

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

**POLICY COMMITTEE**

September 17, 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 September 3, 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) ACE: Procedural Safeguards Nondiscrimination on the Basis of Disability
- b) BCB: School Board Conflict of Interest
- c) EFA: Availability and Distribution of Healthy Foods
- d) EH: Public Use of School Records

**The following policies have been forwarded to Dean Eggert for review:**

- a) EHB: Data Retention – returning for further discussion
- b) GBEA: Staff Ethics – NHSBA 2019 Update; also includes our current policy
- c) GBEB: Staff Conduct – NHSBA 2019 Update; we do not have this policy
- d) JFABD: Education of Homeless Children and Unaccompanied Youth – Priority policy, NHSBA 2019 Update; also includes our current policy JFABD: Admission of Homeless Students
- e) JFABE: Education of Children in Foster Care – NHSBA 2019 Update

**4. Discussion**

- a) JCA: Change of School or Assignment – contains both NHSBA version and ours
- b) JIA: Student Due Process – NHSBA 2019 Update; also includes our current version
- c) JLCF: Wellness Policy
- d) JLF: Reporting Child Abuse or Neglect – Priority policy; NHSBA 2019 Update; also includes our current police and our current procedure

## BOARD

**ACE – Procedural Safeguards Nondiscrimination on the Basis of Disability**

The ConVal School District will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents, and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

**Legal References:**

*NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards*

*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**

1<sup>st</sup> Read: September 3, 2019

2<sup>nd</sup> Read: September 17, 2019

Adopted:

## **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**

Applicants for employment by the District shall be required to disclose if they are the father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of 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.

## 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.

### **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 - Recommended**

See also: BBFE

1<sup>st</sup> Read: September 3, 2019

2<sup>nd</sup> Read: September 17, 2019

Adopted:

## 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)( 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**

1<sup>st</sup> Read: September 3, 2019

2<sup>nd</sup> Read: September 17, 2019

Adopted:

## EH – Public Use Of School Records

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, in accordance with RSA 91-A:4, 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 that 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, in accordance with RSA 91-A:4, 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, in accordance with RSA 91-A:4 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*

**Category: Recommended**

## EH – Public Use Of School Records

*See Also Policy EHB*

1<sup>st</sup> Read: September 3, 2019

2<sup>nd</sup> Read: September 17, 2019

Adopted:

**New Hampshire School Board Association**  
**Sample Policy JCA**  
**CHANGE OF SCHOOL OR ASSIGNMENT**

Category: Priority/Required by Law

See also JEC & JFAB

In circumstances where the best interests of a pupil warrant a change of school or assignment, the Superintendent is authorized to reassign a pupil from the public school to which he/she is currently assigned to another public school, or to approve a request from another Superintendent to accept a transfer of a pupil from a school district that is not part of the SAU, under the following conditions and procedures.

**Conditions and Procedures for Reassignment**

1. Either the parent/legal guardian or the Superintendent of a different SAU may make a written request to the Superintendent for a change of school assignment. In the request, the parent/guardian should state why the best interests of the pupil warrant a reassignment.
2. The Superintendent will fully consider this written request, will meet with the parent/guardian, if necessary, and will make a determination concerning the reassignment request.
3. The Superintendent's decision will be based on the best interests of the pupil, as determined by the Superintendent. The Superintendent may develop administrative regulations concerning the factors that will be considered in making such a determination.
4. If the Superintendent determines that the best interests of the pupil warrant a reassignment, he/she will present the matter to the school board. The board must vote to approve the re-assignment before the reassignment can occur. Upon school board approval, the Superintendent may reassign the pupil to: (a) another school within the same school district; (b) another school district within the same SAU; or (c) a school district in another SAU, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the Superintendent of the receiving SAU and approval of the school boards of both the sending and receiving school districts.
5. The Superintendent will issue a written decision to the parent/guardian.
6. The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

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## **CHANGE OF SCHOOL OR ASSIGNMENT**

Category: Priority/Required by Law

See also JEC & JFAB

7. Reassignments made under this policy that exceed the percentages provided in Paragraph #6 must have the prior written approval of the School Board.

### **Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation**

Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

The Superintendents involved in the reassignment of a pupil will jointly establish a tuition rate for each such pupil. Some or all of the tuition may be waived by the Superintendent of the receiving district for good cause shown or pursuant to any applicable policies of the receiving district, presuming said action is not contrary to law.

The cost of transportation for any pupil reassigned under this policy will be the sole responsibility of the parent/guardian.

### **Role of the Department of Education**

The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.

### **Manifest Educational Hardship Change of Assignment**

When a parent/guardian believes that an initial assignment has been made which will result in a manifest educational hardship to the pupil, the parent/guardian may seek a change of assignment in accordance with applicable provisions of RSA 193:3 and Board Policy JEC – Manifest Educational Hardship.

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**New Hampshire School Board Association**

**Sample Policy JCA**

**CHANGE OF SCHOOL OR ASSIGNMENT**

Category: Priority/Required by Law

See also JEC & JFAB

## **Special Education Placements**

A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

NHSBA Note, September 2016: Minor amendment made as a result of SB 316, which amends RSA 193:3 to clarify that the placement or change of school assignment made pursuant to a student's special education needs and services does not constitute a change of placement for purposes of RSA 193:3.

NHSBA Note, September 2015: Changes are made to paragraphs #4, #5 and #6 under "Conditions and Procedures for Reassignment" section. Changes are necessitated due to legislative changes to RSA 193:3.

### Legal References:

RSA 193:3, III, Change of School Assignment

RSA 193:3, I, II, Manifest Educational Hardship

RSA 193:14-a, Change of School Assignment; Duties of State Board of Education

Revised: September 2016

Revised: September 2008, September 2015

# **JCA - CHANGE OF SCHOOL OR ASSIGNMENT**

In circumstances where the best interests of a student warrant a change of school assignment, the Superintendent or his/her designee is authorized to reassign a student from the public school to which he/she is currently assigned to another public school, or to approve a request from another Superintendent to accept a transfer of a student from a school.

## **Procedures for Reassignment of Students within the District:**

1. The parent or legal guardian will submit a written request for student enrollment transfer to the home and receiving building principal. The written request will include a summary of the unique circumstances leading to the request for transfer. All requests will be reviewed on a case-by-case basis at the discretion of the Superintendent; priority in decision making given to the child, the school, and the district.
2. Once the request is received by the building principals, the home principal will schedule a meeting with the parent/guardian. This meeting shall occur within five days of receipt of the written request. All requests will be shared with the Director of Student Services.
3. If the home principal supports the transfer request, he/she will communicate the decision to the receiving building principal. Both administrators must support the request for the transfer to move forward. Once approved by both administrators, each will generate a joint, written notification to the Superintendents that outlines the agreement.

The Superintendent, within 10 school days of receipt of the agreement summary, shall review the submitted summary and approve or disapprove the agreement. A written placement decision shall be shared with the parent/guardian, as well as the two building principals.

4. If the home or receiving principal does not approve the request, the home principal will send a written denial, documenting the justification, to the parent/guardian within 15 days of receipt of the transfer request.
5. The Superintendent's reassignment decision shall be in writing, and shall be final and binding.
6. Parent/guardian requests must be made each year to the home and receiving principals, no later than June 30th. If the request is not received by June 30th, the student will attend school in the town in which the parent/guardian resides.

## **Conditions and Procedures for Reassignment Outside the District:**

The cost of transportation for any pupil reassigned under this policy will be the sole responsibility of the parent/guardian.

## **JCA - CHANGE OF SCHOOL OR ASSIGNMENT – continued**

The District acknowledges the provisions of RSA 193:3, which states that the District in which the student resides shall retain all responsibility for the provision of special education and related services pursuant to RSA 186-C. The Superintendent's decision on whether to enroll a nonresident student will not be based, in whole or in part, on whether that student is a student with a disability as defined by applicable State or Federal law.

### **Manifest Educational Hardship Change of Assignment**

When a parent/guardian believes that an initial assignment has been made which will result in a manifest educational hardship to the pupil, the parent/guardian may seek a change of assignment in accordance with applicable provisions of RSA 193:3 and Board Policy JEC – Manifest Educational Hardship.

