

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

106 Hancock Road
Peterborough, New Hampshire

CONTOOCOOK VALLEY SCHOOL BOARD

Public Hearing

SAU Office

Tuesday, November 27, 2018

6:00 p.m.

Expend Capital Reserve Funds/Trust Funds

In accordance with RSA 35:1, and 198:20C, a public hearing will be held by the Contoocook Valley School Board for the purpose of expending Capital Reserve Funds and/or Trust Funds for the 2018-2019 fiscal year for capital expenditures.

School Board Meeting

Immediately Following Public Hearing

AGENDA

1. Call to Order and Pledge of Allegiance
2. Accept School Board Meeting Minutes (Board Vote Required)
 - a. November 6, 2018 (pg. 1-4)
3. Points of Pride
4. Public Comment
5. Consent Agenda
 - a. Personnel
 - Retirements June 2019 (pg. 5)
6. Superintendent's Report and Presentation of Business
 - a. Monthly Events Calendar (pg. 6-7)
7. Reports
 - a. Student Representative – Molly Janoch/Marina McMahon
 - b. Teacher Representative – Asher MacLeod
 - c. Strategic Plan Committee
 - d. ATC Committee
 - e. Budget & Property Committee – Jim Fredrickson
 - f. Communication Committee – Niki McGettigan
 - g. Education Committee – Crista Salmay
8. Old Business
 - a. Budget/Warrant FY' 20
 - b. Funding Formula
 - c. 2nd Read Policy Adoption (Board Vote Required)
 - JKAA: Use of Restraint, Seclusion, and Physical Contact (pg. 8-14)
9. New Business
 - a. Expenditure Report
10. Public Comment
11. Approval of Manifests (Board Vote Required)
12. Non-Public Session: RSA 91-A:3,II (If Required)
 - a. Legal
 - b. Personnel
 - c. Negotiations

MISSION STATEMENT

The ConVal Regional School District, in partnership with its member communities, will inspire all learners to achieve academically, contribute to the global community, and thrive as independent and productive citizens.

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

106 Hancock Road
Peterborough, New Hampshire

CONTOOCOOK VALLEY SCHOOL BOARD

School Board Meeting

Tuesday, November 6, 2018

7:00 p.m.

SAU Office

Minutes

BOARD

Rich Cahoon, Richard Dunning,
Jim Fredrickson, Janine Lesser,
Niki McGettigan, Stephan Morrissey,
Kristen Reilly, Crista Salamy,
Myron Steere, Jerome Wilson

Molly Janoch, Student Rep.
Marina McMahon, Student Rep.
Asher MacLeod, CVEA Rep.

ADMINISTRATION

Kimberly Saunders, Supt.
Dr. Ann Forrest, Asst. Supt.
Tim Markley, H.R.
Mindy Ryan, B.A.
Cari Christian-Coates, Student Serv.
Ben Moenter, Special Education
David Jack, Interim B.A.
Amy Janoch, HES
Kathie Morocco, Pierce School

1. Call to Order and Pledge of Allegiance

Myron Steere called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. Accept School Board Meeting Minutes (Board Vote Required)

a. October 16, 2018

Stephan Morrissey moved to accept the minutes of October 16, 2018. Dick Dunning second. Unanimous.

3. Points of Pride

Superintendent, Kimberly Saunders shared various Points of Pride as reported to her by administrators. In particular, the ConVal High School Boys Varsity Soccer Team won the first ever DII Championship Game on Saturday, November 3rd. In addition, on Sunday, ConVal's Unified Soccer team became the State Champions for the second year in a row.

4. Public Comment

Alan Edelkind, Dublin, shared his perspective on two issues; consolidation and the funding formula. For many sessions, he has listened to the board talk about consolidation and it being student centered; what do we want for our students in various area? Savings has been a part of that conversation.

After listening more, he hears that there is not a lot of support from the Selectmen's Advisory Committee on anything to do with consolidation. It is thought that it would fail if brought to a vote. Something had to be done. The Board promised something would be on the ballot so the funding formula discussion evolved as a result.

The board confirmed Mr. Edelkind to continue beyond the two minutes allowed.

