

**KEYSTONE OAKS SCHOOL DISTRICT**  
**1000 Kelton Avenue**  
**Pittsburgh, PA 15216**

**BOARD OF SCHOOL DIRECTORS**

**WORK SESSION**

**TUESDAY, NOVEMBER 15, 2016**  
**7:00 PM**

**BUSINESS/LEGISLATIVE MEETING**

**TUESDAY, NOVEMBER 22, 2016**  
**7:00 PM**

**KEYSTONE OAKS SCHOOL DISTRICT  
SCHOOL DIRECTORS' CALENDAR OF COMING EVENTS**

**November 15, 2016 –Work Session**

**7:00 PM      Meeting**

- Call to Order – President
- Pledge of Allegiance
- Public Comment
- Review of Reports
- Public Comment
- Adjournment

**November 22, 2016 – Business/Legislative Meeting**

**7:00 PM      Meeting**

- Call to Order – President
- Pledge of Allegiance
- **Student Achievement Update – Dr. Varley**
- **Highlighting Excellence Presentation – Mrs. Welch**
- Public Comment
- Approval of Reports
- Public Comment
- Adjournment

# **BOARD PRESIDENT'S REPORT**

**November 22, 2016**

**Ms. Patricia Ann Shaw**

## **BOARD ACTION REQUESTED**

### **I. BOARD MINUTES**

It is recommended that the Board approve the Work Session Minutes of October 11, 2016, and the Business/Legislative Minutes of October 18, 2016.

## **FOR INFORMATION ONLY**

- |   |   |
|---|---|
| I. Parkway West Career and Technology Center Report | <i>Ms. Annie Shaw</i><br><i>Mr. Donald Howard - Alternate</i> |
| II. SHASDA Report                                   | <i>Ms. Raeann Lindsey</i>                                     |
| III. Golden Wings Foundation, Inc. Report           | <i>Mr. Donald Howard</i>                                      |
| IV. PSBA/Legislative Report                         | <i>Mr. Donald Howard</i>                                      |
| V. Castle Shannon Borough Council Minutes           | <i>(Available Online)</i>                                     |
| VI. Dormont Borough Council Minutes                 | <i>(Available Online)</i>                                     |
| VII. Green Tree Borough Council Minutes             | <i>(Available Online)</i>                                     |

### **VIII. EXECUTIVE SESSION**

# **SUPERINTENDENT'S REPORT**

**November 22, 2016**

**Dr. William P. Stropkaj**

## **BOARD ACTION REQUESTED**

### **I. SECOND READING OF POLICY NO. 627: FEDERAL FISCAL COMPLIANCE**

It is recommended that the Board approve the SECOND READING of Policy No. 627:  
*Federal Fiscal Compliance.*

### **II. SECOND READING – ATTACHMENT NO. 627-AR-1: ADMINISTRATION OF FEDERAL FUNDS, TYPE OF COSTS, OBLIGATIONS AND PROPERTY MANAGEMENT**

It is recommended that the Board approve the SECOND READING of Attachment  
No. 627-AR-1:  
*Administration of Federal Funds, Type of Costs, Obligations and Property Management.*

### **III. SECOND READING – ATTACHMENT NO. 627-AR-2: ALLOWABILITY OF COSTS FEDERAL PROGRAMS**

It is recommended that the Board approve the SECOND READING of Attachment  
No. 627-AR-2: *Allowability of Costs Federal Programs.*

### **IV. SECOND READING – ATTACHMENT NO. 627-AR-3: CASH MANAGEMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-3:  
*Cash Management.*

### **V. SECOND READING – ATTACHMENT NO. 627-AR-4: GRANT SUBRECIPIENT MONITORING PROCEDURES**

It is recommended that the Board approve the SECOND READING of Attachment  
No. 627-AR-4: *Grant Subrecipient Monitoring Procedures.*

### **VI. SECOND READING – ATTACHMENT NO. 627-AR-5: PROCUREMENT – FEDERAL PROGRAMS**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-5:  
*Procurement – Federal Funds.*

### **VII. SECOND READING OF POLICY NO. 627.1: TRAVEL REIMBURSEMENT FEDERAL PROGRAMS**

It is recommended that the Board approve the SECOND READING of Policy No. 627.1:  
*Travel Reimbursement Federal Programs.*

**VIII. FIRST READING OF POLICY NO. 105.2: EXEMPTION FROM INSTRUCTION**

It is recommended that the Board approve the FIRST READING of Policy No. 105.2:  
*Exemption from Instruction.*

**IX. FIRST READING OF POLICY NO. 113: SPECIAL EDUCATION**

It is recommended that the Board approve the FIRST READING of Policy No. 113:  
*Special Education.*

**X. FIRST READING OF POLICY NO. 113.1: POSITIVE BEHAVIOR SUPPORT**

It is recommended that the Board approve the FIRST READING of Policy No. 113.1:  
*Positive Behavior Support.*

**XI. FIRST READING OF POLICY NO. 113.2:  
DISCIPLINE OF STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the FIRST READING of Policy No. 113.2:  
*Discipline of Students with Disabilities.*

**XII. FIRST READING OF POLICY NO. 113.3:  
SCREENING AND EVALUATIONS FOR STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the FIRST READING of Policy No. 113.3:  
*Screening and Evaluations for Students with Disabilities.*

**XIII. FIRST READING OF POLICY NO. 113.4:  
CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION**

It is recommended that the Board approve the FIRST READING of Policy No. 113.4:  
*Confidentiality of Special Education Student Information.*

**XIV. FIRST READING OF POLICY NO. 828: CONFLICT OF INTEREST**

It is recommended that the Board approve the FIRST READING of Policy No. 828:  
*Conflict of Interest.*

**XV. REVIEW OF TITLE I POLICIES**

It is recommended that the Board approve the review of the following Title I policies in compliance with the Federal Title I Regulations:

Policy No. 919: *Title I Parental Involvement*

Policy No. 919.1 – *Title I Dormont Parental Involvement*

Policy No. 919.2 – *Title I Myrtle Parental Involvement*

# EDUCATION REPORT

November 22, 2016

Ms. Raeann Lindsey, Chairperson

## BOARD ACTION REQUESTED

### I. TEXTBOOK – 2016/2017 SCHOOL YEAR

The Administration recommends the purchase of the following textbook for the 2017/2018 school year:

- **Collections – Grades 9-12, Harcourt 2017 (*For high school English*)**  
640 copies  
Total cost: \$62,477.92

# PERSONNEL REPORT

November 22, 2016

Mr. David Hommrich, Chairperson

## BOARD ACTION REQUESTED

### I. LEAVES OF ABSENCE

It is recommended that the Board approve the following individuals for Family and Medical Leave:

B.F. – Effective November 9, 2016 with an anticipated return date of December 9, 2016

D.K. – Effective January 16, 2017 with an anticipated return date of May 15, 2017

### II. POST SEASON COACHING STIPENDS

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2011-2016, Article XXVIII, Extra Duty Compensation, Sub-Section A, No. 8*, it is recommended that the Board approve payment of \$50 per week to the following individuals for coaching in the post season:

<u>Sport</u>	<u>Coach</u>	<u>Stipend</u>
Cross Country	Judi Fritz	\$50 (1 week)
	Sarah Hardner	\$50 (1 week)
	Lainey Resetar	\$50 (1 week)
Girls Tennis	Andy Bochicchio	\$50 (1week)
	Leslie Leopold	\$100 (2 weeks)
Girls Volleyball	Michael O’Leary	\$50 (1 week)
	Ben Van Balen	\$50 (1 week)

# FINANCE REPORT

November 22, 2016

Mrs. Theresa Lydon, Chairperson

## **BOARD ACTION REQUESTED**

### **I. ACCOUNTS PAYABLE APPROVAL LISTS**

The Administration recommends approval of the following Accounts Payable lists as presented in the *Finance Package*:

A. General Fund as of October 31, 2016 (Check No. 52227 – 52648)	\$1,603,344.29
B. Risk Management as of October 31, 2016 (None)	\$0.00
C. Food Service Fund as of October 31, 2016 (Check No. 9099 – 9104)	\$5,585.80
D. Athletics as of October 31, 2016 (Check No. 2054)	\$835.00
E. Capital Reserve as of October 31, 2016 (Check No. 1549 – 1552)	\$203,787.12
<b>TOTAL</b>	<b>\$1,813,552.21</b>

### **II. ACA TRACK SOFTWARE LICENSE**

The Administration recommends that the Board approve the ACA TaxTrack Software License Agreement between AMCA Systems, LLC and the Keystone Oaks School District for the tax year 2016 at a cost of \$2,295.00.

#### **Information**

The license fee will cover filing requirements for the 2016 tax year.



**FOR INFORMATION ONLY**

**I. EXPENDITURE/REVENUE 2016 – 2017 BUDGET to ACTUAL / PROJECTION**

ACCT	DESCRIPTION	2016-2017 BUDGET TOTAL	2016-2017 OCTOBER ACTUAL	OVER (UNDER) BUDGET
<b>Revenue</b>				
6000	Local Revenue Sources	\$ 28,874,424	\$ 24,559,621	\$ (4,314,803)
7000	State Revenue Sources	\$ 10,811,514	\$ 1,436,176	\$ (9,375,338)
8000	Federal Revenue Sources	\$ 847,073	\$ 84,360	\$ (762,713)
<b>Total Revenue</b>		<b>\$ 40,533,011</b>	<b>\$ 26,080,157</b>	<b>\$ (14,452,854)</b>
				<b>(OVER)</b>
				<b>UNDER</b>
				<b>BUDGET</b>
<b>Expenditures</b>				
100	Salaries	\$ 15,839,295	\$ 3,010,543	\$ 12,828,752
200	Benefits	\$ 10,401,758	\$ 2,178,819	\$ 8,222,939
	Professional/Technical			
300	Services	\$ 1,660,250	\$ 311,165	\$ 1,349,085
400	Property Services	\$ 1,215,100	\$ 363,813	\$ 851,287
500	Other Services	\$ 4,886,463	\$ 1,378,107	\$ 3,508,356
600	Supplies/Books	\$ 1,219,475	\$ 582,182	\$ 637,293
700	Equipment/Property	\$ 870,175	\$ 645,860	\$ 224,315
800	Other Objects	\$ 967,570	\$ 457,437	\$ 510,133
900	Other Financial Uses	\$ 3,895,000	\$ 3,275,215	\$ 619,785
<b>Total Expenditures</b>		<b>\$ 40,955,086</b>	<b>\$ 12,203,141</b>	<b>\$ 28,751,945</b>
<b>Revenues exceeding Expenditures</b>		<b>\$ (422,075)</b>	<b>\$ 13,877,016</b>	<b>\$ 14,299,091</b>

## II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF OCTOBER 2016

Bank Account - Status	Middle / High School	Athletics
Cash Balance – 10/1/2016	\$ 94,379.82	\$ 42,718.63
Deposits	\$ 2,387.33	\$ 9,784.22
Subtotal	\$ 96,767.15	\$ 52,502.85
Expenditures	\$ 4,393.39	\$ 11,835.00
Cash Balance - 10/31/2016	\$ 92,373.76	\$ 40,667.85

## III. BANK BALANCES

### BANK BALANCES PER STATEMENT AS OF OCTOBER 31, 2016

	<u>BALANCE</u>
<b>GENERAL FUND</b>	
FNB BANK	\$ 2,161,855
PAYROLL (pass-thru account)	\$ 6,805
FNB SWEEP ACCOUNT	\$ 1,399,129
ATHLETIC ACCOUNT	\$ 40,668
PLGIT	\$ 13,867,767
FNB Money Market	\$ 3,500,345
PSDLAF	\$ 154,976
INVEST PROGRAM	<u>\$ 171,142</u>
	<u>\$ 21,302,687</u>
<b>CAFETERIA FUND</b>	
FNB BANK	\$ 177,256
PLGIT	<u>\$ 537,056</u>
	<u>\$ 714,312</u>
<b>CONSTRUCTION FUND / CAP RESERVE</b>	
FNB BANK	\$ 407,193
PLGIT - GENERAL ACCOUNT	\$ 1,100,000
PLGIT - G.O. BOND SERIES C OF 2014/ 12-18	<u>\$ 759</u>
	<u>\$ 1,507,952</u>
<b>RISK MANAGEMENT FUND/TAX REFUNDS</b>	
FNB BANK	<u>\$ 274,369</u>
<b>GRAND TOTAL</b>	<b>\$ 23,799,320</b>

# ACTIVITIES & ATHLETICS REPORT

November 22, 2016

Mr. Robert Brownlee, Chairperson

## BOARD ACTION REQUESTED

### **I. LEASE AGREEMENT FOR MUSICAL “FOOTLOOSE”**

The Administration recommends the approval of the lease agreement between R&H Theatricals for *Footloose*, Keystone Oaks High School musical, at a cost of \$1,968.50.

