Gardiner - Randolph - Pittston - West Gardiner

Maine School Administrative District No. 11

150 Highland Avenue
Gardiner, ME 04345

Kady Gould
Superintendent of Schools

Phone: 207-582-5346
Fax: 207-582-8305
www.msad11.org

Angela Hardy
Director of Curriculum & Instruction

REGULAR SCHOOL BOARD MEETING
MERLE E. PEACOCK, JR. BOARD ROOM
Thursday, December 3, 2026
6:30 p.m.

Our Mission: Together we commit to ***helping every student know they matter*.** Our goal is to empower students to acquire skills, participate in meaningful experiences, and build community connections to navigate a healthy and productive future.

AGENDA

The meeting will also be live streamed and available for viewing at www.msad11.org.

I. Call to order

II. Introduction
- A. Board Members
- B. Administrative Staff
- C. The Pledge of Allegiance
- D. Administrator/Student Presentations
  - Girls Volleyball Team – Class C State Champions
  - All New England Band Festival Participants
- E. Public Comment

III. Review and Approval of Agenda/Minutes
- A. Prioritization of items and alteration of the established agenda format sequence as needed.
- B. Approval of Agenda
- C. Approval of Minutes of Previous Meetings
  - Regular School Board Meeting – November 5, 2026
  - Special School Board Meeting – November 17, 2026 – 5:00 pm
  - School Board Workshop – November 17, 2026 – Immediately Following Special School Board Meeting

IV. Recognition and Celebrations
- A. Patriot Pen winners – Gardiner Regional Middle School
  - Rylie Epperson - 1st Place (Rylie was selected to represent the District for the State competition. She is one of 16 top winners in the State)
  - Isabella Russo – 2nd Place
  - Elsie Black – 3rd Place
- B. Fall 2026 KVAC/ Bigg 11 – All Conference/All Academic Recipients – GAHS
  - Football
    - Offense – First Team – Justin Doody (RB) and Connor Berard (G)
    - Offense – Second Team – Chase McGrane (TE) and Eliot Colwell (T)

        - Offense – Honorable Mention – Colin McCormick (Utility) and Isaac Madore (QB)
        - Defense – First Team – Justin Doody (DE)
        - Defense – Second Team – Connor Berard (DT), Ryken King (LB), Chase McGrane (S), Carson Moore (Utility)
        - Defense – Honorable Mention – Eben Pierce (CB)
        - Defensive Player of the Year – Justin Doody
        - Special Teams – Second Team Isaac Madore (P) and Levi Moore (K)
        - All Academic – Chase McGrane and Dominic Webber
    - Boys Soccer
        - First Team – PJ Gove
        - All-Academic – Remington Lamoreau
    - Girls Soccer
        - First Team – Molly Takatsu and Zoey Epperson
        - All-Academic – Izzy Boudreau, Alexis Dyer, Cheyenne Goodman, Sarah Mansir, and Lilah Serber
        - KVAC Coach of the Year – Jess Prince
    - Volleyball
        - First Team – Kaitlyn Davidson and Kathleen Moore
        - Second Team – Lexi Ouellette
        - All-Academic – Joely Cote, Zarah Kristan, Georgiana McCamish, and Lila Anderson
    - Boys Cross Country
        - First Team – Abrahm Hasty
        - Second Team – Cole Lavigne
        - All-Academic – Jackson Gray, Cole Lavigne, Cooper Newman
    - Girls Cross Country
        - All-Academic – Mikayla Cleary and June Doleski
    - Field Hockey
        - First Team – Zoey Sullivan-Brennan and Anna Tweedy
        - All-Academic – Emry Cady, Zoey Sullivan-Brennan, and Anna Tweedy
    - Golf
        - All Conference – Caden Hickey, Connor Tibbetts, and Eben Whalen

V. Correspondence
    A. Resignation notification received from Becky Fles, as Board Chair. Becky will continue to serve the remainder of her 3-year term as Board Member from Gardiner.
    B. Request to rescind retirement letter dated September 17, 2026 received from Gerry Quintal, Bus Driver
    C. Retirement notification received from Kim Gross, Ed Tech I, River View Community School – effective January 2, 2027
    D. Retirement notification received from Byron Gray, Ed Tech III, Gardiner Area High School – effective January 22, 2027
    E. Resignation notification received from Chad Sirois, Boys Varsity Soccer Team, Gardiner Regional Middle School

VI. Committee Reports
    A. Capital Area Technical Center Advisory Committee – October 23, 2026
    B. Curriculum Committee – No meeting
    C. Dropout Prevention Committee – No meeting
    D. Finance Committee – No meeting
    E. Policy Committee – November 5, 2026

- Policy Committee Meetings will now be held the third Tuesday of the month starting on Tuesday, December 15, 2026

First Reading
- DJ Bidding and Purchasing
- DJ-R Federal Procurement Manual for Maine School Units
- DJH Purchasing and Contracting: Procurement Staff Code of Ethics

Second Reading
- KLGC Relations with Law Enforcement Personnel
- CBI Evaluation and Supervision of Superintendent
- ECAD Security Camera System
- GBB Staff Involvement in Decision Making
- GBEA Staff Ethics / Conflict of Interest
- GBEBB Staff Conduct with Students / Staff-Student Relations

F. Wellness Committee
G. SBHC Advisory Committee
H. Student Representatives Report

VII. General Information
A. Jeanne Lysobey, Team Leader – Grade 7, Gardiner Regional Middle School
B. New Hires
- Shawn Barnes, Ed Tech II – Special Ed, Gardiner Area High School
- Michelle Dix, Ed Tech I – Special Ed, River View Community School – effective January 4, 2027
- Elizabeth Johnson, Ed Tech III – Special Ed, Helen Thompson School
- Deirdra Darcy, Ed Tech II – Special Ed – Life Skills, Gardiner Area High School
- Jacob Kanaris, Custodian 2nd Shift, Gardiner Area High School

C. Winter Sports Volunteers – Gardiner Area High School
- Dustin Simpson-Bragg, Boys Basketball
- Matt Lajoie, Wrestling
- Janelynn Deprey, Cheering
- Donovan Farris, Ice Hockey Coach

D. Winter Sports Volunteers – Gardiner Regional Middle School
- Nicole Picard, Cheering
- Janelynn Deprey, Cheering
- Michelle King, Cheering
- Brooke Morin, Boys Basketball

VIII. Nominations
A. Kianna Windham, Adult Education Director 1-Year position (prorated for 90 days) - $43,641.90

IX. New Business
A. Patricia Buck-Welton, Community Partner, Gardiner Area Thrives
B. Election of School Board Chair
- Nomination of School Board Chair

X. Old Business
A. None

XI. Reports

A. Board Chair

- None

B. Superintendent

- MSAD 11 will be participating in the Parade of Lights – Saturday, December 5, 2026 at 4:30 pm
- Tour of the Schools – January 23, 2027 at 8 am (Meet at Gardiner High School)
  Snow date – Feb 6, 2027 at 8 am
- Board Workshop - State of the Schools – To Be Determined

XII. Executive Session

A. Executive Session to discuss the Superintendent's Contract – 1 M.R.S.A. § 405 (6)(A)

XIII. Adjournment

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REGULAR SCHOOL BOARD MEETING
MERLE E. PEACOCK, JR. BOARD ROOM
Thursday, November 5, 2026
6:30 p.m.

Our Mission: Together we commit to ***helping every student know they matter.*** Our goal is to empower students to acquire skills, participate in meaningful experiences, and build community connections to navigate a healthy and productive future.

DRAFT MINUTES

Present - Becky Fles, Chair, Brandon Martin, Vice Chair, Linda Caputo, Meaghan Carlson, Daniel Coutts, Tyler Eldridge, Jeff Hanley, Zachary Hanley, Janelle McKinnon, Allyce Pepin, and Kady Gould, Superintendent of Schools

Student Representatives – Isaac Boyce and Ella Kruk

Excused Absent – Barry Manning and Michelle Tucker

The meeting will also be live streamed and available for viewing at www.msad11.org.

I. Call to order 0:02:37 – 0:02:45

The meeting was called to order at 6:32 pm.

II. Executive Session 0:02:46 – 0:43:23

A. Consultation between school unit and its attorney regarding the MOU for the School Based Health Center, 1 M.R.S.A. § 405(6)(E)

Upon a motion by Brandon Martin and a second by Tyler Eldridge, the Board voted to enter executive session to consult with its attorney regarding the MOU for the School Based Health Center, 1 M.R.S.A. § 405(6)(E).

Vote: 11,585 – 0

Motion carried.

Exited executive session.

No action taken.

III. Introduction 0:43:24 – 1:01:32

A. Board Members
B. Administrative Staff
C. The Pledge of Allegiance
D. Administrator/Student Presentations
   - GRMS 8th Grade STEM Challenge
E. Public Comment
   - 4 Residents Spoke

IV. Election of Vice Chair 1:01:33 – 1:03:16

A. Nomination of Vice Chair

Nomination by Jeff Hanley and a second by Janelle McKinnon to nominate Brandon Martin to serve School Board Vice Chair until April 2027.

Vote: 11,585 - 0

Motion carried.

V. Review and Approval of Agenda/Minutes 1:03:17 – 1:05:37

A. Prioritization of items and alteration of the established agenda format sequence as needed.

Upon a motion by Brandon Martin and a second by Jeff Hanley the board voted to add under New Business to authorize the Superintendent to enter communication with legal counsel to amend the MOU for the School Based Health Center for risk and indemnity.

Vote: 11,585 – 0

Motion carried.

B. Approval of Agenda

Upon a motion by Janelle McKinnon and a second by Tyler Eldridge, the Board voted to approve the agenda as amended.

Vote: 11,585 – 0

Motion carried.

C. Approval of Minutes of Previous Meetings
   - Regular School Board Meeting – October 1, 2026

Upon a motion by Jeff Hanley and a second by Brandon Martin, the Board voted to approve the minutes of the Regular School Board Meeting held on October 1, 2026.

Vote: 11,585 – 0

Motion carried.

VI. Recognition and Celebrations 1:05:38 – 1:07:42

A. Thank you to Anthony Veit for his years of service on the MSAD 11 School Board
B. Welcome Zachary Hanley, new Board Member from Gardiner
C. Resignation received from Barry Manning, School Board Member – effective January 8, 2027
D. Rick McArthur Spirit of America Award for years of service at Pittston-Randolph Consolidated School and Town of Pittston
E. Laura E. Richards School was awarded a grant through the Literacy Fund at the Maine Community Foundation
F. Sound System Donation for Hoch Field
G. Parent Volunteer Group donations for fall projects
   - Sandbox at Helen Thompson School
   - Grill at Gardiner Regional Middle School
   - Outlet at River View Community School
H. NEDCC - MSAD 11 team including Students and School Staff attended NEDCC the School Redesign in Action Conference.
I. Congratulations to the GAHS Girls Volleyball Team for winning the Class C State Championship!

