

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

POLICY COMMITTEE

July 23, 2019
SAU Finch Room
5:00 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 18, 2019 Minutes**
2. **Non-Public Session: RSA 91-A:3,II (If Required)**
 - a. **Review of Sealed Minutes**

3. **Policies to the Board:**

The following policies will be presented for a Second read at the July 23 Board meeting:

- a) DFA: Investment
- b) GBA: Equal Opportunity Employment
- c) IMBD: High School Credit for 7th/8th Grade Coursework

The following policy will be presented for a First read at the July 23 Board meeting:

- a) KEC: Public Complaints about the Curriculum or Instructional Materials. We will propose rescinding KLB upon the adoption of KEC.

4. **Returning Policies for Discussion:**

- a) IGE: Parental Objections to Specific Course Material – added human sexuality content from older policy.

5. **New Discussion: Policies requiring updates.**

- a) ACE: Procedural Safeguards Nondiscrimination on the Basis of Disability – if nothing else, Legal References require updating.
- b) EFA: Availability and Distribution of Healthy Foods –Legal References require updating.
- c) EH: Public Use of School Records -- NHSBA has a newer version (both policies are included)

6. **Policy Review from Legal:**

The following policies are under a Legal review:

- 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.
- a) DAF: Administration of Federal Grant Funds
- b) EHAB: Data Governance and Security (under construction)
- c) 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.
- d) ILD & ILD-R: Non-Educational/Non-Academic Questionnaires, Surveys, and Research – pulled pending further research.
- e) IHBG: Home Education – Returning for further discussion. Superintendent reworking policy.
- f) STA - Kindergarten Drop-Off Procedures

7. 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)

8. 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 18, 2019
SAU Finch Room
6:00 PM

Minutes

Committee Members:

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

Attendees: Tim Theberge, Jerry Wilson, Janine Lesser, Stephan Morrissey, Myron Steere, Kimberly Saunders, Ben Moenter, Ann Forrest

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

Stephan Morrissey called the meeting to order at: 6:02 PM.

Jerry Wilson motioned to accept the minutes of the June 4, 2019 meeting; seconded by Janine Lesser. Tim Theberge abstained.

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

Tim Theberge reported that the only feedback he received that parents were surprised that the requirement is not higher.

Motion to send for a second read by Stephan Morrissey, no objections.

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

- a) DFA: Investment -- presenting because our auditors want this adopted annually. This governs where we can put our monies.

No objections. Move for a second read. Unanimous.

- b) GBA: Equal Opportunity Employment.

No objections. Move for a second read. Unanimous.

- c) IGE: Parental Objections to Specific Course Material. We will send a one-time, beginning of the year notification. Discussion on missing Human Sexuality reference.

Pulled from Board docket. Unanimous.

- d) IMBD: High School Credit for 7th/8th Grade Coursework.

No objections. Move for a second read. Unanimous.

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?

This is always a sensitive subject matter. Janine Lesser would like to go with the Legal marked-up version.

Motion to move forward for a 1st read at July 23rd Board meeting. Unanimous.

New Discussion:

- a) EHB: Data/Records Retention – NHSBA Update in 2018 (both versions included)
Stephan Morrissey raised a concern with A.1 paragraph. What about an adult student, wouldn't this be illegal? It says "may" not "shall".
Motion to send to Legal for review by Stephan Morrissey. Unanimous.
- b) JICD: Student Discipline and Due Process – NHSBA update in 2018 (both versions included)
How different is our policy? They break down the short and long-term suspensions. Dr. Saunders thinks she would adopt the NHSBA version, although she would want to share it with Legal.
Motion to send to Legal for review. Unanimous. Move to Dean/Legal.
- c) JRA : Student Records, Privacy, Family, and Adult Student Rights – NHSBA update in 2018 (both versions included)
Need to remove date and place of birth, for one.
Move to send to Legal for comment/review. Unanimous.

*** 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. Nothing further at this time.
- b) DAF: Administration of Federal Grant Funds. Tim Theberge and Dave Jack will work together on this new required policy.
- c) EHAB: Data Governance and Security (under construction) Once the plan is adopted by the Board, we can work on this policy.
- 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. We want to look at the dates and types of surveys are out there.
- f) IHBG: Home Education – Returning for further discussion. The Superintendent is reworking the policy; and working the interface while knowing the state will have to step up their game.
- g) STA - Kindergarten Drop-Off Procedures – this policy is still under discussion with the bus company.

Myron Steere asked where we are with the nonpublic review of past minutes. Tim Theberge discussed some training he received regarding nonpublic materials. When going into nonpublic, there are 11 letters

we could use, but must be specific in their use. Cannot just lump them into the 3 top categories. All votes are supposed to be roll call.

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;

Dr. Saunders asked if the committee wants to come in at 5:00 and work on nonpublic. The committee agreed to meet at 5:00 PM on July 23, rather than 6:00 PM.

**Move to adjourn Tim Theberge. Seconded by Jerry Wilson. All in favor.
Meeting adjourned at 6:42 PM.**

Next Meeting: 5:00 PM On July 23, 2019

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: June 18, 2019

2nd Read: July 23, 2019

Adoption:

GBA – Equal Opportunity Employment

The District will recruit and consider candidates without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age, or disability. 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.

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

Category: *Recommended*

1st Reading: June 18, 2019

2nd Reading: **July 23, 2019**

Adopted:

IMBD – High School Credit for 7th/8th 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)

Category: Priority/Required by Law

1st Read: June 18, 2019

2nd Read: July 23, 2019

Adopted:

KEC – Instructional and Educational Media

Statement of Intent

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 of broad interest or enlightenment of all students in the community.

Educational media 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 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, including library media and has established policies pertaining to the selection process. However, the Board wishes to amplify its principles on the selection of educational media 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 that 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.

Right to Criticize Educational media and the use of alternative media

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 meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and specific instructional materials that are 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.

KEC – Instructional and Educational Media

2. The Board shall not permit any individual or group to exercise censorship over educational media, instructional materials or 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 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.
 - 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.
 - c. A copy of the report shall be provided to the requestor. The report and recommendation shall be based on the points offered above, as well as, the principles governing the selection of all instructional materials and educational media. Additionally, the Board wishes to emphasize that:
 - ❖ 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 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 request and the report and recommendation, and shall render a decision in the matter. Should the solution be unsatisfactory to the Requestor, 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 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 upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach shall be respected.

Category: Recommended

1st Read: July 23, 2019

2nd Read:

Adopted:

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.

Parents and legal guardians shall be notified by e-mail, other written means, website/social media posting, or phone call not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education, that the material is available for inspection at the school.

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

~~1st Read: October 15, 2013 June 18, 2019~~ **July 23, 2019**

~~2nd Read: November 5, 2013~~

~~Adopted: November 5, 2013~~

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ACE – Procedural Safeguards Nondiscrimination on the Basis of Disability

The **ConVal School** District provides the following Notice of Procedural Safeguards to parents/guardians of students with disabilities, and persons with disabilities, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Assistant Superintendent is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of students with disabilities or any person may use the grievance procedure established by the School Board.

Grievance Procedure: As the parent/guardian of a student with a disability or as a person with a disability, you have the right to notify the above designated employee with your complaint.

The designated employee will make an initial response to the complainant within ten (10) working days of receipt of complaint. The parties will attempt to work out their differences promptly and equitably. A written record of the resolution of the complaint will be made within ten (10) working days of completion.

If that effort fails, the parent/guardian may (a) request that the Board places this matter on its agenda or (b) notify the Superintendent of the complaint. Either request shall be delivered in writing. The complainant may be represented by anyone of their choosing, may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision.

Section D Procedural Safeguards: As required by Section 104.36, the parent/guardian of a student, who because of a disability or who is believed to need special instruction and related services, has the right, with respect to any action regarding identification, evaluation, and placement to:

1. Receive notice of the referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. Participate in an impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need

ACE – Procedural Safeguards Nondiscrimination on the Basis of Disability

special education and related services, and an opportunity for participation and representation of counsel as provided under the Individuals with Disabilities Education Act.

4. Request a review process.

Legal References:

*34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973*

Category: *Priority/Required By Law*

1st Read: June 3, 2014

2nd Read: August 19, 2014

Adopted: August 19, 2014

EFA – Availability and Distribution of Healthy Foods

The School District will support the availability and distribution of healthy foods and beverages in all school buildings during the school day.

The Superintendent or designee is responsible for ensuring that all foods and beverages distributed within the district meet nutritional standards established by state and federal law relative to: (1) nutrient density; (2) portion size; and (3) nutrition targets, as defined in pertinent law.

The Superintendent or designee is responsible for implementing developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research-based nutrition standards. The Superintendent or designee is responsible for providing annual communication information about the policy and procedure and related curricula to the school community.

Legal References:

*7 CFR 210.10, Nutrition Standards And Menu Planning Approaches For Lunches
And Requirements For Afterschool Snacks*

*NH Department of Education Administrative Rules, Section Ed 306.04(a)(21-23), Availability and
Distribution of Healthy Foods*

*NH Department of Education Administrative Rules, Section Ed 306.11(g), (h) Food and Nutrition
Services*

Category: P

~~1st Read: February 4, 2014~~

~~2nd Read: March 4, 2014~~

~~Adopted: March 4, 2014~~

EH - PUBLIC USE OF SCHOOL RECORDS

(Download policy)

Sample Policy

Category: Recommended

See also EHB

The Superintendent is hereby designated the custodian of all District governmental records, including but not limited to, minutes, documents, writings, letters, memoranda, e-mails, or other written, typed, copied, electronic or developed information received, possessed, assembled, or maintained by this District.

1. All requests for governmental records are to be forwarded to the Superintendent immediately upon receipt. If the requested governmental records exist, are properly disclosed to the public, and are readily available, the requested records shall be promptly made available for inspection or if requested, copies provided. No fee shall be charged to inspect governmental records. A fee may be charged for copies which reflects the actual cost of making a paper copy or the actual cost of the electronic media onto which a copy is placed for delivery.
2. If the existence or location of the requested governmental records is uncertain, if a determination needs to be made as to whether some or all of the requested records are confidential or exempt from disclosure, if legal advice is needed regarding the request, or if redacted copies must be prepared to provide the properly disclosed records while preserving the confidentiality of information which is not properly disclosed, the Superintendent will within five (5) business days of the request respond to the requestor in writing acknowledging receipt of the request and providing a statement of the time reasonably necessary to determine whether the request shall be granted or denied.
3. The Superintendent or designee may contact the person making the request, if the request is unclear or will be time consuming and onerous to fulfill, to determine if the person will clarify the request or agree to narrow the request. Any clarification or narrowing of the request shall be documented in writing and a copy provided to the person making the request.
4. In accordance with RSA 91-A:4, if the Superintendent finds the requested governmental records exist and to be public in nature, he or she shall notify the person making the request and make the records or a copy of the records available for inspection. If requested, copies will be provided at cost. If the requested governmental records do not exist the party requesting the information will be informed in writing that the requested governmental records do not exist.
5. If the Superintendent finds the information not to be public in nature, he or she shall inform the requesting party in writing that the governmental records requested are not a public record and cannot legally be disclosed.
6. If the Superintendent is unable to ascertain whether or not the information requested is public in nature, or whether the Right-to-Know law requires preparation of a copy of the governmental record that discloses public information while redacting confidential information/information exempt from disclosure, he or she is hereby authorized to request,

on behalf of the Board, an opinion from the Board's attorney as to the nature of the information. Such opinion requests will be made promptly following the request for the information. The Superintendent shall notify the person making the request in writing that additional time will be needed to determine if the request will be granted or denied. Upon receipt of an opinion from legal counsel, the Superintendent will promptly notify the person making the request of the outcome of the determination and where legally appropriate make the records available for inspection or copying.

Legal References:

RSA 91-A:4, Minutes and Records Available for Public Inspection

Revised: September 2017

Revised: September 2008

Reviewed: April, 2004

Revised: July 1998, November 1999, October 2005

Note

NHSBA previously categorized this policy as Mandatory/Required by Law, Category P. Upon further research, it is not required by law. NHSBA still recommends you keep this policy in place.

NHSBA note: September 2017: This policy is updated to conform with the current language of the Right-to-Know law, RSA Chapter 91-A. See also sample regulation, BEDG-R, Access to Minutes and Public Records, also updated September 2017.

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