

OFFICE OF THE SUPERINTENDENT OF SCHOOLS
106 Hancock Road
Peterborough, New Hampshire

CONTOOCOOK VALLEY SCHOOL BOARD

Policy Committee

Tuesday, April 20, 2021
5:00 p.m.

Physical Location: SAU #1, Board Room
106 Hancock Road, Peterborough, NH

Virtual Location:

<https://us02web.zoom.us/j/82287516044?pwd=YkFzUTJvRHVjSDJXMWdZaVNrS3cwdz09>

Meeting ID: **822 8751 6044**

Passcode: **Cv12uQ**

Phone: +1 312 626 6799 US

Meeting ID: **822 8751 6044**

Password: **426510**

Agenda

School Board Committee Members:

- Keira Christian
- Katherine Heck
- Janine Lesser
- Kevin Pobst
- Stephen Ullman

1. Call to order
2. Approval of the April 6th Minutes
3. Requested that BDE be moved to first read on School Board Agenda
4. EHB-Data/Records retention policy- *Priority - Required by Law*
5. DIA –Fund Balances Policy-*Recommended*
 - a. Reviewed by Budget and Property 4/13/21.
 - b. Complete Policy Committee Review
6. CBI- Evaluation of the Superintendent and Goal Setting
 - a. Development of Superintendent evaluation ad-hoc committee
7. KEB Public Complaints About School Personnel, Employees, Students, or Administration protocol.
 - a. how to best communicate /post referred to Communications Committee 4/15/21
8. Policy development on public forums/Q & A sessions has been referred to Communications Committee 4/15/21.
9. Status update:
Admin work session report on changes to discipline policy – EBCG, JLCG, EBCF, JLCE
10. Non-Public Session RSA 91-A:3,II – Personnel (If Required)

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Policy Committee

Tuesday, April 6, 2021
5:00 p.m.

Physical Location: SAU #1, Board Room
106 Hancock Road, Peterborough, NH

Virtual Location:

<https://us02web.zoom.us/j/86195491202?pwd=dFZuTzJNNGd0ZXlSRmM3QXpZSENSUT09>

Meeting ID: **861 9549 1202**

Passcode: **1F79S6**

Phone: +1 312 626 6799 US

Meeting ID: **861 9549 1202**

Password: **536004**

Minutes

School Board Committee Members:

- Keira Christian
- Katherine Heck
- Janine Lesser
- Kevin Pobst
- Stephen Ullman

Present: Janine Lesser, Keira Christian, Katherine Heck, Kevin Pobst, Stephen Ullman, Dr. Kimberly Saunders, Lori Schmidt

1. Call to order

Janine Lesser called the meeting to order at 5:10 p.m.

2. Approval of the minutes from March 16, 2021

Kevin Pobst moved to approve the minutes of March 16, 2021. Katherine Heck second. Unanimous.

3. Policy Committee Chairperson

Kevin Pobst nominated Katherine Heck as Policy Committee Chairperson. Stephen Ullman second. Unanimous.

4. Updates on EBCG-Communicable & Infectious Disease; JLCG-Exclusion of Students; EBCF-Pandemic/Epidemic Emergencies; JLCE-First Aid & Emergency Care; DM-Cash in School Buildings; DN-Equipment & Supplies

Kimberly Saunders reported that there was nothing new to report at this time. Kimberly said that she would like to address Cash in School Buildings first. Petty Cash has been addressed.

Janine Lesser asked about the medical related policies. The response was that they go to legal for review first.

5. BDE: Committees and School Board Member Special-Duty Assignments

Katherine Heck referenced the copy included in the packet as well as the revised copy sent out with additional comments.

Kevin Pobst said that this policy has gone for a first read. Discussion about alterations after a first read and before the second took place.

Under "Committee Administration" is language about a quorum at committee meetings. There will be a consideration of the full board even if only several members attend.

Kevin Pobst said that the sentence “No vote shall be taken.....to vote present” should be omitted.

Janine Lesser spoke about committees having no authority on their own.

Kimberly Saunders said that the Student Discipline Committee is a subset of their own and make decisions on their own.

Stephen Ullman said that he has no issue with closing meetings for confidentiality.

Kevin Pobst said that for the purposes of this policy, the committee descriptions should be used in places such as currently present under “Committee Responsibility and Jurisdiction”.

Kevin Pobst further suggested placing a comma after the word committee in paragraph 1, page 1 and add except the student discipline and grievance committees...

Janine Lesser spoke about the sentence “All recommendations of these committees should represent a majority vote of committee members”. She said that the word “vote” should be replaced with something such as “consensus”.

Kevin Pobst said that the word “vote” doesn’t carry any sense that it is a final decision of the board.

Kimberly Saunders questioned the importance of that entire sentence. It appears that protocols are being put in place that might not be.

Kevin Pobst said that it tells what should be done if there was contention. It is important to have the sentence in for the moment things get difficult.

Stephen Ullman said that “scope of responsibility and jurisdiction” is redundant on page one.

Katherine Heck spoke about the functionality within a committee and board. A vote might be necessary in a contentious situation.

No harm in keeping the language.

Consensus on keeping the voting option in the policy: Confirmed.

Kevin Pobst brought attention to “Special Duty Assignment Procedures” and asked if it is acceptable to include the yellow highlighted “are not open to participation by Board members who have not been appointed”. “not open to board members who have not been appointed” was suggested. Legal opinion might be sought. Kevin agreed to update the Google document and let Kimberly know when that is complete.

Katherine asked if a Vice-Chair of the committee is needed. It was suggested that another member be called to fill in if needed.

6. Legal advice on legislative directed changes in discipline policy

Kimberly Saunders said that Attorney, Dean Eggert will be coming to work with administration to work on changes that have occurred with discipline. Procedures will be updated. A potential policy to align with the procedures would make sense. Confirmed.

7. EHB: Data/Records Retention Policy, Chapter 33-A Disposition of Municipal Records

Stephen Ullman spoke about the ConVal policy, RSA, and NH School Board Association Policy to differentiate them for clarity.

The –R is the “Procedure” that goes with the policy.

This policy should go back for review. Policy Committee does not create the procedure (-R).

Comparing the NHSBA policy to the ConVal policy was suggested.

Janine Lesser said that we do not often use the National Policy but do refer to the NH Policy.

Stephen Ullman exited the meeting at 6:02 p.m.

EHB will return to a future agenda.

8. DIA - Fund Balance (ConVal, NHSBA, Draft)

Janine Lesser said that the NHSBA Policy has not been updated with the RSA changes.

The “Draft Sample Policy” does reflect current changes.

It will be important for people to understand exactly what “Fund Balance” is. The definitions will be critical.

Lori Schmidt agreed that “Net Assessment” needs to be stressed and defined.

Kevin Pobst suggested that leaving it as is versus skinning it up was suggested.
Janine Lesser suggested cleaning up some language to simplify it.

9. How do we post the KEB protocol on questions and complaints?

Tabled until a future meeting.

10. Development of Superintendent evaluation ad hoc committee

Tabled until a future meeting.

11. Policy development on quarterly question & answer sessions with administration and board

Tabled until a future meeting.

Kevin Pobst motioned to adjourn at 6:10 p.m. Janine Lesser second. Unanimous.

Respectfully submitted,

Brenda Marschok

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.

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

See also: EHB-R (Records Retention Schedule)

1st Reading: November 19, 2019

2nd Reading: December 3, 2019

Adoption: December 3, 2019

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, 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 rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

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. 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 189:29-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.

NHSBA history: Revised: September 2018; May 2018; May 2017; May 2008; October 2005

NHSBA revision note, September 2018: Policy EHB has been amended to reflect the 2018 passage of HB 1551. That bill, which amended 186-C by adding new section 186-C:10-a, requires LEAs to destroy special education records within a reasonable time after a student's 26th birthday, but no later than the student's 30th birthday. The student's parents/guardians, however, may require the District to either destroy the records upon the child's graduation or to retain the records until the child's thirtieth birthday. The policy has also been modified to include information pertaining to digital or electronic records.