VII. Correspondence 1:07:43 – 1:07:46

A. Resignation received from Alex Hinckley, Custodian, Gardiner Area High School
B. Resignation received from Jessica Merrill, 7th Grade Boys Basketball Coach, Gardiner Regional Middle School

VIII. Committee Reports 1:07:47 – 1:29:30

A. Capital Area Technical Center Advisory Committee – October 23, 2026
   - New Director at CATC
   - Cost Sharing
B. Curriculum Committee – October 20, 2026
C. Dropout Prevention Committee – October 20, 2026
D. Finance Committee –
   - September 8, 2026
   - October 13, 2026
E. Policy Committee – October 1, 2026

First Reading

- KLGC Relations with Law Enforcement Personnel
- CBI Evaluation and Supervision of Superintendent
- ECAD Security Camera System
- GBB Staff Involvement in Decision Making
- GBEA Staff Ethics / Conflict of Interest
- GBEBB Staff Conduct with Students / Staff-Student Relations

Upon a motion by Becky Fles and a second by Meaghan Carlson the Board voted to approve the above policies for a second read.

Vote: 11,585 – 0

Motion carried.

Second Reading
Policy

- BIC-E Certification of Completion of Freedom of Access Training

Handbooks

- MSAD 11 Elementary Schools 2026-2027 Student Handbook
- MSAD 11 PreK 2026-2027 Student Handbook
- Gardiner Area High School 2026-2027 Student Handbook
- Gardiner Regional Middle School 2026-2027 Student Handbook
- MSAD 11 Athletic Handbook

Upon a motion by Brandon Martin and a second by Allyce Pepin, to Board voted to approve the above policy and Handbooks.

Voted: 11,585 – 0

Motion carried.

F. Wellness Committee
G. SBHC Advisory Committee
H. Student Representatives Report

IX. General Information 1:29:17 – 1:29:30

A. New Hires:
   - Barbara Skidgel, Bus Driver
B. Staff Transfers:
   - Kim Walker transfer from Ed Tech II – Resource Room at Gardiner Regional Middle School to Ed Tech II – STEPS Program at Helen Thompson School
   - Linda Paré transfer from Ed Tech II – Life Skills Program at Gardiner Area High School to Ed Tech II – Life Skills Program at Gardiner Regional Middle School
   - Kenneth Hughes Davis transfer from Ed Tech III – Special Ed at Gardiner Area High School to Ed Tech III – STEPS Program at Helen Thompson School
   - Brittany Chadbourne transfer from Ed Tech III – STEPS Program at Helen Thompson School to Ed Tech III – Library position at Pittston-Randolph Consolidated School
C. Chad Perry, Assistant Athletic Director
D. Winter Sports Coaches – Gardiner Area High School
   - Aaron Toman, Boys Varsity Basketball
   - Charlie Lawrence, Boys JV Basketball
   - Mark St. Vincent, Boys Freshman Basketball
   - Brittany Gero, Girls Varsity Basketball
   - Katie McAllister-Edge, Girls JV Basketball
   - KC Johnson, Boys Varsity Ice Hockey
   - Elliot Emberley ~~Bill Boardman~~, Girls Ice Hockey (Co-op)
   - Matt Hanley, Wrestling
   - Sidney Bartunek, Cheering
   - Gabby Low, Swimming (Co-op with Cony)
   - Jen Boudreau, Indoor Track and Field
   - Jessica Merrill, Unified Basketball (Shared)

- Jen Carver, Unified Basketball (Shared)

E. Winter Sports Volunteers – Gardiner Area High School
- CJ Elliott, Boys Basketball
- Paul Rubashkin, Wrestling
- Mark Carter, Wrestling

F. Winter Sports Coaches – Gardiner Regional Middle School
- Freda Keyser, Girls 8th Grade Basketball
- Lindsay Gove, Girls 7th Grade Basketball
- Matt Hanley, Wrestling
- Sidney Bartunek, Cheering Volunteer
- Samantha Robison, Boys 8th Grade Basketball
- Michael McGee, Boys 7th Grade Basketball

X. Nominations

A. None

XI. New Business 1:29:31 – 2:07:36

A. A vote for the Resolution to Authorize Lease Purchase of a Vehicle and Related Equipment

I, Allyce Pepin, move that the Resolution entitled, "Resolution to Authorize Lease Purchase of New GMC Truck with Plow Attachment in the Principal Amount of $64,330" be adopted in form presented to this meeting and that a copy of said Resolution be filed with the minutes of this meeting, seconded by Linda Caputo.

Vote: 11,585 – 0

Motion carried.

B. A vote for the Resolution to Authorize School Revolving Renovation Fund Loan Forgiveness Grant

I, Brandon Martin, move that the Resolution entitled, "Resolution to Authorize School Revolving Renovation Fund Loan Forgiveness Grant," be approved in form presented to this meeting and that the Secretary file an attested copy of said Resolution with the minutes of this meeting, seconded by Allyce Pepin.

Vote: 11,585 – 0

Motion carried.

C. Approval of school emergency plans

Upon a motion by Becky Fles and a second by Meaghan Carlson, the Board voted to approve the school emergency plans for the 2026-2027 school year.

Vote: 11,585 – 0

Motion carried.

D. Transportation Update
E. Remote Days

Upon a motion by Allyce Pepin and a second by Meaghan Carlson to authorize the Superintendent to utilize remote days.

Vote: 11,585 – 0

Motion carried.

F. RFQ Update
G. GAHS Drama Production "The Laramie Project" – November 5-7, 2026 at 7 pm in the Little Theater
H. Authorize the Superintendent to enter communication with attorney to explore amending the MOU with the School Based Health Center to address liability concerns.

Upon a motion by Brandon Martin and a second by Janelle McKinnon the Board voted to authorize the Superintendent to enter into communication with attorney to explore amending the MOU with the School Based Health Center to address liability, risk, and indemnification concerns.

Vote: 11,585 – 0

Motion carried.

XII. Old Business

A. None

XIII. Reports 2:07:37 – 2:25:47

A. Board Chair
- FOAA Requests
- Barry Manning resignation

B. Superintendent
- Technology equipment update (in reference to technical difficulties October 1)
- NEDCC update
- Board Governance Training – November 17, 2026 at 5:00 pm

XIV. Adjournment 2:25:48 – 2:25:55

The meeting adjourned at 8:55 pm.

Attest a True Record,

Kady Gould
Secretary

November 5, 2026

Motion: I move that the Resolution entitled, "Resolution to Authorize Lease Purchase of A New GMC Truck with Plow Attachment in the Principal Amount of $64,330" be adopted in form presented to this meeting and that a copy of said Resolution be filed with the minutes of this meeting.

RESOLUTION TO AUTHORIZE LEASE PURCHASE OF A NEW GMC TRUCK WITH PLOW ATTACHMENT IN THE PRINCIPAL AMOUNT OF $64,330

The School Board of Maine School Administrative District No. 11 (the "District") hereby resolves as follows:

1. That the Superintendent of Schools (the "Superintendent") and the Business Manager, acting singly, are authorized to accept the proposal of MCB Leasing, LLC (the "Lessor"), to provide tax-exempt lease purchase financing for a New GMC Truck with plow attachment and related equipment and accessories (the "Equipment") in the principal amount of $64,330 at an interest rate of 5.50% payable in five (5) annual installments and any prior such action is hereby ratified and confirmed;

2. That under and pursuant to the provisions of Title 20-A M.R.S. Sections 1001 and 1055, and all other applicable law, the Superintendent is authorized to execute and deliver a lease purchase agreement with Lessor, or its nominee, in the name and on behalf of the District to provide funds for the Equipment, with an aggregate lease purchase price not to exceed $64,330, in such form and on such terms not inconsistent herewith as the Superintendent may approve, said approval to be conclusively evidenced by the execution and delivery thereof (the "Lease");

3. That to the extent not inconsistent with this Resolution, the Superintendent is hereby authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s), and other details of the Lease, as the Superintendent may approve, said approval to be conclusively evidenced by the execution and delivery thereof;

4. That the Lease issued pursuant hereto is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

5. That the Superintendent is authorized to covenant on behalf of the Lessee that no part of the proceeds of the Lease or the Equipment shall be used, directly or indirectly, in a manner that would cause the Lease to be an "arbitrage bond" or a "private activity bond" within the meaning of Sections 141 and 148 of the Code;

6. That the Superintendent is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates, and other documents and certificates as may, in the Superintendent's opinion, be necessary or convenient to effect the transactions herein authorized, to be in such form not inconsistent with this Resolution as the Superintendent may approve, said approval to be conclusively evidenced by the execution and delivery thereof;

7. That the Superintendent and other appropriate officials of the District, acting singly, are authorized and empowered in its name and on its behalf to do or cause to do all such other acts

and things as may be necessary or desirable in order to effect the sale and delivery of the Lease in accordance herewith, and any such prior action by them is hereby ratified and confirmed;

8. That if the Superintendent or any other District officer or official is for any reason unavailable to, as applicable, approve, execute, or attest the Lease, or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act, and any such prior action by them is hereby ratified and confirmed;

9. That the Treasurer of the District, in consultation with Bond Counsel, is authorized to implement written procedures with respect to the Lease for the purpose of (i) ensuring timely "remedial action" for any portion of the Lease that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the District's compliance following execution of the Lease with the arbitrage, yield restriction, and rebate requirements of the Code and regulations thereunder;

10. That the Superintendent is authorized to covenant on behalf of the District to file any information report and pay any rebate due to the United States in connection with the issuance of the Lease, and to take all other lawful actions necessary to ensure the interest portion of the rental payments under and pursuant to the Lease will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof; and

11. That an attested copy of this Resolution be filed with the minutes of this meeting.

A true copy, attest:

Kady Gould, Secretary
Maine School Administrative District No. 11

November 5, 2026

Motion: I move that the Resolution entitled, "Resolution to Authorize School Revolving Renovation Fund Loan Forgiveness Grant," be approved in form presented to this meeting and that the Secretary file an attested copy of said Resolution with the minutes of this meeting.

RESOLUTION TO AUTHORIZE SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT

1. That under and pursuant to a Maine Department of Education School Revolving Renovation Fund Eligibility Certificate dated January 30, 2026, issued to assist Maine School Administrative District No. 11 (the "District") in the financing of Priority 1 Health, Safety, and Compliance repairs related to indoor air quality renovations and improvements at Gardiner Area High School (the "Project"), and all other applicable law, the Chair of the School Board (the "Chair") and the Treasurer be authorized in the name and on behalf of the District to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the "Bond Bank") and the District to effect a loan from the Bond Bank to finance the Project in the principal amount of up to $226,404, but of which amount $149,766 of principal is forgiven by the Bond Bank (the "Loan Agreement"); and that the Loan Agreement be on such terms as the Chair and the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval; **provided however**, that the Loan Agreement shall provide that if the District has prepaid all of the borrowed principal which has not been forgiven and which has been evidenced by bonds, the Bond Bank agrees that the bonds are paid and satisfied.

2. That under and pursuant to sections 5953-E and 6006-F of the Maine Municipal Bond Bank Act, sections 1490 and 1501 of Title 20-A of the Maine Revised Statutes, and all other applicable law, the Chair and the Treasurer of the District be authorized to borrow in the name and on behalf of the District the sum of up to $76,638 from the Bond Bank to finance the Project; that in connection therewith, the Chair and the Treasurer be authorized to issue general obligation securities (bonds or notes) of the District in an original principal amount of up to $76,638, payable WITH NO INTEREST in five (5) substantially equal annual installments of principal, and to execute and deliver such general obligation bonds or notes (as so executed and delivered, the "Bond") in registered form under the seal of the District and attested by the Secretary; and that the Bond bear such date and be on such other terms and in such form as the Chair and the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval; **provided however,** that the Treasurer shall have prepaid the Bond on or before delivery thereof, and that such payment and satisfaction shall be indicated on the Bond by words, "Paid and Cancelled."

3. That the Chair and the Treasurer, acting singly, be authorized in the name and on behalf of the District to execute and deliver such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the District, as may be necessary, convenient or appropriate to accomplish the Project and to effect the transactions contemplated by this Resolution and the documents referenced herein, and that the Secretary of the District be authorized to attest to the foregoing and attach the District's seal to any of the foregoing.

A true copy, attest:

Kady Gould, Secretary

Gardiner - Randolph - Pittston - West Gardiner

Maine School Administrative District No. 11

150 Highland Avenue
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Kady Gould
Superintendent of Schools

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Angela Hardy
Director of Curriculum & Instruction

SPECIAL SCHOOL BOARD MEETING
MERLE E. PEACOCK, JR. BOARD ROOM
Tuesday, November 17, 2026
5:00 p.m.

MINUTES

Present: Becky Fles, Chair, Brandon Martin, Vice Chair, Linda Caputo, Meaghan Carlson, Daniel Coutts, Tyler Eldridge, Jeff Hanley, Zachary Hanley, Janelle McKinnon, Allyce Pepin, Michelle Tucker (arrived at 5:07 pm) and Kady Gould, Superintendent of Schools

Absent: Barry Manning

The meeting will also be live streamed and available for viewing at www.msad11.org.

I. Call to order

The meeting was called to order at 5:06 pm.

II. Introduction
- A. Board Members
- B. Administrative Staff
- C. The Pledge of Allegiance
- D. Public Comment

III. Nominations
- A. Makenzie Wade, English Language Arts Teacher – Grade 7, Gardiner Regional Middle School - $45,605

Upon a motion by Brandon Martin and a second by Meaghan Carlson the Board voted to approve the above nomination as recommended by the Superintendent.

Vote: 12,734 – 0

Motion carried.

IV. New Business
- A. Approval for Field Trip – All New England Band Festival, Plymouth State University – November 22-23, 2026

Upon a motion by Meaghan Carlson and a second by Michelle Tucker the Board voted to approve the All New England Band Festival, Plymouth State University field trip on November 22-23, 2026.

Vote: 12,734 – 0

Motion carried.

V. Adjournment

The meeting adjourned at 5:09 pm.

Attest a True Record,

Kady Gould
Secretary

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Angela Hardy
Director of Curriculum & Instruction

SCHOOL BOARD WORKSHOP
MERLE E. PEACOCK, JR. BOARD ROOM
Tuesday, November 17, 2026
Approximate Start time 5:15 pm

NOTE: School Board Workshops are not livestreamed or recorded.

MINUTES

Present: Becky Fles, Chair, Brandon Martin, Vice Chair, Linda Caputo, Meaghan Carlson, Daniel Coutts, Tyler Eldridge, Jeff Hanley, Zachary Hanley, Janelle McKinnon, Allyce Pepin, Michelle Tucker, and Kady Gould, Superintendent of Schools.

Absent: Barry Manning

Guest: Eric Waddell, Maine School Management Association

The School Board Workshop will begin as soon as the Special School Board Session adjourns.

I. Call to Order

The meeting was called to order at 5:11 pm

II. Board Governance Training - Maine School Management Association

III. Adjournment

The meeting adjourned at 7:06 pm.

Attest a True Record,

Kady Gould,
Secretary

Gardiner - Randolph - Pittston - West Gardiner

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Angela Hardy
Director of Curriculum & Instruction

MERLE E. PEACOCK, JR. BOARD ROOM
POLICY COMMITTEE MEETING
November 5, 2026
5:30 pm

MINUTES

Present: Becky Fles, Meaghan Carlson (arrived at 5:33 pm), Tyler Eldridge, Zachary Hanley, Janelle McKinnon, Allyce Pepin, and Kady Gould, Superintendent of Schools

The meeting will also be live streamed and available for viewing at www.msad11.org.

I. Call to Order

The meeting was called to order at 5:31 pm.

II. Discussion/Vote

A. Policy Review
- KLGC Relations with Law Enforcement Personnel

Upon a motion by Becky Fles and a second by Tyler Eldridge, the committee voted to send policy KLGC – Relations with Law Enforcement Personnel to the School Board for a first read.

Vote: 5 – 0 – 1 (Zachary Hanley abstained)

Motion carried.

- DJ Bidding and Purchasing – Current
- DJ Bidding and Purchasing – Proposed

Upon a motion by Meaghan Carlson and a second by Tyler Eldridge the committee voted to send policy DJ – Bidding and Purchasing to the School Board for a first read.

Vote: 5 – 0 – 1 (Zachary Hanley abstained)

Motion carried.

- DJ-R Federal Procurement Manual for Maine School Units – Administrative Procedure - Current
- DJ-R Federal Procurement Manual for Maine School Units – Administrative Procedure – Proposed

Upon a motion by Meaghan Carlson and a second by Allyce Pepin the committee voted to send policy DJ-R – Federal Procurement Manual for Maine School Units – Administrative Procedure to the School Board for a first read.

Vote: 5 – 0 – 1 (Zachary Hanley abstained)

Motion carried.

- DJH Purchasing and Contracting: Procurement Staff Code of Ethics

Upon a motion by Janelle McKinnon and a second by Meaghan Carlson the committee voted to send policy DJH – Purchasing and Contracting: Procurement Staff Code of Ethics to the School Board for a first read.

Vote: 5 – 0 – 1 (Zachary Hanley abstained)

Motion carried.

- BDA Board Organizational Meeting

Upon a motion by Meaghan Carlson and a second by Allyce Pepin to have policy BDA – Board Organizational Meeting remain as written in the current MSAD 11 BDA – Board Organizational Meeting policy.

Vote: 3 – 2 – 1 (Tyler Eldridge and Janelle McKinnon opposed. Zachary Hanley Abstained.)

Motion carried.

The Committee discussed changing meeting nights to the third Tuesday of the month at 5:00 pm in order to allow more time for discussion and to avoid the interruptions that occur during the transition to the Regular School Board meeting.

All committee members agreed.

The next Policy Committee Meeting will be held on Tuesday, December 15, 2026 at 5:00 pm.

The following policies will be reviewed at the December Policy Committee Meeting.

- GBGB Workplace Bullying
- GBJ Personnel Records and Files
- GBN Family and Medical Leave
- GBP Earned Paid Leave

III. Adjourn

The meeting adjourned at 6:22 pm.

The meeting adjourned at 6:22 pm.

Respectfully Submitted,

Kady Gould
Superintendent of Schools

Policy DJ Bidding and Purchasing Requirements

Proposed September 2026 Traditional Redline

Redline key ~~Deleted language~~ Added language

BIDDING AND PURCHASING REQUIREMENTS

The MSAD 11 Board (hereafter, the "school unit") expects all purchases made by the school unit to be consistent with applicable laws and sound business practices. The Superintendent shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

This policy is intended solely as an internal guide to purchasing by the school unit. It does not afford any vendor any property or contractual rights against the school unit. No vendor shall have any enforceable rights against the school unit based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school unit until such time as a written contract between the vendor and the school unit is executed by the vendor and an authorized representative of the school unit.

I. Bidding and Purchasing Required by Law

A. Maine Law

~~Maine law requires the Board to competitively bid property and casualty insurance; school bus and transportation contracts in excess of $4,000; certain school building construction, alterations and repairs over $250,000 (except contracts for professional architectural and engineering services); bond anticipation notes for state-subsidized school construction projects; and lease purchase financings of buildings whose lease purchase costs qualify for state subsidy.~~

The school unit shall comply with all procurement requirements imposed by Maine law and applicable rules. These requirements include, but are not limited to, procurement of insurance under 20-A M.R.S. § 1001(14); school bus and transportation contracts under 20-A M.R.S. §§ 5401 and 5402; school construction, major alteration, and repair contracts under 5 M.R.S. § 1743-A; bond anticipation notes and financing for state-subsidized school construction projects; lease-purchase financing eligible for state subsidy; and procurement requirements applicable to projects funded or approved through the Maine Department of Education or Bureau of General Services. When a statute, rule, funding source, or approval imposes a lower threshold or more restrictive process than this policy, that requirement controls.

B. Procurement Methods for Federally Funded Contracts

The Superintendent or their designee shall be responsible for developing, updating as necessary, and implementing written administrative procedures (hereafter, the "Federal Procurement Manual") to govern the procurement and purchase of property, goods, and services using any federal award that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 ("UGG Federal Award"). The Federal Procurement Manual shall be consistent with all applicable federal laws and rules.

A "federal award" is ~~any~~ federal financial assistance ~~(including cost-reimbursement contracts)~~ that ~~a~~the school unit receives ~~either~~ directly from a federal agency or indirectly ~~from~~through a pass-through entity such as the ~~State~~Maine ~~education~~Department ~~department~~of ~~(2~~Education. See 2 CFR § ~~200.38).~~200.1. ~~Most, but not all, federal awards received by a school unit are subject to the Uniform Grant Guidance. To confirm whether a federal award is subject to the Uniform Grant Guidance, it will be necessary to review the~~The terms and conditions of the applicable ~~grant~~federal ~~agreement or cooperative agreement~~award and the applicability provisions ~~of the Uniform Grant Guidance, codified at~~in 2 CFR § ~~200.101.~~200.101 must be reviewed to determine whether the Uniform Guidance applies.

Notwithstanding any policy provision to the contrary, the procurement and purchase of property, goods, and services using a UGG Federal Award, in whole or in part, must comply with the Federal Procurement

Manual. Wherever this policy or any of the school unit's administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.

II. Bidding and Purchasing Not Required by Law

~~Where bidding/purchasing is not required by law, it shall be the policy of the school unit to competitively bid purchases of equipment, supplies, materials or services over $25,000 provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.~~

When competitive procurement is not otherwise required by law, rule, Board policy, grant requirement, or contract, the school unit shall use the following procedures based on the total reasonably anticipated cost of the procurement:

A. Purchases under $10,000 may be made without obtaining competitive quotations when the Superintendent or designee determines and documents that the price is reasonable.

B. For purchases of $10,000 or more but less than $50,000, the Superintendent or designee shall obtain at least three price or rate quotations from qualified sources when practicable. Quotations may be oral or written, but the procurement record must identify the sources contacted, the quotations received, and the basis for selection.

C. For purchases of $50,000 or more but less than $100,000, the Superintendent or designee shall obtain at least three written quotations or written proposals from qualified sources when practicable and shall document the evaluation and basis for selection.

~~If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases equal to or over $25,000. An RFP identifies the need the school unit intends to meet but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.~~

D. Purchases of $100,000 or more must be procured through a formal, publicly advertised competitive bid, request for proposals (RFP), or request for qualifications (RFQ), as appropriate to the purchase. Competitive bidding is used when award can be made principally on price. An RFP is used when price and other stated factors will be evaluated. An RFQ or other qualifications-based process may be used for professional services when qualifications, expertise, and experience are the principal selection factors.

E. The applicable threshold is determined using the total reasonably anticipated cost of the procurement, including renewals, options, installation, maintenance, and other related or foreseeable costs. Related purchases may not be divided or structured to avoid a procurement requirement.