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 627

Section FINANCES

Title FEDERAL FISCAL COMPLIANCE

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

	<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>	
<b>Section 1</b>	<p><b><u>Authority</u></b></p> <p>The Board shall ensure federal funds received by the District are administered in accordance with federal requirements, including but not limited to the federal Uniform Grant Guidance.</p> <p>The Board shall review and approve all applications for federal funds submitted by the District.</p>	2 CFR Part 200
<b>Section 2</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The Board designates the Superintendent or his/her designee and the Federal Programs Coordinator as the District contact for all federal programs and funding.</p> <p>The Superintendent or designee, in collaboration with the Federal Programs Coordinator and Business Manager, shall establish and maintain a sound financial management system to include internal controls and federal grant management standards covering the receipt of both direct and state-administered federal grants and to track costs and expenditures of funds associated with grant awards.</p> <p>The Superintendent, to assist in the proper administration of federal funds and implementation of this policy, may approve additional procedures as attachments to this policy.</p>	2 CFR Part 200

**POLICY NO. 627  
FEDERAL FISCAL COMPLIANCE**

**Section 3**

**Guidelines**

The District's financial management system shall be designed with strong internal controls, a high level of transparency and accountability, and documented procedures to ensure that all financial management system requirements are met.

Financial management standards and procedures shall assure that the following responsibilities are fulfilled:

1. Identification – the District must identify, in its accounts, all federal awards received and expended, and the federal programs under which they were received.
2. Financial Reporting – Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements of the Education Department General Administrative Regulations (EDGAR).
3. Accounting Records – the District must maintain records which adequately identify the source and application of funds provided for federally-assisted activities.
4. Internal Controls – Effective control and accountability must be maintained for all funds, real and personal property and other assets. The District must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
5. Budget Control – Actual expenditures or outlays must be compared with budgeted amounts for each federal award. Procedures shall be developed to establish determination for allowability of costs for federal funds.
6. Cash Management – The District shall maintain written procedures to implement the cash management requirements found in EDGAR.
7. Allowability of Costs – The District shall ensure that allowability of all costs charged to each federal award is accurately determined and documented.

<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>		
<b><u>Standards of Conduct</u></b>	<p>The District shall maintain standards of conduct covering conflicts of interest and the actions of employees and school officials engaged in the selection, award and administration of contracts.</p> <p>All employees shall be informed of conduct that is required for federal fiscal compliance and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.</p>	Pol. 623, 828
<b><u>Employees – Time and Effort Reporting</u></b>	<p>All District employees paid with federal funds shall document the time they expend in work performed in support of each federal program, in accordance with law. Time and effort reporting requirements do not apply to contracted individuals.</p> <p>District employees shall be reimbursed for travel costs incurred in the course of performing services related to official business as a federal grant recipient.</p> <p>The District shall establish and maintain employee policies on hiring, benefits and leave and outside activities, as approved by the Board.</p>	<p>2 CFR 200.430</p> <p>Pol. 627.1, 827</p> <p>Pol. 319, 336, 337, 419, 436, 519, 536, 537, 812, 850</p>
<b><u>Record Keeping</u></b>	<p>The District shall develop and maintain a Records Management Plan and related Board policy and administrative regulations for the retention, retrieval and disposition of manual and electronic records, including emails.</p> <p>The District shall ensure the proper maintenance of federal fiscal records documenting:</p> <ol style="list-style-type: none"> <li>1. Amount of federal funds.</li> <li>2. How funds are used.</li> <li>3. Total cost of each project.</li> </ol>	<p>2 CFR 200.333-200.337 Pol. 826</p> <p>Pol. 826 34 CFR 75.730-75.732, 76.730-76.731</p>

	<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>	
	<p>4. Share of total cost of each project provided from other sources.</p> <p>5. Other records to facilitate an effective audit.</p> <p>6. Other records to show compliance with federal program requirements.</p> <p>7. Significant project experiences and results.</p> <p>All records must be retrievable and available for programmatic or financial audit.</p> <p>The District shall provide the federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, the right of access to any documents, papers, or other District records which are pertinent to the federal award. The District shall also permit timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.</p> <p>Records shall be retained for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, or as otherwise specified in the requirements of the federal award, unless a written extension is provided by the awarding agency, cognizant agency for audit, oversight agency for audit or cognizant agency for indirect costs.</p> <p>If any litigation, claim or audit is started before the expiration of the standard record retention period, the records shall be retained until all litigation, claims or audits have been resolved and final action taken.</p> <p>As part of the Records Management Plan, the District shall develop and maintain a records retention schedule, which shall delineate the record retention format, retention period and method of disposal.</p> <p>The Records Management Plan shall include identification of staff authorized to access records, appropriate training, and preservation measures to protect the integrity of records and data.</p>	<p>2 CFR 200.336</p> <p>2 CFR 200.333</p> <p>2 CFR 200.333</p> <p>Pol. 826</p> <p>Pol. 826</p>

	<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>	
	<p>The District shall ensure that all personally identifiable data protected by law or regulations is handled in accordance with the requirements of applicable law, regulations, Board policy and administrative regulations.</p> <p><b><u>Subrecipient Monitoring</u></b></p> <p>In the event that the District awards subgrants, the District shall establish procedures to:</p> <ol style="list-style-type: none"> <li>1. Assess the risk of noncompliance.</li> <li>2. Monitor grant subrecipients to ensure compliance with federal, state, and local laws and Board policy and procedures.</li> <li>3. Ensure the District’s record retention schedule addresses document retention on assessment and monitoring.</li> </ol> <p><b><u>Compliance Violations</u></b></p> <p>Employees and contractors involved in federally funded programs and subrecipients shall be made aware that failure to comply with federal law, regulations or terms and conditions of a federal award may result in the federal awarding agency or pass-through entity imposing additional conditions or terminating the award in whole or in part.</p>	<p>Pol 113.4, 216, 324</p> <p>2 CFR 200.330-200.331</p> <p>Pol. 826</p> <p>2 CFR 200.338, 200.339</p>
	<p><b><u>References:</u></b></p> <p>Board Policy – 317, 319, 336, 337, 417, 419, 436, 517, 519, 536, 537, 623, 627.1, 812, 826, 827, 850</p> <p>Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards – 2 CFR Part 200</p> <p>Post Federal Award Requirements – 2 CFR 200.330-200.331, 200.333-200.337, 200.338, 200.339, 200.430</p> <p>What Are the Administrative Responsibilities of a Grantee? – 34 CFR 75.730-75.732</p> <p>What Are the Administrative Responsibilities of the State and Its Subgrantees? – 34 CFR 76.730-76.731</p>	



Type of Costs, Obligations and Property Management

**627-AR-1 – Administration of Federal Funds**  
**Type of Costs, Obligations and Property Management**

The District establishes and maintains Board policies, administrative regulations and procedures on administration of federal funds in federal programs as required by the Uniform Grant Guidance and other federal, state and local laws, regulations and requirements. The district's financial management system includes internal controls and grant management standards in the following areas.

Direct and Indirect Costs

**Direct costs** – 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.

**Indirect costs** – costs incurred for a common or joint purpose benefiting 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 must be treated consistently as either direct or indirect costs. (2 CFR Sec. 200.405, 200.413)

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs.

Direct and indirect costs shall be determined in accordance with law, regulations, the terms and conditions of the federal award, and the district's negotiated indirect cost rate.

The District shall develop an indirect cost rate proposal and cost allocation plan in accordance with law, regulations and the terms and conditions of the federal award.

Timely Obligation of Funds

**Obligations** – orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the District during the same or a future period.

Type of Costs, Obligations and Property Management

The following table illustrates when funds must be obligated under federal regulations:

<b>Obligation is for:</b>	<b>Obligation is made:</b>
Acquisition of property	On the date on which the District makes a binding written commitment to acquire the property
Personal services by a district employee	When the services are performed
Personal services by a contractor who is not a district employee	On the date on which the District makes a binding written commitment to obtain the services
Public utility services	When the District receives the services
Travel	When the travel occurs
Rental of property	When the District uses the property
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

34 CFR §75.707; 34 CFR §76.707

All obligations must occur between the beginning and ending dates of the federal award project, which is known as the period of performance. The period of performance is dictated by law and regulations and will be indicated in the federal award. Specific requirements for carryover funds may be specified in the federal award and must be adhered to by the District. (2 CFR Sec. 200.77, 200.309)

The District will handle obligations and carry over of state-administered and direct grants in accordance with state and federal law and regulations, and the terms and conditions of the federal award. Carryover will be calculated and documented Director of Fiscal Services and shared with the Federal Programs Coordinator and Superintendent or his/her designee.

The District may exercise an extension of the period of performance under a direct grant in accordance with law, regulations and the terms and conditions of the federal award when written notice is provided to the federal awarding agency at least ten (10) calendar days prior to the end of the period of performance. (2 CFR Sec. 200.308(d)(2))

Type of Costs, Obligations and Property Management

The Superintendent or his/her designee in collaboration with the Federal Programs Coordinator and Director of Fiscal Services will decide when an extension of the period of performance is necessary and will recommend that the Board and/or Superintendent[x] approve this process.

The Director of Fiscal Service will develop the required written notice, including the reasons for the extension and revised period of performance; the notice will be issued no later than ten (10) calendar days prior to the end of the currently documented period of performance in the federal award.

The District must seek approval from the federal awarding agency for an extension of the period of performance when the extension is not contrary to federal law or regulations, and the following conditions apply:

1. The terms and conditions of the federal award prohibit the extension;
2. The extension requires additional federal funds; or
3. The extension involves any change in the approved objectives or scope of the project. (2 CFR Sec. §200.308)

The Superintendent or his/her designee, Federal Programs Coordinator, or the Director of Fiscal Services will determine when an extension must be requested for approval by the federal awarding agency, draft the written request and notify the Superintendent and/or Board of the requested extension.

Management of Property Acquired With Federal Funds

*Contract and Purchasing Administration -*

The District maintains internal controls, administrative regulations and procedures to ensure that contractors deliver goods and services in accordance with the terms, conditions and specifications of the designated contract, purchase order or requisition.

*Property Classifications -*

Property shall be classified as **equipment, supplies, computing devices and capital assets** as defined and specified in accordance with law, regulations and Board policy. (Pol. 622)

*Inventory Control/Management -*

All property purchased with federal funds, regardless of cost, will be inventoried as a safeguard.

Type of Costs, Obligations and Property Management

Inventory will be received by the department or program requesting the item; designated staff will inspect the property, compare it to the applicable purchase order or requisition, and ensure it is appropriately logged and tagged in the district's property management system.

Items acquired will be physically labeled by source of funding and acquisition date.

Inventory records of equipment and computing devices must be current and available for review and audit, and include the following information:

1. Description of the item, including any manufacturer's model number.
2. Manufacturer's serial number or other identification number.
3. Identification of funding source.
4. Acquisition date and unit cost.
5. Source of items, such as company name.
6. Percentage of federal funds used in the purchase.
7. Present location, use, condition of item, and date information was reported.
8. Pertinent information on the ultimate transfer, replacement or disposition of the item and sale price of the property.

Inventory will be updated as items are sold, lost or stolen, or cannot be repaired, and new items are purchased.

*Physical Inventory -*

Physical inventory of property will be completed by designated district staff in accordance with applicable federal and state law and regulation and Board policy. (Pol. 622, 706)

The physical inventory of items will be conducted annually, and the results will be reconciled with the inventory records and reported to the federal awarding agency.

*Maintenance -*

The District establishes adequate maintenance procedures to ensure that property is maintained in good condition in accordance with law, regulation and Board policy. (Pol. 704, 708, 710)

Type of Costs, Obligations and Property Management

*Safeguards -*

The District ensures that adequate safeguards are in place to prevent loss, damage or theft of property:

1. Any loss, damage or theft will be reported to the Director of Fiscal Services, and investigated and fully documented, and may be reported to local law enforcement.
2. If stolen items are not recovered, the District will submit copies of the investigative report and insurance claim to the federal awarding agency.
3. The District may be responsible for replacing or repairing lost, damaged, destroyed or stolen items.
4. Replaced equipment is property of the originally funded program and should be inventoried accordingly.
5. District property may only be loaned in accordance with Board policy and administrative regulations. (Pol. 707, 708, 710)

*Disposition of Property Acquired with Federal Funds –*

When the District determines that real property, including land, land improvements structures and accessories thereto, acquired under a federal award is no longer needed for the originally authorized purpose, the District must obtain disposition instructions from the federal awarding agency or pass-through entity administering the program, in accordance with applicable law and regulations. (2 CFR Sec. 200.311)

When the District determines that equipment or supplies acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Director of Fiscal Services, in collaboration with the Superintendent and Federal Programs Coordinator, will contact the federal awarding agency or pass-through entity administering the program to obtain disposition instructions, based on the fair market value of the equipment or supplies.