Mr. Edelkind said that changes to the funding formula will accomplish almost nothing. It would come out of different pockets. What would happen is that the amount for the smaller towns would go up. It would come for a vote. It would likely be voted down, which would result in accomplishing nothing. Let's assume that the funding formula is voted in. The signal that is sent to the voters is that the only thing that we can deal with is the funding and students are secondary. Small town increases already in place, coupled with the changes in funding formula, backdoors consolidation. We are asking voters to vote with their pocketbook and not on what is best for students. He thought the board should be centered on students.

5. Consent Agenda

a. Personnel

MISSION STATEMENT

The ConVal Regional School District, in partnership with its member communities, will inspire all learners to achieve academically, contribute to the global community, and thrive as independent and productive citizens.

- Nominations 2018

Stephan Morrissey moved to approve the nomination of Kristin Bay, Special Education Teacher at PES. Dick Dunning second. Unanimous.

- Retirements June 2020

Stephan Morrissey moved to accept the retirement of Marcia deSteuben in June 2020. Dick Dunning second. Unanimous.

- Co-Curricular Stipends

Co-Curricular Stipend information was shared for notification purposes only.

b. November 1, 2018 Enrollment Update

Tim Markley referenced the November 1st enrollment data.

6. Superintendent's Report and Presentation of Business

a. Monthly Events Calendar

Policy Committee was cancelled on December 4th.

Selectmen's Advisory was cancelled on December 20th.

b. Acceptance of Gift(s) (Board Vote Required):

- 1) Temple Elementary School requests authorization to accept a donation of \$500.00, donated by Toni Mahoney, for the purpose of supporting field trips.

Stephan Morrissey moved to accept the donation as read. Jerome Wilson Second. Unanimous.

- 2) ConVal Regional High School requests authorization to accept the gift/donation of a Sartorius Analytical Balance from the Monadnock Community Hospital, valued at \$1,800.00 for the purpose of measuring precise quantities of chemicals (to 0.0001 grams) particularly for AP Chemistry Labs.

Stephan Morrissey moved to accept the donation as read. Jerome Wilson Second. Unanimous.

7. Reports

a. Student Representative – Molly Janoch/Marina McMahon

Marina McMahon reported a blood drive coming up this week. She confirmed that it was a huge weekend for athletics. Lastly, Austrian exchange students were recently hosted.

b. Teacher Representative – Asher MacLeod

Asher MacLeod reported that staff completed hours of parent conferences today. In addition, the Manchester Monarchs visited one of the schools as well.

c. Budget & Property Committee – Jim Fredrickson

Jim Fredrickson reported that preparation for Saturday's meeting occurred. Interested citizens attended to talk about solar energy.

d. Communication Committee – Niki McGettigan

Niki McGettigan reported that the committee moved forward on the website work by adding resources. Special thanks to Helfried Zrzavy who has been helpful uploading information. A white paper is underway to explain the budget process. The committee is looking to hold a training on Google Docs to collaborate among the board.

e. Food Service Committee – Kristen Reilly

Kristen Reilly reported that Café Services presented many answers to questions that were asked. Kimberly will be meeting with a local director to discuss further.

Kristen reported that the committee also has a new student serving on it; Savannah Lee.

f. Selectmen's Advisory Committee – John Jordan

Kimberly Saunders reported that the apportionment analysis was reviewed, in large part, at the meeting.

Myron Steere reported that a community member reported their appreciation for use of the PES Soccer Fields for practice.

8. Old Business

a. Budget 2019-2020

Kimberly reported that the budget is up 2.08%.

Jim Fredrickson said that although it is good, it does not include the impact of the teacher's contract.

Mindy Ryan reported out on what is included in this budget version. Between increases added and items removed, it is not too much higher.

Adjustments were made to Guaranteed Maximum Return (GMR); to bring it to \$100K off of savings. A 2.2% GMR was used. In this budget, health budgets are at 2.2% GMR.

Rich Cahoon agreed to use 2.2%. Confirmed.

Myron Steere reported a conversation with a community member who shared his disappointment that students did not take the running start credit but take the course.

Molly Janoch said that she has taken two classes but some have an AP exam tied to them. She could either take the Running Start course and get college credit or take the AP Exam and some colleges would accept that over a Running Start transcript.

Dick Dunning noted that District Assessment (DA) is up 4.72%.