~~The Superintendent may forego the competitive bid or RFP process for purchases less than $25,000, or when they determine that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.~~

F. The Superintendent may use a noncompetitive procurement process when: (1) the purchase can be fulfilled by only one source; (2) an emergency or public exigency will not permit the delay caused by competition; (3) the purchase is made through an applicable state contract, cooperative purchasing agreement, or purchasing consortium that was competitively procured; (4) compatibility or standardization reasonably requires the purchase; (5) competition is determined inadequate after solicitation of qualified sources; or (6) another method is specifically authorized by law, rule, grant requirement, or the Board. The Superintendent or designee shall document the basis for the exception and inform the Board before entering into the contract when practicable, or as soon as practicable following an emergency purchase.

G. These procurement thresholds govern the method of procurement and do not alter the Superintendent's or Board's separate authority to approve or execute contracts.

III. Procedures for Bidding and Requesting Proposals

~~The method of notification that the school unit uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include~~

~~public advertising, mailing of notices to potential vendors, and/or telephone calls to potential vendors (in the case of RFPs).~~

The method of solicitation must be reasonably designed to provide full and open competition and attract qualified vendors. Formal procurements under Section II(D) must be publicly advertised. The school unit may also provide direct notice to potential vendors. Solicitations must clearly describe the goods or services sought, submission requirements, evaluation factors, contract requirements, and applicable deadlines.

Competitive Bid Procedures

Unless other bid procedures are required by law, the school unit shall use the following procedures when soliciting competitive bids:

A. Solicitation. The solicitation shall specify the deadline and method for submitting bids and the time and place of bid opening. It must clearly describe the specifications and all factors to be used in determining the lowest responsive bid. Bid alternates ~~shall~~may be permitted at the discretion of the Superintendent. The solicitation shall reserve the ~~right of the~~ school ~~unit~~unit's right to reject any or all ~~bids,~~bids and ~~to~~ waive technical or immaterial ~~non-conformities~~nonconformities ~~in bids if~~when in the school unit's best ~~interest of the school unit, and to exercise judgment in evaluating bids.~~interest.

B. Written ~~bids.~~and ~~Bids~~Sealed ~~shall~~Bids. When sealed bids are required by Maine law or the solicitation, bids must be submitted in writing, ~~sealed with outside envelope or wrapper~~sealed, plainly marked "Bid, not to be opened ~~until~~until" ~~(insert~~with ~~appropriate~~the ~~date),"~~applicable date and time, and mailed or filed with the ~~Superintendent~~Superintendent. ~~of~~When sealed bids are not legally required, the ~~unit.~~solicitation may authorize secure electronic submission provided bids remain inaccessible until the submission deadline.

C. Time of Opening. A School Board member or employee of the school unit may not open a bid until the appointed time.

D. Public Opening. At the time and place stated in the public notice, and open to the public, all bids shall be opened by the Superintendent or, in the Superintendent's absence or disability, by any School Board member designated for the purpose by the Chair of the School Board.

E. Reading. If any members of the public who are not School Board members or employees of the school unit or if any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

~~F. Awards. In general, the School Board will award contracts to the lowest bidder which the Superintendent and School Board deem can satisfactorily fulfill the contract.~~

F. Awards. A competitively bid contract will ordinarily be awarded to the lowest responsive and responsible bidder. The Superintendent and School Board may consider bidder responsibility, compliance with specifications, life-cycle cost, delivery, past performance, and other factors identified in the solicitation. Any decision not to select the lowest responsive bid must be documented in writing.

RFP and RFQ Procedures

Unless ~~other~~another ~~RFP~~procedure ~~procedures are~~is required by law, rule, or a funding source, the school unit shall use the following procedures when soliciting ~~requests~~proposals ~~for~~or ~~proposals:~~qualifications:

A. Solicitation. The solicitation shall ~~specify~~state the submission deadline ~~for~~and ~~submitting~~method, ~~responses~~scope ~~to~~of ~~the~~work, ~~RFP~~contract requirements, evaluation criteria and their relative importance, and the ~~time~~evaluation and ~~place~~selection ~~of~~process. ~~proposal opening. The solicitation~~It shall reserve the ~~right of the~~ school ~~unit~~unit's right to reject any or all ~~proposals,~~responses and ~~to~~ waive technical or immaterial ~~non-conformities~~nonconformities ~~in proposals if~~when in the school unit's best ~~interest of the school unit, and to exercise judgment in evaluating proposals.~~interest.

~~B. Written Proposals. Proposals should be submitted in plain envelopes clearly marked "Proposal, not to be opened until (state time and date)." The RFP shall state the time and date that proposals shall be opened, and no proposals shall be opened before that time. Public opening is not required.~~

B. Written Responses. Proposals and qualifications must be submitted in writing. The solicitation may authorize sealed paper or secure electronic submissions, but responses may not be accessed before the submission deadline. Public opening is not required unless specified in the solicitation or required by law.

~~C. Evaluation and Awards. Proposals are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to the vendor whom the Superintendent and/or School Board deem best able to meet the requirements of the school unit.~~

C. Evaluation and Award. Responses must be evaluated using the criteria stated in the solicitation. Evaluators shall disclose actual or apparent conflicts of interest and document their evaluations. An RFP contract will be awarded to the responsible proposer whose proposal is most advantageous to the school unit, considering price and other stated factors. An RFQ contract will be awarded or negotiated in accordance with the qualifications-based process described in the solicitation. The award remains subject to applicable Superintendent and Board approval authority.

Legal Reference

~~5 MRSA § 1743-A (ALL)~~
~~20-A MRSA §§ 1001(14), 5401(13)(D); 5402 (ALL)~~
~~20-A MRSA § 1314 (MSAD)~~
~~20-A MRSA § 1492 (RSU)~~
~~Me. DOE Rule Ch. 61 (Rules for Major Capital School Improvement Projects)~~
~~Me. DOE Rule Ch. 64 (Rules for Maine School Facilities Program and School Revolving Renovation Fund Program)~~
~~34 CFR parts 74 and 80 (Education Department General Administrative Regulations ("EDGAR") (for federal awards made prior to 12/26/2014)~~
~~2 CFR part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)~~

5 M.R.S. § 1743-A
20-A M.R.S. §§ 1001(14), 1314, 5401(13)(D), and 5402
Maine DOE Rule Chapters 61 and 64
2 CFR Part 200

Cross Reference

DJ-R – Federal Procurement Manual
DJH – Purchasing and Contracting: Procurement Staff Code of Conduct

Adopted: April 1, 2021

Proposed Amendment: September 2026

Administrative Procedure DJ R

Federal Procurement Manual for Maine School Units

Proposed September 2026 Traditional Redline

Redline key. ~~Deleted language~~ Added language

Summary of Recommended Changes

Area	Proposed Update
Thresholds	$15,000 micro-purchase threshold and $350,000 simplified acquisi effective October 1, 2025.
Local controls	The most restrictive applicable federal, state, local, Board, program requirement controls.
Annual review	Annual check for threshold, regulatory, and award-term changes.
Competition	Updated prequalified-list rules and geographic-preference languag
Contractors	Proper employee classification added to the responsible-contractor
Business outreach	Veteran-owned businesses added to the affirmative procurement p
Domestic sourcing	Infrastructure-specific Buy America reference added.
Citations	Obsolete citations and drafting errors corrected.

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FEDERAL PROCUREMENT MANUAL FOR MAINE SCHOOL UNITS

FEDERAL PROCUREMENT MANUAL

(For School Unit Procurements Using Federal Awards Subject to Uniform Grant Guidance)
~~Updated~~Proposed ~~January~~Update ~~2021~~September 2026 This Federal Procurement Manual governs the procurement and purchase of property, goods, and services using any federal award; in whole or in part, that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200. To the extent necessary or convenient, the Superintendent or ~~his or her~~ their ~~designee,~~designee shall implement further written measures to ensure compliance with these procedures and any applicable federal laws and rules, including any applicable provisions of the Uniform Grant Guidance and the federal award terms and conditions. Any such written measures shall be made part of this manual. In addition, the Superintendent or ~~his or her~~ their ~~designee,~~designee ~~should~~shall review ~~and update~~ this manual annually for changes in federal acquisition thresholds, award terms, and other applicable requirements, and shall complete a comprehensive review at least every five ~~years,~~years ~~on~~in ~~a cycle roughly corresponding~~accordance with ~~the five-year Federal review of the Uniform Grant Guidance as provided in~~ 2 CFR § 200.109.

A. OVERVIEW The School Board expects all procurements of property, goods, or services made by the school unit using federal awards to be consistent with sound business practices and applicable federal laws and rules, including the Uniform Grant Guidance. These administrative procedures, in combination with the school unit's written policies — including but not limited to Policy DJ (Bidding/Purchasing Requirements) and Policy DJH (Purchasing and Contracting: Procurement Staff Code of Conduct) —are intended to comply with the federal requirement that the school unit must (1) use its own documented procurement procedures consistent with applicable federal, state, and local laws and regulations and, more specifically, conform to the procurement standards identified in 2 CFR §§ 200.317 through
200.327; and (2) maintain written standards of conduct covering conflicts of interest —real and perceived—for staff engaged in the selection, awarding, or administration of a contract. (2 CFR § 200.318(a), (c).) The Superintendent or their designee, acting singly, (the "Purchasing Agent") shall be responsible for implementing these administrative procedures and shall have direction and control over the purchasing of property, goods, and services for the school unit using federal funds. 1A "federal award" is any federal financial assistance (including cost-reimbursement contracts) that a school unit receives either directly from a federal agency or indirectly from a pass-through entity such as the State education department. See 2 CFR § 200.1. Most, but not all, federal awards received by the school unit are subject to the Uniform Grant Guidance. To confirm whether a federal award is subject to the Uniform Grant Guidance, review the terms and conditions of the applicable grant agreement or cooperative agreement and the applicability provisions of the Uniform Grant Guidance, codified at 2 CFR § 200.101.

Wherever these administrative procedures are inconsistent with applicable federal laws and rules, or the terms and conditions of a federal award, the provisions of the applicable federal laws, rules, or award terms and conditions shall control.

B. GENERAL PROCUREMENT PROCEDURES
1. Full and Open Competition. All procurements must be conducted in a manner that provides full and open competition. Real or perceived unfair advantages will be avoided. Accordingly, the school unit will not (i) place unreasonable requirements on firms or vendors to qualify for a procurement, (ii) require unnecessary experience or use excessive bonding, (iii) use noncompetitive pricing practices between firms or affiliated companies, (iv) allow organizational conflicts of interest, (v) specify a "brand name" product without allowing firms or vendors to offer an equal alternate product, or (vi) allow any arbitrary action in the procurement process. To ensure objective contractor performance and eliminate unfair competitive advantage, firms or vendors that develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals must be excluded from competing for such procurements. (2 CFR §

200.319(a), (b).)

2. Responsible Contractors. The school unit must award contracts only to responsible contractors who are able 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, proper classification of employees under the Fair Labor Standards Act, record of past performance, and financial and technical resources. (2 CFR § 200.318(h).)

3. Oversight of Contractors. The school unit must maintain a contract administration and oversight system to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. (2 CFR§ 200.318(b).)

4. Fostering Economy and Efficiency. The school unit must avoid purchasing unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase, and to using federal surplus equipment and property. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, consideration should also be given to: (i) entering into state and local intergovernmental agreements or inter- entity agreements where appropriate for procurement or use of common or shared goods and services, (ii) using federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs, and (iii) using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. (2 CFR § 200.318(d)-(g).)

5. ~~Geographic Preferences Prohibited;~~ Domestic Preferences and Other Lawful Procurement Preferences. As appropriate, to the greatest extent practicable, and consistent with law, the school unit should provide a preference for ~~U.S.~~the ~~Goods,~~purchase, ~~Products,~~acquisition, or ~~Materials~~use ~~Encouraged.~~of goods, products, or materials produced in the United States. The requirements of 2 CFR § 200.322 must be included in all subawards, contracts, and purchase orders under federal awards. For infrastructure projects, the school unit must ~~conduct~~also ~~procurements~~comply ~~so~~with ~~as~~any ~~to~~applicable ~~prohibit~~Buy America preferences under 2 CFR Part 184 and the ~~use~~terms and conditions of ~~statutorily~~the federal award. Any geographic or ~~administratively~~workforce-related ~~imposed~~preference or scoring mechanism may be used only when consistent with the United States Constitution, applicable federal statutes and regulations, state ~~or~~and local ~~geographic~~law, ~~preferences~~established ~~in~~school unit procedures, and the terms and conditions of the federal award. (2 CFR §§ 200.318(l), 200.319(f), 200.322; 2 CFR Part 184.)

~~the evaluation of bids or proposals, except (i) where applicable federal statutes expressly mandate or encourage geographic preference or (ii) when contracting for architectural and engineering (A/E) services, so long as its application leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project. As appropriate and to the extent consistent with law, the school unit should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under a Federal award. For purposes of this section, "produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. For purposes of this section, "manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber. (2 CFR §§ 200.319(c), 200.322.)~~

6. Clear and Accurate Technical Requirements. The school unit must have written procedures for procurement transactions that incorporate a clear and accurate description of the technical requirements for the goods or services to be procured, identify all requirements which offerors must fulfill, and identify all other factors to be used in evaluating solicitations. Technical descriptions (i) must not, in competitive procurements, contain features which unduly restrict competition; (ii) may include a statement of the qualitative nature of the goods or services to be procured; (iii) when necessary, must set forth those minimum essential characteristics and standards to which goods or services must conform if they are to satisfy their intended use; (iv) should avoid detailed product specifications if possible; and (v) may use a brand name or equivalent description as a means to define performance or other salient requirements of procurement when it is impractical or uneconomical to make a clear and accurate description of the technical requirements (the specific features of the named brand which must be met by offerors must be clearly stated). (2 CFR § 200.319(d).)

7. Prequalified Contractor Lists. The school unit 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 competition. When establishing or amending a prequalified list, the school unit must consider objective factors that evaluate price and ~~free~~cost to maximize competition. The school unit must not preclude potential bidders from qualifying during the solicitation period. (2 CFR § 200.319(e).)

8. Procurement of Items Made with Recovered Materials. The school unit must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring certain items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247, Subpart B that contain the highest percentage of recovered materials, as long as the item is available at a reasonable price and within a reasonable time, and a satisfactory level of competition is maintained. This applies when the school unit

purchases $10,000 or more worth of a designated item during a fiscal year, or where the cost of such items or of functionally equivalent items purchased during the preceding fiscal year was $10,000 or more. Section 6002 also requires procuring solid waste management services in a manner that maximizes energy and resource recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. (2 CFR § 200.323; 40 CFR § 247.2(a)(1).)

C. PROCUREMENT METHODS AND THRESHOLDS

1. Methods of Procurement. The school unit must use ~~one~~an ~~of~~informal procurement method (micro-purchase or simplified acquisition), a formal procurement method (sealed bid or proposal), or a noncompetitive procurement method, as appropriate. The school unit shall apply the ~~following~~most ~~five~~restrictive ~~methods~~applicable ~~of~~federal, ~~procuring~~state, ~~goods~~local, Board, program, or ~~services:~~award-specific ~~micro-purchases, small purchases, sealed bids, competitive proposals (a.k.a. requests for proposals), and non-competitive proposals (a.k.a. sole source procurement).~~requirement. (2 CFR § 200.320.)

~~a.~~Federal ~~Micro-purchases~~acquisition ~~(less~~thresholds ~~than~~are ~~$10,000~~adjusted ~~as~~periodically. ~~of~~Before ~~November~~beginning ~~12,~~a ~~2020). Micro-purchases up to the federal micro-purchase threshold ($10,000 as of November 12, 2020)2 may be made without soliciting competitive quotations if~~procurement, the Purchasing Agent ~~considers~~shall confirm the ~~price~~current ~~to~~federal ~~be~~thresholds ~~reasonable~~and ~~based~~determine ~~on~~whether ~~research,~~a ~~experience,~~lower ~~purchase~~threshold ~~history,~~is required by Maine law, Board policy, the applicable federal program, or ~~other~~the ~~information~~award terms and ~~documents. To the maximum extent practicable, the Purchasing Agent must distribute micro-purchases equitably among qualified suppliers, vendors, or firms. (2 CFR §§ 200.67, 200.320(a)(1).) On an annual basis, a school unit may establish a micro-purchase threshold higher than the federal micro-purchase threshold, up to $50,000. The school unit must maintain documentation, which must be made available to the federal awarding agency and auditors in accordance with 2 CFR § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following: (i) a qualification as a low-risk auditee, in accordance with the criteria in 2 CFR § 200.520 for the most recent audit; (ii) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or (iii) for public institutions, a higher threshold consistent with state law. (2 CFR § 320(a)(1)(iv).~~conditions.

~~b.~~a. ~~Small~~Micro-purchases ~~Purchases~~(not ~~($250,000~~exceeding ~~or less~~$15,000 as of ~~November~~October ~~12,~~1, ~~2020).~~2025). ~~Small~~Micro-purchases ~~purchases~~not exceeding the federal micro-purchase threshold ($15,000 as of October 1, 2025)2 may be made without soliciting competitive quotations if the Purchasing Agent considers the price to be reasonable based on research, experience, purchase history, or other information and documents. To the maximum extent practicable, the Purchasing Agent must distribute micro-purchases equitably among qualified suppliers, vendors, or firms. (2 CFR §§ 200.1, 200.320(a)(1).) On an annual basis, a school unit may establish a micro-purchase threshold higher than the federal micro-purchase threshold, up to $50,000. The school unit must maintain documentation, which must be made available to the federal ~~simplified~~awarding ~~acquisition~~agency and auditors in accordance with 2 CFR § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following: (i) a qualification as a low-risk auditee, in accordance with the criteria in 2 CFR § 200.520 for the most recent audit; (ii) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or (iii) for public institutions, a higher threshold ~~($250,000~~consistent ~~as~~with ~~of~~state ~~November~~law. ~~12,~~(2 ~~2020)3~~CFR § 200.320(a)(1)(iv).

~~2~~b. ~~For~~Simplified ~~procurements~~Acquisitions ~~utilizing~~(more ~~federal~~than ~~funds~~$15,000 ~~obtained~~but ~~prior~~not ~~to~~exceeding ~~November~~$350,000 ~~12,~~as ~~2020,~~of October 1, 2025). Simplified acquisitions not exceeding the ~~micro-~~

~~purchase threshold is $3,500. The threshold is subject to adjustment every five years in the Federal Acquisition Regulations. 3 For procurements utilizing~~ federal ~~funds obtained prior to November 12, 2020, the~~ simplified acquisition threshold ~~is~~($350,000 ~~$150,000. The threshold is subject to adjustment every five years in the Federal Acquisition Regulations ("FAR"). The school unit is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation~~as of ~~risk,~~October ~~and~~1, ~~its documented procurement procedures; however, in no circumstances can this threshold exceed the dollar value established in the FAR (48 CFR part 2, subpart 2.1) for the simplified acquisition threshold. The school unit should determine if local government laws on purchasing apply. (2 CFR § 200.1 — see definition of "simplified acquisition threshold.")~~2025)3

Federal acquisition thresholds are subject to periodic adjustment in the Federal Acquisition Regulation. The school unit may ~~be~~adopt ~~made~~lower ~~using simple, informal procurement methods~~thresholds and ~~without~~must ~~requiring~~comply ~~sealed bids. For~~with any ~~such~~lower ~~purchases,~~applicable ~~the~~state, ~~Purchasing~~local, ~~Agent~~Board, ~~must obtain price~~program, or ~~rate~~award-specific ~~quotes from an adequate number of qualified vendors or firms (preferably, from at least three q ualified vendors or firms). The Purchasing Agent shall document any price or rate quotes received, whether written or oral. (2 CFR §§ 200.88, 200.320 (a (2).)~~threshold.

~~e. Sealed Bids (over $250,000 as of November 12, 2020). For purchases in excess of the federal simplified acquisition threshold ($250,000 as of November 12, 2020) sealed bidding is used if (i) a complete, adequate, and realistic specification or purchase description is available; (ii) two or more responsible bidders are willing and able to compete effectively for the business; and (iii) the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can~~may be made ~~principally~~using ~~on~~simple, informal procurement methods and without requiring sealed bids. For any such purchases, the ~~basis~~Purchasing Agent must obtain price or rate quotes from an adequate number of ~~price.~~qualified ~~This~~vendors ~~is~~or ~~the~~firms ~~preferred~~(preferably, ~~method~~from ~~for~~at ~~procuring~~least ~~construction.~~three ~~If~~qualified ~~sealed~~vendors ~~bids~~or ~~are~~firms). ~~used,~~The ~~the~~Purchasing ~~following~~Agent ~~requirements~~shall ~~apply:~~document any price or rate quotes received, whether written or oral. (2 CFR §§ 200.1, 200.320(a)(2).)

c. Sealed Bids (over $350,000 as of October 1, 2025). For purchases in excess of the school unit's simplified acquisition threshold, which may not exceed the federal simplified acquisition threshold ($350,000 as of October 1, 2025), sealed bidding is used if (i) a complete, adequate, and realistic specification or purchase description is available; (ii) two or more responsible bidders are willing and able to compete effectively for the business; and (iii) 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. This is the preferred method for procuring construction. If sealed bids are used, the following requirements apply:

• Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids;

• The invitation for bids must be publicly advertised;

• The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

• All bids will be opened at the time and place prescribed in the invitation for bids;

• The bids must be opened publicly;

• A firm fixed price (lump sum or unit price) contract award will be made in writing to the lowest responsive and responsible bidder whose bid conforms to all material terms and conditions of the invitation to bid. Where specified in bidding documents, ~~facto rs~~factors such as discounts, transportation costs, 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 advan tage of; and

• Any or all bids may be rejected if there is a sound documented reason. (2 CFR §§ ~~200.88,~~200.1, 200.320(b)(1).)

d. Requests for Proposals (over ~~$250,000~~$350,000 as of ~~November~~October ~~12,~~1, ~~2020).~~2025). For purchases in excess of the school unit's simplified acquisition ~~threshold~~threshold, ~~($250,000~~which may not exceed $350,000 as of ~~November~~October ~~12,~~1, ~~2020),~~2025, this procurement method is used when conditions are not appropriate for the use of sealed bids. Typically, a request for proposals ("RFP") seeks proposals ~~t hat~~that are evaluated qualitatively such that price is not the primary evaluation criterion.

Contracts may be awarded on either a fixed price or cost-reimbursement basis. If this procurement method is used, the following requirements apply:

• RFPs must be publicized and identify all evaluation factors and their relative importance. Any response to an RFP must be considered to the maximum extent practical;

• The RFP must identify the method to be used by the school unit for conducting technical evaluations of the proposals received and making selections;

• Proposals must be solicited from an adequate number of qualified offerors; and

• The Purchasing Agent must award a contract to the responsible offeror whose proposal is most advantageous to the school unit, with price and other factors considered; however, any and all proposals may be rejected if there is a sound documented reason. The Purchasing Agent may use competitive proposal procedures for qualifications - based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subj ect to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, may only be used in procurement of A/E professional services. It cannot be used to purchase other types of services even if A/E firms are a p otential source to perform the proposed effort. (2 CFR §

200.320(b)(2).)

e. Non-Competitive Proposals (Sole Source); Emergencies. Procurements may be made through a non-competitive process (i.e., through the solicitation of a proposal from only one source) only when one or more of the following circumstances apply:

• The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see Section C.I.a, above);

• The item is available only from a single source;

• A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

• The federal awarding agency or pass -through entity expressly authorizes non -competitive proposals in response to a written request from the school unit; or

• After solicitation of a number of sources, competition is determined inadequate. The Purchasing Agent must document the basis for the sole source procurement by documenting the basis for any exigency or emergency, obtaining express

authorization from the federal awarding agency or pass-through entity, or demonstrating a good faith effort on the part of the school unit to solicit proposals from a number of sources. (2 CFR ~~§§~~§ ~~200.320(c), 200.324(b)(2).)~~200.320(c).)

2. Purchases Over $25,000. For purchases exceeding $25,000, prior to contracting with a vendor, the Purchasing Agent shall use the System for Award Management (SAM) to search for the vendor by name, tax identification number, or another characteristic to make sure that the vendor has not been suspended or debarred from performing federally funded work. (2 CFR §§ 200.206(d), 180.220.)

3. Purchases Over the Simplified Acquisition Threshold ~~($250,000~~($350,000 as of ~~November~~October ~~12,~~1, ~~2020).~~2025). The following additional procedures apply to purchases exceeding the simplified acquisition threshold:

a. Cost/Price Analysis.

(i) The Purchasing Agent must perform a cost or price analysis in connection with every procurement in excess of the simplified acquisition threshold, including contract modifications. The method and degree of analysis depends on the facts surrounding the particular situation, but as a starting point, the Purchasing Agent must make independent estimates before receiving bids or proposals.

(ii) The Purchasing Agent must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be 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.

(iii) Costs or prices based on estimated costs for contracts under a federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable under Subpart E (Cost Principles) of 2 CFR Part 200. The school unit may reference its own cost principles that comply with the federal cost principles.

(iv) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used. (2 CFR § 200.324.)

b. Bonding Requirements. For construction or facility improvement contracts or subcontracts in excess of the simplified acquisition threshold, the following bonds, or equivalent, are required:

(i) A bid guarantee from each bidder equivalent to 5% of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;

(ii) A performance bond on the part of the contractor for 100% of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and

(iii) A payment bond on the part of the contractor for 100% of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. (2 CFR § 200.326.)

D. CONTRACTING WITH SMALL ~~&~~BUSINESSES, MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, VETERAN-OWNED BUSINESSES, AND LABOR SURPLUS AREA FIRMS The Purchasing Agent must take all necessary affirmative steps to assure that small & minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are considered and used when possible when possible. Affirmative steps must include:

1. Placing qualified small ~~&~~businesses, minority ~~businesses and~~businesses, women's business ~~enterprises~~enterprises, veteran-owned businesses, and labor surplus area firms on solicitation lists;

2. Assuring that small ~~&~~businesses, minority ~~businesses and~~businesses, women's business ~~enterprises~~enterprises, veteran-owned businesses, and labor surplus area firms are solicited whenever they are potential sources;

3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small ~~&~~businesses, minority ~~businesses and~~businesses, women's business ~~enterprises;~~enterprises, veteran-owned businesses, and labor surplus area firms;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small ~~&~~businesses, minority ~~businesses and~~businesses, women's business ~~enterprises;~~enterprises, veteran-owned businesses, and labor surplus area firms;

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; and

6. Requiring the prime contractor, if subcontracts are to be allowed, to take the affirmative steps listed in paragraphs (1) through (5) of this section. (2 CFR § 200.321.)

E. CONTRACTS ARISING FROM PROCUREMENTS

1. Contract Administrator. Prior to the execution of a contract funded by a federal award, the school unit should name a Contract Administrator. The Contract Administrator is responsible for the tasks, technical requirements, service performance, and verification that payments are in compliance with the contract.

2. Contract Type. The school unit may use a time-and-materials type contract (i.e., a contract whose cost to the school unit is the sum of (i) the actual cost of materials and (ii) direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit) only if the school unit determines that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk. The school unit must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls. (2 CFR § 200.318(j).)

3. Contract Provisions. Any contract entered into between the school unit and a firm or vendor who is to be compensated using a federal award or a portion thereof must contain the applicable contract provisions described in Appendix 1. (2 CFR § 200.327.)

4. Subrecipient and Contractor Determinations. The school unit must make case-by-case determinations whether each agreement it makes for the disbursement of federal funds casts the party receiving the funds in the role of a subrecipient or a contractor. The school unit must make this classification using its judgment based on the following factors, as well as any additional guidance supplied by the federal awarding agency:

a. Contractors. A contract is for the purpose of obtaining goods and services for the party's own use and creates a procurement relationship with the contractor. (See 2 CFR § 200.1.) Characteristics indicative of a procurement relationship between the school unit and a contractor are when the contractor (i) provides the goods and services within normal business operations; (ii) provides similar goods or services to many different purchasers; (iii) normally operates in a competitive environment;

(iv) provides g oods or services that are ancillary to the operation of the federal program; and (v) is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.

b. Subrecipients. A subaward is for the purpose of carrying out a portion of a federal award and creates a federal assistance relationship with the subrecipient. (See 2 CFR §

200.1.) Characteristics which support the classification of a party receiving federal funds as a subrecipient include when the party (i) determines who is eligible to receive what federal assistance; (ii) has its performance measured in relation to whether objectives of a federal program were met; (iii) has responsibility for programmatic decision making; (iv) is responsible for adherence to applicable federal program requirements specified in the federal award; and (v) in accordance with its agreement, uses the federal funds to carry out a program for a public purpose

specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity. If the party receiving the funds is classified by the school unit as a subrecipient, the school unit must:

(i) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the information required by 2 CFR § 200.331.

(ii) Evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described below, which may include consideration of such factors as: (a) the subrecipient's prior experience with the same or similar subawards; (b) the result of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F —Audit Requirements —of 2 CFR Part 200, and the extent to which the same or similar subaward has been audited as a major program; (c) whether the subrecipient has new personnel or new or substantially changed systems; and (d) the extent and results of federal awarding agency monitoring.

(iii) Consider imposing specific subaward conditions upon a subrecipient as described in 2 CFR § 200.208.

(iv) Monitor the activities of the subrecipient as necessary, and as further provided in 2 CFR § ~~331,~~200.332, to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

(v) Verify that each subrecipient is audited as required by Subpart F (Audit Requirements) of 2 CFR Part 200 when it is expected that the subrecipient's federal awards ~~expended~~expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR § 200.501.

(vi) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the school unit's own records.

(vii) Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR § ~~200.338.~~200.339. (2 CFR §§ ~~200.330,~~200.331, ~~200.331.)~~200.332.)

F. RECORDS

1. Recordkeeping. The school unit must maintain records sufficient to detail the history of procurement. Records must include the following: (i) rationale for the method of procurement, (ii) selection of contract type, (iii) contract selection or rejection, and (iv) the basis for the contract price.

2. Record Retention Requirements. The school unit must maintain records related to each federal procurement for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report,

respectively, as reported to the federal awarding agency or school unit in the case of a subrecipient. The following exceptions apply:

a. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

b. When the school unit is notified in writing by the federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass -through entity to extend the retention period.

c. Records for real property and equipment acquired with federal funds must be retained for 3 years after final disposition.

d. When records are transferred to or maintained by the federal awarding agency or pass - through entity, the 3-year retention requirement is not applicable to the school unit.

e. Records for program income transactions after the period of performance. In some cases, federal fund recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the school unit's fiscal year in which the program income is earned.

f. Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates). If the proposal, plan, or other computation is required to be submitted to the federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

If the proposal, plan, or other computation is not required to be submitted to the federal government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation. (2 CFR §§ 200.318(i), ~~200.333.)~~200.334.)

G. PROTESTS AND CLAIMS The school unit is solely responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements of goods or services under federal awards. Except as may be otherwise provided in a written request for proposals or other solicitation of the school unit, these procedures are available to proposers for the purpose of handling and resolving d isputes relating to such procurements, including evaluation and selection, protests of awards, disputes, and claims relating to the selection process and contract award. 4 A protestor must exhaust all of these administrative remedies before pursuing a protest with the federal grant agency or in any court of law. For purposes of this section, the term "proposer" means any person or entity that has submitted a bid or a ~~propos al~~proposal in response to an RFP or other solicitation to the school unit, or a person or entity that is a prospective bidder or offeror and who has a demonstrated direct economic interest in the results of the procurement.

1. Protest Submission Requirements. To be considered by the school unit, a protest must be made in writing, supported by sufficient information to enable the protest to be fairly evaluated, and submitted within the time periods set forth herein. At minimum, protests must include (i) the name, phone number, and address of the protester; (ii) identification of the detailed and specific provision(s) of applicable federal or state law which would be allegedly violated by the procurement; (iii) copies of all exhibits, evidence, or documents supporting the protest; and (iv) a concise description of all remedies or relief requested.

2. Pre-Award Protests. Pre-award protests are protests based upon the content of the solicitation documents. Any protest to the terms, conditions, or specifications set forth in a solicitation must be submitted to the Purchasing Agent or the contract administrator, if a contract administrator is identified in the solicitation, within 5 calendar days after the issuance of the solicitation. All such protests will be considered by the Purchasing Agent, or the contract administrator as appropriate, prior to the solicitation due date, and a written decision will be provided to the protestor. A decision of the Purchasing Agent or contract administrator is final, and no further protest or appeal of the terms, conditions, or specifications of any solicitation will be considered by the School Board. 4

These protest procedures are not available to contractors or third parties for the purpose of handling and resolving disputes, claims or litigation arising in the course of contract formation or contract administration. Any such disputes, claims or litigation will be handled and resolved in accordance with applicable contract terms, if any, and applicable law.

3. Protests of Proposal Evaluations and Award Decision. Proposers shall be notified of any award decision by a written or oral notice of the award. This notice shall be transmitted to each proposer at the address, email address, or telephone number contained in its proposal. Any proposer whose proposal has not lapsed may protest an award decision on any ground arising from the evaluation of proposals or the award decision, but not on any ground specified in the "Pre-Award Protests" category, above. Any such protest must be submitted to the Purchasing Agent or the contract administrator, if a contract administrator is identified in the solicitation, within 3 calendar days after notice of the award. All such protests will be considered by a Protest Review Subcommittee, composed of members selected by the School Board in its sole discretion. A written decision from the Protest Review Subcommittee stating the grounds for allowing or denying the protest shall be transmitted to the protestor before a final contract award is made. A decision of the Protest Review Subcommittee is final, and no further protest or appeal will be considered by the School Board. (2 CFR § 200.318(k).)

