence of Completion: Provide the NHDOE with copies of the completed policies and evidence that the School Board has adopted said policies (School Board minutes will be acceptable).

-END OF DOCUMENT-

NH DOE Federal Funds Monitoring

Subrecipient Response Report

(Use a separate form for each Corrective Action Item)

Subrecipient contact:

Subrecipient:

Action Item:

Description:

Date:

Please check the box that most appropriately matches the District's status in implementing the Corrective Action Plan (CAP). Please also provide any documentation that supports the District's assertion that the CAP has been fully implemented.

- ↑ - (1) Partially implemented
- ↑ - (2) Revised CAP being implemented
- (3) Fully implemented
- ↑ - (4) No further action required (provide detailed explanation below):

Name of person completing this form

Date

If options (1) or (2) are selected, please explain the implementation status &/or how the CAP was revised as well as the anticipated completion date in the space below:

Corrective Action Plan Update or other explanation as necessary, (status date: / /)

If option (3) is selected, please explain how this was implemented in the space below:
