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Charter School Policy & Procedure Requirements

Presentation for the Department of Education

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Presentation Overview – Required Policies

- Financial Policies:
 - Procurement/Purchasing Policy
 - Conflict of Interest/Standard of Conduct Policy
 - Inventory Management & Assets Policy
 - District Travel Policy
 - Time & Effort Policy
 - Allowable Cost Determination



- Record Retention Policy & Procedure
- Admissions Policy

Presentation Overview – Required Policies

- Behavioral Policies:
 - Gun Free School Act Policy
 - Drug Free Workplace Policy
 - Prohibiting the Aiding and Abetting of Sexual Abuse Policy
 - Student Discipline Policies
- Emergency Preparation Policies:
 - School Closure Plan



- Policy Drafting Tips & Policy Enforcement
- Resources

CSP Grant Required Policies





NHED Charter School Office CSP Grant Information Packet

Required Policies

Policy/Procedure Name	In Accordance With
Procurement/Purchasing Policy and Procedures	2 CFR 200.317 through 2 CFR 200.327
School Closure Plan	Per RSA 194-B:3 I (z)
Conflict of Interest/Standard of Conduct Policy	2 CFR 200.318(c)(1)
Inventory Management including Disposition/Depreciation of Assets Policy and Procedure	2 CFR 200.313(d)
Student Discipline (bullying, limiting seclusion/restraints, etc)	Per RSA 193-F; 126-U:1
Admissions and Lottery Policy and Procedures consistent with federal requirements (these are stricter than NH RSAs)	20 U.S.C. 7221i(1)(E), (G), (H), and (K); 5204(a)(1) of ESEA; Part B of the Individuals with Disabilities Education Act; and Federal civil rights laws
District Travel Policy	2 CFR 200.475(b)
Time and Effort Policy and Procedure	2 CFR 200.430
Record Retention Policy and Procedure*	2 CFR 200.334
Allowable Cost Determination	2 CFR 200.302(b)(7)
Gun Free School Act	Gun Free School Act of 1994
Drug Free Workplace	34 CFR 84.200 & Drug-Free Workplace Act of 1988
Prohibiting the Aiding and Abetting of Sexual Abuse	Section 8546 of ESEA



Grant Audits: Lessons Learned

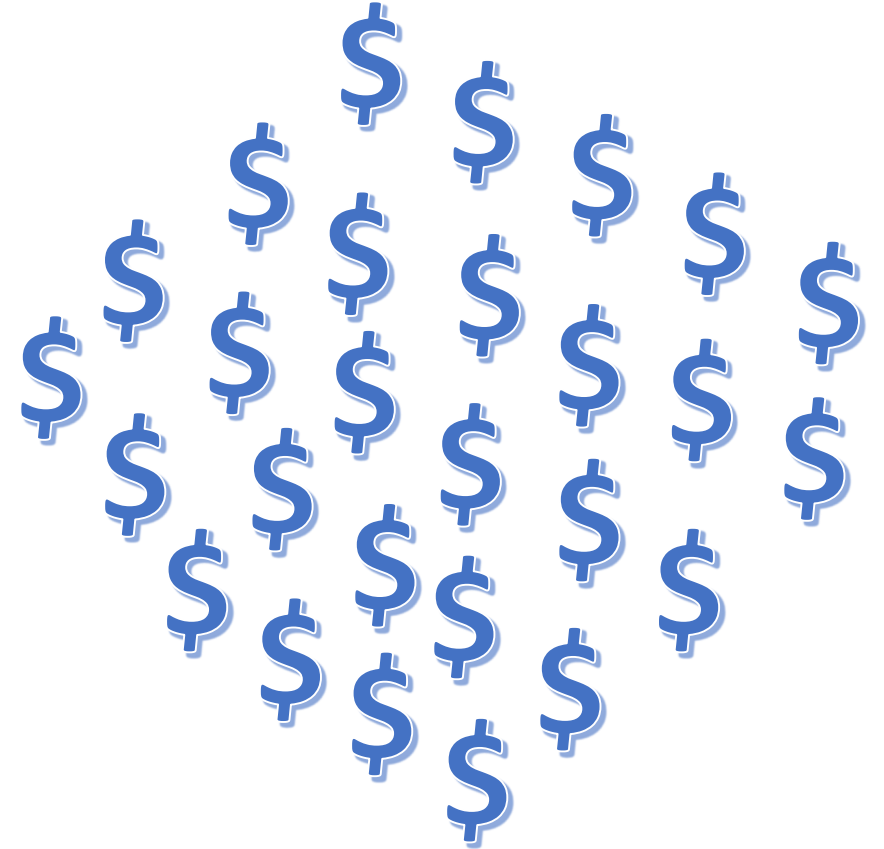
- Audits of charter schools conducted by the DOE have resulted in a list of key policies that are insufficient to meet key funding requirements.
 - Such policies are either missing (unwritten) or lacking important criteria.
- *Tip:* Even if your institution has these policies in place, be sure to check whether any should be updated to account for new requirements for policies that have been in place for several years.

