

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { X }                      ACTION {    }                      CLOSED MEETING {    }

SUBJECT:                      ITEMS FOR BOARD MEMBERS



# COMMONWEALTH of VIRGINIA

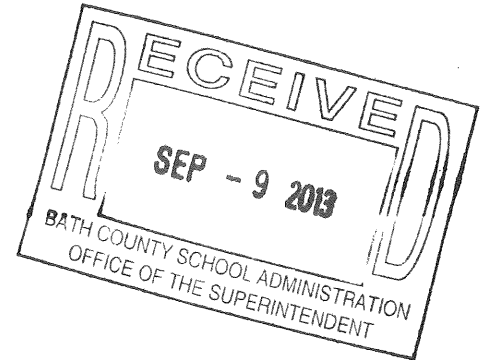
Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
Richmond, Virginia 23218-2120

Office: (804) 225-2023  
Fax: (804) 371-2099

September 3, 2013

Mrs. Sue Hirsh  
Division Superintendent  
Bath County Public Schools  
P.O. Box 67  
Warm Springs, VA 24484



Dear Mrs. Hirsh:

I am pleased to inform you that Governor Bob McDonnell has awarded Bath County Public Schools a total of \$56,866.00 from the 2013-14 School Security Equipment Grant Program authorized by the 2013 General Assembly and recommended by the Governor's Taskforce on School and Campus Safety. The grant award number assigned to this award is 13001-009. These funds are approved for the purchase and installation of the school security equipment requested on the applications for the approved schools shown below:

Bath County High  
Valley Elementary

Reimbursements from the state grant will be made only for qualified and approved items purchased on or after September 3, 2013. The equipment must be purchased within six months of the September 3, 2013, date, or by March 3, 2014. A local match of 25 percent of the state grant award is required. The local match should also be spent by the March 3, 2014, deadline.

The state grants will be disbursed on a cost reimbursement basis only. Reimbursement payments will be issued to the division within 30 days of the grant account administrator receiving notification from the Department of Education of approved reimbursements. As this grant is funded with proceeds from notes issued by the Virginia Public School Authority, adherence to program requirements will be strictly

Mrs. Sue Hirsh  
September 3, 2013  
Page Two

enforced. The period of the award is September 3, 2013, through June 30, 2014, and the state funds must be requested for reimbursement during this period.

Attached for your use is the Request for Reimbursement form. This form can also be found at [http://www.doe.virginia.gov/support/facility\\_construction/security\\_equipment\\_grants/index.shtml](http://www.doe.virginia.gov/support/facility_construction/security_equipment_grants/index.shtml). Supporting payment documentation (invoices, receipts, etc.) must accompany your Request for Reimbursement. The completed reimbursement request should be sent to the Department of Education, Support Services, P. O. Box 2120, Richmond, VA 23218.

If you have any questions concerning the reimbursement process, please contact the Support Services office by e-mail to [ViJay.Ramnarain@doe.virginia.gov](mailto:ViJay.Ramnarain@doe.virginia.gov), [Hunter.Barnes@doe.virginia.gov](mailto:Hunter.Barnes@doe.virginia.gov), or [June.Eanes@doe.virginia.gov](mailto:June.Eanes@doe.virginia.gov) or call (804) 225-2035 or (804) 225-2037.

Sincerely,



Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

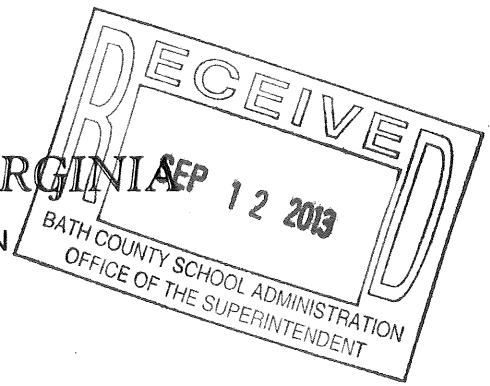
PIW/je  
Attachment



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120  
RICHMOND 23218-2120



September 4, 2013

TO: Mrs. Sue F. Hirsh  
Superintendent  
Bath County Schools

FROM: Catherine Digilio Grimes, MS, RD, LDN, SNS  
Director  
School Nutrition Programs

SUBJECT: Approval of 2013-2014 Annual Agreement to Participate in the School Nutrition Programs

The 2013-2014 Annual Agreement to participate in the School Nutrition Programs has been approved by the Department of Education (DOE). A signed copy of this agreement has been sent to the division's school nutrition program director/supervisor or contact person. The completed online School Food Authority (SFA) Agreement, site applications, and supporting documents are part of this agreement. Changes to the agreement must be submitted to DOE via the School Nutrition Program Web-based (SNPWeb) system for review and approval before implementation.

