

Book*	Policy Manual
Section	200 Pupils
Title	Attendance
Number	204 Vol II 2017
Status	First Reading
Legal	1. 22 PA Code 11.41 2. 22 PA Code 11.23 3. 22 PA Code 11.25 4. 22 PA Code 12.1 5. 24 P.S. 1327 6. 24 P.S. 1329 7. 24 P.S. 1330 8. 22 PA Code 11.13 9. 24 P.S. 1326 10. 42 Pa. C.S.A. 6302 11. 24 P.S. 510.2 12. 24 P.S. 1332 13. 24 P.S. 1339 14. 22 PA Code 11.22 15. 22 PA Code 11.28 16. Pol. 115 17. Pol. 116 18. Pol. 117 19. Pol. 118 20. 22 PA Code 11.34 21. 22 PA Code 11.32 22. 22 PA Code 11.5 23. 22 PA Code 11.31 24. 22 PA Code 11.31a 25. 24 P.S. 1327.1 26. Pol. 137 27. 22 PA Code 11.21 28. 22 PA Code 11.26 29. 24 P.S. 1546 30. 24 P.S. 1333 31. 24 P.S. 1333.1 32. 24 P.S. 1333.2 33. Pol. 103.1 34. Pol. 113 35. Pol. 113.3 36. Pol. 114 22 PA Code 11.8 22 PA Code 11.24

Purpose

The Board recognizes that attendance is an important factor in educational success, and supports a comprehensive approach to identify and address attendance issues.^[1]

Authority

Attendance shall be required of all students during the days and hours that school is in session, except that authorized district staff may excuse a student for temporary absences upon receipt of satisfactory evidence of mental, physical, or other urgent reasons that may reasonably cause the student's absence.^{[2][3][4][5][6][7]}

The Board shall establish and enforce attendance requirements, in accordance with applicable laws and regulations, Board policy and administrative regulations.

Definitions

Compulsory school age shall mean the period of a child's life from the time the child's parents/guardians elect to have the child enter school, and which shall be no later than eight (8) years of age until the child reaches seventeen (17) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.^{[8][9]}

Habitually truant shall mean six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.[\[9\]](#)

Truant shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.[\[9\]](#)

Person in parental relation shall mean a:[\[9\]](#)

1. Custodial biological or adoptive parent.
2. Noncustodial biological or adoptive parent.
3. Guardian of the person of a child.
4. Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child as defined by law.[\[10\]](#)

School-based or community-based attendance improvement program shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C of the Pennsylvania Public School Code.[\[9\]](#)

Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians, staff and

{X} local children and youth agency

{X} local Magisterial District Judges

about the district's attendance policy by publishing such policy in student handbooks, newsletters, district website and other efficient communication methods.[\[1\]](#)[\[11\]](#)

The Superintendent or designee, in coordination with the

{X} building principal,

{X} Attendance Officer,

{X} Home and School Visitor,

{ } (other) _____,

shall be responsible for the implementation and enforcement of this policy.

The Superintendent or designee shall develop administrative regulations for the attendance of students which:

1. Govern the maintenance of attendance records in accordance with law.[\[12\]](#)[\[13\]](#)
2. Detail the process for submission of requests and excuses for student absences.
3. Detail the process for written notices, School Attendance Improvement Conferences, School Attendance Improvement Plans, and referrals to a school-based or community-based attendance improvement program, the local children and youth agency, or the appropriate judge.
4. {X} Ensure that students legally absent have an opportunity to make up work.

Guidelines

Compulsory School Attendance Requirements

All students of compulsory school age who reside in the district shall be subject to the compulsory school attendance requirements.[\[5\]](#)

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; or the student is receiving approved homebound instruction.[\[2\]](#)[\[5\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)

The following students shall be excused from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.[\[6\]](#)[\[7\]](#)[\[20\]](#)
2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.[\[5\]](#)[\[21\]](#)
3. Students attending college who are also enrolled part-time in district schools.[\[22\]](#)
4. Students attending a home education program or private tutoring in accordance with law.[\[5\]](#)[\[17\]](#)[\[23\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved.[\[5\]](#)
6. Students fifteen (15) years of age, and fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits.[\[7\]](#)
7. Students sixteen (16) years of age regularly employed during the school session and holding a lawfully issued employment certificate.[\[7\]](#)[\[15\]](#)

Excused/Lawful Absence

For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons.[\[3\]\[6\]](#)
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.[\[6\]](#)
3. Quarantine.
4. Family emergency.
5. Recovery from accident.
6. Required court attendance.
7. Death in family.
8. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request.[\[1\]\[6\]](#)
9. {X} Observance of a religious holiday observed by bona fide religious group, upon prior written parental request.[\[27\]](#)
10. {X} Nonschool-sponsored educational tours or trips, if the following conditions are met:[\[6\]\[28\]](#)
 - a. The parent/guardian submits a written request for excusal prior to the absence.
 - b. The student's participation has been approved by the Superintendent or designee.
 - c. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the Superintendent.
11. {X} College or postsecondary institution visit, with prior approval.
12. {X} Other urgent reasons. Urgent reasons shall be strictly construed and do not permit irregular attendance.[\[3\]\[6\]](#)

The district may limit the number and duration of

{X} nonschool-sponsored educational tours or trips

{X} college or postsecondary institution visits

for which excused absences may be granted to a student during the school year.

Temporary Excusals -

The following students may be temporarily excused from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.[\[5\]\[14\]](#)[\[17\]](#)
2. Students participating in a religious instruction program, if the following conditions are met:[\[27\]\[29\]](#)
 - a. The parent/guardian submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
 - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
 - c. Following each absence, the parent/guardian shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
3. School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education.[\[20\]](#)

Parental Notice of Absence -

Absences shall be treated as unlawful until the district receives a written excuse explaining the absence, to be submitted within three (3) days of the absence.

A maximum of ten (10) days of cumulative lawful absences verified by parental notification shall be permitted during a school year. All absences beyond ten (10) cumulative days shall require an excuse from a licensed practitioner of the healing arts.

Unexcused/Unlawful Absence

For purposes of this policy, absences which do not meet the criteria indicated above shall be considered an unexcused/unlawful absence.

An out-of-school suspension may not be considered an unexcused absence.[\[9\]](#)

Parental Notification -

District staff shall provide notice to the person in parental relation upon each incident of unexcused absence.

Enforcement of Compulsory Attendance Requirements

Student is Truant -

When a student has been absent for three (3) days during the current school year without a lawful excuse, district staff shall provide

notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence.[30]

The notice shall:[30]

1. Be in the mode and language of communication preferred by the person in parental relation;
2. Include a description of the consequences if the student becomes habitually truant; and
3. When transmitted to a person who is not the biological or adoptive parent, also be provided to the child's biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

The notice may include the offer of a School Attendance Improvement Conference.[30]

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, district staff shall offer a School Attendance Improvement Conference.[30]

School Attendance Improvement Conference -

District staff shall notify the person in parental relation in writing and by telephone of the date and time of the School Attendance Improvement Conference.[30]

The purpose of the School Attendance Improvement Conference is to examine the student's absences and reasons for the absences in an effort to improve attendance with or without additional services.[9]

The following individuals shall be invited to the School Attendance Improvement Conference:[9]

1. The student.
2. The student's person in parental relation.
3. Other individuals identified by the person in parental relation who may be a resource.
4. Appropriate school personnel.
5. Recommended service providers.

Neither the student nor the person in parental relation shall be required to participate, and the School Attendance Improvement Conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference.[30]

The outcome of the School Attendance Improvement Conference shall be documented in a written School Attendance Improvement Plan. The Plan shall be retained in the student's file. A copy of the Plan shall be provided to the person in parental relation, the student and appropriate district staff.[30]

The district may not take further legal action to address unexcused absences until after the date of the scheduled School Attendance Improvement Conference has passed.[30]

Student is Habitually Truant -

When a student under fifteen (15) years of age is habitually truant, district staff:[31]

1. Shall refer the student to:
 - a. A school-based or community-based attendance improvement program; or
 - b. The local children and youth agency.
2. May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the student.[31]

When a student fifteen (15) years of age or older is habitually truant, district staff shall:[31]

1. Refer the student to a school-based or community-based attendance improvement program; or
2. File a citation in the office of the appropriate judge against the student or the person in parental relation who resides in the same household as the student.

District staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.[31]

Regardless of age, when district staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate judge, district staff shall provide verification that the school held a School Attendance Improvement Conference.[31]

Filing a Citation -

A citation shall be filed in the office of the appropriate judge whose jurisdiction includes the school in which the student is or should be enrolled.[32]

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.[32]

Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in

accordance with applicable law, regulations and Board policy.[33][34][35][36]

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.[33][34][36]

Discipline

The district shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.[30]

PSBA Revision 4/17 © PSBA 2017

Last Modified by Michele Bloch on May 31, 2017

Book	Policy Manual
Section	900 Community
Title	Public Participation in Board Meetings
Number	903
Status	First Reading
Legal	1. 65 Pa. C.S.A. 710 2. 65 Pa. C.S.A. 710.1 3. 24 P.S. 407 4. Pol. 006 65 Pa. C.S.A. 701 et seq

Purpose

The Board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in Board meetings. The Board also recognizes its responsibility for proper governance of the district and the need to conduct its business in an orderly and efficient manner.

Authority

The Board adopts this policy to govern public participation in Board meetings necessary to conduct its meeting and to maintain order.[\[1\]](#)

In order to permit fair and orderly expression of public comment, the Board shall provide an opportunity at each open meeting of the Board for residents and taxpayers to comment on matters of concern, official action or deliberation before the Board prior to official action by the Board.[\[2\]](#)

The Board shall require that all public comments be made at the beginning of each meeting regarding agenda items.

If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[\[2\]](#)

Delegation of Responsibility

The presiding officer at each public Board meeting shall follow Board policy for the conduct of public meetings. Where his/her ruling is disputed, it may be overruled by a majority of those Board members present and voting.[\[3\]](#)[\[4\]](#)

Guidelines

Whenever issues identified by the participant are subject to remediation under policies and procedures of the Board, they shall be dealt with in accordance with those policies and procedures and the organizational structure of the district.

The Board requires that public participants be residents or taxpayers of this district.~~-or-~~

- ~~1. Anyone representing a group in the community or school district.~~
- ~~2. Any representative of a firm eligible to bid on materials or services solicited by the Board.~~
- ~~3. Any district employee.~~
- ~~4. Any district student.~~

Participants must be recognized by the presiding officer and must preface their comments by an announcement of their name, address, and group affiliation if applicable.

Each statement made by ~~a participant~~ **an individual** shall be limited to three (3) minutes' duration. **Those representing a group will be allowed five (5) minutes.**

No participant may speak more than once on the same topic, unless all others who wish to speak on that topic have been heard.

All statements shall be directed to the presiding officer; no participant may address or question Board members individually.

The presiding officer may:

- Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.
- Request any individual to leave the meeting when that person does not observe reasonable decorum.
- Request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting.
- Call a recess or adjourn to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
- Waive these rules with the approval of the Board.

Electronic recording devices and cameras, **in addition to** those used as official recording devices, **shall be permitted at public meetings under guidelines established by the Board.**

Recording devices - shall be defined to mean battery-operated tape recorders and video taping equipment, as well as other motion picture

cameras which may be used without auxiliary lights. Video taping equipment or motion picture cameras which require auxiliary lighting will not be permitted unless consent is obtained pursuant to this policy. Recording devices which contain lights or other indicators (the light indicating camera in use) if deemed distracting shall not be used or shall be covered to eliminate the distraction upon request of the Board President. Cameras used for still photography with or without flash attachments (35 millimeter, instant cameras and the like) shall be permitted at the discretion of the Board.

The use of recording devices shall be limited to the area reserved for the public or such other area as may be designated from time to time. It is not the intention of this policy to limit the use of recording devices, but to have such recording devices in areas that would be least disruptive to the meeting.

In the event that a person in attendance at a meeting is using a recording device contrary to this policy or in such a manner as to disrupt the orderly transaction of business or the decorum of the meeting, the President shall have the authority to enforce this policy and take action necessary or required to establish order or decorum of the meeting.

No placards or banners will be permitted within the meeting room.

The meeting agenda and all pertinent documents shall be available to the press and public at the meetings.

Last Modified by Michele Bloch on May 31, 2017

Book	Policy Manual
Section	900 Community
Title	Public Attendance at School Events
Number	904
Status	First Reading
Legal	1. 35 P.S. 1223.5 2. 24 P.S. 511 3. 24 P.S. 775 4. 20 U.S.C. 7183 5. 24 P.S. 1302.1-A 6. 24 P.S. 1303-A 7. 22 PA Code 10.2 8. 22 PA Code 10.22 9. 18 Pa. C.S.A. 6305 10. Pol. 805.1 11. 43 P.S. 953 12. 28 CFR 35.136 13. Pol. 718 22 PA Code 403.1 20 U.S.C. 7181 et seq 28 CFR Part 35

Purpose

The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities during such events.

Definition

For purposes of this policy, tobacco **shall be defined as any tobacco product including** ~~includes~~ a lighted or unlighted cigarette, cigar, pipe or other smoking product or material **including electronic smoking devices and smokeless tobacco in any form. Smoking electronic cigarettes regardless of whether they contain tobacco derivative is also prohibited.**^[1]

Authority

The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. The Board prohibits gambling and the possession and use of controlled substances, alcoholic beverages and weapons on school premises.^{[2][3]}

Guidelines

A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.

Tobacco

The Board prohibits tobacco use by any persons in its school buildings and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.^{[1][4]}

The Superintendent or designee may report incidents involving the sale of tobacco to minors by any person on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.^{[5][6][7][8][9][10]}

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by any person on school property to the Office for Safe Schools on the required form.^{[6][10]}

The district shall annually notify staff, parents/guardians and members of the public about the district's tobacco policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.^[1]

Free Admittance

Two (2) non-transferable reserved seat football tickets for all home games will be distributed to all current Board Members, Superintendent, Assistant Superintendent, Administrative **Superintendent's** Assistant, and all principals on a yearly basis.

Past Board members who have served a full term shall, upon request, be granted a lifetime pass to all Highlands School District functions.

One (1) free ticket will be provided to all middle school athletes in their sport. These are non-transferable.

Senior Citizens "Gold Card Club"

The Board authorizes the formation of a Senior Citizens "Gold Card Club." Honorary membership is open to school district residents sixty-two (62) years of age or older. Membership entitles residents to free admission to all plays, musical productions and athletic events, general admission seating, by presenting their Gold Card. When reserved seats are available, Gold Card members may obtain such seating by paying the difference in

cost.

Eligible senior citizens must apply for a non-transferable membership cards.

Service Animals

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations.[\[11\]](#)[\[12\]](#)[\[13\]](#)

Last Modified by Michele Bloch on May 31, 2017

Book	Policy Manual
Section	900 Community
Title	Citizen Advisory Committees
Number	905
Status	First Reading
Legal	<u>24 P.S. 510</u>

Purpose

Citizen advisory committees can be useful in keeping the Board and administration informed with regard to community opinion and in representing the community in the study of specific school issues.

An advisory committee shall consist of at least one (1) Board member, interested community residents, and district administrators when appropriate.

Authority

When creating an advisory committee, the Board shall:

- 1. Define the committee's assignment.**
2. Appoint a Chairperson and a recording secretary.
3. Appoint residents who are interested and can make some special contribution to the committee's function.
4. Approve appointment of residents, staff members and/or students recommended by the Superintendent.
5. Seek the widest range of community interest and backgrounds.

Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations.

Meetings of an advisory committee are not regular meetings of the Board and shall be open to the public only upon invitation of the committee.

Last Modified by Michele Bloch on May 24, 2017

Book *	Policy Manual
Section	900 Community
Title	Public Complaints
Number	906
Status	First Reading
Legal	1. 20 U.S.C. 7844

Purpose

The Board welcomes inquiries, suggestions, and constructive criticism regarding the district's programs, personnel, operations and facilities. Any parent/guardian, **student**, resident or community group shall have the right to present a request, suggestion or complaint. The Board intends to provide a fair and impartial **method** for seeking appropriate **resolution**.

Authority

Attempts to resolve public concerns and complaints of district residents shall begin with informal, direct discussions among the affected parties, following the established guidelines and district organizational structure. Only when informal meetings fail to resolve the issue shall more formal procedures be utilized.

In accordance with law, the Board shall adopt a written procedure that provides parents/guardians, public agencies, other individuals, and organizations a means to submit and resolve complaints alleging violations in the administration of educational programs under the No Child Left Behind Act/Every Student Succeeds Act. The complaint procedure shall be available to the public, a copy maintained in each school, and be distributed annually to parents/guardians and staff.[\[1\]](#)

Any requests, suggestions or complaints directed to individual Board members and/or the Board shall be referred to the Superintendent for consideration and action. If further action is warranted, based on the initial investigation, such action shall be in accordance with **the following procedures**.

Guidelines

General Complaint Procedure

General complaints about Board policy and district procedures, programs, operations, facilities and personnel shall be processed in accordance with the following procedure.

First Level - Complaints and requests shall be addressed initially to the concerned employee, who shall discuss it with the complainant and attempt to provide a reasonable explanation or take appropriate action within the employee's authority.

As appropriate, the staff member shall report the matter and the resolution to the building principal or immediate supervisor.

Second Level - If the issue cannot be resolved satisfactorily at the first level, it shall be discussed by the complainant with the building principal or the employee's immediate supervisor.

Third Level - If a satisfactory solution is not achieved by discussion with the building principal or immediate supervisor, a conference shall be scheduled with the Superintendent or designee. The principal or supervisor shall provide to the Superintendent or designee a report that includes the specific nature of the complaint, brief statement of relevant facts, how the complainant has been affected adversely, the action requested, and the reasons why such action should be taken or not taken.

Fourth Level - Should the matter not be resolved by the Superintendent or designee or is beyond his/her authority and requires Board action, the Superintendent or designee shall provide the Board with a complete report.

Final Level - After reviewing all information relative to the complaint, the Board shall provide the complainant with its written decision and may grant a hearing before the Board or a committee of the Board.

The complainant shall be advised of the Board's decision, in writing, no more than ten (10) days following the hearing.

NCLB/ESSA Complaint Procedure

Complaints alleging violations of law in the district's administration of NCLB education programs shall be processed in accordance with the following procedure.[\[1\]](#)

The complaint must be filed with the district as a written, signed statement that identifies:

- 1. Alleged NCLB violation.**
- 2. Facts supporting the alleged violation.**
- 3. Supporting documentation, such as information on discussions, correspondence or meetings with the district regarding the complaint.**

Complaints shall be referred to the Federal Programs Coordinator, who will notify the Superintendent or designee.

The Federal Programs Coordinator will conduct an independent investigation, which could include but not be limited to:

- 1. On-site visit to the building that is the subject of the complaint.**
- 2. Opportunity to present evidence by all individuals and/or organizations involved.**

3. Opportunity for each side to question parties of other side and witnesses.

When the investigation is completed, the Federal Programs Coordinator will prepare a report with a recommendation for resolving the complaint. The report will include:

- 1. Name of the individual or organization filing the complaint.**
- 2. Nature of the complaint.**
- 3. Summary of the investigation.**
- 4. Recommended resolution.**
- 5. Reasons for the recommended resolution.**

The Federal Programs Coordinator will submit the report to the Superintendent or designee, who will determine whether further investigation is required and/or the district's final response.

All parties involved in the complaint will be notified of the resolution of the complaint by the Superintendent or designee.

The Federal Programs Coordinator will ensure that the resolution of the complaint is implemented.

The time period between receipt and resolution of a complaint will not exceed sixty (60) calendar days, unless circumstances require additional time.

Either party may appeal the final resolution to the Pennsylvania Department of Education.

**Division of Federal Programs
PA Department of Education
333 Market Street
Harrisburg, PA 17126-0333**

Book*	Policy Manual
Section	900 Community
Title	School Visitors
Number	907
Status	First Reading
Legal	1. 24 P.S. 510 2. 22 PA Code 14.108 3. 24 P.S. 2402 (Military Uniform) 4. Pol. 250

Authority

The Board welcomes and encourages interest in district educational programs and other school-related activities. The Board recognizes that such interest may result in visits to school by parents/guardians, adult residents, educators and other officials. To ensure order in the schools and to protect students and employees, it is necessary for the Board to establish policy governing school visits.^[1]

Delegation of Responsibility

The Superintendent or designee and building principal have the authority to prohibit the entry of any individual to a district school or district sponsored event, in accordance with Board guidelines and state and federal law and regulations.

The Superintendent or designee shall develop administrative regulations to implement this policy and control access to school buildings and school classrooms.

Guidelines

Persons wishing to visit a school should make arrangements in advance with the school office in that building.

Upon arrival at the school, visitors must register at the office where they will sign in and sign out, follow security procedures, receive instructions and be provided with a guide.

All staff members shall be responsible for requiring a visitor demonstrate that s/he has registered at the school office, followed security procedures and received authorization to be present for the purpose of conducting business.

No visitor may confer with a student in school without the approval of the principal.

Should an emergency require that a student be called to the school office to meet a visitor, the principal or designee shall be present during the meeting.

Failure to comply with this policy shall result in more limited access to the school as determined by the building principal, consistent with Board policies, administrative regulations, school rules and federal and state law and regulations.

Classroom Visitations

Parents/Guardians may request to visit their child's classroom, but the request must be made prior to the visit, in accordance with established administrative regulations.^{[1][2]}

The building principal or program supervisor must grant prior approval for the visit, and shall notify the classroom teacher prior to the visit.

Parents/Guardians shall be limited to one (1) class period per month, per child in the school for classroom visitations, in order to minimize disruption of the classroom schedule and the educational program. Parental participation in classroom activities or programs such as room parents, back-to-school events, and chaperones for field trips shall not constitute a classroom visit for purposes of this policy.

The building principal or program supervisor and classroom teacher have the authority to ask a visitor to leave if the visitor disrupts the classroom routine, educational program or daily schedule, or if a visitor violates Board policy. Failure to leave when asked or repeated, documented disruptions may result in loss of classroom visitation privileges.

Under exceptional circumstances and upon request of the building principal, program supervisor, classroom teacher or parent/guardian, the Superintendent may authorize additional or longer classroom visits by a parent/guardian.

Military Personnel

Members of the active and retired Armed Forces, including the National Guard and Reserves, shall be permitted to:^{[3][4]}

1. Visit and meet with district employees and students when such visit is in compliance with Board policy and district procedures.
2. Wear official military uniforms while on district property.

Book	Policy Manual
Section	900 Community
Title	Relations With Parents/Guardians
Number	908
Status	First Reading
Legal	1. Pol. 917
	2. Pol. 918
	3. Pol. 235
	<u>4. 24 P.S. 1317</u>
	5. Pol. 212

Purpose

The Board believes that the education of students is a joint responsibility that is shared by the parents/guardians. To ensure that the best interests of each student are served in the educational process, a strong program of communication and cooperation between home and school must be maintained, and parental involvement encouraged.[1][2]

Authority

The Board feels that it is the parents/guardians who have the ultimate responsibility for their children's behavior in school, including the behavior of students who have reached the legal age of majority but are, for all practical purposes, under parental authority.[3]

Delegation of Responsibility

During school hours, the Board acts in loco parentis or in place of the parents/guardians, through its designated administrators.[4]

Guidelines

Parents/Guardians are requested to keep the school staff apprised of changes in the home situation that may affect a student's conduct or performance.

The Board directs that the following activities be implemented to encourage parent-school cooperation:

1. Parent-teacher conferences to permit two-way communication between home and school.[5]
2. Open houses in district schools to provide parents/guardians the opportunity to see the school facilities, meet the faculty, and witness school programs.
3. Meetings of parents/guardians and staff members to explain and discuss matters of general interest.
4. Meetings of staff members and groups of parents/guardians of students having special abilities, disabilities, needs, or problems.
5. Special events of a cultural, ethnic or topical nature that are initiated by parent groups; involve the cooperative effort of students, staff and parents/guardians; and are of general interest to the schools or community.

The Board believes that parents/guardians have a responsibility to support and encourage their child's career in school through the following actions:

1. Require that students comply with district policies and school rules and regulations and accept responsibility for their behavior.
2. Send students to school with proper attention to their health, personal cleanliness and dress.
3. Maintain an active interest in the student's daily work and provide appropriate supervision for completion of assigned homework.
4. Read, sign, respond to and return promptly all communications from school, when requested.
5. Attend conferences for the exchange of information on the student's progress in school.[5]
6. Participate in school activities and special functions.

Book*	Policy Manual
Section	900 Community
Title	Municipal Government Relations
Number	909
Status	First Reading
Legal	1. PA Const. Art. III Sec. 14 2. 24 P.S. 502 3. 24 P.S. 521 4. 24 P.S. 706 5. 24 P.S. 775 6. 24 P.S. 790 7. 24 P.S. 1302.1-A 8. 24 P.S. 1303-A 9. 22 PA Code 10.11 10. Pol. 805.1 22 PA Code 10.24 35 Pa. C.S.A. 7701 Pol. 613 Pol. 805

Purpose

It is the policy of the Board that school district officials and municipal officials maintain a close and harmonious association. Such liaison is requisite for dealing with school/community concerns and issues in a satisfactory manner while assuring prudent expenditure of tax dollars.

Authority

The Board recognizes that its authority derives directly from the General Assembly, but it also is aware that the municipality and the school district must work together for the welfare of the residents.^[1]

The Board, as an independent body, has no statutory relationship to other local governmental bodies. However, the Board may cooperate with local government units and other appropriate organizations in matters that affect district responsibilities. Such organizations may include, but not be limited to, health agencies, public libraries, museums, police and fire departments, township supervisors, borough council, planning commissions and the courts.

In matters affecting the budgets of such agencies, the Board shall neither seek special consideration nor assume costs that properly fall outside its jurisdiction, except as prescribed by law.

The Board advocates joint expenditures of district and municipal or county funds to provide facilities from which the entire community may derive benefits. In accordance with this policy, the Board may, as either opportunity or need arises, and as it is entitled to do by law, enter into joint action agreements with the local municipal governing body in acquiring or leasing, improving, equipping, operating or maintaining such jointly used facilities.^{[2][3][4][5][6]}

Delegation of Responsibility

The Superintendent and each local police department that has jurisdiction over school property shall enter into, and update on a biennial basis, a memorandum of understanding which shall be developed and executed in accordance with state law and regulations.^{[7][8][9][10]}

To maintain cooperation with the municipality for fiscal and facilities planning, the Superintendent or designee will meet periodically with municipal officials to discuss issues of common interest.

Last Modified by Michele Bloch on May 24, 2017

Book	Policy Manual
Section	900 Community
Title	Community Engagement
Number	910
Status	First Reading
Legal	<u>24 P.S. 510</u>

Purpose

The purpose of community engagement is to create a collaborative environment in which students, parents/guardians, families, residents, businesses, and community organizations are encouraged and invited to be involved stakeholders in the school community. Such engagement strengthens broad-based community support for the school district's mission, goals, operations and educational programs.

Definition

Community engagement is defined as an ongoing collaborative process in which the school district works with the public to build understanding, guidance, and active support for the education of students in the community.

Authority

The Board endorses the concept that community engagement is essential for the school district and the community to maintain mutual understanding, respect and trust, and to work together to improve the quality of education for district students. The Board intends, through this two-way communication, to identify the community's concerns, needs and suggestions, and to be responsive to the community through the Board's actions.

The Board also recognizes that the public offers resources of training and experience useful to the schools. The quality of the district's operations and programs can be strengthened when these resources are used in an advisory capacity.

The Board, with assistance from the administration, shall determine the appropriate strategy when utilizing the community engagement process.

The Board, in consultation with the Superintendent, shall identify a team of individuals who will be responsible for developing, implementing and delivering a community engagement program.

After the community engagement process is concluded, the Board shall make the final decision regarding an issue.

The Board shall annually assess the effectiveness of the community engagement program.

Delegation of Responsibility

The Board directs the administration to develop and implement a planned program of community engagement that regularly provides opportunities for students, parents/guardians, families, residents, businesses and community organizations to participate in dialogue and decision-making related to district-wide and school-based issues.

The administration shall develop and use varied, effective communication methods to ensure that all community members receive information about district and school programs and the available opportunities to become actively involved.

Guidelines

Students, parents/guardians and community members must submit to the Superintendent's office any communications and questions addressed to the Board.

The Board and administration shall give substantial weight to the input received from the community. When evaluating the community's suggestions, the Board and administration will consider the impact on the district's goals, operations, educational programs, and financial resources. Recommendations made by the community shall not reduce the authority or responsibility of the Board, which may accept or reject such recommendations.

The district shall communicate to the community the Board's decision and its rationale regarding an issue involving community engagement.