Financial Policies



Procurement/Purchasing Policy

- Charter schools must have a policy that aligns with federal requirements and must maintain documentation that the policy and procedures were followed for contracts with vendors/suppliers, bids, and quotes.



Procurement/Purchasing Policy

- Policy must aim to avoid duplicative and excess purchases, including shared goods and services.
- Procedure must indicate that the charter school will maintain oversight of contractors to ensure compliance.
- Charter school must keep records of:
 - Rationale for method of procurement, selection of contract type, contractor selection/rejection, and basis for contract price.



Procurement/Purchasing Policy

- All contracts must be awarded after providing for full and open competition, which requires that all bids/submissions not be restrictive, meaning:
 - Placing unreasonable requirements on contractors in order to qualify;
 - Requiring unnecessary experience and excessive bonding;
 - Noncompetitive pricing practices between firms;
 - Noncompetitive contracts to consultant that are on retainer contracts;
 - Organizational conflicts of interest;
 - Specifying only a “brand name” product; and
 - Any other arbitrary action in the procurement process.
- Charter schools must always perform a cost or price analysis.



Conflict of Interest/Standard of Conduct Policy

- Charter schools must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- A conflict (under federal law) exists when the employee or agent (including any member of their immediate family, their partner), or an organization which employs or is about to employ any of same parties, has a financial or other interest in or a tangible personal benefit from a company considered for a contract.


Conflict of Interest/Standard of Conduct Policy

- The standards of conduct must provide for disciplinary actions to be applied for violations of such standard by employees and agents.



Conflict of Interest/Standard of Conduct Policy

- This standard of conducts policy is required under the procurement and purchasing policy.
- In addition, charter schools are non-profit entities and must maintain a Board conflicts of interest policy.
- *Tip:* The N.H. Charitable Trusts Unit provides sample conflict of interest policies for non-profit entities to use when preparing their own policies.



1. Disclosure and Voting Requirements. Any possible conflict of interest on the part of any Director or Officer shall be disclosed in writing to the Board and made a matter of record through an annual procedure. In addition, the Director or Officer shall disclose any conflict of interest when a specific issue or transaction comes before the Board. Where the transaction involving a board member, trustee or officer exceeds five hundred dollars (\$500) but is less than five thousand dollars (\$5,000) in a fiscal year, a two-thirds vote approving the transaction is required. Where the transaction involved exceeds five thousand dollars (\$5,000) in a fiscal year, a two-thirds vote approving the transaction and publication of a legal notice in the required newspaper is mandatory, together with written notice to the Charitable Trusts Unit. The minutes of the meeting shall reflect that a disclosure was made; that the interested Director and all other Directors with a pecuniary transaction with the charity during the fiscal year were absent during both the discussion and the voting on the transaction. Every new member of the Board will be advised of this policy upon entering the duties of his or her office and shall sign a statement acknowledging understanding of and agreement to this policy.

2. Other Statutory Requirements. The Board will comply with all requirements of New Hampshire law dealing with pecuniary benefit transactions (RSA 7:19-a and RSA 292: 6-a) and all such laws are incorporated in full into and made a part of this policy statement. These requirements include, but are not limited to, an absolute prohibition on any loans to any director or, and prohibition of any sale or lease (for a term greater than five years) or conveyance of real estate from or to an officer or director without the prior approval of the probate court. These requirements extend to both direct and indirect financial interests, as defined by the statutes.

Inventory Management & Assets Policy



- Assets purchased with federal funds must be logged and tagged.
- Charter schools must maintain documentation of asset logs (inventory), tagging, and adoption of a dissolution and depreciation policy.

Inventory Management & Assets Policy

- Under 2 CFR 200.1, equipment is tangible property valued at \$5,000 or more or items that are “pilferable” (e.g., cell phones, iPads, tablets, cameras, etc.).
- Management requirements for equipment including the obligation to inventory and secure these items until they are no longer used.
- Records must include: description of the property, serial/ID number, source of funding, title holder, acquisition date, cost, federal participation in costs (%), locate, use, and condition.