H. FEDERAL AWARDING AGENCY OR PASS-THROUGH ENTITY REVIEW

1. The school unit must make available, upon request of the federal awarding agency or pass- through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the school unit desires to have the review accomplished after a solicitation has been developed, the federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

2. The school unit must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

a. The school unit's procurement procedures or operation fails to comply with the procurement standards in 2 CFR Part 200;

b. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

c. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;

d. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

e. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold. The school unit is exempt from the pre-procurement review in this paragraph if the federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of 2 CFR Part 200.

3. The school unit may request that its procurement system be reviewed by the federal awarding agency or pass - through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high -dollar funding, and third party contracts are awarded on a regular basis.

4. The school unit may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the school unit that it is complying with these standards. The school unit must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review. (2 CFR § 200.325.)

I. EXCEPTIONS TO THESE ADMINISTRATIVE PROCEDURES The requirements set forth in these administrative procedures do not apply to:

1. Block grant awards authorized by the Omnibus Budget Reconciliation Act of 1981 (including Community Services);

2. Federal awards to local education agencies under 20 U.S.C. 7702 -7703b (portions of the Impact Aid program, including federal payments relating to federal acquisition of school property and federal payments for students residing on military installations or Indian lands);

3. Federal awards authorized under the Child Care and Development Block Grant Act of 1990, as amended;

4. Classes of federal awards or non-federal entities identified as exceptions by the Office of Management and Budget; or

5. Any circumstance where the provisions of federal statutes or regulations differ from the provisions of Part 200 of Title 2 of the Code of Federal ~~Register.~~Regulations. (2 C.F.R. §§ 200.101, 200.102.)

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations ("EDGAR")) (for federal awards made prior to 12/26/2014) 2 CFR Part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)

Cross Reference: DJ — Bidding/Purchasing DJH — Purchasing and Contracting: Procurement Staff Code of Conduct

Adopted: August 3, 2017

Amended: March 5, 2020, November 7, 2024

APPENDIX I. REQUIRED CONTRACT PROVISIONS All contracts made by the school unit for the procurement of property, goods, or services using a federal award must contain provisions covering the following, as applicable:

A. Remedies (over ~~$250,000).~~the simplified acquisition threshold). Contracts for more than the applicable simplified acquisition threshold ~~(currently~~(not ~~$250,000)~~more than $350,000 as of October 1, 2025) must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for such sanctions and penalties as appropriate.

B. Termination for Cause and Convenience (over $10,000). All contracts in excess of $10,000 must address termination for cause and for convenience by the school unit, including the manner by which it will be effected and the basis for settlement.

C. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.360-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

D. Davis-Bacon Act, Copeland "Anti-Kickback" Act (construction contracts over $2,000). When required by federal program legislation, all prime construction contracts in excess of $2,000 awarded by the school unit must include a provision for compliance with the Davis- Bacon Act (40 U.S.C. 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The school unit must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The school unit must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The school unit must report all suspected or reported violations to the Federal awarding agency.

E. Contract Work Hours and Safety Standards Act (over $100,000). Where applicable, all contracts awarded by the school unit in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

F. Rights to Inventions Made Under a Contract or Agreement. If the federal award meets the definition of "funding agreement" under 37 CFR § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignmen t, or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

G. Clean Air Act; Federal Water Pollution Control Act (over $150,000). Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

H. Debarment and Suspension. A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

I. Byrd Anti-Lobbying Amendment (over $100,000). Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award.

J. Domestic Preference. As appropriate and to the extent consistent with law, the school unit should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under a Federal award. For purposes of this section, "produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. For purposes of this section, "manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber. See 2 CFR § 200.322.

K. Procurement of Items Made with Recovered Materials. The contractor must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247, Subpart B that contain the highest percentage of recovered materials, as long as the item is

available at a reasonable price and within a reasonable time, and a satisfactory level of competition is maintained. This applies when the school unit purchases $10,000 or more worth of a designated item during a fiscal year, or where the cost of such items or of functionally equivalent items purchased during the preceding fiscal year was $10,000 or more. Section 6002 also requires procuring solid waste management services in a manner that maximizes energy and resource recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. See 2 CFR § 200.323; 40 CFR § 247.2(a)(1).

L. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. Contractors are prohibited from obligating or expending loan or grant funds to

(i) procure or obtain; (ii) extend or renew a contract to procure or obtain; or (iii) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). See 2 CFR § 200.216.

PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT

Conflict of Interest

All employees of MSAD #11 shall perform their duties in a manner free from conflict of interest to ensure that the school district's business transactions are made in compliance with applicable laws and regulations and in a manner that maintain public confidence in the schools. No employee, officer, or agent of the school district shall participate in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest.

A conflict of interest would arise when the employee, officer, or agent – or any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein – has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. For the purpose of this policy, "immediate family" is defined as spouse, brother, sister, parent, son, or daughter.

Conflict of Interest Disclosure

All employees, officers, or agents with real or apparent conflicts of interest as defined above must disclose the conflict of interest to the Superintendent who will investigate the circumstances of the transaction. The Superintendent will exercise due diligence in investigating the circumstances of the transaction and, if necessary, will make reasonable efforts to find alternatives to the proposed transaction or arrangement that would not give rise to a conflict of interest. If the Superintendent determines that the proposed transaction is in the best interest of MSAD #11 and is fair and reasonable, they may proceed with the transaction. In the event the Superintendent may have a conflict of interest, an ad hoc subcommittee of the School Board will investigate and make a determination regarding the transaction.

Staff Gifts and Solicitations

The employees, officers, and agents of MSAD 11 may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontractors. Employees, officers, and agents of the school district may accept unsolicited items of nominal value such as those that are generally distributed by a company or organization through its public relations program.

Violations

Employees of MSAD #11 who violate this code of conduct may be subject to discipline, up to and including termination of employment and, if appropriate, referral to law enforcement.

Legal Reference: 34CFR 74 and 80 (Education Department General Administrative Regulations (EDGAR) (for federal awards made prior to 12/26/2014)

2 CFR §200.318 (Uniform Administrative Requirements – General Procurement Standards) (for federal awards made on or after 12/26/2014)

Cross Reference: BCB - Board Member Conflict of Interest
DJ - Bidding/Purchasing Requirements
DJ-R – Bidding/Purchasing Requirements – Administrative Procedure
GBI - Staff Gifts and Solicitations
KCD - Public Gifts/Donations to the Schools

Adopted: May 6, 2010

Revised: March 3, 2011; August 3, 2017; December 2. 2021

RELATIONS WITH LAW ENFORCEMENT PERSONNEL: LIMITATIONS ON AUTHORITY TO CONSENT FOR ENTRY OR TO REVIEW RECORDS IN SCHOOLS

The intent of the policy is to ensure that MSAD 11 schools and educational programs remain safe and accessible to all students and staff regardless of immigration status by limiting, to the fullest extent possible, consistent with state and federal law, voluntary consent for entry into nonpublic areas of the facility by law enforcement officers for immigration enforcement purposes, and limiting consent to disclosure of protected records held by the school to law enforcement officers for immigration enforcement purposes.

[NOTE: The Attorney General's "Model Policy and Guidance" states in a footnote that it should not be construed as limiting or restricting access to nonpublic areas of a public school or state postsecondary educational institution by a law enforcement officer who presents for a lawful reason that is not for immigration enforcement purposes. This would suggest that law enforcement officers, including federal officers, would be allowed to enter without a warrant in the event of an immediate and credible threat of harm to students, staff, or the public that requires urgent intervention, or as otherwise permitted by school board policy.]

In the context of this policy, "voluntary consent" means that no school district employee, acting on their own initiative, may voluntarily consent or acquiesce to the request of a federal law enforcement officer to enter a nonpublic space within the school or allow access to, or inspection of, education records maintained by the school for the purpose of enforcing immigration laws. Access to nonpublic spaces or education records will only be provided when legally required at the direction or the Superintendent's designee after consultation with MSAD 11's legal counsel, if appropriate.

The school principal/designated administrator will ensure that all staff persons who may interact with law enforcement officers are informed of this policy. All staff persons should have the name, title, and contact information of the administrator who has been designated to advise them in implementing this policy.

I. Definitions

A. **"Education record"** has the same meaning as in the federal Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code, Section 1232g(a)(4), and its implementing regulations.

B. **"Law enforcement officer"** means a person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions, or who is an adult probation supervisor.

"Law enforcement officer" includes the following federal officers who are authorized to carry firearms in the performance of their duties as federal law enforcement employees or officers:

- **Special Agents:** A federal officer who is a special agent of the United States Secret Service of the Department of Homeland Security; and

- **Immigration, Customs, or Border Security:** A federal officer of an agency within the Department of Homeland Security that has administrative and enforcement jurisdiction over immigration, customs, or border security matters. This may include, for example, a federal officer within the United States Customs and Border Protection, United States Immigration and Customs Enforcement, or United States Citizenship and Immigration Services.

C. **"Nonpublic area"** means an area of a building or facility that the public is not free to enter or access and includes a restricted access area within a building or facility that is otherwise predominately open to the public. "Nonpublic area" also includes all areas within a building or facility during any time that the building or facility is closed for operation.

II. Responding to Requests for Entry and Access to Records Maintained by the School

A. Entry Into Nonpublic Areas

A person acting on behalf of a public school may not voluntarily permit a law enforcement officer to enter a nonpublic area of the school for immigration enforcement purposes.

If a law enforcement officer presents at the school and seeks to gain entry to nonpublic areas, the staff person shall ask the law enforcement officer to identify their purpose for accessing nonpublic areas.

If the law enforcement officer indicates an immigration enforcement purpose, the staff person shall ask the law enforcement officer to produce a court-issued warrant or any other documents the officer contends authorize access to nonpublic areas of the school.

The staff person shall inform the officer of the requirement to consult with a designated administrator to review the warrant or other legal documents prior to permitting access to any nonpublic areas of the school.

The staff person shall direct the officer to wait in a designated area of the school (e.g., principal's office or conference room) while the principal/designated administrator reviews the documents.

The principal/designated administrator will notify the Superintendent of the presence of the federal law enforcement official(s) and reason for the request.

The principal/designated administrator will review the documents presented and consult with legal counsel, as necessary, before giving direction to the staff person as to how to respond.

If the law enforcement officer insists on accessing nonpublic areas without a court-ordered warrant or other valid order authorizing access under federal or state law, or before the

File: CBI

SUPERVISION AND EVALUATION OF THE SUPERINTENDENT

The School Board employs and evaluates one person - the Superintendent - holding that person accountable for the school unit's performance and compliance with applicable laws, regulations, and Board policy.

Having hired the Superintendent as its chief executive officer, the Board delegates to the Superintendent the authority to operate the schools, implement board policy, and provide leadership to staff. This delegation of authority empowers the Superintendent to pursue the mission, vision, and goals set by the Board.

The Board, in its oversight role, is responsible for ensuring that a plan is in place for effective transition for an incoming Superintendent, supporting the Superintendent's continued success, and monitoring the Superintendent's performance to ensure that the school unit is progressing toward its goals. The evaluation process culminates in annual performance evaluation.

The Board believes that a successful employment relationship - and ultimately, the success of the school unit - depends on mutual respect and a clear understanding of the roles, responsibilities, and expectations of both the Superintendent and the Board. The Board sees evaluation as an opportunity to facilitate communication, enhance the Board-Superintendent relationship, and improve the performance of the school unit.

