

CONTOOCOOK VALLEY SCHOOL DISTRICT
Office of the Superintendent of Schools
106 Hancock Road, Peterborough, NH 03458-1197

POLICY COMMITTEE

January 22, 2019

SAU Finch Room

6:00 PM

Agenda

Committee Members:

Rich Cahoon – Chair, Janine Lesser, Kristen Reilly, Crista Salamy, Jerry Wilson, Stephan Morrissey, Kimberly Saunders, Ann Forrest

Attendees:

1. Call to Order & Approval of January 8, 2019 Minutes

2. Policies to the Board:

The following policies will be presented for a first read at tonight's Board meeting:

IMBA: Distance Education

3. Policies for Discussion

Returning:

- a) IHBG: Home Education – Returning for further discussion.
- b) EFDA: Overdue Accounts

New Policies for Discussion:

- a) GADA: Employment References and Verification (Prohibiting Aiding and Abetting of Sexual Abuse) -- New from NHSBA Sept. 2018 – this is a priority policy
- b) JJJ: Access to Public School Programs by Nonpublic, Charter School, and Home Educated Pupils --- The NHSBA changed the category from Optional to Recommended. Additional Legal References have also been made. Both the NHSBA and ConVal versions are included in this packet.

Existing Policies That Require Updating: includes NHSBA updated policies

- a) GBEC: Drug-Free Workplace/Drug-Free Schools (also applies to identical policy ADB, not included)
- b) GBED: Tobacco Products Ban Use and Possession In and On School Facilities and Grounds (this also affects identical policies ADC & JICG, which are not included in this packet)

Pending from Past Meetings: Status Report -- They are not included in this packet but will appear on a future agenda.

- c) STA Kindergarten Drop-off Procedure: under review by Legal and Bus Company

- d) EEAG – Use of Private Vehicles on School Business: Changed “teacher’s to “employees” in paragraph two. The Superintendent wants to discuss Legal’s edits with Dean Eggart.
- e) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- f) JLD: Guidance Counselors: awaiting feedback from Legal

5. **Strategic Plan Related Policies: Not in this packet**

The following policies fall under the Assessment category for the Strategic Plan and will first go before the **Education Committee**. They are not included in this packet but will appear on a future agenda.

- a) IGA: Curriculum Development
- b) IHBH: Extended Learning Opportunities
- c) IHBI: Alternative Learning Plans
- d) IK: Earning of Credit
- e) ILBA: Assessment of Educational Programs
- f) ILBAA: High School Competency Assessments
- g) IMBC: Alternative Credit Options

Communications Committee:

- a) Community Partnerships: KCB;

6. **Next Meeting:** February 5, 2019

CONTOOCOOK VALLEY SCHOOL DISTRICT
Office of the Superintendent of Schools
106 Hancock Road, Peterborough, NH 03458-1197

POLICY COMMITTEE

January 8, 2019
SAU Finch Room
6:00 PM

Minutes

Committee Members:

Rich Cahoon – Chair, Janine Lesser, Kristen Reilly, Crista Salamy, Jerry Wilson, Stephan Morrissey, Myron Steere, Kimberly Saunders, Ann Forrest

Attendees: Rich Cahoon, Stephan Morrissey, Janine Lesser, Jerry Wilson, Kristen Reilly, Crista Salamy, Myron Steere, Kimberly Saunders, Ann Forrest

1. Call to Order & Approval of December 18, 2018 Minutes

The meeting was called to order at 6:01. Motion to accept the minutes as written made by Stephan Morrissey; seconded by Janine Lesser. Unanimous.

2. Policies to the Board:

The following policies will be presented for a second read at tonight's Board meeting:

- a) BEC: Non-Public Sessions
- b) BEDG: Minutes
- c) BHC/GBD: Board-Employee Communications
- d) CHCA: Approval of Handbooks and Directives
- e) JFAB: Admission of Tuition of Nonresident Students

3. Policies for Discussion

Returning:

- a) IHBG: Home Education – Returning for further discussion. The Superintendent asked if we want homes schooled students to have ala cart curriculum. She can determine what we offer by creating the Procedure for this policy. The more welcoming we are, the more likely that those students will eventually enroll in the district. Presently, we get no adequacy monies for home educated students.

We rarely deny a request for a home educated student to enter school for a specific class or classes. However, most request to attend specials. Sometimes attendance is the deciding factor when a parent chooses to home educate.

Rich Cahoon noted the problem is the policy allows for a continuous revolving door. Crista Salamy asked to hear Dr. Forrest's point of view. Dr. Forrest feels we should let them attend, regardless of whether it's one class or four classes. We have a policy that states a parent can remove a child

from a class if they have an issue with the curriculum. There are many successful home education families; however, most of these kids come from well-to-do families with college educated parents, who can also hire professional instructors if needed.

Students also have access to VLACS. We don't want to push more people out. These families are still paying taxes even if we do not get adequacy money for them. What happens if they only want to come to one class and stay for lunch and we run in to behavior issues? The Superintendent wants to develop a really solid program for home educated families. Rich Cahoon asked what the legal line is. We cannot deny them from playing sports. Ms. Saunders feels it has more to do with space limitations. We have not surveyed home school families in over a decade. Families can ask to attend a school other than their home town school (elementary and middle only).

The group agreed with Stephan Morrissey's suggestion to provide as open a campus as possible for home educated students. He indicated he likes the idea for the home education program that the Superintendent wants to initiate. Rich Cahoon would like to make sure these kids have access to the same curriculum that we use in our classrooms. However, we do not always have enough to share. We could include this information as part of the ConVal Home-School Education Connection. We would not provide a Chromebook, or other tools, presently.

ACTION: We will hold for additional work from the Superintendent.

b) IMBA: Distance Education – Returning for further discussion

Rich Cahoon asked what happens when a student who requires educational supports in their home class, and then they want to take a distance class. We have some support available in the library.

ACTION: Send for a 1st read for next January meeting.

c) EFDA: Overdue Accounts --- first policy to discuss.

The Superintendent would like to limit how high the threshold can be, and then have the authority to do something about it.

If we have a threshold, she would like, "as you see fit, considering the ability to pay, or mitigating circumstances. Is \$50.00 the threshold we want? In some instances the monies owed are not "overdue" food accounts. Rich Cahoon suggested putting others monies due such as Chromebook or vandalism, be put in another policy. We discussed withholding a diploma.

The Superintendent indicated that walking at graduation is not a right. We cannot withhold a diploma, but we can prevent them from walking. Once a payment agreement is signed, we can then send them to collections, if need be.

We have a \$52K food service debt, which we have not yet resolved. We will pay it by the end of the year. We need to put a cumulative clause in both policies. (Not sure what the second policy is that discusses this loss.)

How do we handle deliberate vandalism? The Superintendent is more concerned about when setting up the payment arrangements; she wants to set them up with the parents, and not with the student (who is a minor).

We will have a threshold for all accounts. Can our vendor bill overdue accounts? Are there service fees involved and if so, who pays them, the District or the parent/student. Are we willing to pay the percentage?

The Superintendent wants to speak with Principals and Facilities before she determines the threshold.

Meeting adjourned at 6:47 motion by Stephan Morrissey, seconded by Janine Lesser.

New Policies for Discussion:

- a) JJJ: Access to Public School Programs by Nonpublic, Charter School, and Home Educated Pupils
The NHSBA changed the category from Optional to Recommended. Additional Legal References have also been made. Both the NHSBA and ConVal versions are included in this packet.

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- d) IK: Earning of Credit
- e) ILBA: Assessment of Educational Programs
- f) ILBAA: High School Competency Assessments
- g) IMBC: Alternative Credit Options

Communications Committee:

- a) Community Partnerships: KCB;

6. Next Meeting: January 22, 2019

IMBA: Distance Education

Students enrolled in the district may take advantage of distance education opportunities. Distance education means correspondence, video-based, internet/online-based or other similar media that provides educational opportunities, including courses, as a means to fulfill, or further supplement, curriculum requirements and/or current course offerings. Such opportunities will be implemented under the provisions set forth in Policy IHBH, Extended Learning Opportunities, and Policy IHBI, Alternative Learning Plans.

The written approval of the building principal is required before students enroll in an online or virtual course that is intended to become part of their educational program. (*Note: Written approval from the building principal is **not** required before students enroll in a Virtual Learning Academy Charter School (VLACS) course as VLACS is a fully-accredited, state-approved public school.*) Students applying for permission to take an online course may be required to complete prerequisites and/or provide teacher/counselor recommendations.

Assistant Superintendent approved distance education curriculum/courses must satisfy both state and local standards; be delivered by staff licensed in the state where the course originates; and contain provisions for feedback and monitoring of student progress. The district requires that a syllabus, including prerequisites, specific learning goals/activities, student evaluation criteria, and teacher responsibilities be submitted for review before the course is approved. Additionally, the district requires students to develop and submit a plan for completing the distant education course before the course is approved. The plan must include (a) a detailed timeline for completing the course, (b) when the distance education course will be taken (i.e., during the school day, outside of the school day, or a combination of the two), and (c) the identification of any support that the school or district is able to provide.

After a distance education course has been approved, the principal will assign a teacher to provide identified support and monitor student progress. One teacher may supervise no more than ten students participating in distance education courses.

Approved distance education courses must comply with all federal and state statutes pertaining to student privacy and to public broadcasting of audio and video. Confidentiality of student record information will be maintained throughout the process. This includes information shared between school district representatives and the virtual school or online teacher, information shared between the school district or online teacher with students and parents, and information shared between school district representatives, the virtual school or online teacher and others.

The school district will provide safeguards for students participating in online instruction activities, and Policy EHAA/JICL, Internet Safety and Responsible Use for Students, will apply.

Credit for the course is not recognized until an official record of the final grade has been submitted to the principal or designee.

Students who violate any part of the policy or engage in any other activity that school authorities consider inappropriate are subject to disciplinary action consistent with Board policies and the student handbook.

Legal References:

Ed 306.04(a)(12), Distance Education

Ed 306.22, Distance Education

Category: Recommended

First Read: January 22, 2019

Second Read:

Adopted:

IHBG: Home Education Instruction & Access to Curricular and Co-Curricular Programs

Home Education is an alternative to compulsory attendance at a public or private school and is an individualized form of instruction in accordance with New Hampshire RSA 193-A and Department of Education Rule Part 315 ("Ed. 315"). A parent or guardian may establish a home education program for any child between the ages six (6) and eighteen (18) years of age including one who is an "educationally disabled child" as defined under RSA 186-C:2, I, whether or not such child is previously enrolled in a school of the District.

Notices Required for Commencement of Home Education Program.

1. Notice For Students Withdrawing from District.

State school attendance laws apply to each student until a parent/guardian commences a home education program. Similarly, the District's attendance policies apply to all students enrolled in schools of the District.

Accordingly, when a parent/guardian of a child who is enrolled in a school of the District wishes to begin a home education program for the child, Ed. Rule 315.04 (e) requires that on or before the date the home education program begins, the parent/guardian must advise the Superintendent of the child's withdrawal from the District. The notice of withdrawal may be made in person, via telephone or in writing, at the parent/guardian's election.

2. Written Notice of Program Required.

In addition to the less formal notice required for a child being withdrawn from the District, RSA 193-A and Ed. 315 both require that the parent/guardian provide written notice of the commencement of a home education program **either** (at the parent/guardian's election) to the New Hampshire Department of Education, the Superintendent of the resident district, or to any non-public school principal.

The requirements of the notice are set forth in RSA 193-A:5 and Ed. 315.04, both of which can be accessed through the New Hampshire Department of Education's website.

Upon request, the Superintendent shall assist the parent/guardian to assure that the notification complies with the statutory requirements.

3. No Annual Notice Required.

Once established, the home education program remains in effect unless terminated pursuant Ed. 315.04 (k). The parent/guardian is not required to provide annual notification of continuation of a home education program.

Evaluation & Assessment.

Under RSA 193-A:6, II, parents/guardians are required to provide for an annual educational evaluation for home educated children that documents "educational progress at a level commensurate with the child's age and ability." Both the statute and Ed. 315.07 provide several options for parents/guardians to meet the statutory evaluation requirements. Some of the evaluation options available to parents/guardians under that statute and rules **can** involve

IHBG: Home Education Instruction & Access to Curricular and Co-Curricular Programs

District/Superintendent assistance, including, for instance, any state student assessment used by the District, or any other "valid" measurement tool mutually agreed upon by the parent/guardian and the Superintendent. Other options are available to parents/guardians as provided under RSA 193-A:6 and/or Ed. 315.07.

Parents/guardians seeking to utilize evaluation services through the Superintendent, should contact the Superintendent's office as soon as practicable to assure adequate time to prepare any necessary materials and accommodations.

No fee will be required by the District when a parent uses evaluation services provided by the District.*

***NOTE:** RSA 193-A:7, II (a), and Ed. 315.07 (c) each allow a parent/guardian to enter into an agreement for evaluation services with a certified teacher or a teacher teaching in a non-public school. When a parent/guardian chooses to independently contract with an individual teacher to perform evaluation services, the teacher may charge any fee agreed upon by the teacher and the parent/guardian, notwithstanding whether the teacher is also employed by the District. The District shall not be responsible for the evaluation services, nor shall the District receive any part of the fee agreed to between the teacher and the parent/guardian.

Records.

The District shall maintain documents concerning home education programs in a manner consistent with other educational records. Additionally, the Superintendent shall maintain a list of all home education programs for which the Superintendent, as participating agency, has received notice. On October 1 of each year, the Superintendent shall notify the Commissioner of the number of children for whom programs were established.

RSA 193-A:6, I requires the parent/guardian to maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. The parent/guardian is required to preserve the portfolio for 2 years from the date of the ending of the instruction.

For evaluations which are not provided by the District, parents/guardians need only provide copies to the District to the extent necessary to demonstrate proficiency in order to participate in school programs, and co/extra-curricular activities as provided under RSA 193-A:6, III. ***[See also NHSBA sample appendix IHBG-R.]***

Re-enrollment into the School District.

Parents/Guardians deciding to re-enroll their children into the District following a period of home education will make arrangements with the Principal for an evaluation to determine appropriate placement in the District's program. Placements will be consistent with the School Board policy governing student placements ***[NHSBA Sample Policy JG]*** and are subject to the same appeal process.

IHBG: Home Education Instruction & Access to Curricular and Co-Curricular Programs

Parents/Guardians should be attentive that when re-enrolling a student, there may be discrepancies between the home schooling level of achievement and the scope and sequence of the District's curriculum.

Graduation/Diplomas.

The School Board will not award certificates or diplomas to home educated students. Students must enter the regular school program and complete all necessary graduation requirements of the District and the State to be eligible for a certificate or diploma.

Participation in school curricular and co/extra-curricular activities.

Regulations regarding the participation of home education students (as well as students of non-public or of public charter schools) in District curricular and co/extra-curricular programs are established in **[Appendix IHBG-R]**. The Superintendent is charged with establishing such regulations. Consistent with RSA 193:1-c, any regulations shall not be more restrictive for non-public or home educated pupils than they are for students enrolled in the District.

Legal References:

RSA 193-A, Home Education

RSA 193:1, Duty of Parent; Compulsory Attendance by Pupil

RSA 193:1-a, Dual Enrollment

RSA 193:1-c, Access to Public School Programs by Nonpublic or Home Educated Pupils

*NH Code of Administrative Rules, Section Ed 315, Procedures for the Operation of
Home Education Programs*

Category: Recommended

Related Policies: JEA, JG, JH, JJJ

See also: IHBG-R

First Read:

Second Read:

Adopted:

EFDA – Overdue Accounts

Prior to the start of each school year, parents/guardians shall be advised of meal prices and payment options, as well as information on participation in the Free and Reduced Lunch Program. In order to participate in the ConVal Food Service program, parents may utilize the online payment system prior to purchasing school meals.

Student Accounts:

Accounts due may not exceed \$50.00 for students. Any account in excess of \$50.00 unpaid for more than 30 days will be considered overdue and responsible persons who have not contacted ConVal Food Service with genuine difficulties or acceptable explanation will be notified regarding their overdue account. If no payment is received or contact made with the District within 14 days of this notification, ConVal Food Service will contact the responsible party and seek agreement and resolution. If such agreement or resolution is not possible, or should an agreement previously reached not be honored, the account shall be referred to the Superintendent or designee who may pursue such remedy as she/he deems appropriate including, but not limited to legal action referral to an outside collection agency. In no case will action be taken against a student because of an overdue account.

Staff Accounts:

Accounts due may not exceed \$40²⁵.00 for staff. An account in excess of \$40²⁵.00 unpaid for more than 30 days will be brought to the attention of the Superintendent or designee.

~~1st Read: September 7, 2010~~ November 6, 2018

~~2nd Read: February 3, 2011~~

~~Adopted: February 3, 2011~~

GADA - Employment References and Verification (Prohibiting Aiding and Abetting Of Sexual Abuse)

The District shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed;
 - b. The District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
 - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

Category: Priority/Required by Law

See also: GBCD, GBJ, GCF, GDB

First Read:

Second Read:

Adopted:

NHSBA history: New policy, September 2018

NHSBA policy note, September 2018: This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without

GADA - Employment References and Verification (Prohibiting Aiding and Abetting Of Sexual Abuse)

the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

JJJ – Access to Public School Programs by Nonpublic Schools, Charter Schools, and Home Educated Pupils

The ConVal School District encourages pupils who attend nonpublic schools, public charter schools, or who are home educated access to the District's curricular courses and co-curricular programs in the same way as that of students who attend ConVal schools. Any School Board policy regulating participation in curricular courses and co-curricular programs shall not be more restrictive for nonpublic, public chartered schools, or home educated pupils than the policy governing the school district's resident pupils.

Legal References:

RSA 193:1-c, Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated Pupils.

Category: O

See also: IHBG – Home Education Instruction

1st Read: November 1, 2016

2nd Read: November 15, 2016

Adopted: November 15, 2016

ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS*Category: Recommended**Related Policy: IHBG
See also Appendix: IHBG-R*

All pupils residing in the District, whether they are home educated, or are attending public chartered school or nonpublic schools, shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance RSA 193:1-c and these administrative regulations.

The District will comply with the provisions of RSA 193:1-c allowing pupils who attend nonpublic schools, charter schools or are home educated equal access to the District's curricular courses and co/extra-curricular programs. The District recognizes that any School Board policies regulating participation in curricular courses and co/extra-curricular programs, cannot be more restrictive for non-public, public chartered school, or home educated pupils than the policy governing the District's resident pupils.

History:

First reading: _____
Second reading/adopted: _____

Legal References:

*RSA 193:1-c, Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated Pupils.
RSA 193-A, Home Education*

NHSBA history: Revised: May 2018
New policy September 2016

NHSBA note, May 2018: We changed the policy category from optional to recommended to help assure that school personnel (and families) are apprised of the statutory obligation of districts to provide access to nonpublic, charter and home educated students. We also included introductory language taken from revised sample appendix IHBG-R.