District Travel Policy

- Charter schools must have a written travel policy regarding the reimbursement for reasonable travel costs by employees and officers.
- If charges are submitted directly to federal grant funds, documentation must justify that costs were necessary to participation in federal aware, and are reasonable and consistent with written travel policy.



Time & Effort Policy



- To allow dual employment, a charter school must have a written policy outlining the extent to which that is allowed.
- This policy should consider the effort the employee working on Federal awards allocates between charter school activities and the second organization.

Allowable Cost Determination



- This policy must outline the methodology for determining allowability of costs, including travel and time and effort policies.
- This procedure should focus on the appropriate chain of command for approval.

Record Retention Policy & Procedure



Record Retention Policy

- A written policy providing the procedure by which all financial records, supporting documents, statistical records, and other records relating to a federal award will be maintained for at least 3 years after final expenditure report submission (or, if applicable, quarterly or annual report).



Record Retention Procedure

- The 3-year period applies, unless certain circumstances apply, including:
 - Any litigation, claim, or audit is started before the expiration of this period, upon which the records must be retained until resolution;
 - If notified in writing by the federal awarding agency a longer period will apply;
 - Records of real property and equipment acquired with federal funds must be retained until three years after disposition

Admissions Policy



Admissions Policy



- Federal requirements are stricter than New Hampshire laws.
- Lottery system
 - If more students than spots, this is permitted
 - Weighted system permitted as long as not creating school for a particular subset.

Behavioral Policies





Gun Free School Act Policy

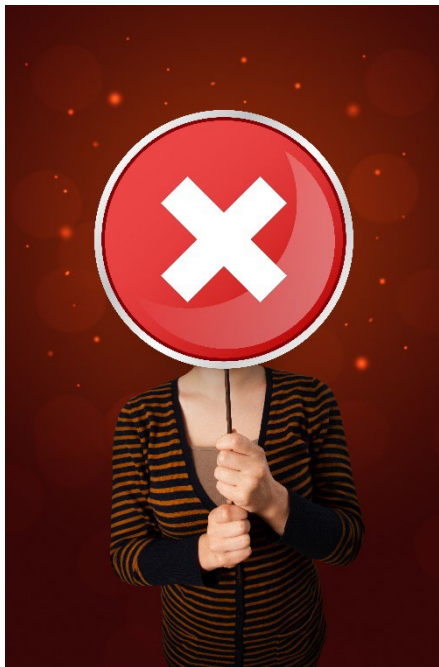
- Each LEA must have a policy that indicates any student who has brought a “weapon” to school must be expelled for a period of at least one year.
- Policy must include procedure to refer any violating act to the criminal justice system.
- In addition, charter schools should have a policy that indicates the Director will notify the local school board of any violation, to enforce the one-year expulsion.



Drug-Free Workplace Policy

- Charter schools are obligated to make a good faith effort to maintain a drug-free workplace as a condition of their receipt of federal awards.
- A written drug-free workplace statement must be published, including:
 - Specific actions that will be taken for violations (including termination).
 - Clarifying abiding by the statement is a condition of employment.
 - Unlawful use or possession of a controlled substance is a violation.

Drug-Free Workplace Policy



- Charter schools must also establish a drug-free awareness program to inform employees about:
 - Dangers of drug abuse in the workplace;
 - Drug-free workplace policy;
 - Any available counseling, rehab., and EAPs; and
 - Penalties imposed for violations of policy.



Drug-Free Workplace Policy

- Any drug convictions for employees performing an award must be reported to the awarding agency within 10 days of notice to school.
- Within 30 days of notice, must either take appropriate personnel action (consistent with Rehabilitation Act) or require satisfactory treatment participation.



Prohibiting the Aiding and Abetting of Sexual Abuse Policy

- Written policy must clearly indicate that no employee, contractor, or agent may assist an employee, contractor, or agent in obtaining a new job if the individual knows (or has probable cause to believe) that the person engaged in sexual misconduct regarding a minor or student.
- Does not apply to routine transmission of administrative and personnel files.

Prohibiting the Aiding and Abetting of Sexual Abuse Policy



- Does not apply to matters that have been properly reported to the authorities if:
 - A determination has been made that there is insufficient information to establish probable cause after investigation;
 - The individual has been acquitted or exonerated of the alleged misconduct; or
 - Case remains open (without charges) after 4 years of report to authorities.