Kimberly Saunders said that the gross budget is -0.13%. DA is based on that apportionment; how much money would have to be raised; \$33M vs. \$31M last year; so it is up. The operating budget is up 2.08%.

The board was asked to review the information, drill down, and to ask questions.

The assumption on adequacy is based on kindergarten numbers continuing. Confirmed. However, new updated numbers will come forward.

Information on Special Olympics was shared as previously requested.

The budget drill down session on November 13th will result in additional information and questions.

Dick Dunning asked for identification of what items fall under line 890, miscellaneous. Information will come forward.

b. Funding Formula

David Jack shared a spreadsheet sent from the Department of Revenue Administration (DRA) and the Department of Education (DOE). It takes the budget, looks at revenues, and arrives at a local tax assessment. The budget is essentially \$48M and there are approximately \$5M in revenues coming in. The education tax is collected in each town. Adequacy tax is individualized; the \$43M (differenced between \$48 and \$5M) is individualized by town. State aid of \$11M and the \$5M is divided individually by town. ADM and EV is 50/50 split. A combined percentage is arrived at that has to come out to 100%. Calculations take place resulting in Local Tax Assessment.

This information was used to develop various apportionment scenarios (see attached).

There is no clear cut answer here. Each scenario impacts the towns differently; some significantly. There is no piece here that works well for everyone; disadvantages are created for some towns from where they are today.

Jim Fredrickson asked that the percentage of change be added to the spreadsheet. Confirmed.

Another scenario, if a school has fewer than 60 students in it, a "surcharge" to remain smaller but bring revenue in to the larger schools was created. Dublin, Frankestown, Hancock, and Temple were looked at. In this scenario, \$31,781,484.18 (Local Tax with surcharge) was divided by \$2,140.73 (ADM).

The \$578K was added to the assessment of the individual towns noted.

This scenario does not change the bottom line but the efficiencies in schools are equalized to remedy the discrepancy.

Rich Cahoon thanked Mr. Jack for running these scenarios.

Rich said that he favored using the minimum student count because it is not as permanent; if population changes the apportionment could change without changing the funding formula.

Dick Dunning agreed that using the figures calculating class minimums was appealing.

Kimberly asked the board for direction: Use 80, 70, and 65 students in a school as a minimum was requested. In the case of DCS, a higher number should be used as a result of grade 5.

How would one put this into a warrant article that would address this kind of change? If it is put into a warrant article, is it legal since students are not really there; it is a surcharge. What the warrant would look like would be complicated. Our legal would draft the warrant.

Shifting some of the costs to the towns with some of the smaller schools is the thought. Those towns would pay the cost or consolidation might be considered.

Kristen Reilly said that we do want to address the student equity piece too.

c. 2nd Read Policy Adoption (Board Vote Required)

- BBA: School Board Powers and Duties

Rich Cahoon moved to adopt this policy as read. Stephan Morrissey second. Unanimous.

- BEDB: Agenda Preparation and Dissemination

Rich Cahoon moved to adopt this policy as read. Stephan Morrissey second. Unanimous.

9. New Business

a. 1st Read Policy

- JKAA: Use of Restraint, Seclusion, and Physical Contact

Rich Cahoon referenced this policy as a first read. Please send feedback to the Superintendent.

b. Crisis Counselor Position

Kimberly Saunders reported the need for a Crisis Counselor to be reinstated. This position was part of a previous reduction in force. This additional position is needed at the high school. We have the funding for this in the current budget. It would be considered an old/new position. This position is in the numbers worked with today.

Cari Christian-Coates reported that the position went open as a result of a resignation. The position didn't disappear because we didn't need it. We have seen an increase in the number of appointments with students so far this year compared to last. Increases in the nursing department are apparent as well and they are directly related.

Stephan Morrissey moved to accept the justification for this position for this current year.

Dick Dunning asked if there is any thought about the reason for the massive increase. Cari Coates reported that we have one less person meeting the needs of students resulting in an increase in nurse visits.

Dick Dunning said that we have money in this budget but the plan was not to fill it. Kimberly confirmed that it was not filled as a result of having to find dollars as a result of the fact finder's report. We tried to do that through attrition rather than eliminating positions.

Dick asked if we had a need we were hoping would not happen. Now that we are in the school year and we are seeing students needing support. His concern was that the need was recognized at the end of last year or over the summer.

