

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

**POLICY COMMITTEE**

November 5, 2019  
SAU Finch Room  
6:00 PM

**Minutes**

**Committee Members:**

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

Attendees: Katherine Heck, Tim Theberge, Rich Cahoon, Cari Coates, Dr. Ann Forrest, Dr. Kimberly Saunders, (Jerry Wilson, Stephan Morrissey, Janine Lesser arrived at 6:27 PM)

**1. Call to Order & Approval of October 15, 2019 Minutes**

**Rich Cahoon called the meeting to order at 6:00 p.m. Tim Theberge moved to approve the minutes. Katherine Heck seconded. All in favor. Rich abstained.**

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

- a. **Review of Sealed Minutes**  
**None.**

**3. The following policies will be submitted for a second read at the November 5<sup>th</sup> School Board meeting:**

- a) JCA: Change of School or Assignment  
b) JIA: Student Due Process

No comments received on either policy.

**The following policy will be submitted for a first read at the November 5<sup>th</sup> School Board meeting:**

- a) EBBD: Indoor Air Quality (revised Legal References) We do not have a procedure, unless the following is considered one: (Indoor Air Quality Management Plan)  
No comments received on this policy.  
**Moved to send for a first reading.**
- b) JLF: Reporting Child Abuse or Neglect – Priority policy; includes our policy as well as the NHSBA version. Also contains the updated Mandatory Reporting Protocol Outline (Oct. 2019)  
No comments received on this policy.  
**Moved to send for a first reading.**

#### 4. Returning Policies

- a) GBEA: Staff Ethics – NHSBA 2019 Update; also includes our current policy. The following comments are from Kathleen Peahl, Legal:

Policy GBEA: This bulleted item in the list of additional ethical duties is the only one on the list that does not start with a verb. For consistency, I would change it.

- Staff members shall ~~m~~ **Maintain** a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.

I also have one substantive concern regarding the list of additional ethical duties in Policy GBEA. :

- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.

I am concerned that this can be interpreted to be a restriction on employees' first amendment rights. There is also a long line of precedent from the NLRB which holds that any restrictions on employees' ability to speak negatively about workplace issues is a restriction on their rights to engage in protected concerted activities. I don't think they really need this as an ethical standard and I would recommend deleting it.

The committee reviewed the Legal edits and agreed to follow their edits. This policy does not speak to the Code of Conduct, but it is noted in the Legal References.

**ACTION: Motion to send for a 1<sup>st</sup> read with Legal edits incorporated. All in favor.**

- b) GBEB: Staff Conduct – NHSBA 2019 Update; we do not have this policy. Comments are from Kathleen Peahl, Legal:

Policy GBEB: Section A - this statement applies to all staff, but the oversight of students and contribution to education of students would not be applicable to all staff (ie custodians are not responsible for oversight or education. So, I would add "where applicable" to this statement:

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, and, **where applicable**, provide oversight of students and contribute to the education and development of the District's students.

The Committee agreed to send for a first reading with edits from Legal incorporated. Discussion ensued regarding code of Conduct. The DOE could counter what we agree to. They investigate and may differ from our decision.

**ACTION: Move to first read. All in favor to send for a first read with edits from Legal incorporated.**

- c) JFABD: Education of Homeless Children and Unaccompanied Youth – Priority policy, NHSBA 2019 Update; also includes our current policy JFABD: Admission of Homeless Students. According to Dean Eggert:

With regard to policy **JFAB** you have asked the following:

**JFABD: Education of Homeless Children and Unaccompanied Youth** - can a (homeless) parent choose to attend a school in a multi-town district, even if they do not live in the town/school of choice. For example, a parent has temporary housing in Bennington, but wants the child to attend Dublin Consolidated School.

No, they would not. The only reason they would go to another school in ConVal is if the student was placed there by their IEP team, the child was reassigned under the “Best interest” or manifest hardship standards, or they had attended the school in Dublin before they became homeless.

Dean

*“If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child’s or youth’s transportation to or from the school of origin.”*

This is in contrast to the transportation obligation where the school of origin is outside the “area served by the LEA. That guidance states:

*“If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.”*

From this contrast we can discern that when the child is homeless in multi-school district, that unless we can justify attendance in the local school under the federal factors, we have a duty to transport them to their school of origin.

Dean

After a review of Legal’s edits, a discussion ensued on how a student is assigned to a school depending on where the student became homeless. If they are from another district, they can choose to stay in the original school or attend here. Many times the two districts will split the cost of transportation. Which town is the ADM; it’s usually the town of origin. Some districts do refuse to split the costs.

**ACTION: Motion to move for a 1<sup>st</sup> reading, on November 19th. All in favor.**

- d) JFABE: Education of Children in Foster Care – NHSBA 2019 Update – edits by Legal

The NHSBA version was reviewed by Legal.

The Superintendent was asked about credits. We do have to give credits for transfers. She was also asked about transportation cost for foster students. The Superintendent noted that out of district transportation is provided by the originating school.

The Committee reviewed and discussed those edits and agreed to move forward with the edited copy.

ACTION: Correct typo in Legal's copy and move for a first reading at the next School Board meeting.

**ACTION: Motion to send for a first reading at the next School Board meeting. All in favor.**

e) EHB: Data Retention – the following comments are from Legal in response to the question regarding adult students. Legal's edited version is also included:

***Data/Records Retention***

The language on page 1, Section A., #2 literally comes directly from the poorly written statute. However, we think that the answer is yes, you can include the adult student who has graduated or is over the age of 21 even though New Hampshire law does not – on the basis that federal law extends rights to the adult student. Both Paragraphs 2 and 3 can be changed to read:

1. The parent(s)/guardian(s) or adult student who has graduated or is over the age of 21, 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.
2. Absent any request by a student's parents or adult student who has graduated or is over the age of 21, 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.

The committee discussed the edits from Legal. They agreed to incorporate the noted edits and send policy EHB for a first read at the next School Board meeting.

**ACTION: Motion to send for a first reading on November 19th. All in favor.**

Respectfully submitted,

*Carol Hills*