Generally, items with a fair market value of \$5,000 or less that are no longer effective may be retained, sold, purged, or transferred to the District. For items with a fair market value greater than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If the District will be replacing the equipment or supplies, the District may use the existing equipment or supplies as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

Type of Costs, Obligations and Property Management

The Director of Fiscal Services will be responsible for contacting the federal awarding agency and determining the process for disposition of equipment or supplies.

The District may use any of the following methods in disposing of unnecessary equipment or supplies acquired with federal funds:

1. Public auction and/or online sale – generally conducted by a licensed auctioneer.
2. Salvage – scrap sold to local dealers.
3. Negotiated sale – normally used when disposing of items of substantial value.
4. Sealed bid – normally used for items of substantial value or unique qualities.
5. Pre-priced sale – large quantities of obsolete or surplus equipment or supplies may be sold by this method.
6. Donation to charitable organizations, for equipment or supplies with little to no value.
7. Disposition to trash for equipment or supplies with no value.

The Director of Fiscal Services will be responsible for maintaining records of obsolete and surplus property disposed of, and will report to the federal awarding agency when required.

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Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

### **Delegation of Responsibility**

When determining how the School District will spend its grant funds, the Director of Fiscal Services, in collaboration with the Federal Programs Coordinator, will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service.

### **Allowability Determinations**

All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below. The Director of Fiscal Services must consider these factors when making an allowability determination. A section entitled, *Helpful Questions for Determining Whether Costs are Allowable*, is located at the end of this document.

Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of federal funds. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

Restrictions in state and local rules or policy also must be considered. For example, travel and other job-related expenses incurred by employees are not allowable unless they also are in compliance with Board policy and related administrative regulations.

Whichever allowability requirements are stricter will govern whether a cost is allowable.

General allowability determination factors include the following:

1. **Be Necessary and Reasonable for the performance of the federal award.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, **reasonable** means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

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- Whether the 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.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the District, its employees, its students, the public at large, and the federal government.
- Whether the District significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. (2 CFR Sec. 200.404)

Whether a cost is **necessary** will be 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. For example, the school entity may deem a language skills software program necessary for a limited English proficiency program.

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

- Whether the cost is needed for the proper and efficient performance of the federal award program.
  - Whether the cost is identified in the approved budget or application.
  - Whether there is an educational benefit associated with the cost.
  - Whether the cost aligns with identified needs based on results and findings from a needs assessment.
  - Whether the cost addresses program goals and objectives and is based on program data.
2. **Allocable to the federal award.** 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. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. (2 CFR Sec. 200.405)

For example, if fifty percent (50%) of a teacher's salary is paid with grant funds, then that teacher must spend at least fifty percent (50%) of his/her time on the grant program.



3. **Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the school entity.**
4. **Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.**
5. **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.
6. **Adequately documented.** All expenditures must be properly documented.
7. **Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in Part 200.**
8. **Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the nonfederal entity to contribute a certain amount of nonfederal resources to be eligible for the federal program.
9. **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction 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. (2 CFR Sec. 200.406)

### **Selected Items of Cost**

Subpart E of Part 200 sets forth principles to be applied in establishing the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR Sec. 200.420-200.475. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item. These principles are in addition to the other general allowability standards, and apply whether or not a particular item of cost is properly treated as direct cost or indirect (F&A) cost. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the state or in Board policy. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

School district personnel responsible for spending federal grant funds (Superintendent or his/her designee, Federal Programs Coordinator, and Director of Fiscal Services) and for determining allowability must be familiar with and refer to the Part 200 selected items of cost section. These rules must be followed when charging these specific expenditures to a federal grant. When

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applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check state, district and program-specific rules.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

<b>Item of Cost</b>	<b>Citation of Allowability Rule</b>
Advertising and public relations costs	2 CFR § 200.421
Advisory councils	2 CFR § 200.422
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426
Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432
Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450
Losses on other awards or contracts	2 CFR § 200.451

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<b>Item of Cost</b>	<b>Citation of Allowability Rule</b>
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457
Pre-award costs	2 CFR § 200.458
Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461
Rearrangement and reconversion costs	2 CFR § 200.462
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Termination costs	2 CFR § 200.471
Training and education costs	2 CFR § 200.472
Transportation costs	2 CFR § 200.473
Travel costs	2 CFR § 200.474
Trustees	2 CFR § 200.475

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult federal, State and District requirements when spending federal funds. For example, often the State’s travel rules are more restrictive than federal rules, which mean the State’s policies must be followed. Policy No. 827: Travel Related Expense Reimbursement will be followed at all times.

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The state and/or District rules related to some specific cost items are discussed below. District employees must be aware of these State and District rules and ensure they are complying with

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these requirements. The Director of Fiscal Services and the Federal Programs Coordinator will make employees aware of these rules.

*Helpful Questions for Determining Whether Costs are Allowable -*

In addition to applying the cost principles and standards described above, district staff involved in expending federal funds should ask the following questions when assessing the allowability of a particular cost:

1. Is the proposed cost allowable under the relevant program?
2. Is the proposed cost consistent with an approved program plan and budget?
3. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources, or only as a match for funds from nonfederal sources.
4. Is the proposed cost consistent with EDGAR?
5. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?
6. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for Limited English Proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students.
7. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?

Funds should be targeted to address areas of weakness, as necessary. To make this determination, the Director of Fiscal Services should review data when making purchases to ensure that federal funds to meet these areas of concern.

Any questions related to specific costs should be forwarded to the Director of Fiscal Services who shall consult with the school solicitor for clarification as appropriate.

## **627-AR-3 – Cash Management – Federal Programs**

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Pennsylvania Department of Education (PDE) on a reimbursement basis. In some circumstances, the District may receive an advance of federal grant funds. This attachment addresses responsibilities of the District and district staff under those alternative payment methods. In either case, the District shall maintain accounting methods and internal controls and procedures that assure those responsibilities are met.

### **Payment Methods**

#### **Reimbursements -**

The District will initially charge federal grant expenditures to nonfederal funds.

The Director of Fiscal Services will request reimbursement for actual expenditures incurred under the federal grants quarterly as requested by law.

Such requests shall be submitted with appropriate documentation and signed by the requestor.

Requests for reimbursements will be approved by the Director of Fiscal Services. Requests for reimbursement will be submitted on the appropriate form to the PDE portal and must contain the signature of the Director of Fiscal Services and the Administrator who is requesting the fund or who is overseeing the program for which the funds are being requested. All reimbursements are based on actual disbursements, not on obligations. PDE will process reimbursement requests within the timeframes required for disbursement.

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for PDE to review upon request.

Reimbursements of actual expenditures do not involve interest calculations.

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**Advances -**

When the District receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the District and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR Sec. 200.305(b)) The District shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt.

When applicable, the District shall use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR Sec. 305(b)(5))

The District shall hold federal advance payments in insured, interest-bearing accounts, unless an allowable exception applies. The District will begin to calculate interest earned on cash balances once funds are deposited into the District's account.

The District is permitted to retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances. Regardless of the federal awarding agency, interest earnings exceeding \$500 per year shall 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. (2 CFR Sec. 200.305(b)(9))

Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the District. Consistent with state guidelines, interest accruing on total federal grant cash balances shall be calculated on cash balances per grant and applying the actual or average interest rate earned.

Remittance of interest shall be responsibility of the Director of Fiscal Services.

## **627-AR-4 – Grant Subrecipient Monitoring Procedures – Federal Programs**

In the event the District disperses federal funds received through a federal award to other entities and assigns responsibilities to the outside entity to conduct a portion of the work, the District shall be responsible for determining, on a case-by-case basis, whether the agreement with such entity places the outside entity in the role of a subrecipient receiving a subaward of federal funding, or the role of a contractor.

If the District grants subawards of federal funding to other entities as subrecipients, the district shall be responsible for:

1. Evaluating the entity for risk of noncompliance to determine appropriate monitoring practices.
2. Monitoring the subrecipient entity's implementation to ensure compliance with federal, state and local laws, conditions of the federal funding award, and Board policy and procedures.
3. Notifying the subrecipient entity of identified deficiencies found during the monitoring process and ensuring that identified deficiencies are corrected.
4. Documenting and retaining records on subrecipient identification, notification, evaluation, monitoring and corrective actions taken.

### Definitions

For purposes of policies and procedures related to federal programs, the following definitions shall apply:

**Contract** – A legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used here does not include a legal instrument, even if the entity considers it a contract, when the substance of the transaction meets the definition of a federal program award or subaward. (2 CFR 200.22)

**Contractor** – An entity that receives a contract, as defined in law and regulations, by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. (2 CFR 200.23)

**Pass-through entity** – A non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. The District serves as the pass-through entity in cases where it awards federal funding to a subrecipient as defined in this procedure. (2 CFR 200.74)

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**Subaward** – An award provided by a pass-through entity to a subrecipient in order to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92)

**Subrecipient** – a non-federal entity that receives a subaward to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. (A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.) (2 CFR 200.93)

Subrecipient Versus Contractor

The district must determine, on a case-by-case basis, whether an entity receiving funds from the district as part of a federal funding program serves in a role of subrecipient or contractor. (2 CFR 200.330)

The Director of Fiscal Services, in collaboration with the Superintendent or his/her designee, and the Federal Programs Coordinator, shall be responsible for analyzing the criteria listed in the chart below and evaluating the relationship with the entity based on the substance of the legal agreement, rather than the form of the agreement. The Director of Fiscal Services may consult with the school solicitor or other qualified counsel in making such determination.

<b>Subrecipient</b>	<b>Contractor</b>
Creates a Federal assistance relationship	Purpose is to obtain goods and services for the non-Federal entity's own use and creates a procurement relationship
Determines who is eligible to receive what Federal assistance	Provides the goods and services within normal business operations
Has its performance measured in relation to whether objectives of a Federal program were met	Provides similar goods or services to many different purchasers
Has responsibility for programmatic decision making	Normally operates in a competitive environment
Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and	Provides goods or services that are ancillary to the operation of the Federal program; and
In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity (PTE)	Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons

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The District shall notify subrecipients that they have been identified as a subrecipient and that the funding qualifies as a subaward. The District shall provide the subrecipient with the following information as specified at 2 CFR Sec. 200.331(a) regarding the federal funding award, and any subsequent changes:

- 1) Federal Award Identification information, including:
  - (i) Subrecipient name (which must match the name associated with its unique entity identifier)
  - (ii) Subrecipient's unique entity identifier
  - (iii) Federal Award Identification Number (FAIN)
  - (iv) Federal Award Date (see §200.39 federal award date) of award to the recipient by the federal agency
  - (v) Subaward Period of Performance Start and End Date
  - (vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient
  - (vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation
  - (viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity
  - (ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)
  - (x) Name of federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity
  - (xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each federal award and the CFDA number at time of disbursement
  - (xii) Identification of whether the award is R&D
  - (xiii) Indirect cost rate for the federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs)

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- 2) All requirements imposed by the pass-through entity on the subrecipient so that the federal award is used in accordance with federal statutes, regulations and the terms and conditions of the federal award.
- 3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the federal awarding agency including identification of any required financial and performance reports.
- 4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f).
- 5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part.
- 6) Appropriate terms and conditions concerning closeout of the subaward.

Evaluation of Risk

The District shall evaluate each subrecipient's risk of noncompliance with law, regulations and the terms and conditions of the subaward to determine appropriate monitoring practices. (2 CFR 200.331)

The Director of Fiscal Services, in collaboration with the Superintendent or his/her designee shall be responsible for evaluating risk based on the following factors:

1. The subrecipient's prior experience with the same or similar subawards.
2. The results of previous audits, including whether the subrecipient receives a single audit and the extent to which the same or similar subaward has been audited.
3. Whether the subrecipient has new personnel, or new or substantially changed systems and processes.
4. The extent and results of any federal award agency's monitoring of the subrecipient.

The Director of Fiscal Services or designee shall request adequate documentation from the subrecipient to conduct the evaluation of risk; such documentation may include, but shall not be limited to:

1. audit reports
2. financial reports

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3. policies and procedures
4. detailed descriptions or users' guides of current systems and processes

The District shall evaluate subrecipients for risk of noncompliance annually or as specified in the legal agreement contract.

Based on the results of the risk evaluation, the District may consider imposing specific conditions on implementation of the subaward, in accordance with applicable law and regulations. (2 CFR 200.207, 200.331)

Monitoring

The District shall monitor the implementation and activities of each subrecipient as necessary to ensure that the subaward is used for authorized purposes, in accordance with law, regulations and the terms and conditions of the subaward. The District shall notify subrecipients of monitoring requirements, and may provide technical assistance to subrecipients in complying with monitoring requirements.