Cari said that there was never a time that there was not a need for these two positions. The load is too much for one person.

Rich asked what percentage of time this person serves as a Truancy Officer. Unsure because the responsibilities of this position are under evaluation as to whether or not they should be together Truancy Officer/Student Support Counselor.

The position in place, last year was SSC/Truancy and supported the two middle schools. Never have they been able to support the two middle schools. By putting this position back at the high school, the Student Assistance Counselor will be able to support the two middle schools.

Dick Dunning agreed that they should not be the same person. He supported the counselor and sees the needs. He shared concerns with the number due to lack of staffing. The long term effect of reductions should be looked at.

Kristen Reilly said that she believed that there was always a need.

Crista Salamy said that eighth grade students enter and needs are unknown.

Kimberly Saunders said that when we do a RIF, there was not a position on the list that was not needed. They were difficult choices. The direction was to go through attrition first.

Rich Cahoon second. Unanimous to add the position.

c. 1:1 Paraprofessional Position

Rich Cahoon moved to approve the position. Stephan Morrissey second. Unanimous.

10. Public Comment

None.

11. Approval of Manifests (Board Vote Required)

Mindy Ryan certified that manifests listed totaling \$1,114,748.19 and Payroll totaling \$2,703,155.06 have been reviewed by her and found to be proper charges against the Contoocook Valley School District for goods and services received and have been properly processed prior to their submittal to the School Board.

Stephan Morrissey moved to approve the manifests as read. Dick Dunning second. Unanimous.

12. Non-Public Session: RSA 91-A:3,II (If Required)

a. Legal

b. Personnel

c. Negotiations

Stephan Morrissey moved to enter into non-public for personnel and legal at 8:28 p.m. Unanimous on a roll call vote.

Dick Dunning moved to exit non-public session at 8:50 p.m. Stephan Morrissey second. Unanimous.

Stephan Morrissey moved to seal the minutes for the first item for 10 years and the second item for three years. Dick Dunning second. Unanimous.

Stephan Morrissey moved to accept payment of buyback. Dick Dunning second. Unanimous.

Stephan Morrissey motioned to adjourn at 8:54 p.m. Dick Dunning second. Unanimous.

Respectfully submitted,

Brenda Marschok

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS
Peterborough, New Hampshire**

CONTOOCCOOK VALLEY SCHOOL DISTRICT

November 27, 2018

Personnel Agenda

Retirements June 2019:

Special Education
Elizabeth Lawrence

Special Education Coordinator 5-8

November 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3 School Board/ Budget Work Session @ 8:30 am @ SAU
4	5	6 Policy Committee @ 6:00 pm @ SAU School Board @ 7:00 pm @ SAU	7	8 Strategic Plan Committee @ 6:00 pm @ SAU ATC Committee @ 7:00 pm @ SAU	9	10
11	12 District Closed	13 Budget & Property Committee Mtg. @ 5:30 pm @ SAU Communications Committee Mtg. @ 7:00 pm @ SAU	14	15	16	17
18	19 Education Committee @ 5:30 pm @ SAU	20	21 District Closed	22 District Closed	23 District Closed	24
25	26	27 School Board @ 6:00 pm @ SAU	28	29 Food Service Committee Mtg. @ 6:00 pm @ SAU Selectmen's Advisory Committee Mtg. @ 7:00 pm @ SAU	30	

December 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 School Board @ 6:00 pm @ SAU	5	6	7	8
9	10	11 Budget & Property Committee Mtg. @ 5:30 pm @ SAU Communications Committee Mtg. @ 7:00 pm @ SAU	12	13 Strategic Plan Committee @ 6:00 pm @ SAU ATC Committee @ 7:00 pm @ SAU	14	15
16	17 Education Committee @ 5:30 pm @ SAU	18 Policy Committee @ 6:00 pm @ SAU School Board @ 7:00 pm @ SAU	19	20 Food Service Committee Mtg. @ 6:00 pm @ SAU	21	22
23	24 District Closed	25 District Closed	26 District Closed	27	28	29
30	31 District Closed					

JKAA – Use of Restraint, Seclusion, and Physical Contact

The District and all of its employees and contractors have a duty to maintain an orderly, safe environment that is conducive to learning and the District's educational mission. Positive behavioral interventions based on the results of behavioral assessment, shall serve as the foundation for any program used to address the behavioral needs of students. When reasonable to do such, staff shall first seek to address a student's behavioral needs through positive behavioral interventions and supports before resorting to restraint or seclusion.