Book#	Policy Manual
Section	900 Community
Title	News Media Relations
Number	911
Status	First Reading
Legal	<u>24 P.S. 510</u>

Purpose

Representatives of the local press, radio and TV are an important link in communications between school and community. Maintenance of good working relationships with media representatives is essential to meeting the objectives of the school-community relations program.

Authority

The Board shall have final approval for all procedures regarding relations between the news media and the district.

The Board reserves the right to negotiate for radio broadcasting, televising, filming, or sound recording of any school event by an outside agency. These rights, if sold, shall be contracted under conditions that bring the most favorable terms to the school district.

Delegation of Responsibility

The chief communications representative for the Board shall be the Superintendent or designee.

The communications representative shall be responsible to:

1. Be readily available to media representatives.
2. Keep media representatives informed of all aspects of the school district so that reporting will be done on the basis of a complete and valid overview.
3. Submit and suggest feature stories or articles of interest or relevance.
4. **Assist district staff with media relations.**
5. Assist various school-related groups in their relations with the news media.
6. Assist the Board in preparing regular and special publications for the public.

Guidelines

Staff members shall not give school information or interviews requested by news media representatives without prior approval of the district's communications representative.

Students shall not be permitted to give school information or interviews requested by news media representatives without prior approval of the district's communications representative.

Submission of photographs to news media and permission for news media representatives to photograph district subjects, personnel, or students shall be authorized by the communications representative and the individuals involved or their parents/guardians.

Photographs of a controversial nature, or that are questionable with regard to individual rights of privacy, shall not be sanctioned.

Book	Policy Manual
Section	600 Finances
Title	Procurement Attachment and PDE Guidance
Number	Procurement Procedure Updates Vol II 2017
Status	From PSBA

#626

Update
from PSBA

NOTES:

* The attached document labeled 626-Attach-Procurement is an updated procedure that should be used to update the attachment to your Policy 626 or other policies or internal procedures related to procurement under federal programs.

* The attached document labeled Final Updated PDE Guidance Concerning Use of Intergovernmental Agreement is the guidance offered from the Pennsylvania Department of Education regarding federal procurement methods and their relationship to intergovernmental agreements under the Uniform Grant Guidance.

* The attached document labeled PSBA Procurement Graphic is a helpful tool to assist in explaining the overlap between state and federal requirements for procurement.

These documents should be opened and used internally by the school district and do not need to be included with the policy manual or made Active. The 626-Attach-Procurement may be used to replace the corresponding attachment in your 626 policy.

626-Attach-Procurement.doc (104 KB)

Final Updated PDE Guidance Concerning Use of Intergovernmental Agreement....pdf (259 KB)

PSBA Procurement Graphic.pdf (265 KB)

Last Modified by Michele Bloch on April 18, 2017



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)

2017 Procurement Thresholds		
PA State Quotation Threshold	\$10,700	Adjusted based on Consumer Price Index published in PA Bulletin (24 P.S. Sec. 120)
PA State Bid Threshold	\$19,700	Adjusted based on Consumer Price Index published in PA Bulletin (24 P.S. Sec. 120)
Federal Micro-Purchase Threshold	\$3,500	Adjusted periodically and published in Federal Register (48 CFR Subpart 2.1)
Federal Simplified Acquisition Threshold	\$150,000	Adjusted periodically and published in Federal Register (48 CFR Subpart 2.1)

*Please review this Procurement attachment annually and update amounts accordingly

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

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 **type of purchase and 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

{ } Business Manager

{ } Superintendent

> New section

under the authority of the Board.

Standard Procurement Documents and Purchase Request Process

The district shall use

{ ✓ } purchase orders

{ ✓ } requisitions

for 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 district office.

{ ✓ } the Business Office.

{ ✓ } Purchasing Agent's office.

{ } Other _____.

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

{ } Board Secretary.

{ } Business Manager.

{✓} Superintendent.

{✓} Purchasing Agent.

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.
4. {✓} Other (describe) As per instruction.

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

{✓} Board Secretary

{✓} Business Manager

{✓} Superintendent

{✓} school 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.

[See Food Service Program Notes below for specific clauses required by USDA regulations to be included in cost reimbursable procurement contracts.]

Micro-Purchases Not Requiring Quotes or Bidding

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 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

{✓} Superintendent

{✓} Business Manager

{✓} Purchasing Agent

{✓} Board Secretary

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.

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

For purposes of this procedure, **small purchase procedures** are those relatively simple and informal procurement methods for securing equipment or supplies that cost more than the amount qualifying as a micro-purchase and do not cost \$19,700 or more, **or in the case of services other than construction, maintenance or repair on school facilities, where the total cost does not exceed the \$150,000 federal Simplified Acquisition Threshold at which formal competitive bidding or competitive proposals are required.** Small purchase procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing \$19,700 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 **for purchases of equipment, supplies and construction, maintenance or repair services on school facilities** is adjusted for inflation annually, and the amount most recently established and published in the Pennsylvania Bulletin shall apply if other than \$19,700. (24 P.S. Sec. 120)

The federal Simplified Acquisition Threshold at which competitive bidding or competitive proposals are required 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)

Because state law does not require **competitive 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 **or competitive proposals** are required (\$150,000).

[See Food Service Program Notes below for exemption from bidding for purchases of perishable food items costing less than \$150,000.]

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

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 \$19,700 or more. (Pol. 610)

Note: The amount at which formal competitive bidding or competitive proposals are required by federal regulations is much higher than the base amount at which the School Code requires competitive bidding. Therefore, the lower base amount specified by the School Code, as annually adjusted, is used to determine when bidding will be used for purchases of equipment or supplies, or for obtaining services for construction, maintenance or repairs on school facilities. (24 P.S. Sec. 120)

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 **or competitive proposals** will be used when the estimated total cost will be at or over the federal threshold of \$150,000.

The federal **Simplified Acquisition Threshold at which competitive bidding or competitive proposals are required** 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)

For procurement of services costing at or over the \$150,000 federal threshold other than for construction, maintenance or repairs on school facilities, the use of competitive sealed bidding is considered feasible and appropriate when:

- 1. A complete, adequate, and realistic specification or purchase description is available;**
- 2. Two (2) or more responsible bidders are willing and able to compete effectively for the business; and**
- 3. 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.**

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.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

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 of \$19,700 or more. 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 to formal competitive bidding when conditions are not appropriate for the use of sealed bids.

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.

An alternative form of competitive proposal is permitted only for qualifications-based procurement of architectural and engineering services, in which price is not a selection factor and reasonable compensation is negotiated after source selection. This alternative is not permitted for procurement of other types of services.

Competitive proposals shall be evaluated by the

{✓} Superintendent

{✓} Business Manager

{✓} Federal Programs Coordinator

based on factors including but not limited to:

1. Cost.

{✓} Experience of contractor.

{✓} Availability.

{✓} Personnel qualifications.

{✓} Financial stability.

{✓} Minority business, women's business enterprise, or labor surplus area firm status.

{✓} Project management expertise.

{✓} Understanding of district needs.

{✓} Other Bid specs and purchasing requirements.

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

{✓} Board.

{✓} Superintendent.

{✓} Business Manager.

{✓} Federal Programs Coordinator.

{✓} school solicitor.

Contract/Price Analysis

The district performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. (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

{✓} Superintendent or designee

{ } Business Manager

{ } Federal Programs Coordinator

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

Negotiated Profit

In any procurement in which there has been no price competition, or in which a cost-analysis is performed, profit must be negotiated separately as an element of price. Accordingly, solicitations of bids, proposals or quotes shall require that bids, proposals or quotes be limited to costs other than profit, and exclude profit.

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)).

When profit must be negotiated as a separate element of the total price, it shall be negotiated by the

{ } Superintendent

{ } Business Manager

{ } Federal Programs Coordinator

> New section

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.

In addition to standard procurement policy and procedures, the district will document the grounds for using the noncompetitive method in lieu of an otherwise required competitive method of procurement, which 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.

All noncompetitive proposals will ultimately be approved by the Board. The district may utilize legal advice from the solicitor regarding noncompetitive proposals.

Profit must be negotiated separately for noncompetitive proposals, and a cost or price analysis will also be performed for noncompetitive proposals when the price exceeds \$150,000.

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.

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.

[See Food Service Program Notes below for permissibility of geographic preferences and "Buy American" practices in purchasing certain food products]

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.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

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 procedure attached to Policy 626: 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, **the School Code** and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 24 P.S. 521; 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 **procurement methods**, 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.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

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

{✓} Business Manager

{✓} Federal Programs Coordinator

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 the district's established records retention schedule. (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; and
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)

Updated PDE Guidance Concerning Use of Intergovernmental Agreements in Procurements Involving Federal Funds, Effective July 1, 2017

Because of questions from the field, the Pennsylvania Department of Education (PDE) recently consulted with the US Department of Education (USDE) concerning the appropriate process for Local Education Agencies (LEAs) to enter into intergovernmental agreements (IGAs) to procure goods or services from Intermediate Units (IUs) or other LEAs using federal funds.

As we understand it, these IGAs are sometimes entered into without the LEA first having engaged in one of the applicable competitive methods of procurement under 2 CFR §200.320 (a)-(d).¹ Such IGAs are often used by LEAs and IUs, which join together for the procurement of common or shared goods and services. *See* 2 CFR §200.318(e). For example, IGAs may be used for the joint purchase of a commodity or service from a single vendor by several purchasers acting collectively and all entering into one contract with the vendor or for the individual purchase of a service from a LEA or IU by several LEAs.

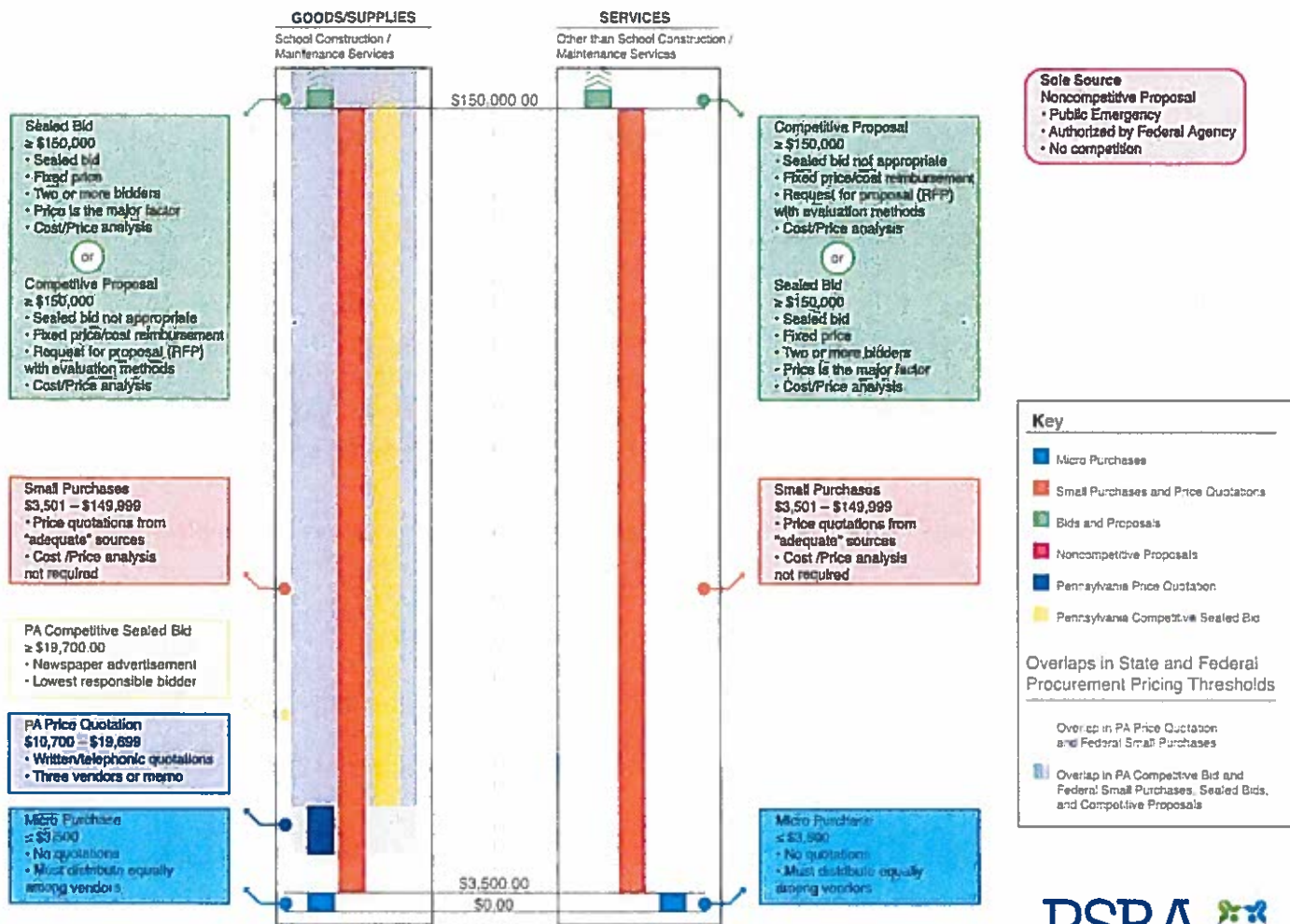
USDE has advised PDE that while federal regulations permit entities to enter into IGAs as an appropriate alternative contractual arrangement for procurement or use of common or shared goods and services using federal funds, when these agreements foster greater economy and efficiency, the provision for IGAs does not override the basic premise that competitive methods of procurement are preferred. Therefore, when joining together in a joint procurement for goods or services using federal funds, each LEA and/or the IU is responsible for ensuring that the

¹ The methods of procurement under §200.320 are (a) procurement by micropurchase, (b) procurement by small purchase, (c) procurement by sealed bids, or (d) procurement by competitive proposal. PDE notes that generally, procurement by micropurchase may occur for the acquisition of supplies or services where the aggregate amount of the procurement does not exceed \$3,500. Micropurchases may occur without soliciting competitive quotations if the price is reasonable. Procurements by small purchase procedures may apply where purchases do not exceed the Simplified Acquisition Threshold (currently, \$150,000). Small purchase procedures permit simple and informal procurement methods provided price or rate quotations are obtained from an adequate number of qualified sources. If the procurement amount exceeds \$150,000, sealed bids or competitive proposals would be required. Moreover, where more restrictive requirements of state law apply, such as provided by Section 807.1 of the Public School Code of 1949, 24 P.S. §8-807.1, the more restrictive state procedure must be followed.

purchasing organization or collective conducting the joint procurement complies with applicable federal regulations, including the competitive requirements for procurements under §200.320(a)-(d), unless the requirements for a sole source procurement are met under §200.320(f). Similarly, when using federal funds to purchase shared or common services from LEAs or IUs, the IGA used for such purchase must be compliant with §200.320 (a)-(d), unless the requirements for a sole source procurement are met under §200.320(f). In addition, LEAs must examine the suitability of sole source procurement on a case-by-case basis and ensure that costs in all cases can be documented to be reasonable.² LEAs should have in place and adhere to strong internal controls, including the documentation of the procurement procedures they follow when obtaining goods and services with federal funds.

² PDE is aware that there may be circumstances involving special education services where a LEA may be required to contract with a particular IU or LEA in order to ensure that a child receives a free appropriate public education, and therefore, a sole source is appropriate under §200.320(f). The purchase of a service from an IU or LEA, which is not available from any other provider within a reasonable distance from the site at which the service will be provided may be an appropriate basis of a sole source procurement under §200.320(f). Finally, it may in some instances be appropriate or necessary to bundle services and, as a result, there may be only one vendor that is capable of providing all the requested services. In such case, a sole source procurement under §200.320(f) might be justified as well. In all cases, however, LEAs must maintain records sufficient to detail the history of the procurement process. 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, and the basis for the contract price. See 2 CFR §200.318(i).

Analysis of Federal/State Procurement and Pricing Thresholds



6/1/17

PDE Note to LEAs Regarding OMB Extension on Procurement Requirements.

The Pennsylvania Department of Education (PDE) is sending this notice because on May 17, 2017 the U.S. Office of Management and Budget (OMB) extended for an additional year implementation of the new Procurement requirements under the federal Uniform Grant Guidance (UGG) for purchases made with federal funds. Thus, the effective date for implementation of the UGG procurement standards for Pennsylvania LEAs will start for the fiscal year beginning on or after July 1, 2018. Please note that, pursuant to the terms of this extension, if an LEA chooses to use the previous procurement standards before adopting the UGG procurement standards, the LEA must document this decision in its internal procurement policies.

PDE recommends that grantees consult with their legal counsel in their efforts to approve and implement updated policies and procedures in light of the extension. In particular, LEAs should be aware that with few exceptions such as updated pricing thresholds and the new micro-purchase procedure, the procurement requirements of the UGG are not new and actually add some flexibility. Nearly all UGG requirements have applied under previous OMB guidance applicable to LEAs (see 34 CFR Part 80) and will continue to apply throughout the extension period. Regarding the exceptions, for example, the \$3,500 micro-purchase provision allows LEAs to purchase under that threshold without competitive bidding, something that is not allowable under 34 CFR Part 80. This flexibility will be lost if an LEA chooses to take the procurement extension.

Further, PDE guidance concerning the use of Intergovernmental Agreements ("Updated PDE Guidance Concerning Use of Intergovernmental Agreements in Procurements Involving Federal Funds, Effective July 1, 2017") will continue to apply through the extension period. PDE recommends LEAs use this opportunity to review their procurement policies and procedures to ensure they conform to best practices and encourage competition.