

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS  
106 Hancock Road  
Peterborough, New Hampshire  
CONTOOCOOK VALLEY SCHOOL BOARD**

**Policy Committee**

**Tuesday, May 18, 2021  
5:00 p.m.**

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

**Virtual Location:**

<https://us02web.zoom.us/j/85412958786?pwd=ell5TlNDQkZlYWNKQ3YrYk5HSUJlTz09>

Meeting ID: **854 1295 8786**

Passcode: **10cpqV**

Phone: +1 312 626 6799 US

Meeting ID: **854 1295 8786**

Password: **418402**

**Agenda**

**School Board Committee Members:**

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

- 1. Call to order**
- 2. Approval of the minutes from May 4, 2021 (Pg. 1)**
- 3. DIA –Fund Balances Policy- requested legal review 5/4/20**
- 4. Review of the following required by law policies:**
  - **IHAK** -Character and Citizenship Education -Adopted 2013 (Pg. 3)
  - **IHCD**- Advanced Coursework -Adopted 2015 (Pg. 5)
  - **LEB** – Advanced Course Work- Adopted 2015 (Pg. 6)
  - **ILD**- Non-Educational/Non-academic Questionnaires, Surveys and Research (Pg. 9)
  - **JICFA**- Hazing -Adopted 2011 (Pg. 16)
  - **JLCL** -Concussions and Head injuries- Adopted 2013. (Pg. 20)
- 5. Non-Public Session RSA 91-A (If Required)**

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS  
106 Hancock Road  
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**CONTOOCOOK VALLEY SCHOOL BOARD**

**Policy Committee**

**Tuesday, May 4, 2021**

**5:00 p.m.**

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

**Virtual Location:**

<https://us02web.zoom.us/j/81952255816?pwd=QWc4R2ZUbGhHSVdjNzFaVEx4YVgrQT09>

Meeting ID: **819 5225 5816**

Passcode: **66q8N7**

Phone: +1 312 626 6799 US

Meeting ID: **819 5225 5816**

Password: **663582**

**Minutes**

**School Board Committee Members:**

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

**Present:** Katherine Heck, Keira Christian, Janine Lesser, Kevin Pobst, Stephen Ullman,  
Dr. Kimberly Saunders, Dr. Ann Forrest

**1. Call to order**

**Katherine Heck called the meeting to order at 5:04 p.m.**

**2. Approval of the minutes from April 20, 2021**

**Janine Lesser moved to approve the minutes of April 20, 2021. Kevin Pobst second. Unanimous.**

**3. Requested that BDE-Board Sub Committee Assignments be moved to second read on School Board Agenda**

Katherine Heck reported that this policy will go before the board for a second read/adoption this evening.

**4. DIA –Fund Balances Policy-Recommended**

- a. Reviewed by Budget and Property 4/13/21.

This policy draft was created as a result of the warrant article that passed.

- b. Reviewed by Business Office 4/20/21

- 1) Proposed Changes- see 4/20/21 updated version

This revision makes the original draft more user friendly.

On page 3, under "Unassigned Fund Balance", when using the term "unreserved fund balance" it might be confusing for some. Common language was suggested in its place such as "unassigned". "Unassigned fund balance" is the term most commonly used.

The term "Unassigned fund balance" will replace all places where it states "unreserved fund balance".

The sentence under "Unassigned Fund Balance" that begins "At fiscal year-end.....for the ensuing year" will be removed from that paragraph.

Once these changes are incorporated this policy will be ready for a first read of the board.

c. **Complete Policy Committee Review 5/4/21.**

Katherine Heck reviewed the Policy Foundation by Code. There are call letters that are associated with a category of policy e.g. "B" Policies are associated with School Board Governance and Operations. Dr. Kimberly Saunders reviewed categories A through L and were identified in terms of category. "A" policies are foundation and basic commitment policies. "C" policies are related to General School Administration, "D" policies are related to fiscal management, "E" are related to support services, "F" are facilities development policies, "G" policies are related to personnel, "H" are negotiation related policies, "I" are related to instructional program, "J" policies are student related, "K" are related to School Community Relations, and "L" policies are related to Education Agency Relations. "R" are not policies but are procedures associated with policies.

Kimberly Saunders said that it is better not to have a policy than to have a policy that is not being followed. An example would be before Policy JICK – anti-bullying policy, many school districts had verbiage in policy but were not following it which caused problems in districts. The board sets policy. The board cannot write a policy that goes against or contradicts with administrative rules.

Katherine Heck said that the Policy Committee and administration have policies that govern the policy making process, evaluation of policy, and adoption.

**5. Policy Committee Orientation and Overview (pg. 8-22)**

Kimberly Saunders said that on occasion we find a policy that has a 1991 review date at the bottom. It is important to continually review policy as updates come forward. At one point in time, the policies in mass were adopted all together.