In circumstances defined by this policy, restraint or seclusion of a student will become necessary for the District to fulfill its duty to maintain a safe and orderly environment. However, restraint or seclusion shall only be used when needed to protect the student or others from a substantial and imminent risk of serious bodily harm.

Restraint

The use of restraint in schools shall be limited to physical and restraint, and only to the extent permitted by State Law and this policy. "Physical restraint" shall be deemed to have occurred when a manual method is used to restrict a child's freedom of movement or normal access to his or her body. This includes any manual method that immobilizes a student or restricts their freedom of movement of the torso, head, arms, or legs. Mechanical restraints may be used in the transportation of children when case-specific circumstances dictate that such methods are necessary.

A physical restraint shall only be used:

1. To ensure the immediate physical safety of a person or persons when there is a substantial and imminent risk of serious bodily harm to the child or others; and,
2. By trained personnel using extreme caution when all other interventions have failed or been deemed inappropriate.

The determination of whether the use of restraint is justified shall be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.

A restraint shall not be imposed for longer than is necessary to protect the child or others from a substantial and imminent risk of serious bodily harm. Children in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.

No period of restraint of a child may exceed 15 minutes without the approval of the principal or a supervisory employee designated by the principal to provide such approval. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the child is conducted by the principal or by a supervisory employee designated by the principal who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by state law. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall

JKAA – Use of Restraint, Seclusion, and Physical Contact

be retained by the facility or school as part of the written notification and record-keeping requirements set forth in state law.

Prohibited Forms of Physical Restraint

All district employees and contractors are prohibited from using or threatening to use:

1. Any physical restraint or containment technique that:
 - a. Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity, or restricts the movement required for normal breathing;
 - b. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - c. Obstructs the circulation of blood;
 - d. Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or wash clothes; or,
 - e. Endangers a child's life significantly or exacerbates a child's medical condition.
2. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
3. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
4. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

Restraints shall not be used explicitly or implicitly as punishment for a child's behavior.

Mechanical Restraint

The proper use of seat belts or safety belts while transporting students shall not be deemed mechanical or physical restraint. "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body. Mechanical restraint shall only be used in the transportation of children when case-circumstances dictate that such methods are necessary to safely transport the child.

Whenever a child is transported to a location outside a school, the principal or their designee shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the child in a manner which:

- (a) Prevents physical and psychological trauma;
- (b) Respects the privacy of the child; and
- (c) Represents the least restrictive means necessary for the safety of the child.

JKAA – Use of Restraint, Seclusion, and Physical Contact

The use of mechanical restraint shall be documented, and notice of such restraint shall be provided to the parents/guardian of the child. The individual or individuals responsible for implementing a mechanical restraint shall be trained in the proper use of the mechanical restraint.

Actions not Deemed Restraint

In accord with state law, the following actions shall not be considered restraint:

(1) Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.

(2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child. However, such use of force shall require a report to the parents/guardians of intentional physical contact, as discussed below.

Prohibition of Medical Restraint

Medication restraint is defined in the law as occurring when a child is given medication involuntarily for the purpose of immediate control of the child's behavior. All schools are prohibited from using medication of any kind as a form of restraint.

This prohibition shall not be interpreted to prohibit the administration by a school nurse of a lawfully prescribed medication for purposes other than medication restraint; provided such occurs in accord with the District's policies on the administration of medication in the schools and state law pertaining to the administration of medication by a school nurse.

JKAA – Use of Restraint, Seclusion, and Physical Contact

Seclusion

Seclusion means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The fact that the place has a window or other device for visual observation does not serve as an exception to this definition.

Seclusion may only be used when a child's behavior poses a substantial and imminent risk of physical harm to the child or other others, and may only continue until that danger has dissipated.

Seclusion shall only be used by trained personnel after other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

Seclusion shall not be used as a form of punishment or discipline. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

Rooms used for seclusion must meet the minimum requirements set forth in RSA 126-U, including having doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. See more specifically RSA 126-U:5.

Parents or guardians should notify their child's school principal if a court has appointed a guardian ad litem to represent their child's interests.