Evaluation of the Superintendent begins with the process of defining how success in the position will be demonstrated. Based on the Superintendent's job description, professional standards for the position, and knowledge of the school unit, the Superintendent in consultation with the Board will identify annual goals to lead and enhance the work of the school unit.

Supervision/monitoring of the Superintendent should be thoughtfully planned. The MSAD #11 School Board will ~~evaluate the performance of the Superintendent no less than once every three years~~. engage with the Superintendent in an informal semi-annual evaluation. This is intended to provide the Superintendent with an update on their progress toward the goals and expectations agreed to and to determine whether there has been any change in the school unit's priorities. This will also be an opportunity for the Board to express any concerns about the Superintendent's performance to date so that adjustments can be made if necessary, and for the Superintendent to communicate their own concerns to the Board.

Annually, the Board will evaluate the performance of the Superintendent as a regular and scheduled activity. The primary purpose~~s~~ of the evaluation will be to continually improve administrative leadership, to strengthen the working relationship of the Board and Superintendent governance team, and to assist the Board in reviewing issues associated with the Superintendent's employment.

Guidelines

A. The Superintendent should be involved in developing the evaluation form and standards or reviewing the existing evaluation form and standards.

B. The evaluation(s) should be at a regularly scheduled time and place, in an executive session in which all Board members are present.

C. The Superintendent should prepare for the evaluation by conducting a self-evaluation based on the job description, mutually agreed to and previously developed goals, and knowledge of the district.

D. The MSAD #11 School Board should prepare for the evaluation as follows:

1. Board members will submit individual written assessments to the Chair, using the evaluation form and standards, with supporting comments giving specific examples related to conduct and/or performance.

2. The Chair will develop a composite evaluation from members' written opinions, and may seek individual assessment information from other sources within the district, such as but not limited to Central Office Administrators and Directors, Building Administrators, and Teacher Leadership.

3. The Board will meet in executive session to review the composite evaluation and materials related to the Superintendent's performance as prepared by the Chair. The Superintendent may be invited to, or excluded from, this session at the Board's discretion. [Note: The Superintendent must be present for any discussion that may lead to or result in allegations, charges, or investigation of misconduct.]

4. Adjustments, if any, to the summary evaluation will be made before a final copy is shared with the Superintendent. The importance of the Board speaking with one voice in the summary evaluation cannot be over-emphasized.

E. The MSAD #11 School Board will meet with the Superintendent in executive session to review the evaluation:

1. The Board as a whole will meet with the Superintendent to discuss the evaluation, which should include the composite (or summary) of individual MSAD #11 School Board members' written assessments, and other assessment information, as agreed upon by the Superintendent and the ~~MSAD #11 School~~ Board.

2. The evaluation should include a discussion of strengths as well as areas identified for improvement.

3. As no form or set of guidelines can encompass the totality of the Superintendent's responsibilities, the evaluation discussion may include items not described in the evaluation form.

4. The Board's evaluation should be supported by specific examples of the Superintendent's conduct/performance and should represent the perspective of the majority of the Board.

5. The Superintendent shall be given the opportunity to provide feedback to the Board regarding his/her perceptions of the working relationship between the Superintendent and the Board and other issues the Superintendent identifies as relevant to their ~~his/her~~ job responsibilities and performance.

F. The Board will meet in executive session to discuss issues such as compensation, benefits, and extension of contract which are directly related to the Superintendent's evaluation and employment. The Superintendent may be invited to, or excluded from, this session at the Board's discretion.

G. The Board will meet with the Superintendent in executive session to discuss compensation, benefits, extension of contract and other matters relevant to the Superintendent's employment.

H. Following the completed evaluation process, the Board Chair shall provide the Superintendent with a written summary of the key elements of the evaluation review.

Performance Objectives

Using the Superintendent's evaluation(s) for the year and the priorities established by the Board, the Board and the Superintendent will establish mutually agreed upon and clearly understood performance goals for the ensuing year. Progress toward these goals will be included as part of the next Board evaluation of the Superintendent.

Cross Reference: BDD - Board-Superintendent Relationship
CB - School Superintendent
CB-R - Superintendent Job Description

Adopted: August 6, 1992

Revised: November 6, 2008; April 1, 2010; August 3, 2017; December 2, 2021

File: ECAD

SECURITY CAMERA SYSTEM

The MSAD 11 School Board authorizes the use of security cameras for the purpose of enhancing school safety and security. The Board's goals are to promote and foster a safe, secure teaching and learning environment for students and employees; to promote public safety for community members who visit or use school property; and to safeguard facilities and property.

Security cameras may be placed in parking lots, school entryways, and other areas on school grounds. Security cameras may also be placed in areas of common use within buildings, including but not limited to, school foyers, the school office, hallway, cafeterias, libraries, and gymnasiums.

Security cameras may be used for the following purposes:

1. To investigate suspected violations of Board policies or school, or other inappropriate conduct.

2. To monitor activities on school property to protect safety and to enforce school rule, policies and the law.

3. By law enforcement to address school safety issues or to investigate possible criminal behavior.

Notices will be posted in public entryways to the building and other conspicuous locations informing persons that the buildings and ground are monitored by security cameras.

The Superintendent may develop and implement any necessary administrative procedures regarding the use of security cameras.

Cross Reference:	EBCA	Comprehensive Emergency Management
	ECAD-R	Security Camera System – Administrative Procedure
	JRA	Student Records and Information

Adopted: September 7, 2019; December 2, 2021

STAFF INVOLVEMENT IN DECISION MAKING

The formulation of policy involving the curriculum, instruction and the overall school program is one of the primary responsibilities of the MSAD #11 School Board, and the Board reserves the right to make the final decision regarding such policies. The MSAD #11 Board believes that the best interests of the district's students should be the principle guiding the adoption of all educational policy. The Board further believes that appropriate input from the professional staff is important to the decision-making process.

The Superintendent shall ensure that there is a process in place to encourage meaningful professional staff input prior to making recommendations regarding curriculum, instruction and the school program to the Board. The process should be conducted in a spirit of cooperation, with a clear focus on student learning as the most important function of the schools, and with the understanding that the staff is collectively responsible for student performance.

Participation in the decision-making process is accompanied with an expectation of accountability by the professional staff. All proposals for changes to the curriculum, instruction or the district's educational goals should incorporate evaluation procedures linked to student outcomes. The Board encourages the use of professional development activities specifically directed to improving staff research, analytical and decision-making abilities.

The Superintendent shall ensure that the administrative team has the appropriate support to lead an effective instructional program with a consistent focus on student learning and outcomes.

Legal Reference: 26 MRSA § 965

Cross Reference: BHC - Communications with Staff
GCI - Professional Staff Development Opportunities
GCOA - Supervision and Evaluation of Professional Staff

Adopted: June 5, 1986

Revised: June 25, 1992; August 6, 1992; February 1, 2007; January 7, 2016; June 2, 2022

STAFF ETHICS/CONFLICT OF INTEREST

Relationship to Supervisors

No person shall be employed in a position that is within the jurisdiction of an administrative officer who is a member of the immediate family of such person, nor shall any person be employed in a position where a member of the immediate family is responsible, in whole or in part, for the supervision and/or evaluation of the employee.

Notification

Whenever a member of the immediate family of any employee is hired, the MSAD #11 Board shall be notified of the relationship.

Exceptions

The Board may approve an exception to this policy where the Board determines that granting of such exception is in the best interest of the school system.

Definitions

For the purpose of this section, the following definitions shall apply:

A. "Administrative Officer" shall mean any person who holds any supervisory position of Assistant Principal or similar or higher rank; and

B. "Member of the immediate family" shall mean spouse, brother, sister, parent, son ~~or~~**,** daughter**,** ~~(including in-laws)~~ **grandparents, step relationships, in-law relationships, and domestic partner**.

Legal Reference: 17 MRSA § 3104

Cross Reference: **BCC - Nepotism**
DJH – Purchasing and Contracting: Procurement Staff Code of Conduct
GBI - Staff Gifts and Solicitations

Adopted: June 5, 1986

Revised: January 7, 1993; February 1, 2007; January 7, 2016; April 1, 2021

STAFF CONDUCT WITH STUDENTS

The MSAD #11 Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The purpose of this policy is to ensure that interactions and relationships between staff members and students are based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in and outside of the educational setting; and consistency with the educational mission of the schools.

The Board understands that staff members may interact with and have friendships with families of students outside of school. This policy is not intended to prohibit such interactions, provided that professional boundaries are maintained at all times.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students and are encouraged to discuss issues with the building principal or their supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Unacceptable Conduct

Examples of unacceptable conduct by staff members that are expressly prohibited include but are not limited to the following:

A. Any type of sexual or inappropriate physical contact with students or any other conduct that might be considered harassment under the Board's policy on Harassment and Sexual Harassment of Students;

B. Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;

C. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;

D. Engaging in sexual banter, allusions, jokes, or innuendos with students;

E. Asking a student to keep a secret;

F. Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;

G. Addressing students with terms of endearment, pet names, or otherwise in an overly familiar manner; and

H. Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner.

I. "Friending" students or engaging in any other interactions on social media or through digital applications (outside of any school-approved activity);

J. Communicating with students on non-school matters through phone calls, email, text messages, Messenger or any other digital methods, or by notes, letters or any other means (unless the student's parent approves of the activity, e. g, in the context of employment or participation in community activities);

Before engaging in the following activities, staff members should consult with the building principal or their supervisor, as appropriate:

K. Being alone with individual students out of the view of others;

L. Driving students home;

M. Inviting or allowing students to visit the staff member's home;

N. Visiting a student's home, unless on official school business that is known and agreed to by the parent;

O. Exchanging personal gifts (beyond the customary student-teacher gifts); and/or

P. Socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events except as participants in organized community activities.

Reporting Violations

Students and/or their parents/guardians are strongly encouraged to notify the Superintendent or building principal if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members must promptly notify the Superintendent or building principal if they become aware of a situation that may constitute a violation of this policy.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal.

Violations involving sexual or other abuse will also result in referral to the Department of Human Services and/or law enforcement in accordance with the Board's policy on Reporting Child Abuse and Neglect.

School Unit Obligation to Report to Maine Department of Education (MDOE)

Any staff member holding a credential should be aware that violation of this policy may result in revocation or suspension of a certificate if it endangers the health, safety, or welfare of a student.

The Superintendent/designee will notify the MDOE immediately if a credential holder is disciplined, suspended or terminated as a result of a "covered investigation" (as defined in 20-A MRSA § 13025) in which the school unit determined that a student's health, safety or welfare was endangered.

As soon as practicable, the school unit will provide to the MDOE any final report produced in support of the school unit's decision to discipline, suspend or terminate the credential holder. The credential holder may submit a written rebuttal to the report to the MDOE.

The Superintendent/designee will notify the MDOE immediately if a credential holder who is the subject of a covered investigation leaves the school unit's employment for any reason prior to the conclusion of the covered investigation.

[NOTE: As defined in 20-A MRSA § 13025, "covered investigation" means "an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, inappropriate contact between a credential holder and a student, stalking, or similar behavior that endangers the health, safety or welfare of a student."]

Dissemination of Policy

This policy shall be included in all employee, student and volunteer handbooks.

Legal Reference: 20-A MRSA § 13025

Cross Reference: ACAA - Harassment and Sexual Harassment of Students
GCSA - Staff Computer/Internet Use
JLF - Reporting Child Abuse and Neglect

Adopted: December 2, 2021