The signed agreement packet must be maintained in the school nutrition program's central office for the current year and three years beyond the year to which it applies. School divisions may also choose to send a copy of the agreement packet to each school nutrition manager and/or school principal. The agreement provides a reference for the federal and state regulations each participating school has agreed to follow.

School nutrition program claims for reimbursement must be entered into the SNPWeb system and submitted to DOE by the 15th of the month following the claim month. Federal regulations require original claims to be submitted within 60 days beyond the close of the claim month. Claims not submitted within 60 days may not be paid (7 CFR 210.8b (1)). The school division may request a waiver to this requirement by submitting a letter providing justification of why the 60 day deadline was missed and the corrective action taken to prevent a future occurrence. Once DOE grants the waiver the claim may be paid. No more than one waiver may be granted in a 36-month period. Changes to meal counts, free and reduced eligibility data, attendance, or membership discovered after the claim has been processed must be submitted by the division as a revision to the original claim. Upward revisions (increases in the number of meals claimed) must be submitted within 60 days of the last day of the claim month; there is no time limit for downward revisions.

Data reported via SNPWeb for membership, attendance, and the number of students eligible for free and reduced price meals must be supported by appropriate documentation on file in the school division. Please note, membership and attendance for some programs, such as pre-school and at risk 4-year-old programs, may not be included in the *Principal's Monthly Report of Attendance*. The membership and attendance data for these programs must be included in the figures reported in SNPWeb if these students participate in the reimbursable USDA school nutrition programs.

Students' eligibility for free or reduced price meals is confidential information. The release of this information is governed by federal regulations. Specific guidelines regarding the sharing of this confidential information are outlined in Regulatory Superintendent's Memorandum Number 3, dated June 1, 2001. This memo describes the requirements for protecting the confidentiality of a student's eligibility for free or reduced price meals, specific authorizations for the limited disclosure of this information to certain programs without parental consent and to certain other programs with written parental consent, and the legal penalties for unauthorized release of this information. Information may also be found in the *USDA Eligibility Manual for School Meals*.

The federal statute and the department's policy do not intend that programs or individuals have unlimited access to eligibility information. Programs, activities, individuals, or agencies may not have access to a student's eligibility without the written permission of parents or guardians unless authorized by federal regulation. Students' eligibility for free or reduced price meals may not be stored or used in any computerized file or database unless the information and/or data field is protected and requires the use of a controlled password. This protected file may only be accessed by the determination officials, persons who issue benefits, and those authorized by federal regulation.

If there are questions or assistance is required, please contact the school nutrition program specialist assigned to the division, Lynne Fellin, associate director, or me, at (804) 225-2074.

CDG/idl

c: Lumina Shifflett, Food Service Supervisor  
Karen Howard, SNP Specialist  
Lynne A. Fellin, Associate Director

## Sue Hirsh

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**From:** McHale, Juanita (DOE) <Juanita.McHale@doe.virginia.gov> on behalf of Wright, Patricia (DOE) <Patricia.Wright@doe.virginia.gov>  
**Sent:** Thursday, September 5, 2013 4:49 PM  
**To:** McHale, Juanita (DOE)  
**Subject:** SUPT'S E-MAIL to certain superintendents: Update on Sequestration of Federal Secure Rural Schools Funding  
**Attachments:** SUPT'S E-MAIL National Forest Reserve Payments .htm; USFS Administrative Review Request from Va Office of AG.pdf

This is a follow-up to the attached Superintendent's E-mail you received on May 31, 2013, alerting you to possible sequestration of federal funding your division received (or was allocated in the case of Title II SRS funds) in March 2013 under the Secure Rural Schools (SRS) Act (i.e., National Forest Reserve funds) administered by the US Forest Service (USFS). The 5.1 percent sequestration of this funding directed by the USFS totals approximately \$86,000 for all school division recipients. Based on information Virginia received from the USFS regarding the legal basis for this sequestration, the Commonwealth is requesting an administrative review by the USFS of its sequestration action. A copy of the request for administrative review submitted to the USFS by the Virginia Office of the Attorney General is attached for your information. While this administrative review is pending, school divisions are not required to return any of their funding. I will keep you informed of the outcome of the administrative review, and whether it involves possible return of funding. If you have additional questions, please contact Kent Dickey, deputy superintendent for finance and operations, at (804) 225-2025 or [kent.dickey@doe.virginia.gov](mailto:kent.dickey@doe.virginia.gov).