#### ***Legal Reference:***

*RSA 193:3, III. (Change of School Assignment)*

*RSA 193:3, I, II, Manifest Educational Hardship*

*RSA 193:14-a, Change of School Assignment; Duties of State Board of Education*

***Category: P***

1<sup>st</sup> Read: November 3, 2015

2<sup>nd</sup> Read: November 17, 2015

Adopted: November 17, 2015

**STUDENT DUE PROCESS***Category: Recommended**Related Policies: JIC, JICD, JICDD, & JICK***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (b) **{\*\*}** *indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *The district should maintain as part of its permanent records, copies of withdrawn policies, as well as earlier versions of revised policies.*

Students facing discipline will be afforded all due process rights given by law. The Superintendent or his/her written designee is authorized to suspend any student for ten days or less for violations of school rules or policies. Should the Superintendent desire to extend a suspension beyond 10 days, or seek expulsion of a student, such student will be afforded a hearing consistent with the provisions of RSA 193:13, I (b) and (c), N.H. Dept. of Education Rule 317.04, and Board Policy **{\*\*}JICD. D.2.**

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.

Student due process rights shall be printed in the Parent-Student Handbook and will be made available in another language or presented orally upon request.

**District Policy History:***First reading:* \_\_\_\_\_*Second reading/adopted:* \_\_\_\_\_***District revision history:*****Legal References:***RSA 189:15, Regulations*

**STUDENT DUE PROCESS**

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

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

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

*NH Code of Administrative Rules, Section Ed 317.04, Disciplinary Procedures*

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

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

**NHSBA history:** Revised – July 2019, September 2008, October 2005, November 1999 and July 1998

**NHSBA note, July 2019** – Sample policy JIA has been revised to better coordinate with RSA 193:13, and Ed. 317.04. Language regarding students with disabilities has also been added.

w/p-update/2019 Spring/JIA Due Process (d)

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

*Category: R**See also JIC, JICD***STUDENT DUE PROCESS RIGHTS**

Students facing discipline will be afforded all due process rights given by law. The Superintendent or designee appointed in writing, is authorized to suspend any student for ten days or less for violations of school rules or policies. The School Board, or representative thereof, designated in writing, is authorized to continue the suspension in excess of 10 days following a hearing with the aforementioned representative. Any suspension in excess of 10 days may be appealed to the Board committee charged with discipline review.

In addition to the provisions of this policy, the Board recognizes the application of all pertinent provisions of RSA 193:13 and associated Department of Education rules.

Student due process rights shall be printed in the Parent-Student Handbook and will be made available in another language, as necessary, or presented orally upon request.

**Legal References:**

*RSA 189:15, Regulations*

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

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

*NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures*

*Appendix: JICD - R*

1<sup>st</sup> Read: May 6, 2014

2<sup>nd</sup> Read: June 3, 2014

Adopted: June 3, 2014

## JLCF – Wellness Policy

The Contoocook Valley School District is committed to providing a school environment that enhances learning and the development of lifelong wellness practices.

To accomplish these goals, the Board directs the administration to implement rules and regulations aimed at ensuring:

- Child Nutrition Programs will comply with federal, state, and local requirements, and will be accessible to all children.
- Sequential and interdisciplinary nutrition education will be provided and promoted.
- Patterns of meaningful physical activity that connect to students' lives outside of physical education will be encouraged.
- Physical education programs will meet federal and state regulations and standards.
- School-based activities will be consistent with local wellness policy goals.
- All food made available on school grounds during school hours, including vending concessions, a' la carte, student stores, parties, and fund raising will be consistent with Competitive Food Guidelines for K-12 schools.
- At least 75% of all food made available on school grounds after school dismissal, including vending, concessions, a' la carte, student stores, parties, and fundraising will be consistent with the Competitive Food Guidelines for K-12 Schools.
- All beverages made available on school grounds, including vending concessions, a' la carte student stores, parties, and fund raising will be consistent with the Competitive Food Guidelines for K-12 Schools.
- All foods provided by the District will adhere to food safety and security guidelines.
- The school environment will be safe, pleasing, and comfortable, and will allow ample time and space for eating meals.
- Food will not be used as a reward or punishment, unless necessitated by a student's Individualized Education Plan/504 Plan.
- Implementation/monitoring of this policy will be reported to the School Board annually by the Superintendent's designee, with recommendations for guideline changes if necessary or appropriate.

### **Legal References:**

*RSA 189:11-a, Food and Nutrition Programs  
Section 204 of Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004*



## JLCF – Wellness Policy

*NH Code of Administrative Rules, Section Ed. 303.01 (g), Duties of School Boards*

*NH Code of Administrative Rules, Section Ed. 306.11, Food & Nutrition Services*

*NH Code of Administrative Rules, Section Ed. 306.40, Health Education Program*

*NH Code of Administrative Rules, Section Ed. 306.41, Physical Education Program*

- *FDA Food Code*

**Category: *Priority/Required by Law***

Adoption: May 17, 2011

Amended: February 5, 2013

Amended: February 4, 2014

**REPORTING CHILD ABUSE OR NEGLECT***Category: Priority/Required by Law**Related Policies: GBEBA, IJOC & JICK***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

1. *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy code references, duty assignments etc.*
2. **[\*\*]** *indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
3. *Section D of this draft policy includes language mandating annual training for all employees, designated volunteers and third-party providers. Cost effective or free training programs are available through such organizations as the Granite State Children's Alliance (e.g., "Know and Tell"). Though advisable, the law does not mandate annual training. Board may consider removing the word "annual" or changing the mandate to something more aspirational.*
4. *The district should maintain as part of its permanent records, copies of withdrawn policies, as well as earlier versions of revised policies.*

**A. Statutorily Mandated Reporting – All Persons.**

**Under New Hampshire law (RSA 169-C:29), every person who has "reason to suspect" that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169-C:30, the initial report "shall be made immediately via telephone or otherwise."**

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a "credential holder", as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).

The report should contain:

- a. the name and address of the child suspected of being abused or neglected,
- b. the person responsible for the child's welfare,
- c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),

**REPORTING CHILD ABUSE OR NEGLECT**

- d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
- e. any other information that might be helpful in establishing neglect or abuse.

To report child abuse or neglect to **DCYF**, call **24/7 (800) 894-5533** (in-state) or (603) 271-6562. **In cases of current emergency or imminent danger, call 911.**

**B. Additional provisions relating to school employees, volunteers and contracted service providers.**

Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report may be made orally, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than one calendar day.

1. Request for Assistance in Making Initial Report.

The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:

- (a) the initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, **and**
- (b) reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.

When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.

2. Principal's Action upon Receiving Report.

Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.

A written report shall be made by the Principal to the Superintendent within twenty-four (24) hours, with a copy provided to DCYF if requested. The report shall include all of the information included in the initial oral report, as well as any other information requested by the Superintendent, law enforcement or DCYF.

3. Requirements for Reporting of Other Acts.

**REPORTING CHILD ABUSE OR NEGLECT**

Employees/contract providers are also reminded of the requirements to report any act of “theft, destruction, or violence” as defined under RSA 193-D:4, I (a), incidents of “bullying” per Board Policy **[\*\*]JICK**, and hazing under RSA 671:7. See also Board Policy **[\*\*]GBEBA**. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.

**C. Signage and Notification.**

The Superintendent is directed to assure that the Principal or administrator of each school shall post a sign within the school that is readily visible to students, in the form provided by the, Division for Children, Youth, and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district's website.

**D. Training Required.**

The Superintendent shall assure that all District employees, designated volunteers and contracted service providers receive training (in-person or online) upon beginning service with the District, with annual refreshers thereafter, on the mandatory reporting requirements, including how to identify suspected child abuse or neglect.

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**District Policy History:**

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

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

***District revision history:***

**Legal References:**

*NH Code of Administrative Rules, Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect*  
*NH Code of Administrative Rules, Code of Conduct for NH Educators, Ed 510.05(e), Duty to Report*  
*RSA 169-C, Child Protection Act*  
*RSA 169-C:29-39, Reporting Law*  
*RSA 189:72, Child Abuse or Neglect Information*  
*RSA 193-D:4, Safe School Zones, Written Report Required*

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

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**REPORTING CHILD ABUSE OR NEGLECT**

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

**NHSBA history:** Revised – July 2019, May 2008, October 2004, November 1999, and July 1998

**NHSBA note, July 2019,** Sample policy JLF was revised to (a) more closely track the requirements RSA 169-C, (b) clarify the participation of the Principal, (c) include reference to the NH Code of Conduct for Educators, and (d) provide a mandate for annual training. See adoption notes above for further information.

w/p-update/2019 Spring/J/JLF Reporting 2019-7 (d)

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*Category: P*

### **REPORTING CHILD ABUSE**

Any school employee having reason to suspect that a child is being or has been abused or neglected, shall immediately report (or have the Principal or designee report) his/her suspicions to the Division for Children, Youth, and Families (DCYF) Central Intake Unit and the Building Principal or designee.

After business hours, if the employee believes the child is in imminent danger, a call must be made to the local police department. New Hampshire state law, RSA 169-C, the Child Protection Act, states that any person who has reason to suspect that a child under the age of 18 has been abused and/or neglected, must make a report to the Division of Children, Youth, and Families. RSA 169-C:30 requires an oral report to be made immediately and permits DCYF to request a written report within 48 hours.

Staff training is required on an annual basis on how to identify and report suspected child abuse and neglect.

#### **Legal References:**

*NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect*

*RSA 169-C:29, Persons Required to Report*

*RSA 169-C:30, Nature and Content of Report*

*RSA 169-C:31, Immunity from Liability*

*RSA 169-C:34, III, Duties of the Department of Health and Human Services*

1<sup>st</sup> Reading: September 21, 2010

2<sup>nd</sup> Reading: February 15, 2011

Adopted: February 15, 2011

# Contoocook Valley School District

## Mandated Reporting Protocol

*August 2016*

Any school employee "having reason to suspect that a child has been abused or neglected" must "immediately" report that suspicion to the New Hampshire Division for Children, Youth and Families (DCYF) "by telephone or otherwise." This initial report must be "followed within 48 hours by a report in writing, if so requested, to DCYF.

RSA 19-C:34, III goes on to provide that DCYF "may request and shall receive from any agency of the state or any of its political subdivisions or any schools, such assistance and information as will enable it to fulfill its responsibilities under this section."

When a school district gives DCYF student records (or information from student records), the district must comply with the FERPA ( *Family Educational Rights and Privacy Act* ). This is because, according to the Supremacy Clause of the U.S. Constitution, federal law trumps state law.

The U.S. Department of Education's FERPA regulations allow a school district to disclose student records (or information from those records) to DCYF without prior written parental consent. *Contact the Director of Student Services or the Assistant Director of Student Services if you have any questions in regard to this process.*

***Please post this in the principal or school counselor's office. Thank you***

# Mandated Reporter Protocol Outline

*August 2016*

- If there is an abuse/neglect concern report it to the identified person in the building (this will be identified by the principal in the relative buildings).
- Complete the checklist with information prior to the call so that all of the information is available for the call.
- Consider including the parent in the reporting process
- Call DCYF to make the report.
- Once the report has been made fill out the "Written Documentation of DCYF Report" form and submit to the Director of Student Services, and the building should keep a copy for their records.

*Please include this information in the "Emergency Binder" in you school.*



# **Contoocook Valley School District**

## **Possible Indicators of Abuse and Neglect**

*August 2016*

Child is not getting enough food:

- Child appears malnourished
- Child begging, stealing food
- Consistently acts hungry or complains of hunger
- Consistent fatigue, listlessness, falling asleep in class

Child appears poorly cared for:

- Has poor hygiene (skin, teeth, ears, hair)
- Is inappropriately dressed for the season
- Clothes are frequently dirty or torn

Lack of Medical, Dental, or Psychological

Care:

- Unattended physical problems or medical/dental needs/psychological needs
- Aggressive behavior
- Compliant/passive, overly adaptive behavior
- Parent/ child stealing
- Over sexualized behaviors
- Parent/child threatened suicide
- Parent/child attempted suicide
- Parent/child expressed homicidal ideation
- Parent/child notable mental health issues

Lack of Adult Supervision:

- Child being left home alone without supervision, especially in dangerous activities or for long periods of time.
- Child states there is no caretaker
- Extended stays at school; child arrives early and stays late
- Substance Abuse in household - parents or children
- Parent/Child is consistently using alcohol and/or drugs

Truancy from school:

- Chronic pattern of child from 6-16 years of age who is absent and will be held back due to those absences.
- Please see district Absent/Truancy Policy

Abandonment:

- Child left without knowing where parent is or when parent will return.
- Parent significantly and chronically late in picking child up from school or school related activities.

*Please post this in the principal or school counselor's office. Thank you.*

# Contoocook Valley School District

## DCYF Reporting Procedure

*August 2016*

New Hampshire law, RSA 169-C, the Child Protection Act, mandates that any person who has reason to suspect that a child under the age of 18 has been abused or neglected must make a report to the Division for Children, Youth, and Families.

DCYF's Central Intake Unit reviews all such allegations made within the state and determines if further assessment is warranted. If you suspect that a child has been abused or neglected, contact the DCYF Central Intake Unit at:

1-800-894-5533 or (603) 271-6556  
Monday- Friday: 8:00am to 4:30pm

If necessary to call after work hours, call the local police department or State Police. Please follow up your report with prompt (that same school day or within 24 hours) to your building administrator or designee and a call to the Director of Student Services or Assistant Director of Special Education at the SAU office.

*Please post this in the principal's or school counselor's office. Thank you.*

# Contoocook Valley School District

## Written Documentation of DCYF Report for Suspected Abuse/Neglect

*August 2016*

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

Student O.O.B.: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Parent/Custodian: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Intake Worker: \_\_\_\_\_ Phone number: \_\_\_\_\_

Reported  
Incident: \_\_\_\_\_  
\_\_\_\_\_

This is in confirmation of my oral report of \_\_\_\_\_, made in accordance with the New Hampshire Child Protection Act 169-C, DCYF; mandating that any person who has reason to suspect that a child under the age of 18 has been abused or neglected.

Staff Reporting: \_\_\_\_\_

**Please submit a copy of this report to the Director of Student Services**

# Contoocook Valley School District

## Checklist for Mandated Reporter

*August 2016*

If abuse or neglect is suspected contact the identified staff person in your building to assist you with the reporting process and completing the proper documentation. Please use the following outline to assist you in the reporting process. Reminder under FERPA a disclosure must be signed prior to releasing any information from the student's educational record.

- I. Alleged Victim (s)
  - Name (s) of student (s):
  - Birthdate (s) of student (s) or appropriate age:
  - Address ( or approximate address)
- I. Alleged Perpetrator (s)
  - Name (s)
  - Birthdate (s) or age or some approximation
  - Relationship to student
- II. Harm to student/description of incident of suspected abuse
  - Physical
  - Sexual
  - Risk of harm
  - Neglect
  - Other
- III. Description of Incident (s)

Be prepared to give a brief description of the incident (s) of suspected abuse. The description should include:

- As much detail as you have about the actual incident
- Indication of intent ion (especially in physical abuse)
- Description of the time and place of the incident
- Information, if any, about possible witnesses to the abuse
- Evidence of the abuse (physical evidence, behavioral indicators, disclosure by the student, etc.)

## DCYF Building Staff Assignments

ConVal High School- Kim Chandler

Steve Bartsch

Peterborough Elementary School- Helena Bates

Hancock Elementary School- Amy Janoch

Francestown Elementary School- Nicky Fraley

Greenfield Elementary School- Colleen Roy

Great Brook Middle School- Jim Elder

South Meadow Middle School - Ann O'Bryant

Antrim Elementary School – John Jordan

Bennington Elementary School- John Jordan

Dublin Consolidated School- Nicole Pease

Temple Elementary School - Nikki McGettigan