As part of the monitoring process, the District shall complete the following steps: (2 CFR 200.331)

1. Review financial and performance reports required by the District.
2. Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the subaward detected during monitoring through audits, on-site reviews and other means.
3. Issue a management decision for audit findings pertaining to the subaward provided to the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.521)

*Monitoring –*

The District shall be responsible for monitoring of subrecipients.

Monitoring activities may include, but shall not be limited to:

1. Review of progress reports, financial reports and data quality.
2. On-site visits.
3. Review of federal or state debarment lists.
4. Review of other agreed-upon procedures specified in the legal agreement or contract. (2 CFR 200.425)

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The District shall verify that subrecipients are audited as required by applicable law and regulations. (2 CFR 200.331, 2 CFR 200.500-200.521, Pol. 619)

*Follow-Up Actions –*

The Director of Fiscal Services or designee shall provide subrecipients with written documentation detailing their monitoring results and listing any identified deficiencies. The District shall consider whether the results of monitoring indicate the need to revise existing district policy and procedures. (2 CFR 200.331)

The District shall require subrecipients to take immediate action on issues involving ineligible or illegal use of federal funding, and notify the district of corrective action taken.

The District shall require subrecipients to develop a corrective action plan to address other identified deficiencies or noncompliance issues; such plan shall be submitted to the District within 60 days or as specified in the agreed-upon procedures which delineate the process for no more than 60 days, and the District shall evaluate and monitor the activities taken by the subrecipient under the corrective action plan. The District may provide technical assistance and/or training to subrecipients in complying with corrective action requirements.

The Director of Fiscal Services or designee shall maintain all documentation on monitoring of subrecipients and corrective action taken during the monitoring process.

The District shall report issues of noncompliance to the appropriate federal agency where required by law, regulations, or requirements of the federal funding program.

*Remedies for Noncompliance –*

When monitoring activities identify issues of noncompliance that are not addressed through corrective action, the District may take the following actions: (2 CFR 200.331, 200.338)

1. Impose specific conditions on the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.207)
2. Temporarily withhold cash payments, in accordance with applicable law and regulations.
3. Disallow or deny use of funds for all or part of the cost of the activity or action not in compliance.
4. Wholly or partially suspend or terminate the agreement for the federal award.
5. Recommend that the federal agency initiate suspension and debarment proceedings.
6. Withhold further awards or agreements for the project or program.

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7. Take other remedies legally available, in consultation with the school solicitor or other qualified counsel.

Record Retention

The Director of Fiscal Services, in collaboration with the Superintendent or his/her designee and Federal Programs Coordinator, shall ensure that all documentation regarding subrecipient identification, notification, evaluation, monitoring activities and corrective action is maintained in accordance with Board policy and procedures. (Pol. 800)

Records shall be retained in accordance with applicable law, regulations, specific requirements of the federal program and the district's records retention schedule. (2 CFR 200.333-200.337, Pol. 800)

## **627-AR-5 – Procurement – Federal Programs**

This document is intended to integrate standard district purchasing procedures with additional requirements applicable to procurements that are subject to the federal Uniform Grant Guidance regulations and/or U.S. Department of Agriculture (USDA) regulations governing school food service programs. The District maintains the following purchasing procedures, in accordance with federal and state laws, regulations and Board policy. (2 CFR 200.318-200.325; 7 CFR 210.16, 210.19, 210.21, 215.14a, 220.16; 24 P.S. 120, 24 P.S. 504, 24 P.S. 508, 24 P.S. 521, 24 P.S. 607, 24 P.S. 609, 24 P.S. 751, 24 P.S. 807.1; 62 Pa. C.S.A. 4601 et seq; Pol. 610, 611, 612, 613, 808)

### **Responsibility for Purchasing**

The Board has outlined standard district purchasing responsibility, methods of purchasing, price quotations and bid requirements in the following Board policies and their accompanying administrative regulations or procedures:

- Policy 610. Purchases Subject to Bid/Quotation
- Policy 611. Purchases Budgeted
- Policy 612. Purchases Not Budgeted
- Policy 613. Cooperative Purchasing

The following individuals have authority to initiate purchases:

- Superintendent
- Director of Fiscal Services
- Director of Curriculum, Instruction, Assessment and Staff Development
- Director of Technology
- Supervisor of Special Education
- Supervisor of Pupil Services
- Director of Buildings, Grounds and Transportation
- Director of Food Services
- Coordinator of Communications and Public Relations
- Principals
- Athletic Director

These individuals have the authority to delegate purchasing authority to responsible individuals whom they supervise, only after consultation with the Superintendent and/or Director of Fiscal Services.

The Business Office is responsible for processing contracts/purchase orders as designated by the Superintendent and the Board of School Directors.

A list of authorized users shall be maintained in the Business Office and shall include the employees in designated positions.

All purchases shall be supervised and monitored on a regular basis by the Director of Fiscal Services, who shall ensure the use of funds is in accordance with the funds budgeted for this purpose.

All purchases shall be in compliance with state and local procurement rules and thresholds.

### **Purchase Methods**

When a request for purchase of equipment, supplies or services has been submitted and approved as outlined below, the procurement method to be used will be determined based on the total cost of the purchase as further outlined below. This procedure outlines how the cost thresholds for determining when the quote or formal bidding procedures that are required by state law as reflected in Policy 610 must be modified when making purchases for federally funded purposes to which the Uniform Grant Guidance or USDA regulations apply, so as to comply with both state and federal requirements. At each point where requirements for food service-related procurement under USDA regulations differ, a note will refer to the Food Service Program Notes at the end of this procedure. Final determination of which purchasing procedures are to be applied is delegated to the Director of Fiscal Services, under the authority of the Board.

### **Standard Procurement Documents and Purchase Request Process**

Purchases will be completed using a requisition through the District's Financial Information System or through the use of a procurement card (see Policy 625 for usage of such card). The requisition will then be converted to a purchase order, which is to be used for payment. In the event a procurement card is used, prior authorization must be given by the Director of Fiscal Services.

No purchase requests will be honored unless made on a District-approved requisition form that has the necessary approval or through a procurement card that has prior approval from the Superintendent and the Director of Fiscal Services.

The District shall use requisitions or purchase requests in accordance with the applicable purchase method.

The District shall use paper/electronic purchasing records, which are pre-numbered and are accessible to designated purchasing staff in the Business Office and school building offices.

Purchase requests by an employee must be submitted to the building administrator or immediate supervisor. Purchase of all budgeted items or items approved by an administrator or supervisor must be initiated by use of a purchase order or requisition submitted to the Director of Fiscal Services.

Purchase orders and requisitions shall contain information including, but not limited to:

1. Description of the services to be performed or goods to be delivered.

2. Location of where services will be performed or goods will be delivered.
3. Appropriate dates of service or delivery.

Documentation on purchase orders and requisitions shall be maintained in accordance with the district's Records Management Policy and records retention schedule. (Pol. 800)

Contracts shall be reviewed by the Superintendent and Solicitor prior to submission to the Board for approval.

Contracts to which the Uniform Grant Guidance apply shall contain the clauses specified in Appendix II to 2 CFR Part 200 (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), when applicable.

#### Micro-Purchases Not Requiring Quotes or Bidding (up to \$3,500)

For purposes of this procedure, **micro-purchase** means a purchase of equipment, supplies or services for use in federally funded programs using simplified acquisition procedures, the aggregate amount of which does not exceed a base amount of \$3,500. The micro-purchase dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$3,500.(48 CFR Subpart 2.1)

**Note: The micro-purchase maximum for federal purposes is lower than the amount below which the School Code and Board policy (Pol. 610) allows purchase for nonfederal purposes to be made without obtaining at least three (3) written or telephonic quotes or using formal competitive bidding.**

The micro-purchase method is used in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. Procurement by micro-purchase is the acquisition of equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms. The Director of Fiscal Services will be responsible to determine the equitable distribution of micro-purchases.

Micro-purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable. The District will maintain evidence of this reasonableness in the records of all micro-purchases. **Reasonable** means that sound business practices were followed and the purchase is comparable to market prices for the geographic area. Such determinations of reasonableness may include comparison of the price to previous purchases of the same item or comparison of the price of items similar to the item being purchased. See additional guidelines for reasonableness in 627-AR-2 Allowability of Costs.



Even if the cost of a purchase qualifies it as a micro-purchase, bidding or small purchase procedures may be used optionally when those procedures may result in cost savings.

Small Purchase Procedures (between \$3,500 and \$19,400)

For purposes of this procedure, **small purchase procedures** are those relatively simple and informal procurement methods for securing equipment, services, or supplies that cost more than the amount qualifying as a micro-purchase and do not cost \$19,400 or more. Small purchase procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing \$19,400 or more because the School Code requires formal competitive bidding at that level of cost.

The base amount at which bidding is required under state law is adjusted for inflation annually, and the amount most recently established and published in the Pennsylvania Bulletin shall apply if other than \$19,400. (24 P.S. Sec. 120)

Because state law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost, small purchase procedures, including a request for proposal (RFP) procedure, may be used for procurement of such other services except when the estimated total cost will be at or over the federal threshold at which formal competitive bidding is required (\$150,000) or as specified in Board policy (Pol. 610) or state law.

If small purchase procedures are used, written or telephonic price or rate quotations are obtained from at least three (3) qualified sources and records of quotes are maintained as provided in Policy 610. (Pol. 610)

Formal Competitive Bidding (\$19,400 or more)

**Publicly Solicited Sealed Competitive Bids:**

For purchases of equipment or supplies, or of services for construction, maintenance or repairs of school facilities, sealed competitive bids are publicly solicited and awarded to the lowest responsive and responsible bidder as provided in Policy 610 when the total cost is estimated to be \$19,400 or more. (Pol. 610)

State law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost. For procurement of such other services for federally funded purposes to which the Uniform Grant Guidance applies, formal competitive bidding will be used when the estimated total cost will be at or over the federal threshold of \$150,000 or as specified in Board policy (Pol. 610) or state law.

The federal competitive bidding dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$150,000. (48 CFR Subpart 2.1)

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available.
- Two or more responsible bidders are willing and able to compete effectively for the business.
- 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.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly.
- A firm fixed price contract award must be made in writing to the lowest responsive and responsible bidder.
- Any other requirements as specified in Board Policy 610.

### Competitive Proposals

State law does not require public school entities to solicit competitive bids for services other than construction, repairs or maintenance of school facilities, for which competitive bidding is required if the cost will be a base amount as determined by state law. State law allows competitive proposals relating to work on facilities in lieu of bidding only in the context of guaranteed energy savings contracts.

Federal regulations allow the use of competitive proposals as an alternative when formal bidding would otherwise be required only to procure architectural and engineering services. Other types of services for federally funded purposes to which the Uniform Grant Guidance applies, professional or otherwise, must be procured using competitive bidding when the cost would meet or exceed the federal threshold for competitive bidding (\$150,000).

In the case of services other than for construction, repairs or maintenance of school facilities costing less than that threshold, the District may use small purchase procedures or micro-purchase procedures as applicable based on total cost. A request for proposal (RFP) process can also meet or exceed the small purchase competition requirements under state law and Policy 610 for the acquisition of services other than for construction, repairs or maintenance of school facilities, and can be used if the total cost will be less than \$150,000.

When permitted, the technique of competitive proposals is normally conducted with more than one (1) source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. Competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The District shall comply with other applicable state and federal law and regulations, Board policy and administrative regulations regarding purchasing; the District may consult with the school solicitor or other qualified counsel in determining the required process for purchasing through competitive proposals when necessary.

If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
2. Proposals must be solicited from an adequate number of qualified sources.
3. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Competitive proposals shall be evaluated by the Superintendent, Solicitor and Board based on factors which may include but not limited to:

1. Cost.
2. Experience of contractor.
3. Availability.
4. Personnel qualifications.
5. Financial stability.

6. Minority business, women’s business enterprise, or labor surplus area firm status.
7. Project management expertise.
8. Understanding of district needs.

Evaluations shall be completed in a timely manner, documented and shall be reviewed by the Superintendent.

**Contract/Price Analysis:**

The district performs a cost or price analysis in connection with every procurement action. (2 CFR Sec. 200.323(a)).

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 Director of Fiscal Services must come to an independent estimate prior to receiving bids or proposals. (2 CFR Sec. 200.323(a)). As part of the analysis, the Director of Fiscal Services will enact established business practices which may include evaluation of similar prior procurements and a review process.

When performing a cost analysis, the Director of Fiscal Services negotiates 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. (2 CFR Sec. 200.323(b)).

Noncompetitive Proposals (Sole Sourcing)

**Procurement by noncompetitive proposals** means procurement through solicitation of a proposal from only one (1) source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An **emergency** exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes.

3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District.
4. After solicitation of a number of sources, the District determines the competition is inadequate.

At all possible, the District will refrain from using such a method. However, there will be times, as mentioned above, when such method will be necessary. In the event this is the method of procurement, then the Superintendent, along with the Director of Fiscal Services, will require a written statement from the purchaser indicating the circumstances in which the product/service is being purchased under these conditions. This may include written confirmation from the contractor as the sole source of the item. Documentation must be submitted to and maintained by the Business Office.

The District may utilize legal advice from the solicitor regarding noncompetitive proposals.

A cost or price analysis will be performed for all noncompetitive proposals.

### **Purchase Cards**

The district approves the use of procurement cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline contractor payment.

Procurement cards may be used for purchases under federal programs. The use of procurement cards is governed by Board policy 625 Procurement Cards and established administrative regulations. (Pol. 625)

### **Full and Open Competition**

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR Sec. 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business.
2. Requiring unnecessary experience and excessive bonding.
3. Noncompetitive pricing practices between firms or between affiliated companies.
4. Noncompetitive contracts to consultants that are on retainer contracts.
5. Organizational conflicts of interest.

6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
7. Any arbitrary action in the procurement process.

EDGAR further requires the following to ensure adequate competition.

### **Minority Businesses, Women’s Business Enterprises, 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: (2 CFR Sec. 200.321)

1. Placing qualified small and minority business 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 purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business 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.
6. Requiring the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

### **Geographical Preferences Prohibited**

The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, 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.

### **Prequalified Lists**

The District must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District must not preclude potential bidders from qualifying during the solicitation period.

### **Solicitation Language**

The District must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must 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, must set forth those minimum essential characteristics and standards to which it must 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 must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

### **Avoiding Acquisition of Unnecessary or Duplicative Items**

The District must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase; and, where appropriate, an analysis must be made of leases 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. Such considerations are accessible in the attachment 627-AR-2 Allowability of Costs – Federal Programs.

### **Use of Intergovernmental Agreements and Cooperative Purchasing**

To foster greater economy and efficiency, the District enters into state and local intergovernmental agreements where appropriate for cooperative purchasing or use of common or shared goods and services, as permitted by the Intergovernmental Cooperation Act and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 62 Pa. C.S. Ch. 19)

When procuring supplies or services for federally funded purposes to which the Uniform Grant Guidance applies, the District shall verify that the organization conducting the procurement

pursuant to such agreements complies with the applicable requirements and standards of the Uniform Grant Guidance as outlined in this procedure.

### **Use of Federal Excess and Surplus Property**

The District considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

### **Debarment and Suspension**

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the contractor with whom the District intends to do business is not excluded or disqualified. (2 CFR Part 200, Appendix II, and 2 CFR Sec. 180.220 and 180.300).

All successful contractors must provide written certification that they have not been suspended or debarred from federal projects. The Director of Fiscal Services will be responsible for verification. Such verification may include accessing the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

### **Maintenance of Procurement Records**

The District must 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 verification that the contractor is not suspended or debarred.

Maintenance of records of procurement will be governed by Board policy 800 Records Management and established administrative regulations. (Pol. 800)

### **Time and Materials Contracts**

The District may 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 efficiency.



Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the district must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Settlements of Issues Arising Out of Procurements**

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

### **Protest Procedures to Resolve Dispute**

The District maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Protest procedures will be acted on in accordance with current state law and regulations, established district administrative regulations and the advice of the solicitor. (Pol. 610)

### **Food Service Program Notes:**

#### *Exemption from Bidding for Perishable Food Items -*

The School Code exempts purchases of perishable food items from bidding requirements. Bidding for perishable food items is required only if the cost would be at or over the federal threshold at which formal competitive bidding is required (\$150,000). Small purchase procedures may be used for purchases below \$150,000, or micro-purchase procedures for purchases below \$3,500. Use of bidding should be considered as an option if it is feasible and likely to result in cost savings.(24 P.S. Sec. 504(d))

#### *Geographic Preferences -*

The District is permitted to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When a geographic preference is applied, the district has discretion to determine the local area to which the geographic preference option will be applied.

**Unprocessed locally grown or locally raised agricultural products** means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging

(such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two (2) or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk. (7 CFR Sec. 210.21, 215.14a, 220.16)

*Buy American -*

The District shall purchase, to the maximum extent practicable, domestic commodities or products for food service purposes. The term **domestic commodity or product** means: (7 CFR Sec. 210.21, 220.16)

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

*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: (7 CFR Sec. 210.21, 215.14a, 220.16)

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. (a) 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  
  
(b) 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.
3. 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.
4. 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.

5. 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.
6. 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.

*Contracts with Food Service Management Companies -*

Procedures for selecting and contracting with a food service management company (FSMC) shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 215.14a, 220.16)

*Pre-Plated Meals -*

Procedures for selecting and contracting with contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 220.16)

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 627.1

Section FINANCES

Title TRAVEL REIMBURSEMENT  
FEDERAL PROGRAMS

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

	<b>POLICY NO. 627.1 TRAVEL REIMBURSEMENT-FEDERAL PROGRAMS</b>	
<b>Section 1</b>	<p><b><u>Authority</u></b></p> <p>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.</p>	<p>2 CFR 200.474 SC 516.1, 517 Pol. 827</p>
<b>Section 2</b>	<p><b><u>Definition</u></b></p> <p>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.</p>	<p>2 CFR 200.474</p>
<b>Section 3</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>School officials and District employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.</p> <p>The validity of payments for travel costs for all District employees and school officials shall be determined by the Director of Fiscal Services after consultation with the Superintendent.</p>	<p>Pol. 004, 827</p>



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 105.2

Section PROGRAMS

Title EXEMPTION FROM INSTRUCTION

Adopted AUGUST 21, 1989

Revised FEBRUARY 16, 1998

POLICY NO. 105.2 EXEMPTION FROM INSTRUCTION		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The purpose of this policy is to comply with the requirement of the State Board of Education that school districts adopt policies that assure <del>The Board adopts this policy to ensure that</del> parents/<b>guardians have</b> the right to have their children excused from specific instruction which conflicts with their religious beliefs.</p>	Title 22 Sec. 4.4, 11.7
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>School districts <del>shall adopt policies to assure that parents have the right to have their children excused from instruction which conflicts with their religious beliefs.</del></p>	Title 22 Sec. 5.4(d)(3)
<b>Section 3</b>	<p><b><u>Guidelines</u></b></p> <p>The rights granted by this policy are granted to parents/<b>guardians</b> of students enrolled in <del>the</del> District <b>where</b> the students are under the age of eighteen (18) and to the students themselves when the student is eighteen (18) or over.; <del>unless the student is incapable of making the decision due to a disability.</del></p> <p>The District shall excuse any student from instruction as defined in this policy <del>upon satisfaction of and</del> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. To assist the <del>School</del> District in ensuring that the student</li> </ol>	

**POLICY NO. 105.2  
EXEMPTION FROM INSTRUCTION**

is excused from the correct specific instruction, the request must be made in writing and must detail the portions of instruction with respect to which the student is to be excused.

2. The written request to be excused shall be sent by the ~~qualifying parent~~/guardian or student to the Building Principal ~~in triplicate~~.

~~2.~~ One (1) copy of the request shall be retained in the student's permanent school records, one (1) a copy shall be kept by the school principal, and one (1) a copy shall be submitted to the teacher from whose instruction the student is to be excused.

3. It shall not be the responsibility of the District or any of its ~~employees~~officials to ensure that the ~~student~~child exercises his/her right to be excused ~~and school employees are prohibited from initiating action to have any student leave class in accordance with a parent request. It shall be~~Instead, it is the responsibility of the student to request permission to leave class when the specific instruction objected to is being presented. ~~or is about to be presented. When the child seeks to be excused, the teacher is to excuse the child if~~ However, the District does aspire to respect the wishes of the parent/guardian/student and a teacher may remind the student and help them to exit the classroom in an unobtrusive manner.

1) ~~When the students seeks to be excused, the teacher shall excuse the student if~~ the teacher or principal has a copy of the written request; and

2) the written request adequately describes the ~~specific~~ instruction ~~that is taking place or about to take place~~.

4. The written request must contain a statement that the specific instruction described ~~in the written request~~ conflicts with the religious beliefs of the student or of the parents/guardians.

**POLICY NO. 105.2  
EXEMPTION FROM INSTRUCTION**

5. The parent/guardian and/or student may request suggested replacement educational activities. ~~in conjunction with a building level administrator shall develop replacement educational activities in which the student shall engage during the time the student is excused.~~ The only permissible educational activity for this purpose shall be in the nature of replacement instruction that is consistent with the goals set for the course and that does not require the provision of any extra resources by the District. The parent/guardian and/or student may consult with the principal or teacher for recommendations concerning replacement educational activities.
6. The building principal shall determine where the student shall report during the time the student is excused.
7. All students excused from specific instruction shall be required to achieve the academic standards learning ~~outcomes~~ established by the District ~~as and are~~ necessary for graduation.

Pol. 102, 217

~~This policy shall become void and unenforceable if the regulation of the State Board of Education, upon which it is based, i.e., Title 22, Sec. 5.4 (d)(3), is repealed, modified, or declared invalid in whole or in part.~~

**References:**

State Board of Education Regulations – 22 PA Code Sec. 4.4, 11.17

Board Policy – 102, 217



# Policy Guide



Policy No. 113

Section PROGRAMS

Title SPECIAL EDUCATION

Adopted AUGUST 21, 1989

Revised FEBRUARY 16, 1998

POLICY NO. 113 SPECIAL EDUCATION		
Section 1	<p><b><u>Purpose</u></b></p> <p>The District shall offer each student with a disability education programs and services that appropriately meet the student’s needs for educational, instructional, transitional and related services. A student who requires special education shall receive programs and services according to an individualized education program (IEP). The IEP shall provide access to the District’s general curriculum and participation in state and local assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with nondisabled peers. The District shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.</p> <p><del>Every exceptional student attending the schools of this District shall be offered an educational program that meets his/her individual needs and is suited to his/her unique abilities. Such a program of special education shall be designed to comply with law, conform to the goals of this District and shall, to the extent feasible and consistent with the best interests of the student and other pupils, integrate programs of special education with the regular instructional program of the schools.</del></p> <p><del>Exceptional children to be served by the special education program of this District shall include those school age children as defined by law residing in the District who so deviate from the average in physical, mental, emotional or social characteristics that they require special educational programs, facilities or services and shall include all school aged persons in detention homes and state schools and hospitals.</del></p>	<p>Title 22 Sec. 4.28, 12.1, 12.4, 14.102, 14.104 34 CFR Sec. 300.1</p> <p>SC-1371</p>

**POLICY NO. 113  
SPECIAL EDUCATION**

**Section 2**     **Definitions**

**Students with disabilities** - School-aged children within the jurisdiction of the District who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services. School-aged children who have identified disabilities but do not require special education may be entitled to accommodations or services or to enroll in courses of study in the District which serve students with disabilities pursuant to other law or Board policy.

SC 502  
Title 22 Sec. 14.101  
20 U.S.C. Sec.  
1401  
34 CFR Sec. 300.8  
Pol 103.1

**Individualized Education Program (IEP)** - The written educational statement for each student with a disability that is developed, reviewed and revised in accordance with federal and state laws and regulations.

Title 22 Sec. 14.131  
34 CFR Sec.  
300.320-300.324

**Parent/Guardian** - For purposes of this policy and Board policies related to special education, parent/guardian shall have the definition of **parent** in IDEA statute and regulations, which includes a biological or adoptive parent of a child; a foster parent, unless prohibited by state law or regulations; a guardian authorized to act as the child's parent, in accordance with law or regulations; an individual acting in the place of a parent, including a grandparent or other relative, with whom the child lives or an individual legally responsible for the child's welfare; or an appointed surrogate parent, in accordance with law and regulations.

20 U.S.C. Sec.  
1401  
34 CFR Sec. 300.30

**Section 32**     **Authority**

The Board directs that all students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The District shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its special education plan.

SC 1372  
Title 22 Sec. 4.28,  
12.1, 12.41, 14.101  
et seq.  
20 U.S.C. Sec.  
1400 et seq.  
29 U.S.C. Sec. 794  
42 U.S.C. Sec.  
12101 et seq.  
34 CFR Part 300

**POLICY NO. 113  
SPECIAL EDUCATION**

The District shall develop and submit a special education plan to the Department of Education for approval every three (3) years, and shall implement such plan as required by law and regulations. The District's special education plan shall include procedures for identifying and educating students with disabilities and describe the elements required by law, regulations and Board policy. Prior to approval by the Board and submission to the Department of Education, the special education plan shall be made available for public inspection and comment in the district's administrative offices and on the district website for a minimum of twenty-eight (28) days.

Title 22 Sec. 4.13,  
14.104  
Pol. 100

The District's special education plan shall comply with the requirements of state and federal laws and regulations, and shall be submitted in accordance with the guidelines and in the form established by the Department of Education. The District shall establish procedures to ensure the plan is updated and implemented as necessary.

Title 22 Sec. 4.13,  
14.104  
34 CFR Sec.  
300.201 et seq.

The Board ~~shall will~~ determine ~~the which~~ facilities, programs, services, and staff that shall be provided by the District for the instruction of ~~-~~students with disabilities, based upon the identified needs of the district's special education population ~~exceptional children shall be furnished by this District.~~

SC 1372  
Title 22 Sec. 14.104

In order to maintain an ~~more effective program~~ of special education ~~plan~~, the Board may participate in special education programs of Allegheny Intermediate Unit No. 3.

Title 22 Sec. 14.104

**Section 4      Delegation of Responsibility**

The Superintendent or designee is directed to annually recommend to the Board the employment and retention of necessary, qualified staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

The Superintendent or designee shall develop procedures for evaluating the effectiveness of the District's special education plan and shall periodically report to the Board the criteria and results of such evaluation.

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SPECIAL EDUCATION**

**Section 53** **Guidelines**

~~The Superintendent is directed to annually recommend to the Board the employment and retention of such staff, and the provision of such facilities, as may be necessary and feasible to provide for the needs of exceptional children of this District.~~

Each student with a disability shall be educated pursuant to an IEP which shall provide an appropriate education in the least restrictive environment, in accordance with federal and state laws and regulations.

Title 22 Sec. 4.28,  
14.145  
20 U.S.C. Sec.  
1414  
34 CFR Sec.  
300.320-300.327

The District prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in District programs, services and activities as required by law.

Pol. 103, 103.1

If the District is identified with significant disproportionality, the special education plan shall include prevention measures for inappropriate over-identification and disproportionate representation by race or ethnicity of children with disabilities.

Title 22 Sec. 14.104

Fiscal And Program Compliance

The Superintendent or designee shall establish procedures to ensure that the District complies with all federal and state laws and regulations and program requirements for special education-related funding and reimbursement.

The District may coordinate with Allegheny Intermediate Unit No. 3 to establish procedures, fulfill reporting requirements and participate in applicable programs.

Child Find/Outreach

The Superintendent or designee shall ensure that the District annually conducts awareness and outreach programs and activities designed to reach District residents including parents/guardians of students with disabilities who are enrolled in the District, preschool-aged children, students who attend private schools, homeless children and children who are wards

Title 22 Sec. 14.121  
34 CFR Sec.  
300.111

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of the state.

The District’s public awareness activities shall include annual publication of a written notice in newspapers and other media notifying residents about child identification activities; available special education services and programs and how to request them; and procedures used to ensure confidentiality of student information. Written information shall be published in District handbooks and on the District website. Public awareness activities must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.

The Intermediate Unit shall be responsible for conducting child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.

Screening

The District shall establish a system of screening, including hearing and vision screenings. Screenings shall be conducted at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

Title 22 Sec. 14.122  
Pol 209

Confidentiality

The District shall maintain a system of safeguards to protect the confidentiality of students’ educational records and personally identifiable information when collecting, storing, disclosing and destroying student records. Student records include any financial documents related to any services that a student receives.

Title 22 Sec. 15.9  
34 CFR Sec.  
300.611-300627  
Pol. 113.4

District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law, regulations and Board policy.

Recording Of Meetings

The District shall permit audio recording of a meeting between parents/guardians and district teachers, paraprofessionals, program specialists, consultants or administrators when the

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SPECIAL EDUCATION**

parent/guardian submits, at least five (5) days prior to the meeting, notification to the building principal of the intent to record the meeting.

When permission to record a meeting is granted, the district employee responsible for the meeting shall arrange to record the meeting by similar means. Such recording shall be considered part of the student's educational record and be subject to relevant law and regulations.

The District may permit videotaping of a meeting when written consent is given by all participants at the meeting.

~~The program to which each exceptional child is assigned shall be that which best assures his/her success in learning and offers him/her the least restrictive environment in accordance with State Board's Regulations.~~

~~No exceptional student who is so classified shall be denied, because of disability, participation in co-curricular, intramural or interscholastic activities or any of the services offered or recognition's rendered regularly to the students of this District unless such participation is not practical because of the disability.~~

~~All services, e.g., shop, art, physical education, music, home economics, etc., which are extended to the general population of students shall be provided for the exceptional pupil where feasible.~~

~~The Superintendent shall develop procedures for the continuing evaluation of the effectiveness of the District's plan for the exceptional pupil and shall periodically report to the Board the criteria by which such evaluations are made and the results of such evaluation.~~

Title 22 Section  
14.42  
Chapter 14  
Chapter 342

SC 1371, 1372  
PA Code Title 22  
Sec. 14.42

**POLICY NO. 113  
SPECIAL EDUCATION**

References:

School Code – 24 P.S. Sec. 502, 1371, 1372

State Board of Education Regulations – 22 PA Code Sec. 4.13, 4.28, 12.1, 12.4, 12.41, 14.101 et seq., 15.9

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Pennsylvania Training and Technical Assistance Network – [www.pattan.net](http://www.pattan.net)

Board Policy – 100, 103, 103.1, 113.1, 113.2, 113.3, 113.4, 209, 216

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.1

Section PROGRAMS

Title POSITIVE BEHAVIOR SUPPORT

Adopted NOVEMBER 16, 1998

Revised FEBRUARY 17, 2011

POLICY NO. 113.1 POSITIVE BEHAVIOR SUPPORT		
<b>Section 1</b>	<p><b><u>Purpose</u> Overview</b></p> <p>The IEP team for a student with a disability shall develop a positive behavior support plan or shall include behavioral goals, interventions, and strategies in the IEP for each student whose behavior interferes with his/her learning or the learning of others. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal laws and regulations.</p> <p><del>Positive behavior strategies, interventions and supports must be employed for all students who have behavior issues that interfere with their ability to learn or the learning of others. These techniques shall be the least intrusive necessary. This policy is designed to enable all students who are in need of behavior intervention to benefit from a Free Appropriate Public Education Program (FAPE) within the least Restrictive Environment (LRE) in accordance with the requirements in Pennsylvania's regulations and the Individuals with Disabilities Education Improvement Act and its regulations.</del></p> <p><del>The following terms shall have these meanings, unless the context clearly indicates otherwise:</del></p>	<p>22 PA Code Sec. 14.133, 14.145 34 CFR 300.114, 300.324</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board directs that the following principles shall govern the use of behavior supports and interventions for students with disabilities:</p>	<p>22 PA Code Sec. 14.133</p>



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POSITIVE BEHAVIOR SUPPORT**

1. Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment, the use of adverse techniques, punitive “time out” and the unreasonable use of restraints.
2. Behavior support programs and plans must be based on a functional assessment of behavior and use positive behavior techniques.
3. Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student’s opportunity for learning and self-fulfillment.
4. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student shall be the least intrusive necessary.
5. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.
6. Nothing in this policy shall be construed to require the development of a separate behavior support or intervention plan when appropriate positive behavioral interventions, strategies, and supports, consistent with the requirements of this policy, can be incorporated into body of the IEP.

20 U.S.C. 1414,  
1415  
34 CFR 300.324,  
300.34, 300.530  
Pol. 113, 113.2,  
113.3

**Section 32** **Definitions**

As used in this policy, the following words and terms shall have these meanings, unless the context clearly indicates otherwise:

22 PA Code Sec.  
14.133

**Aversive Techniques** – Deliberate activities designed to establish a negative association with a specific behavior.

**Behavior Support** – The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

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**Positive Behavior Support Plans** – A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual student’s IEP whether as a separate document attached thereto or as goals and intervention. These plans must include methods that use positive reinforcement and other positive techniques to shape a student’s behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

**Positive Techniques**— Methods that utilize positive reinforcements to shape a student’s behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards.

**Restraints** – Techniques designed to control acute or episodic aggressive behavior when the student presents a danger to self, other students, or employees. Application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student’s body, excluding the following:

1. Briefly holding a student, without force, to calm or comfort him/her.
2. Guiding a student to an appropriate activity.
3. Holding a student’s hand to escort him/her safely from one area to another.
4. Hand-over-hand assistance with feeding or task completion.
5. Techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student’s parents/guardians and specified in the IEP.
6. Mechanical restraints, governed by this policy, such as devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional

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positioning devices.

**Section 43**

**Delegation of Responsibility Purpose**

The Superintendent or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.

The Superintendent or designee shall develop administrative guidelines or procedures as needed to implement this policy.

~~As defined in 22 PA Code Section 14.133, positive measures must form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs shall include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Positive behavior support programs and plans shall be based on a functional assessment of behavior.~~

- ~~1. A least to most intrusive hierarchy of strategies will be utilized with all students.~~
- ~~2. Physical restraints may only be used as a crisis intervention technique to control acute behavior when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students, to employees or to others and only when less restrictive measures and techniques have proved to be or are less effective. These procedures must be documented.~~
- ~~3. The use of restraints to control the aggressive behavior of an individual student shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within then (10) school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notification, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a Functional Behavioral Assessment (FBA), Reevaluation,~~

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~~a new or revised Positive Behavior Support Plan or a change of placement to address the inappropriate behavior. The IEP will be revised to eliminate the need for restraints.~~

- ~~4. The use of prone restraints (child is held face down on the floor) is prohibited in school programs.~~
- ~~5. The use of the crisis management plan may not be employed as punishment for the convenience of staff or as a substitute for an educational program.~~
- ~~6. Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions may be included in the IEP only when recommended by a qualified medical professional and agreed upon by the student's parents or legal guardian. The use of mechanical restraints shall prevent a student from injuring himself/herself or others, or promote normative body positioning and physical functioning.~~
- ~~7. Parental approval will be through a meeting or the IEP process to discuss all procedures identified within the child's behavior intervention plan.~~
- ~~8. Keystone Oaks assures that it will provide adequate training and support to appropriate personnel on positive behavior support, de-escalation techniques and emergency response as outlined in Pennsylvania regulations, the Individuals with Disabilities Education Improvement Act and its regulations and PDE guidelines for Effective Behavior Support. Training will be updated as appropriate.~~
- ~~9. When a student is placed in a "time-out" situation, the student shall always be in full view of the teacher or staff person so instant intervention is possible.~~
- ~~10. Behavior programs utilized include a variety of techniques to develop and maintain skills that will help the student learn to relate better to self, other students, staff, family and community and to participate more fully~~

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~~in the education process.~~

~~11. The use of restraints for the convenience of staff as a substitute for an educational program or employed as punishment may not be used.~~

**Section 54** **Guidelines**

Physical Restraints

Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

22 PA Code 14.133

The Superintendent or designee shall notify the parent/guardian as soon as practicable of the use of restraints to control the aggressive behavior of student and shall convene a meeting of the IEP team within ten (10) school days of the inappropriate behavior causing the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.

22 PA Code 14.133

The use of restraints may only be included in a student's IEP under the following conditions:

22 PA Code 14.133

1. The restraint is used on conjunction with specific components of positive behavior support.
2. The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
3. Staff are authorized, and have received all training required, to use the specific procedure.
4. The positive Behavior Support Plan of the student includes a plan for eliminating the use of restraint through the application of positive behavior support.

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POSITIVE BEHAVIOR SUPPORT**

The use of restraints is not included in the IEP for the convenience of staff, as a substitute for an educational program, or to be employed as punishment.

22 PA Code 14.133

Mechanical Restraints

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.

22 PA Code 14.133

Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.

Seclusion

The District permits involuntary seclusion of a student in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the student or others, but the seclusion must be the least restrictive alternative.

The District prohibits the seclusion of student in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.

22 PA Code 14.133

Aversive Techniques

The following aversive techniques for addressing of handling behavior are considered inappropriate and ~~may~~ shall not be used in educational programs:

22 PA Code 14.133

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.

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5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. ~~Suspension constituting a pattern as defined in state regulations~~ **Serial suspensions.**
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. ~~Methods that have not been outlined in the District's plan.~~ **Prone restraints, which are restraints by which a student is held face down on the floor.**

22 PA Code 14.143

Reporting and Monitoring

The Superintendent or designee shall maintain and report data on the use of restraints in a manner prescribed by the Secretary of Education of the Commonwealth of Pennsylvania. Such report shall be readily available for review during cyclical compliance monitoring conducted by the Pennsylvania Department of Education. Procedures shall be established requiring reports be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and vocational schools.

