

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

**POLICY COMMITTEE**

September 3, 2019

SAU Finch Room

5:30 PM

**Agenda**

**Committee Members:**

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

**1. Call to Order & Approval of August 10 & August 20, 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) JICD: Student Discipline and Due Process
- b) JRA: Student Records and Access – FERPA

**The following policies will go for a First 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

**4. New Business/Continued Discussions**

- 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
- f) JIA: Student Due Process – NHSBA 2019 Update; also includes our current version
- g) JLF: Reporting Child Abuse or Neglect – Priority policy; NHSBA 2019 Update; also includes our current police

**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

**Minutes**

**Committee Members:**

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

Attendees: Rich Cahoon – Chair, Janine Lesser, Crista Salamy (absent for Nonpublic), Jerry Wilson (absent for Nonpublic rollcall), Stephan Morrissey, Tim Theberge, Myron Steere, Dr. Kimberly Saunders, Dr. Ann Forrest

**1. Call to Order & Approval of July 23, 2019 Minutes**

**Rich Cahoon called the meeting to order at 6:00 p.m.**

**Stephan Morrissey motioned to approve the Minutes for July 23, 2019.**

**Janine Lesser seconded. All in favor.**

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

**a. Review of Sealed Minutes**

**Stephan Morrissey moved to enter into non-public session for matters of student information, personnel, and negotiations. Seconded by Tim Theberge. Unanimous on roll-call vote.**

**Stephan Morrissey moved to exit non-public session at 6:31 p.m. Tim Theberge seconded. Unanimous on roll-call vote. Move to seal identified minutes as specified in nonpublic discussion. Unanimous. Move to unseal identified minutes as specified in nonpublic discussion. Unanimous.**

**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

**ACTION: Move NHSBA version forward as new policy, 1<sup>st</sup> read.**

- b) BCB: School Board Conflict of Interest – contains edits from Legal

**Action: Move forward as first read.**

- c) EFA: Availability and Distribution of Healthy Foods –Legal References require updating – this is a Priority policy.

**ACTION: update references and send for a 1<sup>st</sup> read.**

- d) EH: Public Use of School Records -- NHSBA has a newer version (both policies are included)  
Dr. Saunders received a recent request from a vendor who wanted all our expenditures reports for the past 20 years. This would be almost impossible to do within the notes time. We would have had to have a full-time person on this request alone. We do not want to include language we do not comply with.

Do we want to specify any **Right to Know** records, rather than governmental records? Yes.

**ACTION: Add additional content and send for a 1<sup>st</sup> read.**

- e) EHB: Data Retention – contains new edits from Legal

A discussion ensued regarding who can request destruction of an identified student's Special Education file. We would literally have to destroy the disk to destroy the electronic files  
Litigation Hold.

Tim Theberge indicated that none of the first three legal references include the age restrictions.

**ACTION: Hold for next meeting.**

Move to adjourn at 6:58 by Stephan Morrissey, seconded by Jerry Wilson.

All in favor.

Respectfully submitted,

Carol Hills

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

**POLICY COMMITTEE**

August 10, 2019

**Minutes**

**Board:**

Rich Cahoon – Chair  
Janine Lesser  
Stephan Morrissey  
Tim Theberge

**Administration:**

Kimberly Saunders

1. The meeting was called to order at 8:38 a.m.
  2. The Committee agreed that the following policies will be presented for a Second read at the August 20, 2019, Board meeting:
    - a) KEC: Instructional and Educational Materials
    - b) KLB: Rescind – Public Complaints About the Curriculum or Instructional Materials
  3. The following policy will be presented for a First read at this Board meeting:
    - a) BCB: School Board Conflict of Interest
    - b) IGE: Parental Objections to Specific Course Material – Tim suggested that the last paragraph be moved to the second paragraph and make changes to the current paragraph two. Kimberly Saunders gave notes to Carol Hills to make changes
    - c) JICD: Student Discipline and Due Process
- Stephan Morrissey moved, Janine Lesser second, to make appropriate changes and send the policies for a first read at the August 20, 2019, Board meeting.

## JICD – Student Discipline and Due Process

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

### A. Disciplinary Measures – "Definitions".

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

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

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

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

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

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.

### 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.

## JICD – Student Discipline and Due Process

### **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.
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*

## JICD – Student Discipline and Due Process

*NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils  
Assuring Due Process Disciplinary Procedures  
In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)*

**Category: Priority - Required by Law**

Related Policies: JIA, JIC, JICDD & JICK

See also Appendix JICD-R

1<sup>st</sup> Read: August 20, 2019

2<sup>nd</sup> Read: September 3, 2019

Adopted:



## JRA – Student Records and Access - FERPA

- 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 **September 30th** to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

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

## JRA – Student Records and Access - FERPA

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 **four weeks of each school year**, 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 the Notice listing these rights home with each student. The Notice will include:
1. The rights of parents or eligible students to inspect and review the student’s education records, 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 includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent’s or eligible student’s request;
  4. The right to provide written consent before the District discloses personally identifiable information, except to the extent the law permits disclosure without consent;
  5. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
  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 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.**

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If for any valid reason such as the parent's working hours, distance between record location sites or the parent or student's health, a parent or eligible student cannot personally inspect and review a student's education records, the Principal may arrange for the parent or eligible student to obtain copies of the records. The Superintendent shall set a reasonable charge for providing copies, and may waive the requirement 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 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;

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

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

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

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

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

The School Board's decision will be final.

4. **Parent/Eligible Student Explanation to be Included in Record.** Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a

## JRA – Student Records and Access - FERPA

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 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*
  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.*
- 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.

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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.

### **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 RSA193-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

## JRA – Student Records and Access - FERPA

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.

### **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*

### ***Related Policies: EHB & JRC***

### **Category: Recommended**

1<sup>st</sup> Read: August 20, 2019

2<sup>nd</sup> Read: **September 3, 2019**

Adopted:

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

~~The 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~~

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:

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.

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.

## BCB – Board Member Conflict Of Interest

### 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~~ September 3, 2019

~~Second Read: December 19, 2017~~

~~Adopted: December 19, 2017~~

## 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

~~1<sup>st</sup> Read: February 4, 2014~~ September 3, 2019

~~2<sup>nd</sup> Read: March 4, 2014~~

~~Adopted: March 4, 2014~~

## 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*

1st Read: April 15, 2008 September 3, 2019

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

**STAFF ETHICS***Category: Recommended**Related Policies GBEAB, GBEB & GBEBB***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) This policy has been revised to (a) remove the discipline language that is more appropriate to Staff Conduct (see sample policy GBEB (Staff Conduct)), revised July 2019) (Ethics); and (b) incorporate as employment standards the newly enacted (11/18) Code of Ethics for NH Educators.*
- (b) 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.*
- (c) {\*\*} indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District.*

All employees of the District are expected to maintain high standards in their conduct both on and off duty. District employees are responsible for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. To these ends, the Board adopts the following statements of standards. District employees will adhere to the standards enunciated in this Policy in the decision-making process involving their interactions with students, the school community, colleagues, parents and the public.

**A. Adoption and Incorporation of Standards of Code of Ethics for New Hampshire Educators.**

The Board incorporates by reference and adopts as independent ethical standards relative to employment in the District, the provisions of the New Hampshire Code of Ethics for New Hampshire Educators (the "NH Code of Ethics"), as the same may be amended by the State from time to time.

**B. Additional Ethical Standards.**

In addition to the ethical standards set forth in the New Hampshire Code of Ethics, and without limiting the application thereof to District employment, employees will:

- Make the wellbeing of students the fundamental value of all decision-making and actions.

**STAFF ETHICS**

- Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
- Maintain just, courteous, and proper relationships with students, parents, staff members, and others.
- Fulfill their job responsibilities with honesty and integrity.
- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state, and national laws.
- Obey and implement the School Board's policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic, or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

**C. Dissemination.**

The content of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted party.

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**District Policy History:**

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

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

***District revision history:***

**Legal References:**

*N.H. Dept. of Education Administrative Rule – Ed 303.01*

*N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators*

*N.H. Dept of Education, Code of Ethics for NH Educators*

***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*

**STAFF ETHICS**

*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: April 2011, July 1998, November 1999, and July 2019

**NHSBA note, July 2019:** NHSBA revised policy GBEA, along with the related policies GBE, GBEB, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ /GBEA Staff Ethics 2019-7 (d)

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*Category: R**See also GBCA***STAFF ETHICS**

An employee speaking or writing as a citizen is free from institutional censorship or discipline, but his/her special position in the community carries special obligations. The employee must remember that the public may judge the profession and institution by his/her speech. Hence the employee should, at all times, be accurate, exercise appropriate restraint, show respect for the opinion of others, and make every effort to indicate that he/she is not a school spokesperson.

All Employees of the District must abide by the following code of ethics:

1. Employees must demonstrate the highest standard of personal and professional integrity, truthfulness, and honesty in all public activities to inspire public confidence and trust.
2. Employees must fulfill their professional responsibilities with honesty and integrity and must avoid conflicts of interest, or the appearance thereof, when performing their professional responsibilities.
3. Employees must comply with all State and Federal laws and regulations and policies adopted by the School Board.

Legal Reference:

*RSA 98-E, Public Employee Freedom of Expression*

1<sup>st</sup> Read: September 6, 2011

2<sup>nd</sup> Read: October 18, 2011

Adoption: October 18, 2011

**STAFF CONDUCT***Category: Recommended**Related Policies: GBEA, GBEAB & GBEBB***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) This policy has been revised to (a) include the discipline language that formerly appeared in sample policy GBEA (Staff Ethics); and (b) incorporate as employment standards the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (without incorporation, the state Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District).*
- (b) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) 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.*
- (d) Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.*

**A. General Provisions.**

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, all policies and decisions of the Board, and the administrative regulations and directives designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

Employees are advised that failure to abide by this and other school board policies can lead to disciplinary action, up to and including dismissal, and can result in non-renewal. Any action taken regarding an employee's employment with the District will be consistent with all rules, laws, and collective bargaining agreements, if applicable.

**B. Adoption and Incorporation of Standards of Code of Conduct for New Hampshire Educators.**

The Board incorporates by reference, and adopts as independent standards of conduct relative to employment in the District, the provisions of the New Hampshire Code of Conduct for New Hampshire Educators (Ed 510.01-510.05) (the "NH Code of Conduct"), as the same may be amended by the State from time to time. The District reserves the right to take employment action against any employee based upon the District's interpretation of the provisions of the NH Code of Conduct and the District's independent assessment of whether an employee has violated

**STAFF CONDUCT**

said provisions. The District's interpretation, assessment and/or action thereon, are independent of any interpretation by the New Hampshire Department of Education ("DOE") with respect to those standards, and irrespective of any investigation by or action taken by the DOE relative to a District employee's conduct.

**C. Dissemination.**

The content or a copy of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted party.

**District Policy History:**

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

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

***District revision history:*****Legal References:**

*N.H. Dept. of Education Administrative Rule – Ed 303.01*

*N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators*

*NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel*

*N.H. Dept of Education, Code of Ethics for NH Educators*

*RSA 189:13, Dismissal of Teacher*

*RSA 189:14-a, Failure to be Renominated or Reelected*

*RSA 189:14-d, Termination of Employment*

***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.***

**NHSBA history:** Revised – July 2019; New Policy - August 2006

**NHSBA note, July 2019:** NHSBA revised policy GBEB, along with the related policies GBE, GBEA, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ /GBEB Employee Conduct 2019-7 (d)

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## EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

*Category: Priority/Required by Law**Related Policies: EEA, JFA, JFAA, & JFABE***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised substantially, with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also includes clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.*
- (b) **[\*\*]** *indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *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.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a “Repealed/Revised” section within their manuals.*

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

**A. Homeless Students.**

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance\*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;



**EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

\*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above. See also Policy **{\*\*}JFABE**.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

**B. Enrollment and School Stability.**

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

**C. Homeless Liaison.**

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as

**EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student's records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

**D. Enrollment Determinations for Homeless Students.**

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

**E. Transportation of Homeless Students.**

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a

**EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

**F. Dispute Resolution.**

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes "attending classes and participating fully in school activities."