NHSBA note, September 2016: NHSBA issues this new sample policy in response to HB 555, which amends RSA 193:1-c, to now include charter school students in the "equal access" to school district programs statute. Prior to HB 555, RSA 193:1-c required school districts to grant equal access of such programs to pupils attending private schools and pupils engaged in home-school programs, provided the pupil was a district resident. Such access to district programs has now been extended to include resident pupils who attend a charter school. This policy seeks to clarify this statute and put school boards and administrators on notice of its provisions.

w/p-update/2018/JJJ Access by Nonpublic Students 2018-5 (f).docx

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GBEC – Drug-Free Workplace/Drug-Free Schools

The ConVal School District will provide a drug-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 and the Drug-free workplace requirements for Federal contractors, 41 U.S.C. §701. In compliance with these requirements, the District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol or consuming alcohol on school property. (Any employee who finds any type of container of alcohol on school property should report it to the administration as soon as possible.)
 - c. Possessing or distributing controlled substances on school property.
5. Alert the local law enforcement agency of suspected violations of the policy.
6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
 - a. Suspension.
 - b. Termination of employment.
 - c. Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

GBEC – Drug-Free Workplace/Drug-Free Schools

8. Post at each school and in each school bus Drug-Free School Zone signs with a map of the drug-free zone around each school. The signs will be those provided by the New Hampshire Department of Education, as required by RSA 193-B:3, I; Ed. Part 316.

Legal References:

41 USC §8101 Et. seq., Drug-free workplace requirements for Federal contractors, and Federal grant recipients

RSA Chapter 193-B, Drug Free School Zones

Ed. Part 316

Category: P

See also: ADB, GBED, JICG & JICH

First Read: October 3, 2017

Second Read: October 17, 2017

Adopted: October 17, 2017

GBEC/ADB - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

(Download policy)

Category: Priority-Required by Law

Identical Policy: ADB

Related Policy: JICH

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and

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alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- 41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients
- RSA Chapter 193-B Drug Free School Zones
- N.H. Admin. Code, Ed. Part 316

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised and replaced September 2018.

Revised: April 2017; April 2010; February 2004; July 1998

NHSBA revision note: September 2018 - GBEC (and its identical policy ADB) is updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

The policy is further amended to include the optional language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program) when requested by a "syringe service program administrator".

Important note: Although a district may not adopt the **optional** provision regarding syringe service programs, districts should replace existing GBEC/ADB such that the policy better reflects the requirements of Federal law.

NHSBA revision note: April 2017 - Revised to reflect changes to federal and state law.

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GBED – Tobacco Products Ban Use and Possession in and On School Facilities and Grounds

No person shall use any tobacco product in any facility maintained by the School District, nor on any of the grounds of the District.

“Tobacco products” means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco, and tobacco in any other form.

“Facility” is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, libraries, and storage areas.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the District. Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties. The principal will develop regulations which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

Employees

No employee shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the District. Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

GBED – Tobacco Products Ban Use and Possession in and On School Facilities and Grounds

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All Other Persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all School District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

Legal References:

RSA 155:64 – 77, Indoor Smoking Act

RSA 126 – K:6, Possession and Use of Tobacco Products by Minors

RSA 126 K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

Category: P

See also ADB, ADC, GBED, JICG, & JICH

1st Read: February 19, 2013

2nd Read: March 5, 2013

Adopted: March 5, 2013

**TOBACCO PRODUCTS BAN USE AND POSSESSION
IN AND ON SCHOOL FACILITIES AND GROUNDS**

Category: Priority/Required by Law

Identical Policy: ADC & JICG

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

A. Definitions.

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI as the same may be amended or replaced from time-to-time.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-a as the same may be amended or replaced from time-to-time.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a as the same may be amended or replaced from time-to-time.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, E-cigarette, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

No employee shall use any tobacco product, E-cigarette, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, E-cigarette, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures.

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

- RSA 155:64 – 77, Indoor Smoking Act
- RSA 126-K:2, Definitions
- RSA 126–K:6, Possession and Use of Tobacco Products by Minors
- RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

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NHSBA history: Revised – September 2018; February 2004; November 1999; July 1998

NHSBA Note, September 2018: Sample GBED/ADC/JICG has been revised to include definitions and prohibitions relative to E-cigarettes and liquid nicotine, as well as reorganized for improved readability.

w/p-update/2018 Fall/ADC GBED JICG Tobacco 2018-F (f).docx

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