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            7,060.81893  
5.1%      > 7,061.00



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

September 3, 2013

*By UPS Overnight Delivery*

Debt Management  
101 B Sun Avenue N.E.  
Albuquerque, NM 87109

**Re: Request for Administrative Review of Alleged Debt  
Notice of Indebtedness to the U.S. Forest Service and Intent to Collect  
by Administrative Offset -- Bill No. BD 1800758075  
Customer No.: 6016242, FMMI Bill No.: 1800758075**

Dear Sir or Madam:

The Commonwealth of Virginia is in receipt of the August 5, 2013 letter from Chief Thomas L. Tidwell of the USDA. Included with the letter was a Notice of Indebtedness to the U.S. Forest Service and Intent to Collect by Administrative Offset -- Bill No. BD 1800758075 (Customer No.: 6016242, FMMI Bill No.: 1800758075) as attached. The amount alleged due is \$23,577.90. Virginia seeks administrative review of the alleged debt pursuant to 7 CFR § 3.62.

Virginia does not owe the alleged debt. The USDA cites no specific authority to demand repayment for money already dispersed. Furthermore, 2 U.S.C.A. §901a(2)(A) specifically addresses cuts from fiscal year 2013. There is no reference to retroactive cuts or funds appropriated from prior years. There is no mention of demanding repayment of funds already dispersed. 2 U.S.C.A. § 901a(2)(A). The U.S. Forest Service has exceeded its authority pursuant to sequestration in its demand of repayment.

Moreover, these funds merely passed through the Commonwealth. The Commonwealth does not exercise or maintain authority over the funds. The funds are distributed pursuant to the formula provided by the U.S. Forest Service. Once the funds are distributed, the Commonwealth executive government no longer has power or authority over them. Const. of Va., Art. V. No federal or state law gives the Commonwealth of Virginia authority over the funds sought repaid. Under the Constitution of Virginia, local government is given specific powers. Const. of Va., Art. VII. Whether funds distributed to local governments of the Commonwealth are returned is within the constitutional purview of those local governments. Any attempt to collect this alleged

Page 2

debt must be addressed to the local governments of the Commonwealth. The Commonwealth of Virginia has no legal liability for debts of its counties and cities. *Id.*

If you have any question about this request for administrative review, please contact me at (804) 786-0006.

Sincerely,

A handwritten signature in cursive script that reads "Noelle L. Shaw-Bell". The signature is written in black ink and is positioned above the printed name.

Noelle L. Shaw-Bell  
Assistant Attorney General III  
Counsel to the Secretary of Education  
and the Governor's Office



FOREST SERVICE BILL  
FOR COLLECTION

Doc. Date : 08/05/2013

PAGE: 1

ENCLOSE A COPY OF THIS BILL WITH YOUR CHECK OR MONEY ORDER. DO NOT SEND CASH. PLEASE INCLUDE BILL NO. AND CUSTOMER NUMBER ON YOUR CHECK OR ON YOUR ONLINE BILL PAYMENT.  
MAKE CHECK PAYABLE TO:  
FOREST SERVICE

MAIL PAYMENT TO:  
US Forest Service C/O Citibank  
P.O. Box 301550  
Los Angeles CA 90030-1550  
Or pay online at [www.fs.fed.us/billpay](http://www.fs.fed.us/billpay)

TO:  
VIRGINIA DEPT OF EDUCATION  
PO BOX 2120  
RICHMOND VA 23218-0000 US

PAYER INDICATE  
AMOUNT ENCLOSED:

NET AMOUNT DUE : \$ 23,577.90

DUE DATE: 09/05/13

FMMI BILL NUMBER : 1800758075

CUSTOMER NUMBER : 6016242

REFERENCE CONTRACT/PERMIT/AGREEMENT NUMBER :

DESCRIPTION : FY2013 SEQUESTRATION FOR  
FY2012 PAYMENTS (5.1%)

REMARKS :  
RE: ASR-SEQ-VA  
NOTE :  
PLEASE SEND ALL CORRESPONDENCE, INQUIRIES, AND CHANGE OF ADDRESS  
TO :