**1. Notification of Appeal Process.**

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child's placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

**EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH****2. Appeal to the District Homeless Liaison – Level I.**

- a. If the parent or unaccompanied youth disagrees with the District's placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal ("appeal") with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District's placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent's right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an "appeals package" consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

**3. Appeal to the Superintendent – Level II.**

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent's designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
- c. The Superintendent/designee shall provide a copy of the Superintendent's decision to the District's Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

**G. Records.**

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

## EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

**District Policy History:***First reading:* \_\_\_\_\_*Second reading/adopted:* \_\_\_\_\_***District revision history:*****Legal References:***20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)**20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)**20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)**42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)**Plyler v. Doe, 457 U.S. 202 (1982)**RSA 193:12, Legal Residence Required**NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students*

***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.***

**NHSBA history:** REVISED – July 2019, May 2018, May 2008, February 2005

**NHSBA note, July 2019:** NHSBA substantially revised sample policy JFABD with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also include clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.

w/p-update/2019 Spring/ JFABD Homeless Students 2019-7 (d5)

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## JFABD – Admission Of Homeless Students

To the extent practical and as required by law, the District will work with the homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided District services for which they are eligible.

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (per Title IX, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act) defines homeless as follows:

The term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes--

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;\*

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

### **Liaison:**

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

### **Enrollment:**

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. Unaccompanied youth will also be enrolled pending resolution of the dispute.

## JFABD – Admission Of Homeless Students

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to the immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will make reasonable efforts to coordinate the transportation services necessary for the student.

The district's liaison for homeless students and their families shall coordinate with local social services agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. The district's liaison will also review and recommend to the district policies that may act as barriers to the enrollment of homeless students.

### **Legal References:**

***NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students***

***RSA 193:12, Legal Residence Required***

*No Child Left Behind Act, 2002*

*McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.*

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

*1st Read: September 4, 2018*

*2nd Read: September 18, 2018*

*Adoption: September 18, 2018*

**EDUCATION OF CHILDREN IN FOSTER CARE***Category: Recommended**Related Policies: EEA, JFA, JFAA, & JFABD***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY to reflect changes to the McKinney-Vento Act (included as part of ESSA) which create several substantive and procedural requirements relative to enrollment, education and transportation of children placed (or awaiting placement) in foster care.*
- (b) **{\*\*}** *indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *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.*

It is the Board's intent to remove barriers to the identification, enrollment and retention in school of children who are in foster care. All staff shall take reasonable steps to ensure that children in foster care are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

**A. Definition.**

Under guidance issued jointly by NHDOE and the N.H. Department of Health and Human Services, and for the purposes of this Policy, “foster care” shall mean “24 hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility. This includes children in foster family homes, shelters, relative foster homes, group homes and residential facilities, regardless of whether the foster care facility is licensed or whether payments are made by the state.” To the extent required under applicable law, a child in foster care under this policy also includes children whom an appropriate child welfare agency indicates are awaiting a foster care placement. (Note: children awaiting foster care may also qualify as homeless under policy **{\*\*}/JFABE**.)

The District shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed. The coordination requirements apply to both situations (i) when a student who is a resident of the District is placed in foster care in another district, or (ii) when a student residing in another district is placed foster care in a home within this District.

The Superintendent is responsible for providing any required assurances to applicable state and federal agencies that the District is complying with applicable requirements related to ensuring the educational stability of children in foster care; and for reasonably monitoring compliance with such assurances.



**EDUCATION OF CHILDREN IN FOSTER CARE****B. District Point of Contact with Child Welfare Agencies.**

The Superintendent shall designate a staff member to serve as the District's point of contact (the "Foster Care POC") between the New Hampshire Division of Children, Youth and Families ("DCYF"), NHDOE, other districts, and other child welfare agencies. The main duty of the Foster Care POC is to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care, pursuant to applicable state and federal statutes, regulations and guidance. Additionally, the Foster Care POC shall work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

The District shall provide training opportunities and other technical assistance to the Foster Care POC and other appropriate district staff regarding the District's obligations to students in foster care.

**C. Best Interest Enrollment Determinations, Disputes and Enrollment.**

Generally, a student in foster care will remain in his/her school of origin, unless there is a determination that it is not in the student's best interest. The Foster Care POC shall assist DCYF or any other child welfare agency to make a "best interest determination" education decision, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school. Unless local procedures are established in accordance with state and federal law, the District will use the model procedures prepared jointly by the NHDOE and DCYF.

If the determination is that the best interests of a child is not to remain in the school of origin, and instead placed within a new school within this District, the child in foster care shall be immediately enrolled in the new school ("receiving school"), even if any documents or records otherwise required for enrollment are not immediately available.

If there are disputes regarding a determination regarding the best interest determination for a child in foster care, it is expected that DCYF and the separate school districts, both sending and receiving, will work collaboratively at the local level to resolve the issue. Should there be no resolution, RSA 193.12, V-b, requires the Department of Health and Human Services to request in writing that the two Superintendents involved resolve the dispute. If the residency dispute remains unresolved after 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the Department of Education determine the residence of the child for purposes of school enrollment.

If a school within the District is a receiving school, such receiving school shall accept the student's certified coursework as if it had been completed at the receiving school. To the extent such coursework is not aligned with the curriculum, the awarded credit may be elective, but it must be counted toward required credits for advancement or graduation.

**D. Transportation.**

When the District is notified that a student in foster care needs, or may need, transportation to a District school, the Foster Care POC will take steps to establish an individualized plan that

## EDUCATION OF CHILDREN IN FOSTER CARE

addresses transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student in foster care is attending his/her school of origin.

In establishing such a plan, the Foster Care POC and other district staff shall follow any existing transportation procedures, systems-level plan or agreement that the District, acting in collaboration with DCYF and/or other departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student. Out of District transportation of children in foster care shall be provided in accordance with DCYF's or other child welfare agency's authority to use child welfare funding for school of origin transportation.

If there are disputes regarding the provision or funding of transportation, the school district foster care point of contact and child welfare agency representative will contact their respective Supervisor and Superintendent of the school to resolve the dispute. To the extent feasible and appropriate, the school districts involved should ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce school transitions.

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### **District Policy History:**

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

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

***District revision history:***

### **Legal References:**

- 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act – “FERPA”*)
- 20 U.S.C. 1701-1758 (*Equal Educational Opportunities Act of 1974 – “EEOA”*)
- 20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (*provisions in ESSA regarding obligations to students in foster care*)
- 42 U.S.C. 671 (a)(10) and 675 (1)(G) (*child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care*)
- 42 U.S.C. §11431 and §11432 (*McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth*)
- Public Law 110-351, *The Fostering Connections to Success and Increasing Adoptions Act of 2008*
- 34 C.F.R. 200.30 (f)(1)(iii) (*ESSA's definition of “foster care”*)
- Plyler v. Doe*, 457 U.S. 202 (1982)
- RSA 193:12, *Legal Residence Required*
- “N.H. Guidance on ESSA and Foster Care to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed”, January 2017, NHDoe and NHDHHS

***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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**EDUCATION OF CHILDREN IN FOSTER CARE**

***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:** NEW POLICY July 2019

w/p-update/2019 Spring/ /JFABE Foster Children 2019-7 (d2)

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**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.

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**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)

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*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

**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