

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

**POLICY COMMITTEE**

June 18, 2019  
SAU Finch Room  
6:00 PM

**Agenda**

**Committee Members:**

Rich Cahoon – Chair, Janine Lesser, Crista Salamy, Jerry Wilson, Stephan Morrissey, Tim Theberge

**Attendees:**

**1. Call to Order & Approval of June 4, 2019 Minutes**

**2. Policies to the Board:**

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

- a) IKF: High School Graduation

**The following policy will be presented for a First read at tonight's Board meeting.**

- a) DFA: Investment
- b) GBA: Equal Opportunity Employment
- c) IGE: Parental Objections to Specific Course Material
- d) IMBD: High School Credit for 7<sup>th</sup>/8<sup>th</sup> Grade Coursework

**3. Returning Policies for Discussion:**

- a) KLB/KEC: Public Complaints about the Curriculum or Instructional Materials. There is no RSA reference. Do we want to rename and change call letters only?

**New Discussion:**

- a) EHB: Data/Records Retention – NHSBA Update in 2018 (both versions included)
- b) JICD: Student Discipline and Due Process – NHSBA update in 2018 (both versions included)
- c) JRA : Student Records, Privacy, Family, and Adult Student Rights – NHSBA update in 2018 (both versions included)

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

- a) CFA: Individual School Administrative Personnel – Dr. Saunders to speak with Legal regarding their edits.

- b) DAF: Administration of Federal Grant Funds
- c) EHAB: Data Governance and Security (under construction)
- d) GBEF: Acceptable Use Policy: Staff (bringing back) Also includes JICL/EHAA: Internet Safety and Responsible Use – for Students. The Superintendent will draft a policy specifically to the collections process for damages or missing district property. EFDA: Overdue Accounts – awaiting additional content on reconciliation of overdue account process is related to this.
- e) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- f) IHBG: Home Education – Returning for further discussion. Superintendent reworking policy.
- g) STA - Kindergarten Drop-Off Procedures

#### **4. 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) IK: Earning of Credit
- c) ILBA: Assessment of Educational Programs
- d) ILBAA: High School Competency Assessments
- e) IHBH: Extended Learning Opportunities – returning to Education Committee (6-4-19)
- f) IMBC: Alternative Credit Options – hold for other credit-related policies (6-4-19)

#### **5. Communications Committee:**

- a) Community Partnerships: KCB;

**Next Meeting:** TBD

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

**POLICY COMMITTEE**

June 4, 2019  
SAU Finch Room  
6:00 PM

**Minutes**

**Committee Members:**

Rich Cahoon – Chair, Janine Lesser, Crista Salamy, Jerry Wilson, Stephan Morrissey, Tim Theberge

**Attendees: Rich Cahoon, Janine Lesser, Crista Salamy, Jerry Wilson, Stephan Morrissey, Myron Steere, Dr. Kimberly Saunders**

**1. Call to Order & Approval of May 21, 2019 Minutes**

**Rich Cahoon called the meeting to order at 6:03 PM.**

**Motion to approve the minutes of May 21 made by Jerry Wilson and seconded by Janine Lesser. Motion to approve unanimous.**

**2. Policies to the Board:**

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

- a) ADB/GBEC: Drug-Free Workplace & Drug-Free Schools
- b) JLD: School Guidance and Counseling Program

**The following policy will be presented for a First read at tonight's Board meeting.**

- a) IKF: High School Graduation

**Need to correct hanging quotation mark. Janine Lesser asked about Algebra 1 & 2, as it was referenced to early on in our last meeting.**

**It is to the student's advantage to take math as a freshman.**

**Crista Salamy asked if kids who take Algebra Concepts and do not pass or score a low grade, would automatically go into Algebra I? No, Dr. Saunders indicated they would go into some form of intervention. Students will have to take the Algebra I class to graduate.**

**3. Returning Policies for Discussion**

- a) IGE: Parental Objections to Specific Course Material – contains feedback from Legal regarding notification.

Attorney Eggart's notes give us three options. Dr. Saunders would prefer to send a hardcopy letter of notification and accompanying information. We cannot just post information on the website. How do we interpret the legal feedback into our policy? We will send out a notice to those parents who wish to review the curriculum.

Notice shall be provided by the School District via US mail prior to the presentation of the course materials (make this the second paragraph in policy). Review piece will be a second sentence in that paragraph. Rich Cahoon would like to include the policy in the notification mail. Notification will take place at least two weeks prior to the start of the presentation of the course material. Notification will include how and where a parent can review the course material. USE THIS.

**ACTION:** Will send for a first read on June 18.

- b) IHBH: Extended Learning Opportunities – this policy was recently edited by the Education Committee

Dr. Saunders thinks we should wait till the State Board makes a decision before moving on with this policy. The committee agrees.

However, we can discuss it. The state needs to send more money to the schools so they can hire more ELO coordinators. This debate has raised awareness of ELO's in general, as many schools do not have any. Rich Cahoon would like us to be able to approve ELO internships. Jerry Wilson asked if there's an existing list of what we've already done.

**ACTION:** We will hold this policy and send back to Education Committee once the State makes their decision.

#### **New Discussion:**

- a) DFA: Investment (our existing policy)

Our policy is newer than the NHSBA's. We just need to readopt this policy annually. Rich Cahoon would like to see all annual policies/handbooks approved at the same Board meeting once a year.

**ACTION:** Send for a 1<sup>st</sup> read.

- b) GBA: Equal Opportunity Employment – updated by NHSBA in September 2014

**ACTION:** Strike sentence in NHSBA version, with edits and bring for a first read.

- c) IMBC: Alternative Credit Options – this policy was recently edited by the Education Committee

**ACTION:** Hold with other credit-related policies

- d) IMBD: High School Credit for 7<sup>th</sup>/8<sup>th</sup> Grade Coursework (NHSBA version, Priority policy)

Was there a question about the amount of hours involved regarding Algebra I? The high school has more hours associated with it than the middle schools. We are looking carefully at the 88 minutes a day for a year. Is this for those kids who really need that time? Will middle school algebra equal completed Algebra I at the high school? We should be using the same common assessments regardless of who or where it's being taught. We shouldn't force kids to take a class they already know.

**ACTION:** Add Assistant Super to last sentence, incorporate edits and send for a first read.

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

- a) CFA: Individual School Administrative Personnel – Dr. Saunders to speak with Legal regarding their edits.
- b) DAF: Administration of Federal Grant Funds
- c) EHAB: Data Governance and Security (under construction)
- d) GBEF: Acceptable Use Policy: Staff (bringing back) Also includes JICL/EHAA: Internet Safety and Responsible Use – for Students. The Superintendent will draft a policy specifically to the collections process for damages or missing district property. EFDA: Overdue Accounts – awaiting additional content on reconciliation of overdue account process is related to this.
- e) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- f) IHBG: Home Education – Returning for further discussion. Superintendent reworking policy.
- g) KLB: Public Complaints About the Curriculum or Instructional Materials – this is an old policy (1991) that needs updating to KEC (2004, NHSBA. Sent to Legal for comparison review to IGE.
- h) STA - Kindergarten Drop-Off Procedures

#### 4. **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) IK: Earning of Credit
- c) ILBA: Assessment of Educational Programs
- d) ILBAA: High School Competency Assessments

#### 5. **Communications Committee:**

- a) Community Partnerships: KCB;

Motion to adjourn at 6:53 PM made by Stephan Morrissey and seconded by Janine Lesser.

**Next Meeting:** June 18, 2019

## IKF – High School Graduation

To qualify for high school graduation, students must complete a course of study that includes the following:

Successful completion of 26 subject credits and/or related competencies, as outlined below. Effective starting with the class of 2023.

a. English	4 credits
b. Social Studies (including 1 in US History, .5 in US/NH Gov., .5 in Economics, 1 in Global Studies)	3 credits
c. Science (1 in Living, 1 in Physical)	3 credits
d. Mathematics (including Algebra I )	4 credits
e. Physical Education	1 credit
f. Health	1 credit
g. Digital Literacy/ITC	.5 credit
h. Arts Education	.5 credit
i. Service Learning/Community Service	.5 credit
j. Elective Offerings	8.5 credits

- Students must complete 4 credits of Math, including Algebra I.
- Students must be enrolled in a math class every semester until the Algebra I requirement is met.
- Students who have successfully completed the Algebra I credit prior to entering high school will be deemed to have met the Algebra I requirement.
- The Algebra I requirement may be waived by the Special Education Director through the IEP process.

All students with disabilities in the ConVal School District shall have an equal opportunity to complete a course of studies leading to a regular high school diploma. A regular diploma shall be issued to all students who:

- Have successfully achieved of 26 credits
- Have met specific course requirements as described in the ConVal High School Program of Studies
- Have met all attendance requirements as stated in the ConVal High School Program of Studies (or/and local district policy)

The term “regular high school diploma” does not include an alternative degree that is not fully aligned with the State’s academic standards, such as a certificate or a general educational development credential (GED).

### **Legal Reference:**

*NH Code of Administrative Rules, Section Ed. 306.04(a)(14), Policy Development*  
*NH Code of Administrative Rules, Section Ed. 306.14(f), Basic Instructional Standards*

## **IKF – High School Graduation**

*NH Code of Administrative Rules, Section Ed. 306.27(i, d, m), Required Subjects and Unit of Credit for High School Graduation*

*Category: R*

*See also ILBAA, IMBC*

1st Reading: June 4, 2019

2nd Reading: June 18, 2019

Adoption:

## **DFA – Investment**

The School Board authorizes the School District Treasurer working in conjunction with the Superintendent and his/her designee and pursuant to RSA 197:23-a to invest the funds of the District subject to the following objectives and standards or care.

### **Objectives**

The three objectives of investment activities shall be safety, liquidity, and yield.

1. Safety of principal is the foremost objective in this policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital by mitigating credit and interest rate risk. This will be accomplished by limiting the type of the investments and institutions to those stipulated by statute and fully covered by FDIC insurance or collateral approved pursuant to applicable law.
2. Liquidity of the investment portfolio shall remain sufficient to meet all operating requirements that may be reasonably anticipated.
3. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

### **Investment Instruments**

Funds shall be invested in accord with the standards set forth in RSA 197:23-a. Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll and accounts payable) as well as anticipated revenues.

### **Competitive Selection of Investment Instruments**

Before investing any excess funds in investment instruments, with the exception of United States Treasury securities maturing in less than one year, a competitive bid process shall be conducted by the District Treasurer, the Superintendent, or his/her designee.

Bids shall be requested from qualified financial institutions for various options with regard to terms and instrument. The District Treasurer, Superintendent, his/her designee shall accept the bid(s) that provide(s) the highest rate of return, within the maturity required, and within the parameters of this policy, taking into consideration all associated costs, requirements, and capabilities.

# DFA – Investment

## Standards of Care

1. Prudence: The standard of prudence to be used by the District Treasurer and Superintendent or his/her designee involved in the investment process shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. They are directed to use the GFOA (Government Financial Officers Association). Recommended

2. Practices and Policy Statements Related to Cash Management as a guide to the prudent investment of public funds.

**Ethics and Conflicts of Interest:** The School District Treasurer and Superintendent or his/her designee involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Employees and Investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial institutions with which they conduct business.

They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officials shall subordinate their personal investment transactions to those of the School District, particularly with regard to the timing of purchases and sales.

3. **Internal Controls:** The District Treasurer and Superintendent or his/her designee shall establish a system of internal controls that shall be documented in writing. The internal controls shall be reviewed by the School Board and an independent auditor.

The investment of funds will be left to the discretion of the Superintendent or his/her designee without prior approval of the Board.

### **Legal Reference:**

Per the District’s Financial Advisors/Auditors, this policy must be readopted annually. RSA 197:23-a, IV

*Category: P*

1st Read: ~~September 2, 2014~~ June 18, 2019

2nd Read:

Adoption:

## GBA – Equal Opportunity Employment

~~The District is an equal opportunity employer. It is the policy of the District to prohibit discrimination of any type and to conform to the spirit as well as the letter of all applicable laws and regulations.~~

~~The District will employ individuals who meet the physical and mental requirements, and whom have the education, training and experience established as necessary for the performance of the job. The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the District and its employees, including but not limited to: recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, and employee benefits and application of policies.~~

~~This policy of non-discrimination is applicable to all persons employed by the District. Any complaints or alleged infractions of the policy, law, or applicable regulations regarding compliance with Title IX, may be directed to the Human Resources Director in the Office of the Superintendent of Schools.~~

~~This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.~~

~~Legal Reference:~~

~~———— RSA 354-A:7, Unlawful Discrimination Practices~~

~~———— Appendix: AC-R~~

The District will recruit and consider candidates without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age, or disability. ~~When there are opportunities for promotions and qualifications are equal, consideration will be given first to employees.~~ The District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age, or disability, except for reasons related to ability to perform the requirements of the job.

Inquires, complaints, and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received by the Superintendent or his/her designee.

This policy of non-discrimination is applicable to all persons employed or served by the district. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights act of 1964, Title IX of the Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.

NHSBA Note, September 2014: Addition of new sentence in first paragraph prohibiting discrimination in employment matters against victims of domestic violence, harassment, sexual assault, or stalking, per RSA 275:71 (effective July 2014). Legal References contains numerous additions.

## GBA – Equal Opportunity Employment

### Legal References:

*RSA 354-A:6, Opportunity for Employment without Discrimination a Civil Right*

*RSA 354-A:7, Unlawful Discriminatory Practices*

*The Age Discrimination in Employment Act of 1967*

*Title II of The Americans with Disabilities Act of 1990*

*Title VII of The Civil Rights Act of 1964 (15 or more employees)*

*RSA 186:11, XXXIII, Discrimination*

*RSA 275:71, Prohibited Conduct by Employer*

*Appendix: AC-R*

1st Reading: ~~October 28, 2008~~ June 18, 2019

2nd Reading: ~~November 18, 2008~~

Adopted: ~~November 18, 2008~~

## IGE – Parental Objections to Specific Course Material

The **ConVal** School Board recognizes that there may be specific course materials that some parents/guardians find objectionable.

Notice shall be provided by the School District via US mail prior to the presentation of the course materials. Notification will include how and where a parent can review the course materials. In the event a parent/guardian finds specific course material objectionable, the parent/guardian may notify the building principal of the specific material to which they object and request that the student receive alternative instruction, sufficient to enable the child to meet state requirements for education in the particular subject area. This notification and request shall be in writing.

The building principal and the parent must mutually agree to the alternative instruction. The alternative instruction agreed upon must meet state minimum standards.

School district staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school, through approved independent study, or through other method agreed to by the parent/guardian and the building principal. Any cost associated with the alternative instruction shall be borne by the parent.

~~Nothing in this policy shall be construed as giving parents/guardians the right to appeal to the school board.~~

Parents who wish for particular instructional material be reviewed for appropriateness may submit a request for review in accordance with Board Policy KEC.

### **Legal References:**

RSA 186:11, IX-c, State Board of Education; Duties.

**See also KEC**

~~1<sup>st</sup> Read: October 15, 2013~~ **June 18, 2019**

~~2<sup>nd</sup> Read: November 5, 2013~~

~~Adopted: November 5, 2013~~

## IMBD – High School Credit for 7<sup>th</sup>/8<sup>th</sup> Grade Coursework

Students in 7th or 8th grade may take advanced courses and apply the credit of those courses toward high school graduation, provided the course demonstrates content requirements consistent with related high school courses and the student achieves satisfactory standards of performance. School Board policies relative to assessment, mastery and competency shall apply.

The Assistant Superintendent and High School Principal shall approve such course work and credit prior to the student enrolling in the class in order for such credit to be applied toward high school graduation.

### **Legal References:**

*Ed 306.26(f), Granting High School Credit for 7th/8th Grade Coursework (until July 1, 2017)*

*Ed 306.261(e), Granting High School Credit for 7th/8th Grade Coursework (after July 1, 2017)*

1<sup>st</sup> Read: June 18, 2019

2<sup>nd</sup> Read:

Adopted:

## **Contoocook Valley School District Policy**

### **PUBLIC COMPLAINTS ABOUT THE CURRICULU OR INSTRUCTIONAL MATERIALS**

It is the policy of the School Board to require that books and other reading matter shall be chosen for values of interest and enlightenment of all students in the community. A book shall not be excluded because of the race, nationality, political, or religious views of the writer or of its style and language. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times, international, national, and local, and books or other reading matter of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.

The School Board has approved principles governing the selection of all instructional materials, including library books and has established policies pertaining to the selection process. However, the Board wishes to amplify its principles on the selection of books and other materials which present controversial topics or which for other reasons might be challenged:

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

- ❖ Religion—factual, unbiased material on all major religions has a place in school libraries.
- ❖ Ideologies—libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students, on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics education, and other phases of life.
- ❖ Profanity/obscenity—materials shall be subjected to a test of literary merit and reality by media specialists and teachers who will take into consideration the maturity of students and the standards of the community.

Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. The Board recognizes the right of an individual parent to request that his own child not read a given book. When such a request is presented, the teacher and/or school administrator should resolve the situation, perhaps by arranging for use of alternative material meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and materials that the Board has adopted.

**Contoocook Valley School District Policy**

2. The Board shall not permit any individual or group to exercise censorship over the instructional materials and library collections, but recognizes that at times a reevaluation of certain material may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use:
  - a. The person who objects to the book or other material shall be asked to sign a complaint on a standard form on which he/she will document his criticism.
  - b. Following receipt of the formal complaint, the Superintendent shall provide for a reevaluation of the material in question.
  - c. The reevaluation shall be based on the points offered above, as well as, the principles governing the selection of all instructional materials. Additionally, the Board wishes to emphasize that:
    - ❖ A book shall not be excluded because of the writer's race or nationality or his political or religious views.
    - ❖ That the value of any book or other material shall be judged as a whole, taking into account the purpose of the material, rather than individual, isolated expressions or incidents in the work.
  - d. The Superintendent or his designee shall review the complaint and reevaluation, and shall render a decision in the matter. Should the solution be unsatisfactory to the complainant, he/she may appeal the decision to the Board.

In summary, the Board assumes final responsibility for all books and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parents with respect to controversial materials used by their own children; it will provide for the reevaluation of materials in library collections upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach shall be respected.

April 2, 1991

## Contoocook Valley School District Policy

### PUBLIC COMPLAINTS ABOUT THE CURRICULAR, U OR INSTRUCTIONAL AND EDUCATIONAL MEDIA MATERIALS

#### Statement of Intent

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It is the policy of the ConVal School Board to require that curricular and instructional materials be chosen on the basis of their educational value and alignment with the curricular framework of the District. Supplemental educational and instructional materials, such as library media, other textbooks, digital resources, books and other reading or audio-visual material [ all collectively referred to as "Educational media"] shall be chosen on the basis that they are for values of broad interest and or enlightenment of all students in the community.

Educational media ~~A book~~ shall not be excluded because of the race, nationality, political, or religious views of the writer/creator or of its style and language. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times, international, national, and local, and ~~Educational media books or other reading matter~~ of sound factual authority shall not be digitally blocked, prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval. Notwithstanding such, the District shall be under no obligation for provide direct access to all known educational media but shall instead assist students with gaining access to appropriate and sufficient educational resources.

The School Board has approved principles governing the selection of all educational media ~~instructional materials~~, including library ~~media books~~ and has established policies pertaining to the selection process. However, the Board wishes to amplify its principles on the selection of educational media books and other materials which present controversial topics or which for other reasons might be challenged:

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

- ❖ Religion—factual, unbiased material on all major religions has a place in school libraries.
- ❖ Ideologies—libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students, on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics education, and other phases of life.
- ❖ Profanity/obscenity—materials shall be subjected to a test of literary merit and reality by media specialists and teachers who will take into consideration the maturity of students and the standards of the community.

## Contoocook Valley School District Policy

### Right to Criticize Educational media and the use of alternative media

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Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. The Board recognizes the right of an individual parent to request that his own child not read a given book or view a certain educational media. When such a request is presented, the teacher and/or school administrator should resolve the situation, perhaps by arranging for use of alternative educational media material meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and specific instructional materials that are materials that the Board has adopted part of the curriculum. The process to follow in the circumstance where a Parent, Guardian or adult student wishes to take exception to specific course material is set forth in Policy IGE.
2. The Board shall not permit any individual or group to exercise censorship over educational media, the instructional materials ~~and~~ library collections, but recognizes that at times a reevaluation of the educational value of certain material may be desirable. Should an individual or group ask to have any form of educational media ~~book or other material~~ withdrawn from school use:
  - a. District residents not in agreement with a school on its selection of educational media and who wish a particular item of educational media to be reviewed must submit to the Principal a "Request for Reconsideration of Educational Media." The request forms shall be available at the school office. ~~The person who objects to the book or other material shall be asked to sign a complaint on a standard form on which he/she will document his criticism.~~
  - b. The Principal, upon receipt of a "Request for Reconsideration" will acknowledge receipt to the complainant and list anticipated steps to be taken. The Principal may form a building level Educational Media Review Committee and schedule meetings necessary to review the complaint and to write a report and recommendation to the Superintendent as to whether removal is warranted, and if so, the reason(s) why the item should be removed or blocked from use. In the alternative, the Principal may elect to review the request and author the report and recommendation to the Superintendent. During the review process the educational media will remain in use unless the Principal or Superintendent elects to remove or restrict the material until a final decision is made.
  - ~~b. A copy of the report shall be provided to the requestor. Following receipt of the formal complaint, the Superintendent shall provide for a reevaluation of the material in question.~~
  - c. The report and recommendation ~~evaluation~~ shall be based on the points offered above, as well as, the principles governing the selection of all

### Contoocook Valley School District Policy

instructional materials and educational media. Additionally, the Board wishes to emphasize that:

- ❖ ~~A book~~ Educational media shall not be excluded because of the writer's race or nationality or his political or religious views.
- ❖ That the value of any ~~book or other material~~ educational media shall be judged as a whole, taking into account the purpose of the material, rather than individual, isolated expressions or incidents in the work.

- d. The Superintendent or his designee shall review the ~~requestor~~ complainant and ~~the reevaluation report and recommendation~~, and shall render a decision in the matter. Should the solution be unsatisfactory to the ~~Requestor~~ complainant, he/she may appeal the decision to the Board, within 10 days of receipt of the Superintendent's decision.

In summary, the Board assumes final responsibility for all educational media ~~books~~ and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parents with respect to controversial materials used by their own children; and it will provide for the reevaluation of ~~electronic media materials in library collections~~ upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach shall be respected.

April 2, 1991

Category: P

See also EH, GBJ

### DATA/RECORDS RETENTION

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations.

Legal References:

*RSA 91-A, Right to Know Law*

*RSA 189:29-a, Records Retention and Disposition*

*NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention*

*NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention*

*20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)*

*Appendix EHB-R, Records Retention Schedule*

1<sup>st</sup> Reading: April 15, 2008

2<sup>nd</sup> Reading: May 13, 2008

Adopted: May 13, 2008

Amended: October 1, 2013

**DATA/RECORDS RETENTION**

*Category: Priority - Required by Law*

*Related Policies: EH, EHAB, JRA, & JBJ  
See also: EHB-R (Records Retention Schedule)*

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations, and also addresses retention/destruction of all other records which are not subject to specific statutes or regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

**A. Special Education Records.**

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

**B. Litigation Hold.**

On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic or digital records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those

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records in accordance with the retention requirements of this policy and the associated procedures.

**C. Right-to-Know Request Hold.**

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

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**Board Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

*District revision history:*

**Legal References:**

- RSA 91-A, Right to Know Law
- RSA 189:29-a, Records Retention and Disposition
- NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention
- NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention
- NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements
- 20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)

***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.

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***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: September 2018; May 2018; May 2017; May 2008; October 2005

**NHSBA revision note, September 2018:** Policy EHB has been amended to reflect the 2018 passage of HB 1551. That bill, which amended 186-C by adding new section 186-C:10-a, requires LEAs to destroy special education records within a reasonable time after a student's 26<sup>th</sup> birthday, but no later than the student's 30<sup>th</sup> birthday. The student's parents/guardians, however, may require the District to either destroy the records upon the child's

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graduation or to retain the records until the child's thirtieth birthday. The policy has also been modified to include information pertaining to digital or electronic records.

**NHSBA revision note, May 2018:** Minor, style and grammatical changes made in the first two paragraphs of what is now Section A.

**NHSBA revision note, May 2017:** Department of Education Administrative Rules, effective March 2017, require a policy regarding the retention and destruction of special education records. Provisions are added to address the need to cease records destruction in the event of a litigation hold or receipt of a Right-to-Know law request to inspect or copy governmental records. The sample retention schedule, EHB-R was also update to reflect this requirement and other changes to law.

w/p-update/2018 Fall/EHB 2018-F (f) Data Records Retention

**DISCLAIMER:** This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing districts with policy development. **School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

## JICD – Student Discipline and Due Process

### Definitions

1. Disciplinary measures are reasonable, developmentally appropriate procedures that may include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from school sponsored events and activities, probation, and expulsion, as a means of addressing student misbehavior.
2. Removal from the classroom means a student is sent to the building principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
3. Detention means the student's presence is required during non-school hours for disciplinary purposes. The building principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school.) Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building principal.
4. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days.
5. An out-of-school suspension means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to school rules or policies.
6. A restriction from school activities means a student will attend school and classes and practice but will not participate in school co-curricular activities or events.
7. Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.
8. Expulsion means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

### Standards for Removal from Classroom and Detention

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to follow the reasonable rules and/or applicable policies of the School Board or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct. The building principal may assign students to detention under the same standard.

## JICD – Student Discipline and Due Process

### Standards for In-School Suspension, Restriction of Activities, and Probation

The building principal is authorized to issue in-school suspensions, restrictions of activities, or disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other Board policies or is otherwise inappropriate or prohibited.

### Process for Out-of-School Suspension:

The power of suspension is authorized as follows:

1. The building principal or designated administrator is authorized to suspend a student for 10 school days or less for gross misconduct or for neglect or refusal to conform to school district policies or rules.
  - A. Pursuant to Ed 317.04(a)(1), a suspension of 10 school days or less shall be considered a “short-term suspension” and may be issued for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school under RSA 193:13,I.
2. The Superintendent, or designee appointed in writing by the School Board, is authorized to continue the suspension of a pupil for a period in excess of 10 school days. Prior to this extended suspension, the Superintendent, or designee, will provide an informal hearing on the matter. The informal hearing need not rise to the level and protocol of an official hearing before the Board.
3. Any suspension in excess of 10 school days, as described in Paragraph 2 of this Section, is appealable to the Board, provided the Superintendent receives the appeal in writing within 10 days after the issuance of the decision described in Paragraph 2. Any suspension in excess of 10 school days shall remain in effect while this appeal is pending.
4. Due process standards for short-term suspensions (10 days or less) will adhere to the requirements of Ed 317.04(d)(1).
5. Due process standards for long-term suspensions (more than 10 days) will adhere to the requirements of Ed 317.04(d)(2).

### Process for Expulsion

1. Any pupil may be expelled by the Board for gross misconduct, or for neglect or refusal to conform to District rules or policies, or for an act of theft, destruction, or violence, as defined in RSA 193-D:1, or for the possession of a pellet or BB gun, rifle, or paint ball gun.
2. Additionally, any pupil may be expelled by the Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than 12 months.

## JICD – Student Discipline and Due Process

3. The District will ensure that the due process standards set forth in Ed 317.04(d)(3) are followed.

4. The Superintendent is authorized to modify the expulsion requirements of any student on a case-by-case basis.

### **Legal References:**

*RSA 193:13, Suspension & Expulsion of Pupils*

*NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline*

*NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline*

*NH Code of Administrative Rules, Section Ed 317.04, Standards and Procedures For Suspension and Expulsion of Pupils Assuring Due Process*

*See Appendix: JICD-R*

### ***Category: P***

*See also* JI, JIA, JIC, JICC, JICK

1st Read: August 19, 2014

2nd Read: September 2, 2014

Adopted: September 2, 2014

**STUDENT DISCIPLINE AND DUE PROCESS***Category: Priority - Required by Law**Related Policies: JI, JIA, JIC, JICDD & JICK  
See also Appendix JICD-R*

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

**A. Disciplinary Measures – "Definitions".**

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
  - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).
  - b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).
5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.
6. "Probation" means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.
7. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

**B. Standards for Removal from Classroom and Detention.**

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

**STUDENT DISCIPLINE AND DUE PROCESS**

Likewise, classroom teachers may assign students to detention for similar conduct.

The building Principal may assign students to detention under the same standard.

**C. Standards for In-School Suspension, Restriction of Activities, and Probation.**

The building Principal is authorized to issue in-school suspensions, restrictions of activities, or place a student on probation for any failure to conform to school or School District policies or rules, or for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

Restriction of activities may also be issued pursuant to rules or policies pertaining to specific clubs or teams.

**D. Process for Out-of-School Suspension.**

The power of suspension is authorized for gross misconduct, for neglect, or refusal to conform to School District policies and rules as follows:

1. **Short-term Suspensions.** The [\_\_\_\_\_] *building Principal*] (as designee of the **Superintendent**) is authorized to suspend a student for ten (10) school days or less. The Principal shall consult with the Superintendent prior to issuing any suspension.

As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.

Due process standards for short-term suspensions (ten (10) days or less) **will adhere to the requirements of Ed 317.04(f)(1).**

2. **Long-term Suspensions.** The [\_\_\_\_\_] *Superintendent???* {note: 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent}} is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

Prior to a long-term suspension, the student will be afforded an informal hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing before the School Board, but **the process must comply with the requirements of Ed 317.04 (f)(2) and Ed 317.04 (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the [Superintendent]'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

**E. Process for Expulsion.**

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to

**STUDENT DISCIPLINE AND DUE PROCESS**

the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.

2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
3. **Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.**
4. Any decision by the Board to expel a student may be appealed to the State Board of Education.
5. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

**F. Sub-committee of Board.** For purposes of sections D and E of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

**G. Disciplinary Removal of Students with Disabilities.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

**H. Notice.**

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

**History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**Legal References:**

*RSA 189:15, Regulations*

*RSA 193:13, Suspension & Expulsion of Pupils*

*RSA Chapter 193-D, Safe Schools Zones*

*NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline*

*NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy*

**STUDENT DISCIPLINE AND DUE PROCESS**

*NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures*

*In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)*

*See Appendix: JICD-R*

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**NHSBA revision history:** Revised - May 2018; September 2017; April 2011; May 2008; November 2007; October 2005; November 1999

**NHSBA note, May 2018:** This sample policy has been substantially updated to more closely reflect and track the language of 193:13 and Ed 317.04. This revised version also includes a provision relative to discipline of children with educational disabilities. **NHSBA adoption considerations:** Because most of this policy derives from specific statutes or DOE regulations, and involves potential deprivation of a student's "property" rights, it is essential that the language adopted by the local School Board, including the designation of responsible personnel, track the applicable statutes and regulations. Districts should also be certain to update pertinent handbooks, website, and other pertinent publications to assure consistency. Finally, districts which do not use the NHSBA/NEPN code reference system, should check to make sure that the internal policy references included in JICD are changed to reflect the local coding system. **See also** revisions to sample policy JIC.

**NHSBA note, September 2017:** Revised to include the requirement that educational assignments shall be made available to the suspended student when suspended up to ten (10) days, enacted by House Bill 216, Laws of 2017, Chapter 12, effective June 16, 2017, and to conform to other changes to law and administrative rules. In light of the Supreme Court's decision in *In re Keelin B.*, language is added reflecting the School Board's authority under that statute to adopt policies defining misconduct beyond that explicitly addressed in RSA Chapter 193-D and RSA 193:13. RSA 189:15 was last amended in 1969 and it uses the term "regulation." More recent law and NHSBA practice uses the term "policy" for rules set by the School Board. "Regulation" is the term used for rules and procedure set by the Superintendent or Administrators using authority delegated by the School Board or established by statute. We recommend that School Boards continue to classify their "rule-making as policy, but it may be beneficial when setting a policy using the authority granted by RSA 189:15, to include in the text of the policy reference to that statute.

w/p-update/spring2018/JICD Student Discipline 2018-5 (f)

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## JRA – Student Records, Privacy, Family and Adult Student Rights

### I. Student Records and Access by School Officials

The District shall maintain a student record system designed to benefit the education of every student and to assist school staff in educating students.

School personnel shall maintain all student records required by federal statute, federal regulations, state statute, and State of New Hampshire Department of Education regulations, as well as such other student record information as is deemed by the District's administration to be beneficial to the education of each student. Student record information shall be created and kept in a format which assists the District in meeting the educational needs of students. Staff shall exercise care to ensure accuracy in creating student record information.

The intent of the District is to comply fully with the provisions of the Family Education Rights and Privacy Act of 1974, 20 U.S.C. 1232(g) et. seq. ["FERPA"] as well as any other state and federal laws pertaining to student records, personally identifiable student information, and confidentiality. Therefore, all student records and personally identifiable student record information shall be deemed confidential and shall only be disclosed to third parties with prior written parental consent, or pursuant to a recognized exception to that requirement under state and federal law. Student records may only be transferred outside the district in accord with state and federal laws.

Upon request, the ConVal School District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for the purpose of the student's enrollment or transfer.

The School Board directs its administration to develop, maintain, and disseminate to staff a comprehensive student records management procedure which shall include detailed procedures to protect student records and personally identifiable student information at the collection, storage, disclosure, and destruction stage in a manner consistent with state and federal law.

Access by school officials to personally identifiable student educational records without prior written parental consent shall be limited to those school officials who have a legitimate educational interest in accessing the records. A "legitimate educational interest" shall exist if the school official needs to review an educational record in order to perform his or her professional responsibility. Examples include:

- A. Matters relating to provision, supervision, selection, evaluation, funding or budgeting of services to one or more students;
- B. Discipline of a student;
- C. Assessment or monitoring of one or more students;
- D. Planning for future service provision for one or more students;
- E. Administration of educational programs for one or more students;
- F. Legal matters involving the District or any students in the district; or
- G. Investigation of matters pertaining to the safety, health or well-being of one or more students.

The District shall use reasonable methods to ensure that school officials obtain access to only those student records in which they have a legitimate educational interest.

## JRA – Student Records, Privacy, Family and Adult Student Rights

The District designates the following as “school officials” who may potentially have a legitimate educational interest in accessing student record information:

- A. Employees of the School District who administer or provide education in our schools, including individuals such as:
  - 1. Principals, assistant principals, and other school administrators;
  - 2. Classroom educators;
  - 3. Special educators and special education staff members;
  - 4. Related service providers;
  - 5. Paraprofessionals;
  - 6. Other instructors;
  - 7. School counselors;
  - 8. Nursing staff;
  - 9. School psychologists and evaluators;
  - 10. Special education IEP Team members; and
  - 11. Employees assigned to maintain, or assist in maintaining student records;
- B. Administrators of the District, including the:
  - 1. Superintendent of Schools;
  - 2. Assistant Superintendent;
  - 3. Director of Special Education;
  - 4. Assistant Director of Special Education;
  - 5. The Business Administrator; and
  - 6. Staff assigned to assist any of the above.
- C. School Board members when serving on a disciplinary subcommittee, or hearing any other matter pertaining to a student.
- D. Individuals or organizations under contract with the District who are providing services or advice related to the education of one or more students, including all related service providers, evaluators, consultants, auditors, attorneys, experts, and therapists.
- E. Individuals or firms assisting the School District in legal matters, including Insuring Trust representatives, insurance adjusters, insurance brokers, insurance companies, claims representatives, legal counsel for the District, expert witnesses and consultants.
- F. Classroom volunteers, consultants and contractors who agree that they are subject to the direct control of the District and who affirm that they are subject to the use and redisclosure requirements pertaining to personal identifiable student information under FERPA.

A written log shall be kept with each student’s cumulative file which shall be used to record access by school officials by name, date and reason for access, as well as all other individuals and entities to whom an authorized records release has been made, consistent with the recording requirements contained in FERPA.

## JRA – Student Records, Privacy, Family and Adult Student Rights

The Superintendent or her/his designee may decide questions as to whether or not an individual is a designated school official and whether or not they have a legitimate educational interest in accessing a student record or personally identifiable student information without prior written parental consent.

### II. Parent, Guardian or Adult Student Access to Student Records

All parents with legal custody, foster parents, lawful guardians, and adult students have the right to inspect and review the student's educational records as well as to request and receive personally identifiable student data. Requests for access shall be submitted to the school which the student attends, shall be made in writing, and shall designate the records which the parent/guardian/adult student wishes to inspect and review. In accord with New Hampshire law access shall be granted within 14 days after the school receives the request. The Superintendent shall establish a reasonable fee for providing copies of records, and may require that the same be paid prior to release of the copies.

Where the parents of a students are separated or divorced, or for some other reason the student is not in joint custody of both of his parents, information disclosed to one parent concerning the student shall be disclosed to the other natural parent or person having legal custody of the student.

Information may also be disclosed to a person having written authority from the legal custodian of the student, provided that written authority includes written consent to access student record information. All releases of record information shall be recorded in the log attached to the student's cumulative file.

### III. Release of Student Records to Others

All parents, guardians, and adult students have the right to consent or to deny consent to disclosure of student records and personally identifiable information contained in the student's educational records, except to the extent that FERPA and the related federal regulations authorize disclosure without written consent. No student record, or personally identifiable student information, other than designated Directory Information shall be released to any third party unless the parent/guardian/adult student has given prior written consent, or the District has acted under an exception to the written consent requirement. The District shall maintain Authorization Forms for use by parents, guardians, and adult students who seek disclosure of records to a third party.

When the District releases records to a third party on the basis of a FERPA exception to the written consent requirement, to the extent required by FERPA, an entry shall be made in the appropriate student log identifying the date of the release, the individual releasing the record, and the exception under which the District is proceeding.

Student records are exempt from disclosure under the Right to Know law, RSA 91-A:5.

### IV. Right to seek Amendment of a Student's Educational Records

Parents, Guardians or adult students may ask the School District to amend a record generated by the School District that they believe is inaccurate, misleading or in violation of the student's privacy. A written request should be sent to the principal of the school in which the student is enrolled. The request should clearly identify the part of the record that the requestor wants amended and should specify why it is inaccurate, misleading or violates of the student's privacy.

## JRA – Student Records, Privacy, Family and Adult Student Rights

If the School District decides not to amend the record as requested by the parent, guardian or eligible student, the School District shall notify the parent or adult student of its decision and advise them of a right to a hearing on their request for an amendment. If the requesting party seeks a hearing, the matter shall be heard by the Superintendent or her designee. Additional information regarding due process and the hearing shall be provided to the requesting party upon receipt of their request for a hearing. The Superintendent's decision may be appealed to the School Board.

### V. Designation of Directory Information

Directory information is information regarding a student that generally is not considered harmful or an invasion of privacy if released or disclosed to outside organizations, including the media, without prior written consent. Outside organizations include companies such as yearbook printers and class ring manufacturers. Directory Information may be published by the District in graduation programs, Honor Roll lists, athletic rosters, playbills, and the like. The School Board hereby designates the following information to be "directory information" which may be disclosed without prior written consent from the parent, guardian, or adult student:

Name, address and telephone number of the family or adult student;

Electronic mail address;

Course participation;

Weight and height of athletes;

Date and place of birth;

Participation in officially recognized activities or sports;

Grade level;

Date of attendance and graduation;

Diploma, Honors, Honor Roll, scholarships and awards received;  
Photograph; and

A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Federal law requires that the District provide military recruiters upon request with the following information: names; addresses; and telephone numbers. The District shall do such unless a parent, guardian or adult student has advised the District that they do not want the information disclosed without their prior written consent.

## JRA – Student Records, Privacy, Family and Adult Student Rights

As set forth below in Section VII, the notice of designated Directory Information shall be published in the Student Handbook on an annual basis and shall be provided to all students on an annual basis at the beginning of the school year or upon their enrollment. Parents and adult student shall be provided a form with the Student Handbook that will permit them to opt out of the release of any or all of the designated Directory Information.

### VI. The Right to File a Complaint

The School Board affirms that in addition to any remedy afforded under state law, parents, guardians or adult students have the right to file a complaint with the Family Policy Compliance Office of the United States Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA.

The office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920  
Phone: 1-800-USA-LEARN (1-800-872-5327)

### VII. Annual Notice of FERPA Rights

The District shall annually publish in the Student Handbook and on its web site a notice to parents and adult students of their rights under Federal law, state law, and this policy as they pertain to student records. The Administration shall use a notice similar to the one set forth in JRA-R, and may revise the notice in such a manner as it deems necessary to comply with changes to state and federal law. This notice shall include information as to the following:

- A. The right to inspect and view a student's educational record;
- B. The right to provide written consent before the District discloses personally identifiable information from a student's educational records, except to the extent that FERPA authorizes disclosures without consent;
- C. The designation of directory information, military disclosures and the right to opt out of disclosure of the same.
- D. The right of a student's parent, guardian or adult student to seek to correct parts of the educational record if he or she believes it to be inaccurate, misleading or a violation of student privacy.
- E. The right to file a complaint if there is a violation of FERPA or this policy.

#### **Legal References:**

*Family Education Rights and Privacy Act, 20 U.S.C. 1232(g); 34 C.F.R. 99.1 et seq  
NH RSA 91-A:5, 189:1-e, 189:66, 189:67 and 189:68.*

# **JRA – Student Records, Privacy, Family and Adult Student Rights**

***Category: P***

***See also: EHB***

*1<sup>st</sup> Read: September 5, 2017*

*2<sup>nd</sup> Read: September 19, 2017*

*Adopted: September 19, 2017*

**STUDENT RECORDS AND ACCESS - FERPA***Category: Recommended**Related Policies: EHB & JRC*

- A. **General Statement**. It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.
- B. **"Education Record"**. For the purposes of this policy and in accordance with FERPA, the term "educational record" is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, completed forms, printed documents, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche. Educational records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.
- C. **"Directory Information"**. For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term "directory information" means:
1. Students' name(s), address(es), telephone number(s), and date(s) of enrollment;
  2. Parents'/guardians' name(s) and address(es);
  3. Students grade levels, enrollment status and dates of attendance;
  4. Student photographs;
  5. Students participation in recognized school activities and sports;
  6. Weight and height of members of athletic teams;
  7. Post-high school plans; and
  8. Students' diplomas, certificates, awards and honors received.

Except for elements of a student's directory information which the student's parents or an eligible student has notified the District not to disclose, the District may release or disclose student directory information without prior consent of the student's parents/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/eligible students of their rights under FERPA and that the District may publish directory information without their prior consent. Parents/eligible students will be given until [ ] ?? date to be *determined after consultation with Superintendent* to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

- D. **"Personally Identifiable Information"**. "Personally identifiable information" is defined as data or information which makes the individual who is the subject of a record known, including a student's name; the student's or student's family's address; the name of the student's parent or other family members; a personal identifier such as a student's Social Security number; the student's date of birth,

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place of birth, or mother's maiden name. "Personally identifiable information" also includes other information that, alone or in combination, is linked or linkable to a specific student, that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or other information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

**E. Annual Notification/Rights of Parents and Eligible Students.** Within the first [\_\_\_\_\_ weeks of each school year (*Superintendent to determine; NHSBA recommends three or four*)], the District will publish notice to parents and eligible students of their rights under State law, Federal law, and this policy. The District will send a notice listing these rights home with each student. The notice will include:

1. The rights of parents or eligible students to inspect and review the student's education records;
2. The intent of the District to limit the disclosure of information in a student's record, except: (a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent's or eligible student's request;
4. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.

**F. Procedure To Inspect Education Records.** Parents or eligible students may inspect and review that student's education records. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student's records may be maintained in several locations, the school Principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school Principals will determine if a review at that site is reasonable.

Although not specifically required, in order that a request is handled in a timely manner, parents/eligible students should consider submitting their request in writing to the school Principal, identifying as precisely as possible the record or records that he/she wishes to inspect. The Principal will contact the parents or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The Principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected. **This procedure must be completed within fourteen (14) days that the request for access is first made.** *Note: the fourteen (14) day limit is required under New Hampshire RSA 189:66, IV, in contrast to the forty-five (45) day period otherwise allowed under FERPA.*

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If for any valid reason such as the parent's working hours, distance between record location sites or the parent or student's health, a parent or eligible student cannot personally inspect and review a student's education records, the Principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the Principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed. ***Where practicable, it may be necessary to prepare a copy of the record which has all personally identifiable information on other students redacted, with the parent or eligible student being allowed to review or receive only a copy of the redacted record. Both the original and redacted copy should be retained by the District.***

**G. Procedures To Seek To Correction of Education Records.** Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. FERPA and its regulations use both "correct/ion" and "amend". For the purposes of this policy, the two words (in all of their respective forms) shall mean the same thing unless the context suggests otherwise. To establish an orderly process to review and correct (amend) the education records for a requester, following processes are established.

1. **First-level decision.** When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building Principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the Principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Principal believes that the record should not be changed, he/she shall:

- a. Provide the requester a copy of the questioned records at no cost;
  - b. Ask the parent/eligible student to initiate a written appeal of the denial of the request for the change, which will be forwarded to the Superintendent;
  - c. Forward the written appeal to the Superintendent; and
  - d. Inform the parents/eligible student that the appeal has been forwarded to the Superintendent for a decision.
2. **Second-level decision.** If the parent/eligible student wishes to challenge the Principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the Principal asking that the matter be appealed to the Superintendent. The Principal will forward the appeal to the Superintendent.

The Superintendent shall, within ten (10) business days after receiving the appeal:

- a. Review the request;
- b. Discuss the request with other school officials;
- c. Make a decision whether or not to make the requested correction to the educational record;

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- d. Schedule a meeting with the parents/eligible student if the Superintendent believes such a meeting would be necessary; and
- e. Notify the parents/eligible student of the Superintendent's decision on their request to correct the student's educational record.

If the Superintendent determines the records should be corrected, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been corrected and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Superintendent determines the records are will not be corrected, he/she will notify the parents/eligible student in writing of his/her decision. Such letter will also notify the parents/eligible student of their right to an appeal hearing before the School Board.

3. **Third-level decision.** If the parents or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the date of the Superintendent's written decision in level-two. The Superintendent will inform the School Board of the request for a hearing and will work with the School Board to schedule a hearing within forty five (45) days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents/eligible student in writing of the date, time and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3, unless the parent/eligible student requests that the hearing be held in public session. The School Board will give the parent/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request. The parents/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.

The School Board will issue its final decision in writing within thirty (30) days of the hearing, and will notify the parents/eligible student thereof via certified mail, return receipt requested. The School Board will base its decision solely on the evidence presented at the hearing. The School Board's written decision will include a summary of the evidence and the reasons for its decision.

If the School Board determines that the student record should be corrected, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/eligible student for a meeting so they can review and inspect the records to verify that they have been corrected. At this meeting, both parties shall sign a document/form stating the date the records were corrected and that the parent/eligible student is satisfied with the correction.

The School Board's decision will be final.

4. **Parent/Eligible Student Explanation to be Included in Record.** Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a parent or eligible student may insert into that student's educational record a written explanation respecting the content of the record.

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- H. Disclosure of Student Records and Student Information.** In addition to directory information, the District may disclose student records and student information without consent to the following parties on the condition that the recipient agrees not to permit any other party to have access to the released information without the written consent of the parents of the student, and under the conditions specified.
1. *School officials with a legitimate educational interest.* School officials with a legitimate educational interest may access student records. “Legitimate education interest” refers to school officials or employees who need to know information in a student’s education record in order to perform the employee’s employment responsibilities and duties.
  2. *Other schools into which a student is transferring or enrolling,* upon condition that the student’s parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. This exception continues after the date that a student has transferred
  3. *Officials for audit or evaluation purposes.*
  4. *Appropriate parties in connection with financial aid.*
  5. *Organizations conducting certain studies for, or on behalf of the School District.* Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction. The recipient organization must agree to limit access to the information and to destroy the information when no longer needed for the purpose for which it is released.
  6. *Accrediting organizations.*
  7. *Judicial orders or lawfully issued subpoenas,* upon condition that parents and the student are notified of all such orders or subpoenas in advance of compliance therewith by the District, except when a parent is a party to a court proceeding involving child abuse or neglect or dependency. The Principal shall consult with the Superintendent and legal counsel as needed to ensure compliance with the judicial order and applicable law.
  8. *Health and safety emergencies.*
- I. Maintenance of Student Records and Data.** The Principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents.
- All entries into student records must be dated and signed by the person access such records.
- The principal will ensure that all records are maintained in accordance with applicable retention schedules as may be established by law.
- J. Disclosures Made From Education Records.** The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student’s education records and of the information it discloses and persons to whom it permits access, with some exceptions listed below. This record is kept with, but is not a part of, each student’s cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal,

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state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made; and
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student; requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent/eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

The records of a request for the correction of an educational record, including any appeal of a denial of that request, if the educational record is ultimately corrected shall not be treated as part of the educational record of the student and shall be preserved separately.

**History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

**Legal References:**

*RSA 91-A:5,III, Exemptions, Pupil Records*

*RSA 189:1-e, Directory Information*

*RSA 189:66, IV, Data Inventory and Policies Publication*

*20 U.S.C. §1232g, Family Educational Rights and Privacy Act*

*34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations*

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**NHSBA history:** Revised – May 2018; September 2009; November 2006; March 2005; April 2004

**NHSBA revision note, May 2018:** This update to JRA includes several important modifications to reflect (1) a state requirement that Districts respond to parent requests for access to their student's records within **fourteen (14)** days; (2) **to remove birth date/place of birth information from the list of "directory information";** and several other content changes to better reflect the requirements of FERPA and applicable regulations. **We have also added "post-high school plans" to the list of items included as directory information.** **NHSBA adoption considerations:** As noted, this update includes a removal of a student's birth date and place of birth from the list of data included as "directory information" (section C). **The reason for this is to limit the potential for identity theft. There is, however, no prohibition to including that information.** Also, neither FERPA, nor State law, require that a request to inspect records or for copies of records be submitted in writing. **Staff should be trained (as they should be with Right to**

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**Know requests)** to direct parents/eligible students to appropriate forms, procedures and/or personnel, but to also be prepared to process the request whether it is in writing or not.

w/p-update/2018spring/JRA Student Records 2018-5(f)

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