22 PA Code 14.133

Referral to Law Enforcement

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The Superintendent or designee shall respond to such incidents

SC 1302.1-A  
22 PA Code 10.2,  
10.21, 10.22, 10.23,  
10.25, 14.104,  
14.133  
34 CFR 330.535  
20 U.S.C. 1415  
Pol. 113, 113.2,  
227, 250, 251, 825

**POLICY NO. 113.1  
POSITIVE BEHAVIOR SUPPORT**

in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.

Subsequent to notification to law enforcement, an updated functional behavior assessment and Behavior Support Plan shall be required for students with disabilities who have Behavior Support Plan of such referral.

22 PA Code 10.23,  
14.133,  
Pol. 113.3

If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the district, the Superintendent or designee shall notify the school district or intermediate unit in which the residential setting is located of the need to review the student's functional behavioral assessment and Behavior Support Plan.

22 PA Code 14.133

For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the District shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.

22 PA Code 10.23,  
14.133

Relations With Law Enforcement

The District shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each local police department that has jurisdiction over school property. Updated copies shall be provided each time the administrative regulations and procedures for behavior support are revised by the district.

22 PA Code 10.23,  
14.104  
Pol. 113

The District shall invite representatives of each local police department that has jurisdiction over school property to participate in district training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the district's Special Education Plan and positive behavior support program.

22 PA Code 10.23,  
14.104, 14.133  
Pol. 113



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POSITIVE BEHAVIOR SUPPORT**

Regular Program of Training

The Superintendent or designee shall provide for the regular training and re-training, as needed, of personnel in the use of specific procedures, methods, and techniques, including restraints and seclusions, that those personnel will be expected to employ in the implementation of positive behavior supports or interventions in accordance with the IEP of the child and this policy.

22 PA Code 14.133

References:

School Code – 24 P.S. Sec. 1302.1-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 14.104, 14.133, 14.145

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1414, 1415

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300.114, 300.324, 300.34, 300.530, 300.535

Board Policy – 113, 113.2, 113.3, 227, 250, 251, 825

**Section 5**

**Objectives**

~~The Positive Behavior Support Policy represents a tiered model based on best practice. The three tiers of intervention are:~~

**Tier I**

~~Effective classroom management strategies.~~

**Tier II**

**POLICY NO. 113.1  
POSITIVE BEHAVIOR SUPPORT**

~~Specific interventions designed for the individual student.~~

**Tier III**

~~Very restrictive interventions which can only be considered after Level II interventions are determined ineffective.~~

**Emergency Procedures**

~~Emergency procedures for behavior that present a clear and present danger will be delineated on the IEP. Emergency procedures may include such activities as:~~

- ~~1. Parent contact to immediately remove student from school.~~
- ~~2. Notifying police.~~
- ~~3. Notifying mental health support personnel per directions in IEP Crisis Plan.~~
- ~~4. Calling emergency services and ambulance.~~

**Section 6**

**Reporting**

~~Section 14.133(e)(5) requires school entities to maintain and report data on the use of restraints as prescribed by the Secretary of Education. Data must be collected on an on-going basis and made available during cyclical compliance monitoring conducted by the Department of Education.~~

**Procedures**

- ~~1. Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when:
  - ~~a. the student is acting in a manner as to be clear and present danger to himself, to other students or to employees, and;~~
  - ~~b. only when less restrictive measures and techniques have proved to be or are less effective.~~~~

**POLICY NO. 113.1  
POSITIVE BEHAVIOR SUPPORT**

- ~~2. The staff member who conducted the restraint is responsible for:
  - a. immediately reporting the incident to the building principal;
  - b. completing the Restraint Report and submitting a copy to the building principal the same day as the incident.~~
  
- ~~3. The building principal, on the same day as the restraint will:
  - a. notify the parents, by telephone or in person of the use of restraint;
  - b. document whether the parents verbally decline or request an IEP meeting;
  - c. immediately report the incident to the Coordinator of Special Education;
  - d. forward a copy of the Restraint Report to the Coordinator of Special Education;
  - e. inform the Coordinator of Special Education as to whether or not parents requested an IEP meeting.~~
  
- ~~4. The Coordinator of Special Education, within twenty-four hours of the incident will:
  - a. mail the parents the restraint notification which include the Invitation To Participate in the IEP Team Meeting;
  - b. schedule an IEP meeting within ten (10) school days of the incident unless the parent, after reviewing the notice, agrees in writing to waive the meeting;
  - c. if unable to obtain a verbal or written response from the parent within eight (8) school days, the IEP meeting shall be held.~~

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POSITIVE BEHAVIOR SUPPORT**

- ~~5. The IEP Team, if a meeting is held, shall:~~
- ~~a. consider whether the student needs a Functional Behavioral Assessment, Reevaluation, a new or revised Positive Behavioral Support Plan or a change of placement to address the inappropriate behavior;~~
  - ~~b. document as a revision to the IEP.~~
- ~~6. The Coordinator of Special Education will be responsible for:~~
- ~~a. entering restraints in the Restraint Information System Collection (RISC);~~
  - ~~b. reporting any restraints that result in an injury to a student and/or staff person via email to the Bureau of Special Education.~~
- ~~Email notifications to be sent to ezeisloft@state.pa.us with a copy to tseven@state.pa.us within three (3) days of the occurrence.~~
- ~~7. Each time a restraint is entered into the RISC, the BSE staff will be notified via PDE's email system. The restraint will be reviewed within two working days of recording. The BSE will notify the school contact person if additional information or clarification is needed.~~
- ~~8. If no restraints are used during the entire school year, the Coordinator of Special Education shall report "no restraints in the recently completed school year" on the RISC System.~~

~~Legal References:~~

~~State Board of Education Regulations:  
22 Pa. Code, Sec. 14.133, 14.145~~

~~Individuals with Disabilities Education Act and~~

	<p style="text-align: center;"><b>POLICY NO. 113.1</b> <b>POSITIVE BEHAVIOR SUPPORT</b></p> <p>Federal Regulations: 20 U.S.C. Sec. 1400 et seq.; 34 CFR Part 300</p>	
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.2

Section PROGRAMS

Title DISCIPLINE OF STUDENTS  
WITH DISABILITIES

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The District shall develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.</p> <p>Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.</p>	<p>Title 22 Sec. 14.133 Pol. 113, 113.1</p> <p>Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530 Pol. 218, 233</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Students with disabilities</b> – school-aged children within the jurisdiction of the District who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p> <p><b>Suspensions from school</b> – disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.</p> <p><b>Expulsions from school</b> – disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school</p>	<p>Pol. 113</p> <p>Title 22 Sec. 12.6 Pol. 233</p> <p>Title 22 Sec. 12.6 Pol. 233</p>

<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
	<p>days and may include permanent exclusion from school.</p> <p><b>Interim alternative educational settings</b> – removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.</p>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>
<b>Section 3</b>	<p><b><u>Authority</u></b></p> <p>The Board directs that the District shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA), and federal and state regulations when disciplining students with disabilities for violations of Board policy or district rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student’s particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student’s educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> <p><b><u>Provision Of Education During Disciplinary Exclusions</u></b></p> <p>During any period of expulsion, or suspension from school for more than ten (10) consecutive days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.</p>	<p>Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p> <p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b),(d)</p>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p>	

<b>POLICY NO. 113.2</b>		
<b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
	<p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student’s educational placement.</p>	<p>Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536</p>
	<p><u>Changes In Educational Placement/Manifestation Determinations</u></p> <p>For disciplinary exclusions which constitute a change in educational placement, the District shall first determine whether the student’s behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.</p> <p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities.</p>	<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530</p> <p>Title 22 Sec. 14.143 34 CFR Sec. 500.530(c) Pol. 218, 233</p>
	<p><u>Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By District For Students Who Are A Danger To Themselves Or Others</u></p> <p>A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the District if the District believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the District requests a due process hearing, the hearing officer may return the student to the placement from which the student was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child’s current placement is substantially likely to result in an injury to the student or others.</p>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.532</p>



<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>	
<p>Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student’s regular placement unless the District and the parent/guardian agree otherwise.</p> <p><u>Students Not Identified As Disabled/Pending Evaluation</u></p> <p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the District did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.</p> <p><u>Administrative Removal To Interim Alternative Educational Setting For Certain Infractions</u></p> <p>School personnel may remove a student with a disability, including intellectual disability, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student’s disability if the student:</p> <ol style="list-style-type: none"> <li>1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the District.</li> <li>2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the District.</li> <li>3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school</li> </ol>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.533</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.534</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p> <p>18 U.S.C. Sec. 930 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i) Pol. 250</p> <p>20 U.S.C. Sec. 1415(k) 21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i) Pol. 227</p> <p>18 U.S.C. Sec. 1365(h)(3)</p>

	<p style="text-align: center;"><b>POLICY NO. 113.2</b> <b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b></p> <p>functions under the jurisdiction of the district. For purposes of this provision, <b>serious bodily injury</b> means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</p> <p><u>Referral To Law Enforcement and Reporting Requirements</u></p> <p>For reporting purposes, the term <b>incident</b> shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.</p> <p>The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The Superintendent or designee shall respond to such incidents in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.</p> <p>For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the District shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.</p> <p>When reporting an incident committed by a student with a disability to the appropriate authorities, the district shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education</p>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p> <p>SC 1303-A Title 22 Sec. 10.2 35 P.S. Sec. 780-102</p> <p>SC 1302.1-A Title 22 Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 14.104, 14.133 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535 Pol. 103.1, 113, 113.1, 218, 227, 250, 251, 823 825</p> <p>Title 22 Sec. 10.23, 14.133 Pol. 113.1</p> <p>Title 22 Sec. 10.2, 10.21, 10.22, 10.23 20 U.S.C. Sec. 1415(k)(6)</p>
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**POLICY NO. 113.2**  
**DISCIPLINE OF STUDENTS WITH DISABILITIES**

and disciplinary records of the student are transmitted for consideration by these authorities. The district shall transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

34 CFR Sec.  
300.535  
Pol. 216, 825

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.

SC 1303-A  
Pol. 825

References:

School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 12.6, 14.104, 14.133, 14.143

Crimes Code, Possession of Firearms and Dangerous Weapons – 18 U.S.C. Sec. 930

Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

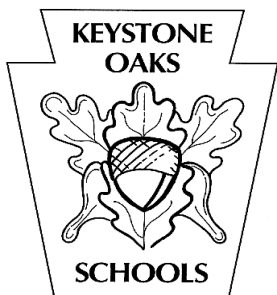
Controlled Substances Act – 21 U.S.C. Sec. 812

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 103.1, 113, 113.1, 216, 218, 227, 233, 250, 251, 823, 825

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.3

Section PROGRAMS

Title SCREENING AND EVALUATIONS FOR STUDENTS WITH DISABILITIES

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 113.3 SCREENING AND EVALUATION FOR STUDENTS WITH DISABILITIES</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board adopts this policy to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements for students with disabilities, including functional behavioral assessments; and requirements for independent educational evaluations.</p>	<p>Title 22 Sec. 14.122, 14.123, 14.124, 14.125, 14.133 20 U.S.C. Sec. 1414 34 CFR Sec. 300.226, 300.301-300.311, 300.502, 300.530 Pol. 113, 113.1</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to district referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects.</p>	<p>Title 22 Sec. 14.122 34 CFR Sec. 300.226 Pol. 209</p>

	<p style="text-align: center;"><b>POLICY NO. 113.3 SCREENING AND EVALUATION FOR STUDENTS WITH DISABILITIES</b></p> <p>Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting.</p> <p>The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student’s behaviors and to assist with developing a positive Behavior Support Plan. FBAs must be conducted when:</p> <ol style="list-style-type: none"> <li>1. A student’s behavior interferes with his/her learning or the learning of others and information is necessary to provide appropriate educational programming.</li> <li>2. A student’s behavior violates the Code of Student Conduct and is determined to be a manifestation of a student’s disability.</li> <li>3. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.</li> <li>4. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan.</li> </ol> <p>FBAs may also constitute part of the initial evaluation to determine eligibility for special education.</p> <p>The District shall comply with requirements of state and federal laws and regulations when conducting evaluations.</p> <p>An appropriate evaluation of a student, whether conducted by district staff or individuals not employed by the District, shall consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by district staff, parents/guardians, or the evaluator. An appropriate evaluation shall assist in determining the content of the IEP to enable a student with a disability to be involved in and progress in the</p>	<p>34 CFR Sec. 300.226</p> <p>Title 22 Sec. 14.133 34 CFR Sec. 300.530 Pol. 113, 113.1, 113.2</p> <p>Title 22 Sec. 14.123 20 U.S.C. Sec. 1414 34 CFR Sec. 300.300-300.311, 300.502, 300.503</p>
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<p><b>Section 3</b></p>	<p style="text-align: center;"><b>POLICY NO. 113.3 SCREENING AND EVALUATION FOR STUDENTS WITH DISABILITIES</b></p> <p>general curriculum.</p> <p>A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.</p> <p>A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal law and regulations.</p>	<p>Title 22 Sec. 14.124 20 U.S.C. Sec. 1414 34 CFR Sec. 300.303-300.306, 300.503</p>
	<p><b><u>Guidelines</u></b></p> <p><u>Parent/Guardian Requests</u></p> <p>Parents/Guardians may request an evaluation at any time. The parent/guardian request can be in writing or electronic form. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians within ten (10) calendar days of the oral request.</p> <p>The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.</p> <p><u>Appropriate Evaluations</u></p> <p>An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student.</p> <p>An appropriate evaluation shall include:</p> <ol style="list-style-type: none"> <li>1. Testing and assessment techniques required in light of information currently available from previous evaluations.</li> </ol>	<p>Title 22 Sec. 14.122, 14.123</p> <p>Title 22 Sec. 14.123 20 U.S.C. Sec. 1414 34 CFR Sec. 300.301-300.311, 300.502</p>

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2. Information from parents/guardians and school staff familiar with the performance of the student.
  
3. The student's education records.

The evaluator shall review all such sources of information prior to conducting testing and assessment. The evaluator shall review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or include such assessments as part of his/her evaluation.

To the extent that the results of such instructional assessments are inconsistent with the results of norm or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain the reason for the inconsistency in his/her report, if possible.

When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the District and comply with state and federal law and regulations.

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets. S/He shall report any factor that might affect the validity of any results obtained.

All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.

The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting. The evaluator shall obtain information concerning the performance of the student directly from at least one (1) current

Title 22 Sec. 14.125  
34 CFR Sec.  
300.307-300.311

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teacher of the student, unless s/he does not have a current teacher.

The evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation. If certification is not issued for the particular area of professional practice in which the evaluator is lawfully engaged, the evaluator shall hold such license or other credentials as required for the area of professional practice under state law.

The evaluator shall prepare and sign a full report of the evaluation containing:

1. Clear explanation of the testing and assessment results.
2. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
3. Complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

Re-Evaluations

Re-evaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent/guardian and the District agree in writing that a re-

Title 22 Sec. 14.124  
34 CFR Sec.  
300.303



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evaluation is unnecessary. For students with intellectual disability, the re-evaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

Independent Educational Evaluations

A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the District may request an independent educational evaluation at district expense. A parent/guardian is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent/guardian disagrees. The independent educational evaluation must arise from parents'/guardians' disagreement with the District's most recent evaluations or re-evaluations of the student. The District shall be entitled to a copy of all results of independent educational evaluations conducted at public expense. If an oral request for an independent educational evaluation is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make his/her request in writing shall be conveyed by whatever means practicable and in the native language of the parent/guardian.

A written request for an independent educational evaluation at district expense shall be immediately forwarded to the Director of Special Education, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state his/her reasons for disagreement with the evaluation conducted or proposed by the District. The District cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.

PARC v. Com.  
343 F. Supp. 279

34 CFR Sec.  
300.502  
Pol. 140

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The criteria under which the independent educational evaluation at public expense is obtained must be the same as the criteria used by the District in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

Within ten (10) school days of receipt of a request for an independent educational evaluation in writing from a parent/guardian, the Director of Special Education shall either initiate a due process hearing to show that the district's evaluation is appropriate and notify the parent/guardian in writing that s/he has done so or issue to the parent/guardian correspondence containing:

1. Assurance that the District will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy.
2. Statement that the District will not pay for the evaluation until it receives directly from the evaluator a complete copy of a report of that evaluation and determines that the evaluation is in compliance with this policy.
3. Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the District will pay any cost not covered by such sources.
4. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the Director of Special Education to arrange for payment of the evaluation.

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Upon request, the District shall provide to parents/guardians information about where an independent educational evaluation may be obtained.

If the evaluation has already been conducted and paid for, the District shall issue correspondence advising the parent/guardian that the District will not reimburse the parent/guardian for the evaluation until it receives a complete and un-redacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy. The District shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement.

The Director of Special Education shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

The Director of Special Education shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.

**References:**

State Board of Education Regulations – 22 PA Code Sec. 14.122, 14.123, 14.124, 14.125, 14.133

Individuals with Disabilities Education Act – 20 U.S.C. Sec 1400 et seq.

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Pa. Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)

Board Policy – 113, 113.1, 113.2, 140, 209

Policy No. 113.4

Section PROGRAMS

# Policy



Title CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION

# Guide

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b>		
<b>Section 1</b>	<p><b><u>Authority</u></b></p> <p>The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.</p> <p>The District shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.</p> <p>The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the District or an outside program provided through the District.</p>	<p>Pol. 113</p> <p>Pol. 216</p> <p>34 CFR 300.520, 300.625</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Destruction</b> shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.</p> <p><b>Disclosure</b> shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means,</p>	<p>34 CFR 300.611</p> <p>34 CFR 99.3</p>

**POLICY NO. 113.4  
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STUDENT INFORMATION**

including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

**Education Records**, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

34 CFR 99.3  
20 U.S.C. 1232g  
Pol. 216

**Personally identifiable information** includes, but is not limited to:

34 CFR 99.3,  
300.32

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

<b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b>		
<b>Section 3</b>	<p><b><u>Guidelines</u></b></p> <p><u>Parental Access Rights</u></p> <p>The District shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the District in connection with providing special education services to the student.</p> <p>The District shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.</p> <p>The District shall comply with a parental request for review within forty-five (45) days following receipt of the request.</p> <p>A parent's/guardian's right to inspect and review education records includes the right to:</p> <ol style="list-style-type: none"> <li>1. A response from the District to reasonable requests for explanations and interpretations of the records.</li> <li>2. Request that the District provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records.</li> <li>3. Have a representative inspect and review the records.</li> </ol> <p>If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.</p> <p>The District shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the District.</p>	<p>34 CFR 99.10, 300.613</p> <p>34 CFR 99.4, 300.613</p> <p>34 CFR 99.10, 300.613</p> <p>34 CFR 99.12, 300.615</p> <p>34 CFR 300.616</p>

**POLICY NO. 113.4  
CONFIDENTIALITY OF SPECIAL EDUCATION  
STUDENT INFORMATION**

Fees

The District may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.

34 CFR 99.11,  
300.617

The District shall not charge a fee to search for or to retrieve information in response to a parental request.

Record Of Access

The District shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees.

34 CFR 300.614

The District's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment Of Records Upon Parental Request

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the District amend the information.

34 CFR 99.20,  
300.618

The District shall decide whether to amend the information within a reasonable period of time from receipt of the request.

If the District declines to amend the information in accordance with a parental request, the District shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.

Records Hearing

The District shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's

34 CFR 99.21,  
300.510-300.516,  
300.619

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privacy or other rights. The District recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.

Hearing Procedures

A hearing to challenge information in education records must meet the following requirements:

1. The District shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The District shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The District shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one (1) or more individuals of his/her choice, including an attorney.
5. The District shall inform parents/guardians of its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Result of Hearing

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall amend the information accordingly and inform the parent/guardian in writing.

34 CFR 99.22,  
300.621

34 CFR 99.21,  
300.620



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If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights, the District shall inform the parent/guardian of the parent’s/guardian’s right to place in the student’s records a statement commenting on the information and/or providing any reasons for disagreeing with the district’s decision.

Any explanation placed in the student’s records shall be:

1. Maintained by the District as part of the student’s records as long as the record or contested portion is maintained by the District; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention And Destruction Of Information

The District shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention. Student records include any financial documents related to any services that a student receives.

34 CFR 300.623

The District shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.

34 CFR 300.623

In order to comply with state compliance monitoring requirements, the District shall maintain education records for students receiving special education services for at least six (6) years.

Pol. 216

The District shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student.

34 CFR 300.624

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After notice, such information shall be destroyed upon parental request.

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.

34 CFR 99.10

The District may maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.

34 CFR 300.624

The District shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.

34 CFR 300.623

Disclosure To Third Parties

The District shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.

34 CFR 99.30,  
99.31, 300.154,  
300.622  
Pol. 113.1, 113.2,  
216

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

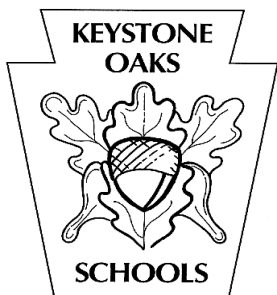
34 CFR 300.622

If a student is enrolled, or is going to enroll in a private school that is not located in the District of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the District where the private school is located and officials in the District of the parent's/guardian's residence.

34 CFR 300.622

<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b></p> <p><b><u>Delegation of Responsibility</u></b></p> <p>In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Director of Special Education to coordinate the district’s efforts to comply with this policy and applicable laws and regulations.</p> <p>All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.</p> <p>References:</p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 99 et seq, 300 et seq</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Board Policy – 113, 113.1, 113.2, 216</p>	<p>34 CFR 300.623</p> <p>34 CFR 300.623</p>
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# Policy Guide



Policy No. 828

Section OPERATIONS

Title CONFLICT OF INTEREST

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 828 CONFLICT OF INTEREST</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Confidential information</b> shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.</p> <p><b>Conflict or Conflict of interest</b> shall mean use by a Board member or district employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.</p>

65 Pa. C.S.A. 1101 et seq.

65 Pa. C.S.A. 1101 et seq.

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**De minimis economic impact** shall mean an economic consequence which has an insignificant effect.

65 Pa. C.S.A. 1101 et seq.

**Financial interest** shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.

65 Pa. C.S.A. 1101 et seq.

**Honorarium** shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

65 Pa. C.S.A. 1101 et seq.

**Immediate family** shall mean a person's spouse, parent, stepparent, foster parent, child, stepchild, foster child, brother, stepbrother, foster brother, sister, stepsister, foster sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin. The term also includes any other person who shares the same residence and who is generally regarded within the family as being an immediate family member, such as a domestic partner.

65 Pa. C.S.A. 1101 et seq.

**Business partner** shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

**Section 3**

**Delegation of Responsibility**

Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and district employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

<p><b>Section 4</b></p>	<p><b>POLICY NO. 828 CONFLICT OF INTEREST</b></p>	
	<p><b><u>Guidelines</u></b></p>	
	<p>The Superintendent or his/her designee will provide a review of this policy each year to all employees and Board Members.</p>	
	<p><u>Disclosure of Financial Interests</u></p> <p>No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.</p>	<p>Pol. 004</p>
	<p>The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.</p>	<p>51 PA Code 15.2 65 Pa. C.S.A. 1104</p>
	<p><u>Standards of Conduct</u></p> <p>The District maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.</p>	<p>2 CFR 200.318</p>
<p>No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.</p>	<p>2 CFR 200.318</p>	
<p>The District shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the District to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Board member or employee shall</p>	<p>65 Pa. C.S.A. 1101 et seq.</p>	

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not have any supervisory or overall responsibility for the implementation or administration of the contract.

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

1. Public notice of the intent to contract for goods or services.
2. A reasonable amount of time for potential contractors to consider whether to offer quotes.
3. Post-award public disclosure of who made bids or quotes and who was chosen.

Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken.[1]

65 Pa. C.S.A. 1101 et seq.

No public official or public employee shall accept an honorarium.

65 Pa. C.S.A. 1101 et seq.

Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.

2 CFR 200.318  
Pol. 322, 422, 623

Improper Influence

No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.

65 Pa. C.S.A. 1101 et seq.

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No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.

65 Pa. C.S.A. 1101 et seq.

Organizational Conflicts

Organizational conflicts of interest may exist when due to the District's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the District may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.

2 CFR 200.318

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the District would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors.
2. Any district employees or officials directly involved in the activities of the related organization are excluded from the selection and award process.
3. A competitive bid, quote or other basis of valuation is considered.
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.



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Reporting Conflicts of Interest

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Solicitor.

Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Superintendent or Solicitor

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.

The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity and potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.

2 CFR 200.112

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.

Disciplinary Actions

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

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The School Solicitor will collaborate with the Superintendent on the proper form of discipline. If the Superintendent was to be the subject of the discipline, then the School Solicitor would collaborate with the Board.

Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment. Any individual Board Member or school employee who violates this Standard of Conduct will be subject to disciplinary action per the State Ethics Commission, local, state, and/or federal laws.

References:

Title 65 Ethics Standard and Financial Disclosure – 65 Pa. C.S.A. 1101 et seq., 1104

PA Code – 51 PA Code 15.2

Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards – 2 CFR Part 200.318

Board Policy – 004, 317, 417, 517, 623

65 Pa. C.S.A. 1101  
et seq.  
Pol. 317, 417, 517