**6. Status update:**

a. Admin work session report on changes to discipline policy

Dr. Ann Forrest reported that we worked with administrators and Attorney Dean Eggert. The first session focused on changes in policy and the impact on our daily work. They are related to the length of time and ability to suspend students. A review of what is already in place took place at the sessions along with a list of responses that will take place to support students when things happen. Our suspension data was reviewed for the past three years which resulted in the knowledge that our suspension rates are very low. Restorative practices is the shift in focus. Documenting it in a policy is a goal. It all aligns with a direction that ConVal was already moving. More work is underway.

b. "J" Policies related to Health

Unrelated, Kevin asked about policies reviewed some time back. His understanding was that a review by the nurses would occur.

A timeline of where these policies are is needed. Katherine Heck and Kimberly Saunders will be meeting bi-weekly to develop policy agendas to allow ample time for review of the Policy Committee.

Kimberly Saunders said that the "J" policies are on hold until time is available for review.

**7. Non-Public Session RSA 91-A:3 (If Required)**

None.

**Stephen Ullman moved to adjourn at 5:56 p.m. Kevin Pobst second. Unanimous.**

Respectfully submitted,

Brenda Marschok



## **IHAK -Character and Citizenship Education- CV 2013**

2017 NHSBA Update- to comply with *Ed 306:04(i)* update.

**NHSBA note, September 2017:** This policy is updated to incorporate the current list of principles from Ed 306:04(i).

# **IHAK – Character And Citizenship Education CV Version**

Those in charge of curriculum development will have the responsibility for integrating into the curriculum, as appropriate, the following principles:

1. Each individual has dignity and worth.
2. A free society requires respect for persons, property, principles, and self.
3. Each individual has a right to learn and freedom to achieve.
4. Each individual, regardless of age, gender, race, creed, color, religion, marital status, sexual orientation, national or ethnic origin, or disability, has the right to equal opportunity.
5. Each individual has the right to personal liberties.
6. Each individual is responsible for his/her own actions, and should exercise self-discipline where and when appropriate.
7. Each individual has a responsibility to the group as well as to the total society.
8. A democratic government is established by majority vote.
9. Democratic societies are based on law.
10. Problems are solved through reason and orderly processes.
11. An individual should be tolerant of another's beliefs and should have the freedom to express his/her own.
12. Each individual has the right to work, to pursue an occupation, and to gain satisfaction from personal efforts.

Teaching in the area of character and citizenship will take place throughout the K-12 program.

### **Legal References:**

*NH Code of Administrative Rules, Section Ed 306:04(a)(5), Character and Citizenship*  
*NH Code of Administrative Rules, Section Ed 306:04(i), Character and Citizenship*

Category: P

1st Read: October 1, 2013

2nd Read: October 15, 2013

Adopted: October 15, 2013



***Sample Policy***

***Category: Priority/Required By Law***

Those in charge of curriculum development will have the responsibility for integrating into the curriculum, as appropriate, the following principles:

1. Pursuant to Part 2, Article 83 of the New Hampshire Constitution, humanity, benevolence, and truth and honesty with self and others.
2. Fairness, integrity, and justice.
3. Respect, courtesy, and human worth.
4. Community service.
5. Pursuant to RSA 186:13, the rights and responsibilities of citizenship.
6. Each individual has dignity and worth.
7. A free society requires respect for persons, property, principles and self.
8. Each individual has a right to learn and freedom to achieve.
9. Each individual, regardless of age, gender, race, creed, color, religion, marital status, sexual orientation, national or ethnic origin, or disability, has the right to equal opportunity.
10. Each individual has the right to personal liberties.
11. Each individual is responsible for his/her own actions, and should exercise self-discipline where and when appropriate.
12. Each individual has a responsibility to the group as well as to the total society.
13. A democratic government is established by majority vote.
14. Democratic societies are based on law.
15. Problems are solved through reason and orderly processes.
16. An individual should be tolerant of another's beliefs and should have the freedom to express his/her own.
17. Each individual has the right to work, to pursue an occupation, and to gain satisfaction from personal efforts.

Teaching in the area of character and citizenship will take place throughout the K-12 program.

**Legal References:**

*NH Code of Administrative Rules, Section Ed 306.04(a)(5), Character and Citizenship*  
*NH Code of Administrative Rules, Section Ed 306.04(i), Character and Citizenship*  
 Revised: September 2017

## **Priority-IHCD Advanced Coursework CV 2015 - Policy review .**

**NHSBA revision notes, November 2019** - revised in response to 2019 N.H. Laws Ch. 322 (SB 276). Revisions include: (a) opening dual/concurrent enrollment programs to sophomores, (b) reference to a career readiness credential, and (c) replacement of guidance counselor with school counselor. **December 2017** - revised to reflect that the Dual and Concurrent Enrollment Program is specific to STEM courses and further that the Superintendent/designee is responsible for coordinating any agreements between the district and CCSNH, as required under 188-E:28. **September 2017** - updated to incorporate the Dual and Concurrent Enrollment Program established by 2017 N.H. Laws 210 (SB 101) which required districts to adopt a policy permitting qualified students to participate in the program.

w/p-update/2019 Fall /IHCD - Advanced Coursework Dual Enrollment 2019 (d)

## **IHCD – Advanced Coursework CV Version**

Any student who is capable of and wishes to do advanced course work or take advanced placement classes while in high school should be permitted to do so. School district administrators and guidance counselors will provide assistance to students who wish to enroll in such courses. If advanced course work or advanced placement courses are not available within the school district, administrators or guidance counselors are instructed to assist students in identifying alternative means of taking such classes. These means may include taking courses at a different public school or a private school, or through distance education courses or other suitable means.

Credit may be given, provided the course conforms to applicable District policies and state standards. The District will not be responsible for any tuition, fees, or other associated costs incurred by the student for enrollment in such courses.

This policy will be published annually in the High School Student Handbook.

### **Legal References:**

*NH Code of Administrative Rules, Section Ed 306.14(g), Advanced Course Work*

### **Category: P**

**See also:** IK, IKF, IMBA, IMBC, LEB

1<sup>st</sup> Read: September 15, 2015

2<sup>nd</sup> Read: October 6, 2015

Adopted: October 6, 2015

# LEB – Advanced Course Work      CV Version

Any student who is capable of and wishes to do advanced course work or take advanced placement classes while in high school should be permitted to do so. School district administrators and guidance counselors will provide assistance to students who wish to enroll in such courses. If advanced course work or advanced placement courses are not available within the school district, administrators or guidance counselors are instructed to assist students in identifying alternative means of taking such classes. These means may include taking courses at a different public school or a private school, or through distance education courses or other suitable means.

Credit may be given, provided the course conforms to applicable District policies and state standards. The District will not be responsible for any tuition, fees, or other associated costs incurred by the student for enrollment in such courses.

This policy will be published annually in the High School Student Handbook.

## **Legal References:**

*NH Code of Administrative Rules, Section Ed 306.14(g), Advanced Course Work*

## **Category: P**

*See Also IK, IKF, IMBA, IMBC, IHCD*

1st Read: November 17, 2015

2nd Read: Waived

Adopted: November 17, 2015



**IHCD/LEB - ADVANCED COURSE WORK/ADVANCED PLACEMENT COURSES & STEM DUAL & CONCURRENT ENROLLMENT PROGRAM**  
**NHSBA Version**

*Category: Priority/Required by Law*

*Identical policy: LEB†*

*Related policy: IKF*

**ADOPTION NOTES -**

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) †This policy is coded in two sections, *Education Agency Relations* (LEB) and *Instruction* (IHCD). The two policies used to be written separately for each section/application, but have now been merged into this one version. Districts may, but need not, maintain both. If choosing to maintain one, NHSBA recommends using ICD, and further that the board formally withdraw the other policy, with a permanent record of the withdrawn policy. See 2019 NHSBA Fall Update sample GBA for what record of a withdrawn policy might look like.
- (b) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (c) For districts without high schools, only section A is required, which also should be modified to remove reference to dual and concurrent enrollment/credits.
- (d) General - As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.
- (e) Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.

**A. Advanced Course Work/Advanced Placement Courses**

Any student who is capable of and wishes to do advanced course work or take advanced placement classes while in high school should be permitted to do so. School district administrators and *school* counselors will *aid* students who wish to enroll in such courses. If advanced course work or advanced placement courses are not available within the School District, administrators or *school* counselors are instructed to assist students in identifying alternative means of taking such classes. This may include taking courses through the Dual and Concurrent Enrollment Program, at a different public school, a private school, through distance education courses, or other suitable means.

Any student whose eligibility for taking advanced course work is recommended by his/her counselor may enroll in a course. Credit may be given, provided the course comports with

applicable District policies and state standards. The District will not be responsible for any tuition, fees, or other associated costs incurred by the student for enrollment in such courses.

#### **B. STEM Dual and Concurrent Enrollment Program**

High School and Career Technical Education Center qualified students in grades **10** and 12 may participate in the Dual and Concurrent Enrollment Program, through which a student may earn both High School and College credits by enrolling in STEM (science technology, engineering, and mathematics) and STEM-related courses designated by the Community College System of New Hampshire ("CCSNH").

The Superintendent shall be responsible for coordinating any agreements with CCSNH, and other measures necessary to implement and maintain the Dual and Concurrent Enrollment Program within the District. The Superintendent shall also designate a point of contact for the program who can provide for student counseling, support services, course scheduling, managing course forms and student registration, program evaluation, course transferability, and assisting with online courses. The Superintendent or his/her designee shall establish regulations for the program which, among other things, will:

1. Require compliance with measurable educational standards and criteria approved by the CCSNH;
2. Require that courses meet the same standard of quality and rigor as courses offered on campus by CCSNH;
3. Require that program and courses comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships;
4. Establish criteria for student eligibility to participate in the program;
5. Establish standards for course content;
6. Establish standards for faculty approval;
7. Establish program coordination and communication requirements;
8. Address tuition, fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and a process for renewal of the agreement;
9. Require annual notification to high school students and their parents of Dual and Concurrent Enrollment opportunities; **and**
10. ***Set out how any Dual and Concurrent Enrollment courses correlate with a Career Readiness Credential under Board policy IKFG.***

#### **Legal References:**

*RSA 188-E:25 through RSA 188-E:26-28*

*Ed 306.141(a)(6), Advanced Course Work*



## **ILD – Non-Educational/Non-Academic Questionnaires, Surveys, & Research**

Separate federal and state laws require that written consent be obtained from a parent or guardian before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student's academics. While similar, the two laws are not co-extensive, with slightly different scope, procedures and exceptions.

### **A. General**

1. For the purpose of this policy, "non-academic survey" shall include a survey, questionnaire, analysis, evaluation or any other document which seeks any information in the categories listed in sections B (as to state law) or C (as to federal law), below. However, non-academic surveys should not be deemed to include questions directed to an individual student by a school counselor, nurse or appropriate personnel under circumstances indicating such questions are reasonably necessary for such person's compliance with applicable laws or regulations, and the discharge his or her duties.
2. All non-academic surveys must have the prior approval of the Superintendent or his/her designee.
3. Non-academic surveys conducted for other agencies, organizations or individuals must have both the recommendation of the Superintendent and the approval of the School Board as to content and purpose. The results of such approved non-academic surveys must be shared with the School Board.
4. No non-academic survey requesting sexual information will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation. School personnel administering any such questionnaire or survey will not disclose personally identifiable information.
5. As used below, the consent and notification provisions apply to a child's parent/legal guardian(s), unless the student is an adult or an emancipated minor who consents.

### **B. New Hampshire Law.**

Under RSA 186:11, IX-d, prior notice and prior consent (opt-in) is required for any non-academic survey designed to elicit information about:

1. A student's social behavior;
2. family life;
3. religion;
4. politics;
5. sexual orientation;
6. sexual activity;
7. drug use;
8. or any other information not related to a student's academics.



## ILD – Non-Educational/Non-Academic Questionnaires, Surveys, & Research

### C. Federal Law.

#### 1. Protection of Pupil Rights Amendment. Under the federal Protection of Pupil Rights

Amendment, prior written consent is required only if the non-academic survey, analysis, or evaluation or its administration is paid for or in any way uses federal funds from the federal Department of Education and reveals information concerning the following:

- a. Political affiliations;
- b. Mental and psychological problems potentially embarrassing to the student or the family;
- c. Sexual behavior and attitudes;
- d. Illegal, anti-social, self-incriminating, and demeaning behavior;
- e. Critical appraisals of other individuals with whom respondents have close family relationships;
- f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

#### 2. Federal Exception.

Non-academic surveys which do not require consent and notice under New Hampshire law (section B) but might otherwise require notice and consent under the federal law (section C.1 above). However, the federal requirement exempts to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a. College or post-secondary education recruitment, or military recruitment;
- b. Book clubs, magazines, and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used by schools;
- d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistical data for educational purposes;
- e. The sale of products or services to raise funds for school-related or education-related activities; and
- f. Student recognition programs.

**Caution:** This exception only applies if the non-academic survey is otherwise exempt under New Hampshire law (section B, above).

### D. Notification and Inspection.

When school personnel intend on administering a non-academic survey the school shall provide ten (10) day notice to parents/guardians. Included in the notice will be information regarding the purpose of the non-academic survey; how the survey will be administered; how it will be utilized; and the

## ILD – Non-Educational/Non-Academic Questionnaires, Surveys, & Research

persons or entities that will have access to the results of the completed survey. Parents or guardians wishing to inspect a non-academic survey will be able to do so in the school's administrative office. Parents/guardians may refuse to give consent for their student to participate, with or without first reviewing the non-academic survey. The school will not penalize students whose parents/guardians decline to provide written consent. The school will take reasonable precautions to protect student privacy during their participation in any non-academic survey.

### **E. Consent Exception for Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention.**

Neither state nor federal law requires prior written consent for administration of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention. Guidance issued by the Center for Disease Control, United States Department of Health and Human Services, concludes that federal law, including the Protection of Pupil Rights Amendment, also does not require prior written consent from parents or guardians because students are not required to participate and the survey is not paid for by the United States Department of Education.

However, New Hampshire law nonetheless requires the District to provide parents/guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. Parents may inspect the Youth Risk Behavior Survey at the school's administrative office. Parents or guardians may opt their student out of participating in the Youth Risk Behavior Survey by providing the Principal with written notice. District staff administering the Youth Risk Behavior Survey shall insure students understand that participation is voluntary and that students who opt-out will not be penalized.

### **Legal References:**

20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment  
 RSA 186:11, IX-d  
 2017 CDC YRBS Guidance Manual

**Category:** *Priority - Required by Law*

**See also** *Appendix ILD-R*

*First Read:*

*Second Read:*

*Adopted:*



## **Priority-ILD Non-Educational/Non-academic Questionnaires, Surveys and Research**

**NHSBA history:** Revised: May 2018; September 2017; September 2008

**NHSBA note, May 2018:** Prior to the 2017 amendment to RSA 186:11, XI-d, the notice and previous "opt-out" requirements of the state law were found in NHSBA sample policy ILDA. With the 2017 amendments, the similarities between the state and federal statutes were greater than their differences, and NHSBA determined to combine the requirements into one policy. As such, we have modified sample policy ILD to identify some of remaining differences between the applicable state and federal statutes, and to reconcile the resulting overlap between former ILD and ILDA. NHSBA adoption consideration: Districts should be sure that in adopting the modified ILD they simultaneously repeal policy ILDA (or its equivalent).

**NHSBA note, September 2017:** The adoption of Senate Bill 43 by the Legislature in 2017 added a requirement for prior written consent from a parent or guardian before a non-academic survey can be administered. As a result, state law, RSA 186:11, IX-d, requirements are nearly identical to the requirements of the federal Protection of Pupil Rights Amendment. This update, therefore, combines sample policy ILD, Educational Questionnaires, Surveys, and Research with sample policy ILDA, Non-Educational Questionnaires, Surveys, and Research.

w/p-update/spring2018/ILD Non-Academic Surveys (f)

**ILD Non-Educational/Non-academic Questionnaires, Surveys and Research 20 U.S.C. §1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment RSA 186:11, IX-d 2017 CDC YRBS Guidance Manual**

### **ILD - NON-EDUCATIONAL / NON-ACADEMIC QUESTIONNAIRES, SURVEYS & RESEARCH NHSBA Version**

(Download policy)

***Category: Priority - Required by Law***

***See also Appendix [ILD-R](#)***

Separate federal and state laws require that written consent be obtained from a parent or guardian before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student's academics. While similar, the two laws are not co-extensive, with slightly different scope, procedures and exceptions.

#### **A. General.**

1. For the purpose of this policy, "non-academic survey" shall include a survey, questionnaire, analysis, evaluation or any other document which seeks any information in the categories listed in sections B (as to state law) or C (as to federal law), below. However, non-academic surveys should not be deemed to include questions directed to an individual student by a school counselor, nurse or appropriate personnel under circumstances indicating such questions are reasonably necessary for such person's compliance with applicable laws or regulations, and the discharge his or her duties.



2. All non-academic surveys must have the prior approval of the Superintendent or his/her designee.
3. Non-academic surveys conducted for other agencies, organizations or individuals must have both the recommendation of the Superintendent and the approval of the School Board as to content and purpose. The results of such approved non-academic surveys must be shared with the School Board.
4. No non-academic survey requesting sexual information will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation. School personnel administering any such questionnaire or survey will not disclose personally identifiable information.
5. As used below, the consent and notification provisions apply to a child's parent/legal guardian(s), unless the student is an adult or an emancipated minor who consents.

**B. New Hampshire Law.**

Under RSA 186:11, IX-d, prior notice and prior consent (opt-in) is required for any non-academic survey designed to elicit information about:

1. A student's social behavior;
2. family life;
3. religion;
4. politics;
5. sexual orientation;
6. sexual activity;
7. drug use;
8. or any other information not related to a student's academics.

**C. Federal Law.**

**1. Protection of Pupil Rights Amendment.** Under the federal Protection of Pupil Rights Amendment, prior written consent is required only if the non-academic survey, analysis, or evaluation or its administration is paid for or in any way uses federal funds from the federal Department of Education and reveals information concerning the following:

- a. Political affiliations;
- b. Mental and psychological problems potentially embarrassing to the student or the family;
- c. Sexual behavior and attitudes;
- d. Illegal, anti-social, self-incriminating, and demeaning behavior;
- e. Critical appraisals of other individuals with whom respondents have close family relationships;
- f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

- g. Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**2. Federal Exception.** Non-academic surveys which do not require consent and notice under New Hampshire law (section B) but might otherwise require notice and consent under the federal law (section C.1 above). However, the federal requirement exempts to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a. College or post-secondary education recruitment, or military recruitment;
- b. Book clubs, magazines, and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used by schools;
- d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistical data for educational purposes;
- e. The sale of products or services to raise funds for school-related or education-related activities; and
- f. Student recognition programs.

Caution: This exception only applies if the non-academic survey is otherwise exempt under New Hampshire law (section B, above).

#### **D. Notification and Inspection.**

When school personnel intend on administering a non-academic survey the school shall provide ten (10) day notice to parents/guardians. Included in the notice will be information regarding the purpose of the non-academic survey; how the survey will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey. Parents or guardians wishing to inspect a non-academic survey will be able to do so in the school's administrative office. Parents/guardians may refuse to give consent for their student to participate, with or without first reviewing the non-academic survey. The school will not penalize students whose parents/guardians decline to provide written consent. The school will take reasonable precautions to protect student privacy during their participation in any non-academic survey.

#### **E. Consent Exception for Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention.**

Neither state nor federal law requires prior written consent for administration of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention. Guidance issued by the Center for Disease Control, United States Department of Health and Human Services, concludes that federal law, including the Protection of Pupil Rights Amendment, also does not require prior written consent from parents or guardians because students are not required to participate and the survey is not paid for by the United States Department of Education.



However, New Hampshire law nonetheless requires the District to provide parents/guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. Parents may inspect the Youth Risk Behavior Survey at the school's administrative office. Parents or guardians may opt their student out of participating in the Youth Risk Behavior Survey by providing the Principal with written notice. District staff administering the Youth Risk Behavior Survey shall insure students understand that participation is voluntary and that students who opt-out will not be penalized.

**Legal References:**

*20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment*

*RSA 186:11, IX-d*

*2017 CDC YRBS Guidance Manual*

**ILD-R**

PROTECTION OF PUPIL RIGHTS AMENDMENT – SUPPORTING FORMS

Protection of Pupil Rights Amendment - Consent For Specific Activities

Opt-Out For Specific Activities

## **JICFA Hazing RSA 631:7, Student Hazing Ed 306.04(a)(7), Student Hazing**

### **CV policy was adopted in 2011- review/readoptions**

**NHSBA note, September 2017:** This policy is updated to more closely track the language in RSA 631:7 and to incorporate the provision in that law which makes it a misdemeanor for the District to knowingly permit or condone student hazing, to fail to take measures to prevent hazing, or to fail to report hazing to law enforcement which has been reported to the District or of which the District otherwise has knowledge.

Pupil Safety and Violence Prevention RSA 189:70, Educational Institution Policies on Social Media RSA 193-F, Pupil Safety and Violence Prevention Act RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed Ed 306.04(a)(8), Student Harassment

Law Updated in 2014 and 2015 and 2017

## **JICFA – Hazing**

## **CV Version**

It is the policy of the District that no student or employee of the District shall participate in or be a member of any secret organization that is in any degree related to the school or to a school activity. No student organization or any person associated with any organization sanctioned by the School Board shall engage or participate in hazing.

For the purposes of this policy, hazing is defined as an activity that recklessly or intentionally endangers the mental or physical health or safety of an individual for the purpose of initiation or admission into or affiliation with any organization sanctioned or authorized by the School Board.

“Endanger the physical health” shall include, but is not limited to, any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, alcoholic beverage, drug or controlled dangerous substance; or any forced physical activity which could adversely affect the physical health or safety of the individual.

“Endanger the mental health” shall include any activity that would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Any hazing activity shall be presumed to be a forced activity, even if the individual willingly participates in such activity. Parents will be notified of students’ participation in hazing activities.

This policy is not intended to deprive School District authorities from taking necessary and appropriate disciplinary action toward any student or employee. Students or employees who violate this policy will be subject to disciplinary action that may include



expulsion for students and employment termination for employees. Students receiving special education services will be disciplined in accordance with the student's IEP and all applicable provisions of the Individual with Disabilities Education Act (IDEA). A copy of this policy will be furnished to each student and teacher in the school district.

**Legal Reference:**

*RSA 631:7, Student Hazing*

*New Hampshire Code of Administrative Rules, Section Ed 306.04(a)(7), Student Hazing*

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

Category: P

1st Read: September 7, 2010

2nd Read: March 15, 2011

Adopted: March 15, 2011

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

It is the policy of the District that no student or employee of the District shall participate in or be a member of any secret fraternity or secret organization that is in any degree related to the school or to a school activity. No student organization or any person associated with any organization sanctioned by the Board of Education shall engage or participate in hazing. This District does not permit or condone student hazing.

For the purposes of this policy, hazing is defined as any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization. Hazing includes but is not limited to an activity which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization sanctioned or authorized by the Board of Education.

"Endanger the physical health" shall include, but is not limited to, any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, alcoholic beverage, drug or controlled dangerous substance; or any forced physical activity which could adversely affect the physical health or safety of the individual.

"Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Any hazing activity upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by the Board of Education is conditioned, directly or indirectly, shall be presumed to be a forced activity, even if the student willingly participates in such activity.

This policy is not intended to deprive School District authorities from taking necessary and appropriate disciplinary action toward any student or employee. Students or employees who violate this policy will be subject to disciplinary action which may include expulsion for students and employment termination for employees.

The Superintendent shall take reasonable measures within the scope of the District's authority to prevent student hazing. All hazing reported to the District or which any District staff member has knowledge of shall be promptly reported to law enforcement, as required by RSA 631:7, Student Hazing.

A copy of this policy will be furnished to each student and teacher in the School District, including being printed in the student handbook.



**Legal Reference:**

*RSA 631:7, Student Hazing*

*New Hampshire Code of Administrative Rules, Section Ed 306.04(a)(7), Student Hazing*

Revised: September 2017

Revised: November 2007

Reviewed: October 2004

Revised: July 1998, November 1999

## **JLCL Concussions and Head injuries- CV Adopted 2013.**

### **Fall 2020 NHSBA update- was this policy reviewed/readopt.**

**NHSBA revision notes, November 2020**, revisions are to reflect the 2020 enactment of RSA 200:63 (see §16 of 2020 Laws Ch. 38). Paragraph I of the new law requires the N.H. Dept. of Education ("DOE") to develop a concussion and traumatic brain injury return to learning "policy and plan" for school districts. Paragraph II requires each local school board to "adopt a concussion and traumatic brain injury return to learning policy school education program." The DOE's policy/plan will not be available after the beginning of 2021, but there is no delay in the mandate for local boards. While ultimately, the local policy will be informed, if not, regulated by the policy to be developed by the DOE, this revised [JLCJ](#) is intended to meet the base requirements of RSA 200:63, II.

## **JLCJ – Concussions And Head Injuries- CV Version**

The School Board recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. The Board recognizes that the majority of concussions will occur in "contact" or "collisions" sports. However, in order to ensure the safety of all District student athletes, this policy will apply to all student sports offered by the District.

Consistent with the recommendations from the National Federation of State High School (NFHS) and the New Hampshire Interscholastic Athletic Association (NHIAA), the District will utilize recommended guidelines, procedures and other pertinent information to inform and educate coaches, youth athletes, and parents/guardians of the nature and risk of concussions or head injuries, including the dangers

associated with continuing to play after a concussion or head injury. Annually, the district will distribute a head injury and concussion information sheet to all parents/guardians of student athletes in student sports prior to the student-athlete's initial practice or competition.

All coaches, including volunteers, will complete training on head injury and concussion management, as recommended and/or provided by the NFHS, NHIAA, New Hampshire Department of Education, and/or other pertinent organizations. Such training shall occur at least once every two years, through the viewing of the NHIAA's (or similar sanctioning body) concussion clinic. Additionally, all coaches of student sports will comply with NHIAA recommended procedures for the management of head injuries and concussions.

The following definitions apply to this policy:



- Health Care Provider: a person who is licensed, certified, or otherwise statutorily authorized by the State to provide medical treatment and is trained in the evaluation and management of concussions.
- School property: all real property, physical plant, and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.
- Student athlete: A student involved in any intramural sports program conducted outside the regular teaching day or competitive student sports program between schools in grades 4 – 12.
- Student sports: All intramural sports programs conducted outside the regular teaching day for students in grades 4-12 or competitive athletic programs between schools for students in grades 4-12.

#### Updating:

Each spring, the athletic director or other designee shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the NHIAA or the District's on-call physician, if applicable. If there are any updated procedures, they will be adopted and used for the upcoming school year.

#### Parent Information Sheet:

A concussion and head injury information sheet shall be distributed on an annual basis to the student athlete and the athlete's parent or guardian prior to the student athlete's initial practice or competition.

#### Administrator Responsibilities:

The Superintendent or his/her designee will keep abreast of both changes in standards regarding concussion management and head injuries, as well as professional development programs relative to concussions and head injuries.

#### Removal from Play:

A coach, school official, licensed athletic trainer, or health care provider who suspects that a student athlete has sustained a concussion or head injury in a practice or game shall remove the student athlete from play immediately. The coach, school official, licensed athletic trainer, or health care provider who removed the student from play shall notify the student's parent or guardian, as well as the school principal of the removal and the reason for the removal.

#### Protocol for Return to Play:

A student athlete who has been removed from play shall not return to play on the same day or until he/she is evaluated by a health care provider and received medical clearance and written authorization from the health care provider to return to play. In addition to written permission from his/her parent/guardian authorizing the student athlete to return to play, a medical release from the student's health care provider will be provided before the student athlete will be allowed to return to play. The District may limit a student athlete's participation to "Graduated Return to Play" (gradual step progression) standards and protocol, as determined by the student's treating health care provider.

When a differing medical opinion among medical professionals exists, the most conservative treatment shall be utilized.

### Concussion Awareness and Education:

To the extent possible, the Board encourages the administration to implement concussion awareness and education into the district's physical education and/or health education curriculum. The administrative decision shall take into account all relevant considerations, including time, resources, access to materials, and other pertinent factors.

### Academic Issues in Concussed Students:

In the event a student is concussed, regardless of whether the concussion was a result of a school-related or non-school-related activity, school district staff should be mindful that the concussion may affect the student's ability to learn. In the event a student has a concussion, that student's teachers will be notified.

Teachers should report to the school nurse if the student appears to have any difficulty with academic tasks that the teacher believes may be related to the concussion. The school nurse will notify the student's parents. Administrators and district staff shall work to establish a protocol and course of action to ensure the student is able to maintain his/her academic responsibilities while recovering from the concussion.

Student accommodations may be developed in accordance with applicable law and Board policies.

### **Legal Reference:**

*RSA 200:49-200:52, Head Injury Policies and Student Sports*

Category: P

1st Read: July 16, 2013

2nd Read: July 30, 2013

Adopted: July 30, 2013



Category: *Priority/Required by Law*

Related Policies: [EBBB](#)

**ADOPTION/REVISION NOTES -**

*All text between the highlighted lines "~ ~ ~" above and below, and all highlights within the policy should be removed prior to adoption.*

*(a) In Summer 2020, the NH Legislature passed what is now RSA 200:63. Paragraph I of the statute requires the N.H. Dept. of Education ("DOE") to develop a concussion and traumatic brain injury return to learning policy and plan for school districts. Paragraph II requires each local school board to "adopt a concussion and traumatic brain injury return to learning policy school education program." The DOE's policy/plan will not be available until sometime after the beginning of 2021, but there is no delay in the mandate for local boards. While ultimately, the local policy will be informed, if not, regulated by the policy to be developed by the DOE, this revised JLCJ is intended to meet the requirements of RSA 200:63, II.*

*(b) General - As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

*(c) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*

*(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

The [\_\_\_\_\_] School District] is committed to ensuring the safety of students while at school and when participating in any school-sponsored events. The Board is aware that head injuries, including concussions, can happen to any student, not just an athlete, and that the risk of catastrophic injuries or death is significant when a concussion or other head injury is not properly evaluated and managed.

Section A of this policy applies to all students of the District who experience or are suspected to have experienced a concussion or other traumatic brain injury, whether in school or out, while Section B pertains to student-athletes, and other students participating in school sports or other district athletic activities.

**A. Provisions relating to all Students Who have Experienced a Concussion or Traumatic Brain Injury.**

1. **Definitions:** For purposes of this policy, the terms below will have the ascribed meanings.

"Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

"Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment (physician, advanced registered nurse practitioner, licensed physician's assistant, or dentist).

"Student-athlete" means a student involved in any intramural sports program conducted outside the regular teaching day or competitive student sports program between schools in grades 4 through 12.

"Sports" means intramural sports programs conducted outside the regular teaching day for students in grades 4 through 12 or competitive athletic programs between schools for students in grades 4 through 12, including, without limitation, all NHIAA sanctioned activities, including cheer/dance squads, or any other district-sponsored sports or activities as determined by the board or administration.

2. **Duty to Report.** All District employees shall report any accident or incident which involves a student head injury. The report should be filed in the same manner provided under Board policy **{\*\*}** [EBBB](#) as for that of any accident requiring first aid. Additionally, Teachers should report to the school nurse (or administrator in charge if the nurse is unavailable) if the student appears to have any difficulty with academic tasks that the teacher believes may be related to concussion. The school nurse will notify the student's parents of guardians and treating health care provider.

3. **Return to Learning Protocols.** After a student has suffered a concussion, whether in school or not, before full resumption of academic work, the building principal or his/her designee will work with the school nurse, a student's parent/guardian, medical provider, teacher(s) and other appropriate district staff, to establish a graduated learning reentry plan. The plan will support the student's full return to academic activities, and ease the stress of making up past work while engaged in present work. The plan must include:

- Step-by-step instructions and details for students, parents/guardians and school personnel;
- Time frames for physical and cognitive rest within first few days post-injury and throughout the recovery as needed;
- Guidance on graduated return to extracurricular athletic activities and classroom studies, including classroom accommodations or modifications;
- Frequency of assessments by the school nurse, school physician if applicable, neuropsychologist or athletic trainer until full return to the classroom and extracurricular athletic activities are authorized;
- Any provisions relative to "return-to-play" for student-athletes;



- A plan for communication and coordination among school personnel and with the parents/caregivers and the student's medical provider.

Section 504 or other such accommodations or modifications when appropriate will be developed in accordance with applicable law and Board policies.

4. Concussion Awareness and Education. To the extent possible, the District will implement concussion awareness and education into physical education and/or health education curriculum.

**B. Provisions relating to Students Participating in Sports and Athletic Programs.**

Consistent with the National Federation of High School (NFHS) and the New Hampshire Interscholastic Athletic Association (NHIAA), the District will utilize recommended guidelines, procedures and other pertinent information to inform and educate coaches, youth athletes, and parents/guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury.

1. Compliance with NHIAA Procedures and Protocols. All coaches, officials or licensed athletic trainers will comply with NHIAA recommended procedures for the management of head injuries and concussions.
2. Immediate Removal from Play and other NHIAA Protocols. Any coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice (including tryouts or trainings) or during a competition shall immediately remove the student-athlete from all physical activity.
3. "Return to Play". A student-athlete who has been removed from play shall not return to play on the same day, nor until (a) a Return to Learning Plan has been established consistent with paragraph A.3 of this policy, (b) he/she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider stating the student-athlete is symptom free and may return to play, and (c) the student-athlete's parent/guardian provides written permission for the student-athlete to return to play.

The District shall limit a student-athlete's participation as determined by the student's treating health care provider, unless, based upon the judgement of the coach or licensed athletic trainer greater limitations are appropriate.

If symptoms of a concussion recur, or if concussion signs and/or behaviors are observed at any time during the return-to-activity program, the coach must immediately remove the student-athlete from play. Depending on previous instructions, the athlete may need to be re-evaluated by the health-care provider, or may have to return to the previous step of the return-to-activity program.

4. Parent Information Sheet. On a yearly basis, the Athletic Director shall assure that a concussion and head injury information sheet is distributed to each student-athlete and the athlete's parent/guardian prior to the student-athlete's initial practice (including try-out) or competition. This information sheet may be incorporated into the parent permission sheet that allows students to participate in extracurricular athletics.

5. Coach Training. All coaches, including volunteer coaches, will complete training in head injury and concussion management as recommended and/or provided by NHIAA, New Hampshire Department of Education and/or other pertinent organizations. The Athletic Director is responsible for assuring compliance with this provision.
6. Annual Review of NHIAA Concussion Protocols by Athletic Director [or Administrator in Charge of Athletic Duties]. No less than annually, the Athletic Director [or title of other administrator in charge of athletics] or his/her designee shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the NHIAA [and the District's on-call physician]. The Athletic Director [or title of other administrator in charge of athletics] shall takes steps to implement the then current procedures and protocols as soon as possible.
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**Legal References:**

*RSA 200:49, Head Injury Policies for Student Sports*

*RSA 200:50, Removal of Student-Athlete*

*RSA 205:51, School Districts; Limitation of Liability*

*RSA 200:52, Definitions*

*RSA 200:63, Head Injuries; Return to Learning and Plan*

**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.*