Student Discipline Policies

- Two key sub-policies required:
 - Bullying and Cyberbullying Policy (RSA 193-F)
 - Limiting Seclusions/Restraints Policy (RSA 126-U)



Student Discipline Policies

- Bullying and Cyberbullying Policy must contain (among others):
 - Statement prohibiting bullying or cyberbullying of a student;
 - Statement prohibiting retaliation or false accusations against a victim, witness, or person providing good faith information;
 - Statement there will be disciplinary consequences for any act of bullying/cyberbullying;
 - A procedure for reporting violations;
 - A procedure for the investigation of reports (within 5 school days); and
 - Identification of school officials who are responsible for implementation

Student Discipline Policies

- Limiting Seclusion/Restraints Policy:
 - Dangerous restraints are always prohibited (e.g., compression of respiratory system, obstruction of circulation of blood, covering a child's mouth or nose, or significantly exacerbating a child's medical condition);
 - In emergencies, a physical restraint is only permitted when necessary to ensure the immediate physical safety of persons when there is an imminent, substantial risk of serious bodily harm (only trained persons).
 - Seclusion may not be a form of punishment, but only when behavior poses an imminent, substantial risk of physical harm to the child or others, and may only continue until danger is dissipated.

Student Discipline Policies (cont.)



Emergency Preparation Policies



School Closure Plan

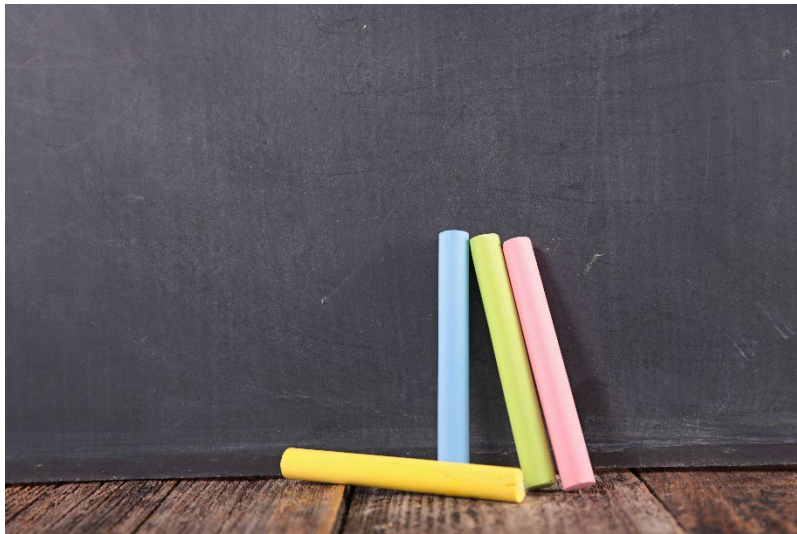


- As a nonprofit entity, a charter school must have a plan in place for the dissolution of the school and its assets or amendment of its program plan.
- If closed, the reason for closure (e.g., declining enrollment; facility challenges) will be published.

Policy Drafting Tips & Policy Enforcement



Formatting Policies



- Charter school policies should look consistent with each other (e.g., header, footer, typestyle, signature, and approval date formatting).
- Charter schools should use a lettering/numbering system to identify the type of policy.
- Clearly identify persons responsible for implementation by title (not just name).

Language Tips

- When utilizing public resources, make sure to avoid “district” or “SAU” when referring to the charter school in policies.
 - Similarly, use “director” instead of “superintendent,” “dean,” or “head of school.”
- Focus on consistently referring to school-specific information, such as job titles, resident school district, and building names and locations
- Consistent with non-discrimination laws, utilize the gender neutral “they” when referring to individual persons in policies.

Enforcing Policies

- The Policies exist for specific reasons, and when a situation arises:
 - Follow the policies & procedures
 - Maintain the chain of command
 - Ask Questions if you have them
 - Document compliance
- Also, before a situation arises: **KNOW WHO IS RESPONSIBLE**





Questions?



Resources:

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/bullying-cyber-bullying>
<https://www.gencourt.state.nh.us/rsa/html/XV/193/193-1-c.htm>
<https://www.gencourt.state.nh.us/rsa/html/xv/194-b/194-b-mrg.htm>
<https://www.education.nh.gov/education-pathways/public-charter-schools/charter-school-resources-and-links>

Thank You

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