NHSBA revision note, May 2018: Minor, style and grammatical changes made in the first two paragraphs of what is now Section A.

NHSBA revision note, May 2017: Department of Education Administrative Rules, effective March 2017, require a policy regarding the retention and destruction of special education records. Provisions are added to address the need to cease records destruction in the event of a litigation hold or receipt of a Right-to-Know law request to inspect or copy governmental records. The sample retention schedule, [EHB-R](#) was also update to reflect this requirement and other changes to law.

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DIA – Fund Balance

CV CURRENT POLICY

In accordance with the governmental accounting standard, GASB Statement No. 54, the Contoocook Valley School Board recognizes the following five categories of fund balance for financial reporting purposes:

1. Non-spendable Fund Balance – non-cash assets such as inventories or prepaid items.
2. Restricted Fund Balance – funds legally restricted for specific purposes, such as grant, food service, and expendable trust funds.
3. Committed Fund Balance – amounts that can only be used for specific purposes pursuant to a formal vote of the Contoocook Valley School Board or by a vote of the legislative body by official ballot.
4. Assigned Fund Balance – amounts intended by the Contoocook Valley School Board for specific purposes. Items that would fall under this type of fund balance would be encumbrances.
5. Unassigned Fund Balance; residual fund balance after subtracting all of the above amounts.

Category: R

1st Read: November 18, 2014
2nd Read: December 16, 2014
Adopted: December 16, 2014

DIA - FUND BALANCES

NHSBA SAMPLE POLICY

Category: Recommended

The School Board will return to the Town any unassigned general fund balance at year-end to offset the next fiscal year's tax rate unless the school district legislative body authorizes the school district to retain year-end unassigned general funds in accordance with RSA 198:4-b.

Additionally, any fund balance shall only be used or returned in accordance with applicable New Hampshire law and/or Governmental Standards Board Statement 54 (GASB 54).

NHSBA Note, September 2012: RSA 198:4-b was amended, effective June 2012, to allow the school district legislative body to vote to allow the school district to retain year-end unassigned general funds in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment.

NHSBA Note, June 2011: Governmental Standards Board Statement 54 (GASB 54) was issued March 2009 and becomes effective June 30, 2011. School district auditing firms have recommended that school board enact and implement policies relative to GASB 54.

GASB 54 is an entirely new accounting model for fund and defines various restrictions within the fund balance in a more detailed manner than previous Standards.

Legal References:

RSA 32, Municipal Budget Law

RSA 33, Municipal Finance Act

RSA 35, Capital Reserve Funds

RSA 198:4-b Contingency Fund

Governmental Standards Board Statement 54 (GASB 54)

Revised: September 2012

New Sample Policy: June 2011

**DRAFT POLICY
DIA -FUND BALANCES**

IN CV POLICY COMMITTEE REVIEW

Purpose

The purpose of this policy is to establish guidelines for the general fund unreserved fund balance. To improve and maintain the Contoocook Valley School District (District) financial stability in order to protect the District from unforeseen or unbudgeted situations such as sudden changes in revenues or spending requirements; emergencies and disasters, major infrastructure failures and unexpected litigation.

Background

Fund balance is a measure of the financial resources available in a governmental fund. Unreserved fund balance is that portion of fund balance that reflects expendable available financial resources. It is essential that the Contoocook Valley School District maintain adequate levels of unreserved fund balance to mitigate current and future risks and to ensure stable tax rates. Fund balance levels are a crucial consideration in long term financial planning as well.

The Government Finance Officers Association recommends that government entities, regardless of size, maintain unreserved fund balance in their general fund. Under RSA 198:4-b-The State of New Hampshire allows school district to retain up to 5% of the current fiscal year's net assessment.

Definitions

1. In accordance with the governmental accounting standard, GASB Statement No. 54, the school board recognizes the following categories of fund balance for financial reporting purposes:

- a. Non-spendable Fund Balance – non-cash assets such as inventories or prepaid items
- b. Restricted Fund Balance- funds legally restricted for specific purposes, such as grant, food service and expendable trust funds.
- c. Committed Fund Balance – amounts that can only be used for specific purposes pursuant to a formal vote of the School Board.
- d. Assigned Fund Balance – amounts intended by the Board for specific purposes.