Events not deemed Seclusion

Seclusion shall not be deemed to include:

The voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; or

Circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place.

Internal and External Reporting

The District shall follow the provisions of RSA 126-U and ED1202.02 with regard to the internal reporting of physical restraint or seclusion as well as the external reporting to parents/guardians. Parents or guardians should notify their child's school principal if a court has appointed a guardian ad litem to represent their child's interests.

JKAA – Use of Restraint, Seclusion, and Physical Contact

Oral Reporting

Unless prohibited by court order, the building level administrator shall, as soon as reasonably possible, verbally notify the parent or guardian whenever seclusion or restraint has been used on a child. In no event shall this oral notice be later than the time of the return of the child to the parent or guardian or the end of the school day. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time. Any incident of seclusion or restraint involving any injury to anyone (student, employee, or other) shall also be immediately reported to the Superintendent or her designee.

Internal Written Reporting and Notification Form

Within five (5) business days of the use of seclusion or restraint, the school employee that used the seclusion or restraint shall submit a written report to the school principal which contains the information required in RSA 126-U:7 and ED1202.02. The District administration shall develop a reporting and notification form to be used for this written report.

Written Notification of Parents

Unless prohibited by court order, the principal or his or her designee shall, within two (2) business days of receipt of the internal written report set forth above, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the internal written reporting and notification form referenced above. The District administration may develop a parental notification form, or may elect to use a single reporting and notification form for both internal and external reporting, but the form shall meet all the requirements of NH RSA 126-U:7(II), RSA 126-U:11 (notification of restraints exceeding 15 and 30 minutes) and ED1202.02. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

Reporting of Serious Bodily Injury

If an incident of restraint or seclusion results in serious injury or death the Superintendent shall, in addition to the notice set forth above, also notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required for the parents under RSA 126-U:7(II) and ED1202.02.

Intentional Physical Contact

Whenever a school employee or contractor has intentional physical contact with a student which is in response to a student's aggression, misconduct, or disruptive behavior, the school principal or his/her designee shall make reasonable efforts to promptly notify the student's parent/guardian. Such notification shall be made no later than the time of the return of the student to the parent/guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent/guardian actual notice of the incident at the earliest

JKAA – Use of Restraint, Seclusion, and Physical Contact

practicable time. The administration of the District shall develop a form for providing the required written notice to parents, and the content of the notice shall comply with RSA 126-U:7(V) and District policy/procedures.

Other Physical Contact

The following physical contact need not be reported as intentional physical contact:

- (a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the event shall be reported as intentional physical contact;
- (b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
- (c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to reporting as intentional physical contact.

An incident reported as physical restraint or seclusion need not be reported as intentional physical contact.

Procedures and Forms

The Superintendent and/or his/her designee shall develop written procedures and forms regarding implementation of this policy. The procedures shall be consistent with this policy and all applicable laws and regulations.

IEP Team Review of Record

Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

JKAA – Use of Restraint, Seclusion, and Physical Contact

Internal Duty to Report and Complaints

Notice is given in accord with State Department of Education regulations, and RSA 126-U, that the District's employees have a duty to report to the school administration any violation of RSA 126-U ("Limiting the Use of Child Restraint in Schools and Treatment Facilities") when that employee has reason to believe that the action of another constitutes a violation of RSA 126-U and rises to the level of misconduct or suspected misconduct pursuant to ED 510. The District expressly prohibits any form of harassment or retaliation for the making of such a report in good faith. Any person may make a complaint of a violation of RSA 126-U to the school principal. Schools shall document receipt of any such complaint, including any complaint they determine does not meet the criteria for a violation of RSA 126-U. The documentation shall include the evidence the principal relied upon, and it shall be forwarded to, and maintained by the District's administration. The District's administration, may, at its election, review the building level disposition of the complaint to ensure compliance with RSA 126-U, the state regulations, and this policy.

Legal References:

*RSA 627:6, II Physical Force By Persons With Special Responsibilities Ed
1113.04-1113.05*

*RSA 126-U Limiting the Use of Child Restraint Practices in Schools and Treatment
Facilities Revised 10-4-10
ED1200 Restraint and Seclusion for Children*

Catetory: Priority/Required by Law

1st Read: November 6, 2018

2nd Read: November 27, 2018

Adopted: