

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

POLICY COMMITTEE

August 20, 2019
SAU Finch Room
6:00 PM

Agenda

Committee Members:

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

1. Call to Order & Approval of July 23, 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 tonight's Board meeting:

- a) IGE: Parental Objections to Specific Course Material
- b) KEC: Instructional and Educational Materials
- c) KLB: Rescind – Public Complaints About the Curriculum or Instructional Materials

The following policies will go for a First read at tonight's Board meeting:

- a) JICD: Student Discipline and Due Process
- b) JRA: Student Records and Access – FERPA

4. New Business/Continued Discussions

- a) ACE: Procedural Safeguards Nondiscrimination on the Basis of Disability – if nothing else, Legal References require updating
- b) BCB: School Board Conflict of Interest – contains edits from Legal
- c) EFA: Availability and Distribution of Healthy Foods –Legal References require updating
- d) EH: Public Use of School Records -- NHSBA has a newer version (both policies are included)
- e) EHB: Data Retention – contains new edits from Legal

CONTOOCOOK 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

Minutes

Committee Members:

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

Attendees: Tim Theberge, Janine Lesser, Rich Cahoon, Myron Steere, Stephan Morrissey, Jerry Wilson, Crista Salamy (6:26), Dr. Ann Forrest, Dr. Kimberly Saunders

1. Call to Order & Approval of June 18, 2019 Minutes

Rich Cahoon called the meeting to order at 6:04 PM.

Stephan Morrissey motioned to approve the June 18 minutes; Tim Theberge seconded. Unanimous.

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

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) BCB – School Board Conflict of Interest: Dr. Saunders has been waiting to discuss this policy; as it is written we are limited to who we can hire. We should look at the nepotism piece and rewrite it so that we can create a process that would allow more opportunity to choose from a very limited pool.

Stephan Morrissey asked what Dr. Saunders would like the Board to do. Include content along the lines of "applicants and relatives of the Board must disclose, and Board members must not advocate in any way for the hiring of the family member". We will ask Dean Eggert to draft something. Rich Cahoon feels that when this situation arises, this should go on a public agenda so that the public will be made aware. We also need to look at our hiring application. Do we want Legal to look at the Superintendent piece as well? Myron Steere suggested to review all of them.

We do not want to be giving contracts to family members.

Tim Theberge would like to add that donations are allowable.

Jerry Wilson asked if we address precluding board members from voting on contracts that might involve a family member. In the past, our Board members have always abstained. It has not been an issue. We can have it added to the policy, if the language is legal. Recusing might be the answer. We could add it to our Board Committee ethics, if it doesn't already exist. There is no recall if a Board member violates this.

ACTION: Send to Legal for edits.

- b) ACE: Procedural Safeguards Nondiscrimination on the Basis of Disability – if nothing else, Legal References require updating.
- c) EFA: Availability and Distribution of Healthy Foods –Legal References require updating.
- d) 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)
This may come back, as there is a bill before the Governor regarding suspensions.

ACTION: We will provide these to the handbooks but we will follow the usual process for adoption.

- c) JRA : Student Records, Privacy, Family, and Adult Student Rights – NHSBA update in 2018 (both versions included)

Dr. Saunders understands that the Board can limit what we consider Directory Information. We do release most of this information, if it is requested. Things to consider: we inadvertently do acknowledge Special Education students when we identify students who participate in Special Olympics. There are not many other areas where we might identify specific student information. We do not publish honor rolls in the newspaper. We also identify financial aid as part of a decision-making process.

*** 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;

Motion to adjourn made by Stephan Morrissey at 6:56 PM. Motion seconded by Jerry Wilson; all in favor.

Next Meeting: August 20, 2019

Respectfully submitted,

Carol Hills

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.

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

Not less than two weeks advance notice shall be provided to parents/legal guardians of curriculum course material used for instruction of human sexuality or human sexual education. Notice shall be provided by the School District via US mail prior to the presentation of these 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/guardian.

Legal References:

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

See also KEC

1st Read: August 10, 2019

2nd Read: August 20, 2019

Adopted:

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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 4-20, 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

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

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.

JICD – Student Discipline and Due Process

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.

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

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

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.

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.

JICD – Student Discipline and Due Process

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 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, (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.

JICD – Student Discipline and Due Process

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).

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)

Category: Priority - Required by Law

Related Policies: JIA, JIC, JICDD & JICK

See also Appendix JICD-R

1st Read: August 20, 2019

2nd Read:

Adopted:

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 as well as all state statutes pertaining to the student records, record confidentiality and access thereto.
- 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 career or educational 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

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members; a personal identifier such as a student's Social Security number; the student's date of birth, 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 7 weeks of each school year (Superintendent to determine; NHSBA recommends three or four), the District will annually publish notice to parents and eligible students of their rights under State law, Federal law, and this policy ["the Notice," or "Notice"]. The District will send thea Nnotice listing these rights home with each student. The Nnotice will include:

1. The rights of parents or eligible students to inspect and review the student's education records, and the process set forth in this policy JRA whereby a request is made for review and inspection;
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; and the process for doing such, which 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;
- 3-4. The right to provide written consent before the District discloses personally identifiable information, except to the extent the law permits disclosure without consent;
- 4-5. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
- 5-6. 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. In accord with RSA 91-A:5, student records are exempt from disclosure under the Right-to-Know Law and access to student records will be governed by FERPA and state law.

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

STUDENT RECORDS AND ACCESS - FERPA

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.~~

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. The Superintendent shall set a reasonable charge for providing copies, and may waive the requirement when warranted due to economic hardship on the part of the requester, at his or her discretion.

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

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STUDENT RECORDS AND ACCESS - FERPA

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;
- 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 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

STUDENT RECORDS AND ACCESS - FERPA

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.

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, contractors, consultants, or employees who need to know information in a student's education record in order to perform their ~~employee's~~ employment, contracting, or consulting responsibilities and duties; all as more fully specified in Section 99.31 of the FERPA regulations.
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 federal and state audit or evaluation purposes.*
4. *Appropriate parties in connection with financial aid for a student.*
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, statutory disclosures 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.*
9. *Information designated as directory information.*

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10. Disclosures to the Secretary of Agriculture or authorized representatives of the Food and Nutrition services for purposes of conducting program monitoring, evaluations and performance measurements.

8.

- 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 accessing such records in a log or other record-keeping process.

The principal will ensure that all records are maintained in accordance with applicable retention schedules as may be established by law and District policy.

- 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, 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.

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K. Military Recruiters and Institutions of Higher Learning

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless an adult student or the parent of the minor student requests that such information not be released without prior written consent. The district shall notify parents of the option to make such a request and shall comply with any requests received.

L. Law Enforcement and Reporting Agencies

Consistent with RSA 193-D:7, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

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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

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 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 nhsbaJRA-Student-Records-2018-5(4)

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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

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 20, 2019

~~Second Read: December 19, 2017~~

~~Adopted: December 19, 2017~~

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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

The Superintendent is hereby designated the custodian of all records, minutes, documents, writings, letters, memoranda, or other written, typed, copied, or developed materials possessed, assembled, or maintained by this District.

1. All requests for public information are to be forwarded to the Superintendent immediately upon receipt. The Superintendent shall thereupon make a determination as to whether or not the information requested is public in nature. If public, the Superintendent shall provide the information in a timely manner.
2. In accordance with RSA 91-A:4, if the Superintendent finds the information to be public in nature, he or she shall direct that it be reproduced on the premises. The party requesting the information is to be charged the cost of reproduction. If the requested record or document is in active use by the district or is otherwise unavailable, the party requesting the information will be informed that the record is not currently available and that he or she will be notified immediately upon it becoming available.
3. If the Superintendent finds the information not to be public in nature, he or she shall so inform the requesting party that the information is not a public record.
4. If the Superintendent is unable to ascertain whether or not the information requested is public in nature, he or she is hereby authorized to request, on behalf of the School Board, an opinion from the Board's attorney as to the nature of the information. Such opinion requests will be made within ten (10) days of the original request for the information. The Superintendent shall notify the person requesting such information that an opinion is to be requested of the attorney and shall notify such person immediately upon receipt of an answer from the attorney.

Legal References:

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

Category: R

See Also Policy EHB

1st Read: April 15, 2008

2nd Read: May 13, 2008

Adopted: May 13, 2008

Amended: January 7, 2014

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, or other media, 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 parental rights to the adult student, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually. The method of destruction for digital, electronic and cloud-based records shall be thorough enough to ensure that they are deleted and no longer accessible.

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. All third party letters and notices requesting a litigation hold shall promptly be forwarded to legal counsel

DATA/RECORDS RETENTION

for the District, and routine destruction of potentially relevant records shall be suspended pending advice of counsel.

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 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.

Board Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:**Legal References:**

- RSA 91-A, Right to Know Law
- RSA 189-C:10-a Retention of Individualized Education Programs
- 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.

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.

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DATA/RECORDS RETENTION

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 26th birthday, but no later than the student's 30th birthday. The student's parents/guardians, however, may require the District to either destroy the records upon the child's 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.

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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