

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

POLICY COMMITTEE

August 10, 2019
SAU Finch Room
5:00 PM

Agenda

Committee Members:

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

1. Policies to the Board:

The following policies will be presented for a Second read at this Board meeting:

- a) KEC: Instructional and Educational Materials
- b) KLB: Rescind – Public Complaints About the Curriculum or Instructional Materials

The following policy will be presented for a First read at this Board meeting:

- a) BCB: School Board Conflict of Interest
- b) IGE: Parental Objections to Specific Course Material
- c) JICD: Student Discipline and Due Process

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: August 10, 2019

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

CONVAL SCHOOL BOARD

BCB – Board Member Conflict Of Interest

As elected officials, ConVal School Board members owe a duty of loyalty to the general public in protecting the school district's interests. Therefore, the Board declares that a conflict of interest is a personal and/or pecuniary interest that is immediate, definite, and demonstrable and which is or may be in conflict with the public interest.

A Board member shall not participate in, or influence in any way, the discussion, bid specifications, or vote on any contract, service, collective bargaining issue, or personnel matter, where the Board member has, or appears to have, a direct personal and/or pecuniary interest. A Board member shall not purchase from sell to, or furnish for hire to the District any labor, equipment, goods, commodities, personal property, real estate, services, or supplies with a value in excess of \$200.

As used in this policy, the term "Board member" includes a member of the Board members' immediate family (i.e., spouse, child, siblings, and parents) and anyone residing in the Board members' household.

A Board member shall not have any direct personal and/or pecuniary interest in a contract with the school district, nor shall he or she furnish directly any labor, equipment, or supplies to the District.

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the School district, the Board member shall declare his interest and refrain from debating, discussing, or voting upon the question of contracting with the company.

It is not the intent of this policy to prevent the District from contracting with corporations of businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his interest in the public schools and his interest in his place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist. Through the use of open competitive bidding or recusal of any Board member who has a conflict of interest, the Board will seek to obtain the best value for the district while avoiding impropriety or the appearance of impropriety.

Hiring Decisions regarding Family Members ~~Nepotism~~

Applicants for employment by the District shall be required to disclose if they are ~~The Board will not hire any teacher or other employee if such teacher or other employee is~~ the father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of ~~the Superintendent or~~ any member of the Board. ~~The related Board member shall also be obligated to disclose the fact that they are related to an applicant who is brought forward to the Board for hiring or appointment, and shall refrain from debating, discussing or voting upon the question of hiring the applicant.~~

The Superintendent shall refrain from hiring, or nominating to the Board for hire, anyone related to her/him as father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law without also disclosing the relationship to the Board and in the case where the Superintendent has the hiring authority, receiving prior consent from the Board to hire the related applicant.

CONVAL SCHOOL BOARD

BCB – Board Member Conflict Of Interest

This shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy, or a Board member's election.

~~On the recommendation of the Administration, this policy may be waived within the limits of State law, by the ConVal School Board.~~

Vendor Relations

Except as set forth above, the District shall not purchase supplies, materials, or services from a member of the Board or from a member of his or her household or from a firm in which a Board member holds a major interest.

Legal References:

*Marsh v. Hanover, 113 NH 667 (1973) and
Atherton v. Concord, 109 NH 164 (1968)
RSA 95:1, Public Officials Barred From Certain Private Dealings*

Category: R

See also: BBFE

~~First Read: November 21, 2017~~ August 10, 2019

~~Second Read: December 19, 2017~~

~~Adopted: December 19, 2017~~

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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~~ August 10, 2019

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

~~Adopted: November 5, 2013~~

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 193:13,1.
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

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.

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

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

A. 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.

B. 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:

JICD – Student Discipline and Due Process

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 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.

C. 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, (c) for gross misconduct including, but not limited to violations of state or federal law, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph shall 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 that 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.

JICD – Student Discipline and Due Process

D. 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.

E. 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.

F. 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).

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

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

Category: Priority - Required by Law

Related Policies: JIA, JIC, JICDD & JICK

See also Appendix JICD-R

1st Read:

2nd Read:

Adopted: