

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

POLICY COMMITTEE

December 3, 2019

SAU Finch Room

6:00 PM

Agenda

Committee Members:

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

1. **Call to Order & Approval of November 5, 2019 Minutes**
2. **Non-Public Session: RSA 91-A:3,II (If Required)**
 - a. **Review of Sealed Minutes**
3. **The following policies will be submitted for a second read at the December 3rd School Board meeting:**
 - a) EHB: Data Retention
 - b) GBEA: Staff Ethics
 - c) GBEB: Staff Conduct
 - d) JFABD: Education of Homeless Children and Unaccompanied
 - e) JFABE: Education of Children in Foster Care
4. **Discussion:**
 - a) EHAB: Data Governance and Security (highlighted cross-referenced policies are policies we do not have. I've included them for your review)
 - b) GBCA: Staff Conflict of Interest
 - c) GBEAB: Mandatory Code of Conduct Reporting – All Employees (this is a referenced policy in JLF: Reporting Child Abuse

CONTOOCCOOK 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 5th 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 5th 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 1st 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 1st 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

EHB – Data/Records Retention

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.

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), 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.
3. 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.
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 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 for the District, and routine destruction of potentially relevant records shall be suspended pending advice of counsel.

EHB – Data/Records Retention

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.

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)

Category: *Priority - Required by Law*

Related Policies: *EH, EHAB, JRA, & JBJ*

See also: *EHB-R (Records Retention Schedule)*

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption:

GBEA – Staff Ethics

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.
- 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.
- 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.

GBEA – Staff Ethics

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

Related Policies: GBEAB, GBEB, & GBEBB

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption:

GBEB – Staff Conduct

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, and where applicable, provide 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 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.

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

Category: Recommended

Related Policies: GBEA, GBEAB & GBEBB

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption:

JFABD: Education of Homeless Children and Unaccompanied Youth

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;
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.

JFABD: Education of Homeless Children and Unaccompanied Youth

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 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;

JFABD: Education of Homeless Children and Unaccompanied Youth

- 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 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

JFABD: Education of Homeless Children and Unaccompanied Youth

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.

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.

JFABD: Education of Homeless Children and Unaccompanied Youth

- 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.

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

Category: Priority/Required by Law

Related Policies: EEA & JFABE

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption:

JFABE – Education of Children in Foster Care

It is the ConVal School 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 JFAB.)

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. In doing such, the Superintendent is entitled to reasonably rely upon the information and assurances provided to her/him by District staff, including the District’s “Foster Care POC.”

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

JFABE – Education of Children in Foster Care

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 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.

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)

JFABE – Education of Children 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

"Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care," U.S. Department of Education and US Department of Health and Human Services, June 23, 2016

Category: Recommended

Related Policies: EEA & JFABD

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption:

EHAB – Data Governance and Security

To accomplish the ConVal School District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

A. Definitions

Confidential Data/Information - Information that the District is prohibited by law, policy or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with the ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- (d) A response plan for any breach of information; and
- (e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures will may or may not be included in the annual Data Governance Plan.

C. Information Security Officer.

The Director of Technology] is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing

EHAB – Data Governance and Security

the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with the both District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The [assistant director of technology] is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

D. Responsibility and Data Stewardship.

All District employees, volunteers and agents are responsible for accurately collecting, maintaining and securing District data including, but not limited to, Confidential and/or Critical Data/Information.

E. Data Managers.

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise. The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

EHAB – Data Governance and Security

G. Using Online Services and Applications.

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

H. Training.

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

I. Data Retention and Deletion.

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Policy [____EHB and administrative procedure EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy [EHB].

J. Consequences

Employees who fail to follow the law or District policies or procedures regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures or other rules will result in the same consequences, regardless of the success of the attempt.

Legal References:

15 U.S.C. §§ 6501-6506 * *Children's Online Privacy Protection Act (COPPA)*
 20 U.S.C. § 1232g * *Family Educational Rights and Privacy Act (FERPA)*
 20 U.S.C. § 1232h * *Protection of Pupil Rights Amendment (PPRA)*
 20 U.S.C. § 1400-1417 * *Individuals with Disabilities Education Act (IDEA)*
 20 U.S.C. § 7926 * *Elementary and Secondary Education Act (ESSA)*
 RSA 189:65 * *Definitions*
 RSA 186:66 * *Student Information Protection and Privacy*
 RSA 189:67 * *Limits on Disclosure of Information*
 RSA 189:68 * *Student Privacy*
 RSA 189:68-a * *Student Online Personal Information*

EHAB – Data Governance and Security

*RSA 359-C:19-21 * Right to Privacy/Notice of Security Breach*

Category: *Priority/Required by Law*

Related Policies: EHAA, EHB, **GBEBD**, GBEF, IHBH, JICJ, JICL, **JICM**, KD, & **KDC**

First Read:

Second Read:

Adopted:

GBEBD - EMPLOYEE USE OF SOCIAL NETWORKING WEBSITES

(Download policy)

Category: Recommended
See also GBEBB, JICDAA

The School Board strongly discourages school district staff from socializing with students outside of school on social networking websites, including but not limited to MySpace and Facebook.

All school district employees, faculty and staff who participate in social networking websites, shall not post any school district data, documents, photographs or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

School district employees are prohibited from engaging in any conduct on social networking websites that violates the law, school board policies, or other standards of conduct. Employees who violate this policy may face discipline and/or termination, in line with other school board policies and/or collective bargaining agreements, if applicable.

Staff members should not use social media website for school/class related purposes. Any use of electronic, internet-based instructional media must be approved by the Superintendent or designee.

Access of social networking websites for individual use during school hours is prohibited.

NHSBA Note, September 2015: Paragraph allowing school district employees to use social media websites for educational purposes has been amended and that allowance has been removed in consideration of RSA 189:70, effective September 2015. RSA 189:70 prohibits school districts from: (1) requiring or requesting that a student provide access to his/her personal social media account; (2) requiring or requesting a student to access a personal social media account in the presence of a school district employee; and (3) compelling a school district to add anyone to his/her list of contacts associated with a personal social media account. As such, school districts staff use of social media websites for educational and school-related purpose likely is in violation of this statute. Change to Legal References to add RSA 189:70.

NHSBA Note, September 2014: Only change is an addition of a Legal Reference, RSA 275:72. Content of the policy has not changed. RSA 275:72 prohibits an employer from requesting or requiring that an employee or prospective employee disclose login information for accessing any personal account or service through an electronic communication device. Additionally, RSA 275:72 prohibits an employer from taking or threatening to take disciplinary action against any employee for such employee's refusal to comply with a request or demand by the employer that violates this statute. Employers are still allowed to adopt and enforce lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.

NHSBA sample policies are distributed for resource purposes only, intended for use only by members of NHSBA Policy Services. Contents do not necessarily represent NHSBA legal advice or service, and are not intended for exact publication.

RSA 275:72, Use of Social Media and Electronic Mail

Revised: September 2015

Revised: September 2014

New Policy: April 2009

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

JICM - BRING YOUR OWN DEVICE/TECHNOLOGY

(Download policy)

Category: Optional See Also: EHAA, JICL

Introduction:

The School Board recognizes the importance of technology and the educational benefits available through the use of technology. The use of portable electronic devices in the classroom can add educational value when such devices deliver content and extend, enhance or reinforce the student learning process. Classroom teachers determine the appropriateness of in-class use of electronic devices, consistent with district instructional objectives, and with approval of the building principal.

All personal electronic devices must be used in a responsible, and legal manner. Students using their own devices are subject to the District Acceptable Use Policy and guidelines, Board approved BYOT guidelines, all other Board policies and procedures, including but not limited to the student code of conduct. Failure to adhere to these guidelines may result in the revocation of the privilege to use personal electronic devices in the classroom and/or disciplinary action as appropriate.

The following personal electronic devices are approved:

1. Laptop computers
2. Tablet PCs
3. iPads
4. E-readers
5. Other devices as approved by the building principal.

Terms of Use of Devices and District Computer/Internet Services:

Students are permitted to use approved personal electronic devices for educational purposes under the direction of a classroom teacher or other educational professional. Additionally, the following expectations of students are established:

1. Students will only use appropriate technology at a teacher's discretion.
2. Students will only use appropriate educational applications on their device and will only use such applications of district-related educational purposes.
3. Students are not to call, text message, email or otherwise electronically communicate with others from their personal device, including other students, parents, guardians, family members and/or friends during the school day.
4. Students are permitted to access only the school's network through personal devices.

In addition to these expectations, students are also required to abide by the terms and conditions of Policy IJNDB - School District Internet Use for Students.

Students using their own electronic devices may access only the wireless Internet provided by

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.

NHSBA sample policies are distributed for resource purposes only, intended for use only by members of NHSBA Policy Services. Contents do not necessarily represent NHSBA legal advice or service, and are not intended for exact publication.

the District. The District provided Internet access is filtered in compliance with the Children's Internet Protection Act. Internet access from outside sources allowing for 3G or 4G access is not permitted on school grounds in order to promote safe, filtered Internet access.

BYOT activities are implemented at the discretion of classroom teachers and building administrators. When electronic devices are used to enhance learning in the classroom, students without a personal device will be provided access to an appropriate district-owned digital device.

Violations of any board policies, regulations, or school rules involving a student's personal electronic device may result in the loss of use of the device in school and/or disciplinary action in accordance with Board policies. The school reserves the right to inspect a student's personal electronic device if there is reason to believe that the student has violated board policies, regulations, school rules or has engaged in other misconduct while using their personal electronic device. Any search will be conducted in compliance with Board policies.

Miscellaneous Provisions:

Personally owned devices are permitted for use during the school day for educational purposes and/or in approved locations only.

The District shall not be liable for the loss, damage, misuse, theft of any personally owned device brought to School.

The District reserves the right to monitor, inspect, copy, and review a personally owned device or file when administration has a reasonable suspicion that a violation has occurred.

The Board expressly prohibits use of personally owned devices in locker rooms, restrooms, and nurses offices.

Students are not permitted to use any electronic device to record audio or video media or take pictures of any student or staff member without their permission. The distribution of any unauthorized media may result in discipline including but not limited to suspension, criminal charges, and expulsion.

Legal References:

RSA 194:3-d, School District Computer Networks

Pub. L. No. 106-554, Children's Internet Protection Act (47 USC 254 (h)(5)(b)(iii))

New Sample Policy: April 2015

NHSBA Note, April 2015: This new sample policy has been developed in response to NHSBA member inquiry and request.

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts

with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

KDC - WEBSITE PUBLISHING

(Download policy)

Category: Optional

See also JICE

General

Official school district websites will be hosted and maintained on the District's computer networks. Websites that are hosted outside of the school district that contain references to any students, staff, or facilities of the District are not considered official Websites, and the school district will not be responsible for their content.

The district website is intended to provide a means of sharing information with the school district and the world about school curriculum and instruction, school-authorized activities, and other information relating to the district's schools and mission. Instructional resources for staff and students may also be provided.

Organizational Responsibility

School district websites are official publications and must follow similar guidelines as other district publications (See Policy JICE). For district-wide Department Websites, the Department Director has primary responsibility for the content of the website. For individual school Websites, the Principal has primary responsibility for the website. All information published on the school district websites must be approved by these individuals or their designees. The Superintendent's Office acts as the final authority when issues arise concerning potentially sensitive content.

All postings to the Websites will be performed by authorized individuals only. These individuals must have been provided with secure access by the Technology Department and have been given approval by the district Department Head or Principal. Technology Department Staff reserve the right to remove any publication that adversely affects the operation of the school computer networks.

Publishing Standards

All subject matter on district web pages and their links must relate to curriculum and instruction, school-authorized activities, or information about the district or its mission. Staff or student work may be published only as it relates to a class project, course, or other school-related activity. Students, staff, or other individuals may not use the district's web pages to provide access to their personal pages on other servers or online services.

Publishing privileges are provided to students and staff through individuals who have been authorized by the building principals or Department Directors. Creators of web pages need to familiarize themselves with - and practice - the following standards and responsibilities, or pages will not be published.

All web pages must comply with all policies and regulations of the district and all state, federal and international laws concerning copyright, intellectual property and use of computers. All content must be appropriate, decent, in good taste, and not intended to harass, demean or offend

individuals or groups. Offensive content includes, but is not limited to materials, which offend religious and racial groups, constitute sexual harassment, or contain violence and profanity. Correct grammar and spelling should be used, documents should be of high quality in both style and presentation. Any unedited work by students will be identified as such.

Web pages must include a statement of copyright, when appropriate, and indicate that permission has been secured to include copyrighted materials. Factual information must be able to be documented. All web pages must identify affiliation with the School District. All web pages must provide a link to the school or Department's home page, and contain clear navigational links. Commercial use (advertisements, business logos, etc.) is prohibited. All web pages must comply with the School Board policies, administrative regulations, these Web Publishing Guidelines, and other district guidelines provided for specific levels of publishing. The viability of links from Web pages that were not created by the district cannot be guaranteed. All links will be tested for accuracy.

Web pages may not contain links to other pages that are not yet completed. If further pages are anticipated but not yet developed, the text that will provide the link can be included, but the link may not be made "hot" until the further page is actually in place. Any deliberate tampering with or misuse of district network services or equipment will be considered vandalism and will be handled according to the school discipline code.

The use of a web page for political lobbying activities is prohibited. Engaging in non-school related fund-raising is also prohibited. No student Email address, whether a personal or district account, may be listed on any web page. Official district email addresses of staff may be published on the website.

Web pages shall not contain personal student information other than first names unless prior permission has been granted. The building principal is to be contacted as the consultant in special circumstances where awards or events warrant publicity of this nature. Web pages may contain pictures of students and staff involved in school-related activities only. Students identifiable as receiving Special Education services must have parent or guardian permission regardless of whether they are identified by name. Non-school related student work shall not be published.

New Policy: February 2005

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

GBCA – Staff Conflict of Interest

Employees shall not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as members of the school staff. This includes but is not limited to:

1. Employees shall not participate for financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to pupils or their parents.
2. Employees who have patented or copyrighted any device, publication, or other item shall not receive royalties for use of such item in the district schools.
3. Employees shall not engage in any type of work where the source of information concerning customer, client, or employer originates from information obtained through the school system, except as provided by the parents.
4. School employees shall not solicit or sell for personal gain any educational materials or equipment in the attendance areas served by the school to which they are assigned. Nor will any employees make available lists of names of students or parents to anyone for sales purposes.
5. Neither staff members nor members of their household shall engage in commercial transactions with the school district in an amount in excess of \$5000 per fiscal year, without the express approval of the School Board.
6. Employees shall not provide private standardized individually administered evaluations to students enrolled in the District.
7. Employees shall not provide private educational services to students enrolled in the District, except as set forth in Policy GCQAB, Tutoring for Pay.

To avoid nepotism in the supervision of personnel, the Board directs that no employee be assigned to a position where the employee would be supervising or responsible to a relative, or to a member of their household.

1st Read: June 7, 2011

2nd Read: September 6, 2011

Adoption: October 18, 2011

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES*Category: Recommended**Related Policies: GBEA, GBEB, GBEBB,
JICK & JLF***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of Conduct”). Note, that NHSBA is revising its policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEBA, applies to all employees, designated volunteers, and third party contractors).*
- (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.*

A. General.

The Code of Conduct for New Hampshire Educators, sections 510.01- 510.05 of the N.H. Dept. of Education Administrative Rules (the “NH Code of Conduct”) imposes various reporting requirements upon each “Credential Holder” as that term is defined by N.H. Dept. of Ed. Administrative Rule 501.02 (h). The reporting requirements include, among others:

1. reporting any “suspected violation of the code of conduct” (see NH Code of Conduct at Ed 510.05 (a)); and
2. self-reporting within five (5) days any arrest for violations of crimes enumerated in RSA 189:13-a, V (“Section V Offenses”) (see NH Code of Conduct, at Ed 510.01 (b)(2)).

By way of District Policy **{**}GBEB**, the Board has adopted the provisions of the NH Code of Conduct as employment rules and standards applicable to all employees and consultant/independent contractor, irrespective of whether or not such persons are Credential Holders. Consequently, each District employee designated volunteer, or contracted service provider (collectively referred to in this policy as a “Covered Individual”), is required to report certain acts, incidents and misconduct as provided in this policy.

Reports under this Policy are in addition to other reports as may be mandated by law or other policies (e.g., abuse or neglect of children, required by RSA 169-C:29 and Policy **{**}JLF**; acts 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).

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES**B. Reports by Covered Individuals of Suspected Misconduct or Violations.**

1. Any Covered Individual having reason to suspect that any other district or SAU employee, designated volunteer, or third party consultant/contractor has violated any provision of the NH Code of Conduct, and or District Policy **[**]GBEB, whether on or off duty**, shall report the same to such Covered Individual's building principal, or to the Superintendent.

If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the **[_____ Business Administrator/Human Resources Director {note: the titled administrator should be the most senior level SAU administrator who is not the superintendent}]**, who is hereby granted authority to consult with the District's attorney on the matter.

Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent's suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District's reporting procedures as expressed in this Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

2. **[OPTIONAL PROVISIONS – the Code of Conduct does not require the initial report to be in writing, but does require that the report “follow[] the ... school district ... reporting procedures” (510.05(a)). If the Policy requires reporting in writing, then it would be a code of conduct violation for a credential holder to fail to make the report in writing. Districts, may, however, consider that a writing requirement may discourage an initial report.]**

CHOOSE EITHER

Any initial report made relative to A.1 or A.2 above, may be made orally in the first instance, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than two business days. Upon request of the Covered Individual, the recipient of the report shall provide a copy of said report to the Covered Individual with a signed “received” annotation, such that the Covered Individual may document his/her State mandated obligation to report.

OR

Covered Individuals are encouraged to make their reports in writing. Doing so will provide the Covered Individual with evidence that they have complied with the requirements of this Policy and the NH Code of Conduct (if applicable).

C. Self-Reporting of Certain Crimes.

Self-reports of the Section V Offenses as described in A.2 above, shall be made in the same manner as reports under B, above. Because the list of Section V Offences is subject to change by the N.H. Legislature, employees, etc. who are arrested for any reason should promptly review the then statute, which may be found online at:

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

D. Provisions Applicable to Principals.

Upon receiving a report of suspected violation of **{**}GBEB** or the NH Code of Conduct, or otherwise has knowledge of a violation, the Principal or any other administrator shall immediately report the same to the Superintendent. If the Superintendent is the subject of report, then the Principal's report shall be made in the same manner as described in B.2, above.

E. Superintendent's Report to the Department Regarding Credential Holders.

The Superintendent shall report misconduct by Credential Holders to the N.H. Department of Education in accordance with section 510.05 (c) of the NH Code of Conduct.

F. Procedures.

The Superintendent may establish such administrative procedures, forms, etc. as he/she may deem necessary or appropriate to implement this policy.

G. 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 consultant.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct 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 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: New policy – July 2019.

NHSBA note, July 2019, This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

Conduct”). NHSBA has also revised its sample policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEBA, applies to all employees, designated volunteers, and third-party contractors.

w/p-update/2019 Spring/ /GBEAB Code of Conduct Reporting

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