The Board can choose to delegate this authority to the Superintendent or designee, depending on the situation. Items that would fall under this type of fund balance could be encumbrances.

- e. Unassigned Fund Balance – residual spendable fund balance after subtracting all of the amounts.

2. Committed Fund Balance. The school board, as the government's highest level of decision making authority, may commit fund balance by a formal vote prior to the government's fiscal year-end for that fiscal year. Future modification or rescission of committed funds must likewise be accomplished by a formal vote of the school boards prior to fiscal year-end.

3. Assigned Fund Balance. The school board expressly delegates to the Superintendent the authority under this policy to assign funds for particular purposes.

4. Spending Prioritizations:

- a. When an expenditure is incurred that would qualify for payment with either restricted or unrestricted funds, it will be paid from restricted funds.
- b. When an expenditure is incurred that qualifies for payment from either of the three unrestricted fund balance categories, it will be applied in the following order:
 - 1) Committed,
 - 2) Assigned, and
 - 3) Unassigned

5. Deficit Fund Balance. At year end if any of the special revenue funds (e.g. grants) has a deficit unassigned fund balance then the Superintendent is authorized to transfer funds

from the general fund to cover the deficit, providing the general fund has money to do so.

Policy Statement

These policy guidelines will provide direction during the budget process and demonstrate a commitment to maintain adequate reserves for financial stability and for long term financial planning:

The District will maintain an unreserved fund balance, in the general fund, of no more than 2.5% of the net district assessment.

The Board may adjust retained levels of fund balance within the parameters of RSA 198:4-b, only by amending this written policy with a vote of the Board at a properly noticed meeting.

It is the intent of the Board to retain the minimum levels of reserves to meet the fiscal needs of the district.

The use of unreserved fund balance to reduce the tax rate or for emergencies will only be permitted under certain circumstances: Emergency defined: An emergency is what the School Board determines it to be. It will always reflect a careful balancing of the body's desire to maintain adequate reserves with its desire to maintain essential services.

Prior to expending retained general funds, the School Board shall hold a properly noticed public hearing on the action to be taken with such funds.

An annual accounting and report of the activities of the retained general funds shall be presented to the School Board and published in the annual report.

Legal references:

RRSA 32, Municipal Budget Law Governmental

RSA 198:4-b Contingency Fund

Accounting Standards Board (GASB) Statement No. 54,

Fund Balance Report and Governmental Fund Type Definitions

Introduced: February,2021 in Committee

CBI – Evaluation of the Superintendent and Goal Setting

CV Current Policy

The School Board shall annually evaluate the Superintendent based on written criteria as established by the Board. The evaluation shall encompass the Superintendent's position as contained in Board Policy CB – School Superintendent.

The assessment of the Superintendent will consist of three primary areas of performance:

1. Progress on Board goals as established in the annual planning process with agreed measures of performance.
2. Progress on professional goals established by the superintendent and agreed by the Board which consists of three to five goals with associated measures of performance.
3. Rating of job performance characteristics established by the Board and reviewed by the Superintendent (see current list in CBI-R).

Additionally, the Superintendent will provide a written perspective on his/her performance to be included with the review. The Vice-Chair of the School Board will review the Board's evaluation with the Superintendent once it has been approved by the Board.

The Board will provide the Superintendent with periodic opportunities to discuss Superintendent/Board relationships, and may provide written comments to the Board for evaluation of the Superintendent's performance.

It is important to note that circumstances may require some changes to the established criteria for evaluation based on agreement of the Board and Superintendent.

Legal References:

N.H. Code of Administrative Rules, Section Ed 303.01(k), Substantive Duties of School Boards, Superintendent Evaluation See CBI-R

See also Policy AFB

Category: R

1st Read: January 7, 2014

2nd Read: February 4, 2014

Adopted: February 4, 2014