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November 3, 2022

Robert Malay
Superintendent, SAU 29
193 Maple Avenue
Keene, NH 03431

Dear Superintendent Malay:

This letter is to summarize and report on the July 14, 2022 FY22 ESSER programmatic monitoring of Keene School District. I want to thank your team for the cooperation and hard work leading up to the monitoring.

Enclosed is a comprehensive summary of the FY22 programmatic ESSER monitoring at Keene School District including findings and necessary corrective actions. Your plan to address each finding must be presented to the NHED in writing. A Corrective Action Plan template and Evidence Submission template are attached to this report, and the LEA will need to complete these documents and attach substantiating evidence per the instructions. LEAs will have up to 90 days from receipt of this report to demonstrate compliance in any areas that were found to be in violation of state or federal requirements. Please send all required corrective action and evidence submissions to the attention of Ellen Podgorski at the Division of Learner Support.

Report Summary				
Requirement	Status	Page Number	Corrective Action Plan Due	Evidence Submission Due
1. Allowability	Met Requirements	2	N/A	N/A
2. Learning Loss	Met Requirements	3	N/A	N/A
3. Equitable Services	Met Requirements	3	N/A	N/A
4. Continued Payment	Met Requirements	4	N/A	N/A
5. Maintenance of Equity	Monitoring in Progress	4	N/A	N/A
6. Construction	Findings (3)	5-6	12/6/2022	2/7/2023
Activity Review	Met Requirements	7	N/A	N/A

We consider this process a partnership. Please do not hesitate to seek technical assistance from me or from anyone within the Division of Learner Support. The goal is to make sure that students and staff are receiving the benefits of the COVID-19 Education Programs in accordance with requirements and regulations in an effective response to the challenges of the COVID-19 pandemic.

Sincerely,

Ellen C. Podgorski

Ellen C. Podgorski
Program Specialist, COVID-19 Education Programs

Cc: Jessica Lesarbeau, NHED Administrator of COVID-19 Education Programs
Marcy Frink, Staff Accountant, SAU 29

FY22 ESSER Programmatic Monitoring Report on Required Evidence of Compliance

**SAU 29 Keene School District (“LEA”)
Monitoring Review Date: 7/14/22**

**Reviewer: Ellen Podgorski (“EP”)
Final Report Date: 11/3/2022**

I. Requirement of Allowable Activities 2.C.F.R.200.403-475

Summary and Analysis:

Monitoring review staff assessed the LEA’s efforts to demonstrate that the LEA’s ESSER-funded activities are allowable, reasonable, and necessary and undertaken to prevent, prepare for, and respond to COVID-19.

LEA presented and EP reviewed:

- Information presented to the School Board re: COVID-19 grants; information contains an explanation of funding sources, allocations broken down by activities (e.g., for CARES: computers, online curriculum, dishwasher, outdoor classroom, cleaning supplies, PPE). Information includes a description of how the LEA will make decisions on the use of ESSER funds: data collection from staff, community, leadership, external partners, common themes, prioritization.
- ESSER spending protocol spreadsheet, which lists project proposals separated into three buckets: 1. Safety 2. Academics 3. Technology. Spreadsheet includes estimated cost, timeline, whether or not it was approved, and the current status. District notes that at least 20% of ESSER III funds must be earmarked for academic recovery and acceleration. Project proposals include: picnic tables, play space expansion, HVAC and ventilation upgrades, elementary math specialist, Edmentum software program, school behaviorists, fiber optics plan, physical education supplies, books, outdoor instruction and lunch opportunities, and healing educator burnout.
- ESSER spending stakeholder survey results to include responses from employees, parents/guardians, community members, and students.
- Administrative stakeholder survey results.
- Information provided to stakeholders including ESSER funding slide deck, ESSER funding handout, link to stakeholder information section on SAU 29 website.
- Narrative explanation to address how the LEA researched items for purchase; LEA stated that the process required administrators to initially research and present to stakeholders the investment and how it would impact one of the three buckets identified in the ESSER Information slide deck.

Findings: None

Evidence of Correction Needed: None

Corrective Action Plan Due Date: N/A

II. Requirement to Address Learning Loss: *Public Law 117-2 Sec. 2001*

Summary and Analysis:

Monitoring review staff assessed the LEA's compliance with the use of at least 20% of ARP ESSER funds to address learning loss.

In addition to the items noted in Section I above, LEA presented and EP reviewed:

- Information regarding activities planned to address learning loss to include training in the basic principles and methods of EL Education as a core framework for teaching English language arts; hiring a Coordinator of Alternative Education Services; a retreat for educators and administrators to learn how to deal with burnout and help students to deal with stress; a supplemental math program, a subscription to Lexia Academy; and hiring an elementary math specialist.
- A narrative explanation that the LEA has not been able to hire staff to address learning loss needs and that the positions for Coordinator of Alternative Education Services and the Elementary Math Specialist remain unfilled.
- A narrative explanation that the LEA has determined priority areas for addressing learning loss through reviewing local benchmarking assessments and SAS; the LEA has used local assessment data to prioritize students individually to receive intervention support and differentiated instruction in the classroom; and the LEA is using funds to support educators in helping to provide better Tier I & II support in math and reading.

Findings: None. The LEA should direct its continued attention toward meeting and documenting compliance with all learning loss requirements throughout the period of the ARP-ESSER grant award.

Evidence of Correction Needed: N/A

Corrective Action Plan Due Date: N/A

III. Requirement to Provide Equitable Services *Applies to ESSER I funds only. *Public Law 116-136 Sec. 18005*

Summary and Analysis:

Monitoring review staff assessed the LEA's compliance with providing equitable services in accordance with federal requirements.

LEA presented and EP reviewed:

- Description of the district's efforts to provide equitable services to non-public schools. Narrative states that grants coordinator spoke over the phone with a representative of each of the district's five private schools to let them know about the ESSER I award and each school's allotment; no third-party contracts were issued; instead of sending surveys, the grants coordinator discussed needs and opportunities individually with schools. All private schools responded. All private schools were eligible.
- Equitable services assurances for a new private school, Ashuelot Valley Academy signed 8/3/20; letters sent from grant coordinator to non-public schools: Ashuelot Valley Academy, Cedarcrest Center for Children with Disabilities, Monadnock Waldorf School, St. Joseph Regional School, and Trinity Christian School. The letters provide information about available funds, including ESSER I.

Findings: None

Evidence of Correction Needed: N/A

Corrective Action Plan Due Date: N/A

IV. Requirement for Continued Payment to Employees: *Public Law 116-136 Sec. 18006; Public Law 116-260 Sec. 315*

Summary and Analysis:

Monitoring review staff assessed the LEA's compliance with federal requirements for continued payments to employees and contractors.

LEA presented and EP reviewed:

- An attestation by the Chief Financial Officer that the LEA continued to pay its employees as required during the time of any closures.

Findings: None

Evidence of Correction Needed: N/A

Corrective Action Plan Due Date: N/A

V. Requirement for Maintenance of Equity: *Public Law 117-2 Sec. 2004*

Summary and Analysis:

Monitoring review staff assessed the LEA's compliance with Maintenance of Equity requirements.

- NHED monitors each LEA's compliance with the Maintenance of Equity requirement through a parallel process, which tracks spending across schools in each district. NHED will review the district's final FY22 financial data when it is available in fall 2022 to determine whether or not the district has maintained compliance with the FY22 Maintenance of Equity requirement.

Findings: None

Evidence of Correction Needed: N/A

Corrective Action Plan Due Date: N/A

VI. Construction Requirements: *2 C.F.R.200, 34 C.F.R. 75.600-617, Davis-Bacon Act***Summary and Analysis:**

Monitoring review staff assessed the LEA's compliance with ESSER construction requirements.

Wheelock School HVAC Project

LEA presented and EP reviewed:

- 12/6/21 equipment list for the project.
- 2/28/22 Notice to Proceed to EEI including the scope of work (ventilation improvements at Wheelock Elementary School), federal terms, and 2/25/22 prevailing wage rates.
- 2/28/22 Performance Bond and Payment Bond for \$1,618,446 for Wheelock ESSER HVAC ventilation improvements.
- 3/7/22 fully executed contract between LEA and EEI for the work for the amount of \$1,776,127.51.
- 3/28/22 Performance Bond and Payment Bond for \$1,776,127.51 for Wheelock 2021-2022 Energy Performance Contract
- 2/11/22 Division of Historical Resources Approval
- Architectural plans and 6/30/22 building permit issued by the City of Keene
- Certified Payroll Reports from 1/30/22 – 9/25/22 that show payment of prevailing wages.

Keene High School and Keene Middle School Fiber Optics Project

- Sales and Installation Agreement between First Choice Communication Services and Keene High School for the purchase and installation of an operating fiber system.
- Sales and Installation Agreement between First Choice Communication Services and Keene Middle School for the purchase and installation of an operating fiber system.
- First Choice Communication Services Certified Payroll Report for July and August 2022
- 7/13/22 purchase order for \$59,723.76 for the Keene High School fiber project.
- 7/13/22 purchase order for \$9,812.01 for the Keene Middle School fiber project.
- 7/13/22 invoice from First Choice to Keene School District for \$29,861.90.
- 7/13/22 invoice from First Choice to Keene School District for \$4,906.01.
- SymQuest Statement of Work for Video LAN implementation for Keene High School and Keene Middle School.
- 7/7/22 technology estimate from SymQuest for \$52,922.
- 7/14/22 invoice from SymQuest to Keene School District for \$52,922.
- Map of proposed and existing trenches for fiber at Keene High School along with Division of Historical Resources Approval.
- 8/8/22 estimate and 9/27/22 invoice from Wilder and Sons for trench work for \$43,500.
- Keene School District inventory tracker worksheet for network, fiber, and trench work.
- A narrative explanation of the project status stating that a fire permit and a building permit are not required for the project; that trench digging has not yet begun and that Wilder and Sons has been contacted for the contract; and that the network equipment from Symquest has been delayed due to back orders.