PRINCIPAL :	\$	23,577.90
INTEREST :	\$	0.00
ADMINISTRATIVE COST :	\$	0.00
PENALTY :	\$	0.00
AMOUNT DUE :	\$	23,577.90
AMOUNT CREDITED :	\$	0.00
NET AMOUNT DUE :	\$	23,577.90

FOR QUESTIONS AND INQUIRIES PLEASE CONTACT:

Jennifer McGuire 505-563-7162  
[jennifermcguire@fs.fed.us](mailto:jennifermcguire@fs.fed.us)

LINE	LINE INFORMATION	AMOUNT
000001	STATE OF VIRGINIA (FS0000PSPS)	\$ 23,577.90

## Sue Hirsh

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**From:** Robinson, Doris (DOE) <Doris.Robinson@doe.virginia.gov> on behalf of Wright, Patricia (DOE) <Patricia.Wright@doe.virginia.gov>  
**Sent:** Friday, May 31, 2013 2:06 PM  
**To:** Robinson, Doris (DOE)  
**Subject:** SUPT'S E-MAIL: National Forest Reserve Payments  
**Attachments:** 5-23-13 Thomas Tidwell USDA Forest Service.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

In March 2013, your school division or local government received its annual payment (or award) of federal funds from the Virginia Department of Education (VDOE) under the Secure Rural Schools Act (i.e., National Forest Reserve funds). Subsequent to that payment or award, Virginia was notified by the U.S. Forest Service that these funds are subject to a 5.1 percent reduction due to Sequestration with the sequestered amounts required to be returned to the federal government. The amount of funding impacted is approximately \$86,000 across all Virginia recipients. Please see the attached letter from Secretary of Education Laura Fornash to the Forest Service indicating that Virginia will not proceed with returning the funds until additional information is received to conclude that doing so comports with federal law. Consequently, at this time, VDOE is not requiring division and local recipients to return any of this funding. However, I am notifying you of this issue for your planning purposes and will keep you informed of its resolution. If you have additional questions, please contact Kent Dickey, deputy superintendent for finance and operations, at (804) 225-2025 or [kent.dickey@doe.virginia.gov](mailto:kent.dickey@doe.virginia.gov).



# COMMONWEALTH of VIRGINIA

Office of the Governor

Laura W. Fornash  
Secretary of Education

May 23, 2013

Thomas L. Tidwell  
Chief, Washington Office  
Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Mr. Tidwell:

I am in receipt of your letter dated March 19, 2013 where the U.S. Forest Service (USFS) requests the return of approximately \$86,069.92 to the Secure Rural Schools program from Virginia for federal fiscal year 2013. Your justification for this request is the mandated budget reductions under the Balanced Budget and Emergency Deficit Control Act of 1985 as amended by the Budget Control Act of 2011. You explain that due to payments under the Secure Rural Schools program having already been made, certain steps must be taken to either repay the payments or reduce future payments in order not to violate the Anti-deficiency Act, 31 U.S.C. § 1341. I understand similar requests are pending with forty other states.

While you state your request for repayment as unavoidable under sequestration, I understand that there remain unresolved questions regarding the legal basis for the USFS's demand for repayment. On April 4, the National Governor's Association (NGA) provided a letter to you that seeks the legal basis of the USFS's position and any other information the Forest Service utilized in drafting its letters to the affected states. As of the writing of this letter, I am unaware of any response that has been provided by the USFS to NGA.

As you note, these funds have already been dispersed to the states. In the case of Virginia, the Commonwealth's Department of Education has already made payment to recipient school jurisdictions and these funds have been programmed into school systems' budgets. Acceding to your request would require the Commonwealth to collect money back from these school systems. Absent additional information from the USFS and without certainty that our actions comport with federal law, I cannot advise the Governor to ask Virginia's Department of Education to seek repayment from local jurisdictions of these funds.

Mr. Tidwell  
May 23, 2013  
Page 2

Further, it remains unclear whether the plan by USFS to reduce Title II payments under the Secure Rural Schools Program by more than the 5.1 percent called for as part of the sequester as a means to offset other payments already made to the Commonwealth is legal.

I am hopeful your responses to the questions posed by the NGA will provide the background and guidance needed by other states to make a decision based on full and complete information.

Sincerely,

*Laura W. Fornash*

Laura W. Fornash

cc: Dr. Patricia Wright, Superintendent of Public Instruction ✓

*Dr. Wright & Kent,*

*Please let the schools know that  
our office is pushing back on this.  
Thanks!*

*- Catherine Combs*