Findings:

1. The Sales and Installation Agreements with First Choice Communication Services and the SymQuest Statement of Work for Video LAN implementation do not incorporate some of the required elements for federally funded work. The LEA has not yet submitted a contract with Wilder and Sons for the trench work. All contracts for the fiber optics project are subject to all applicable federal requirements.
2. The LEA did not submit written procedures, checkout procedures, and records requirements for property and equipment related to construction projects (i.e., procurement procedures, equipment/inventory management procedures, and record retention procedures).
3. The LEA did not submit the title to each building undergoing ESSER-funded construction.

Evidence of Correction Needed:

1. The LEA must submit the contract with Wilder and Sons for the trench work when it is available. The LEA must submit evidence that the LEA followed small purchase procurement requirements with regard to the selection of Wilder and Sons for the trench work. In addition, The LEA must demonstrate compliance with Davis-Bacon requirements for the fiber optics project work that has been completed thus far.
2. The LEA must submit written procedures, checkout procedures, and records requirements for property and equipment related to construction projects (i.e., procurement procedures, equipment/inventory management procedures, and record retention procedures).
3. The LEA must submit the title to each building undergoing ESSER-funded construction or tax documentation demonstrating that Keene School District is the owner of the buildings.

Corrective Action Plan Due Date: December 6, 2022

Fully Implemented Corrective Action Plan/Evidence of Correction Due Date: February 7, 2023

Activities Selected for Further Programmatic Review

Summary and Analysis:

Monitoring review staff selected ESSER-funded activities for which the LEA requested reimbursement for further review.

ARP-ESSER Activity 108834 Reimbursement Requested November 2021: The LEA submitted a reimbursement request for the amount of \$83,160 for an activity including the purchase of a three-year subscription to Edmentum. LEA presented and EP reviewed:

- Invoice and check to Edmentum Inc. for \$83,160. Invoice shows 700 program licenses for Keene High School and 700 program licenses for Keene Middle School. Payment amount matches the reimbursement request amount of \$83,160.

ARP-ESSER Activity 117043 Reimbursement Requested April 2022: The LEA submitted a reimbursement request for the amount of \$13,611.56 for an activity including the purchase of 13 round picnic tables. LEA presented and EP reviewed:

- Invoice and check to Treetop Products Inc. for \$13,611.56. Invoice shows purchase of 13 tables. Payment amount matches the reimbursement request amount of \$13,611.56.

ARP-ESSER Activity 118813 Reimbursement Requested April 2022: The LEA submitted a reimbursement request for the amount of \$2,007.37 for an activity including the purchase of 62 surf chairs and carts, 16 Yogibo lounge bean bag seats, 15 wobble stools, 23 wobble seats, one set of four Cube Chairs, 15 standing desks, and 14 balance ball chairs. LEA presented and EP reviewed:

- Invoice and check to WB Mason Co Inc. A portion of the invoice is for the amount of \$1,379.40. Items purchased are “The Surf” portable desks (60).
- Invoice and check to The Prophet Corporation. Invoice shows purchase of Gaiam Kids Balance Ball Chairs (9). Payment amount is \$627.97. Total amount from these two purchases matches the reimbursement request amount of \$2,007.37.

Findings: None

Evidence of Correction Needed: N/A

Corrective Action Plan Due Date: N/A

**NHED ESSER Programmatic Monitoring
Corrective Action Plan**

(Use a separate form for each Corrective Action Item)

LEA Name:

Name of person completing this form

Date

Finding Number:

Description of Finding:

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

- (1) Partially implemented
- (2) Fully implemented
- (3) No further action required (provide detailed explanation below)

If option (1) is selected, please explain the implementation status as well as the anticipated completion date in the space below:

Anticipated Completion Date:

If option (2) or (3) is selected, please explain how the plan was implemented or why no further action is required in the space below:

Please return to Ellen.C.Podgorski@doe.nh.gov at the Division of Learner Support



**Evidence Submission
FY22 ESSER Programmatic Monitoring**

Evidentiary requirement of the Corrective Action Plan submitted to NHED on: _____

Use the template below to describe the evidence the LEA is providing in response to each FY22 ESSER Programmatic Monitoring LEA Report finding and Corrective Action Plan. Attach sufficient evidence to substantiate each corrective action taken. Please return your signed Evidence Submission to the NHED Division of Learner Support within 90 days of submitting the fully implemented Corrective Action Plan.

Finding 1:

The Sales and Installation Agreements with First Choice Communication Services and the SymQuest Statement of Work for Video LAN implementation do not incorporate some of the required elements for federally funded work. The LEA has not yet submitted a contract with Wilder and Sons for the trench work. All contracts for the fiber optics project are subject to all applicable federal requirements.

Corrective Action 1:

Evidence 1:

Finding 2:

The LEA did not submit written procedures, checkout procedures, and records requirements for property and equipment related to construction projects (i.e., procurement procedures, equipment/inventory management procedures, and record retention procedures).

Corrective Action 2:

Evidence 2:



Finding 3:

The LEA must submit the title to each building undergoing ESSER-funded construction or tax documentation demonstrating that Keene School District is the owner of the buildings.

Corrective Action 3:

Evidence 3:

Evidence Submission presented by

Superintendent

Date