

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

**106 Hancock Road
Peterborough, New Hampshire**

CONTOOCOOK VALLEY SCHOOL BOARD

Policy Committee

**Tuesday, November 2, 2021
SAU Office Finch Conference Room
6:00 p.m.**

Agenda

School Board Committee Members:

- Keira Christian
- Katherine Heck, Chair
- Janine Lesser
- Kevin Pobst
- Stephen Ullman
- Jerome Wilson

1. Call to order
2. Accept October 19, 2021 Minutes
3. Tonight's School Board Agenda –
1st read: (pg. 1-5)
 - a. IGE - Parental Objections to Specific Course Material
 - b. DAF - Administration of Federal Grant Funds
 - c. EEAEA - Mandatory Drug and Alcohol Testing – School Bus Drivers and Contracted Carriers

Policy Review-Priority/Required by Law (pg. 6-37)

4. GBCE - Background Investigation and Criminal History Records Check
 - a. Revisions to include addition of "designee" language to reflect 2021 amendments to RSA 189:13-a, and also to clarify prohibition of employing an applicant who has been charged pending disposition or convicted of a Section V offense
5. JICD - Student Behavior, Conduct, Discipline and Due Process
6. JRA - Students records. Privacy, Family, Student Rights
7. GBEF - Acceptable use Policy :Staff
8. Non-Public Session RSA 91-A:3 II (If Required)

Policy status update:

9. JLCL - Concussions and Head injuries
 - a. Under review
10. IK - Earning of Credit
 - a. Under review by Education Committee
11. IMBC - Alternative Credit Options
 - a. Under review by Education Committee
12. IHCD/LEB – Advanced Course Work
 - a. Under review by Education Committee
13. LCC- Dual Enrollment
 - a. Under review by Equity Committee

In legal review:

14. EBCF - Pandemic/Epidemic Emergencies
15. JLCE - Emergency Care and First Aid
16. EBCG- Communicable and Infectious Diseases
17. JLCG- Exclusion of Students Who Present a Hazard

Next Agenda Items:

18. “D” Financial Policy Review Schedule

Requests for Policy Review:

19. LC – Relations with Education Research Agencies
20. JBAB -Transgender and Gender Non-Conforming Students

IGE – Parental Objections to Specific Course Material

The Board recognizes that there may be specific course materials which some parents/guardians find objectionable.

In the event a parent/guardian finds specific course material objectionable, the parent/guardian may notify the building Principal of the specific material to which they object and request that the student receive alternative instruction, sufficient to enable the child to meet state requirements for education in the particular subject area. This notification and request shall be in writing.

The building Principal and the parent/guardian must mutually agree to the alternative instruction. The alternative instruction agreed upon must meet state requirements for education in the particular subject area.

School District staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school through approved independent study, or through another method agreed to by the parent/guardian and the building Principal. Any cost associated with the alternative instruction shall be borne by the parent/guardian.

Parents/guardians who wish for particular instructional material be reviewed for appropriateness may submit a request for review in accordance with Board policy KEC.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.

NOTE regarding human sexuality and human sexual education: In addition to the protections under this policy, per RSA 186:11-c and Board policy IHAM, parents/guardians are afforded additional affirmative rights with respect to instruction of human sexuality or human sex education, including, among other things, the right to receive a minimum of 2 weeks advance notice of all materials to be used with respect to such instruction.

Legal References:

RSA 186:11, IX-b & IX-c State Board of Education; Duties.
20 U.S.C §1232h, (c)(1)(C), Protection of pupil rights
RSA 193:40, Prohibition on Teaching Discrimination

Related policies: IHAM & KEC

First Read: November 2, 2021

Second Read:

Adopted:

District review/revision history:

Category: Priority/Required by Law

DAF - ADMINISTRATION OF FEDERAL GRANT FUNDS

All funds awarded directly or indirectly through any federal grant or subsidy programs shall be administered in accordance with this policy, and any administrative procedures adopted implementing this policy.

The School Board intends to administer federal grant awards efficiently, effectively and in compliance with all requirements imposed by law, the awarding agency and the New Hampshire Department of Education or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grants management to be used by the District in the administration of any funds received by the District through federal grants programs as required by applicable New Hampshire and federal laws or regulations including, without limitation, the Uniform Grant Guidance.

The Board directs the Superintendent or designee to develop, monitor and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable assurances that the District is managing the awards in compliance with all requirements for federal grants and awards.

Systems and controls must meet all requirements of federal and/or law and regulation and shall be based on best practices. The Superintendent is directed to assure that all individuals responsible for the administration of a federal grant or award shall be provided training sufficient to carry out their duties in accordance with all applicable requirements for the federal grants or award and this policy.

To the extent not covered by this policy, the administrative procedures and internal controls must provide for:

1. identification of all federal funds received and expended and their program source;
2. accurate, current and complete disclosure of financial data in accordance with federal requirements;
3. records sufficient to track the receipt and use of funds;
4. effective control and accountability over assets to assure they are used only for authorized purposes; and
5. comparison of expenditures against budget.

Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy and the administrative procedures developed to accompany this policy.

DAF-1-R ALLOWABILITY

DAF-2-R CASH MANAGEMENT AND FUND CONTROL

DAF-3-R PROCUREMENT

DAF-4-R PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM

DAF-5-R CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

DAF-6-R INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS

DAF-7-R TRAVEL REIMBURSEMENT – FEDERAL FUNDS

DAF-8-R ACCOUNTABILITY AND CERTIFICATIONS

DAF-9-R TIME AND EFFORT REPORTING / OVERSIGHT

DAF-10-R FEDERAL GRANT FUND BUDGET RECONCILIATIONS

DAF-11-R SUB-RECIPIENT MONITORING AND MANAGEMENT

Legal References: 2 C.F.R. Part 180 2 C.F.R. Part 200 200.305; 200.313(d); 200.317-.326;
200.403-.406; 200.413(a)-(c); 200.430; 200.431; 200.458; 200.474(b) 200 Appendix II 7 CFR
Part 210 210.16; 210.19; 210.21; 215.14a; 220.16 Title 2 CFR Part 200

First Read: November 2, 2021

Second Read:

Adopted:

District review/revision history:

Category: Priority/Required by Law

Related policies: DI, DID, DJ, DJC, DJE, DJF & DK

See also: ADB, EFAA, EHB, JICI & JRA

EEAEA - MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS

1. **Statement of Policy**

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle.

This policy applies to two categories of drivers:

- a. school bus drivers (see RSA 189:13-b; 263:29 & 29-a);
- b. “contracted carriers”: drivers of vehicles designed to transport 16 or more passengers, including the driver, which are a contract carrier of passengers that has been contracted by the school (see RSA 376:2).

Each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel.

The Superintendent/designee shall adopt and enact any procedures necessary or appropriate to assure compliance with applicable state and federal laws and regulations.

2. **Medical Examination of School Bus Operators**

In accordance with RSA 200:37, before employing any person as a school bus driver, directly or through a vendor, the District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician’s findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus driver, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually. *This provision does not apply to contracted carriers.*

3. **Certification**

No person shall be employed as a school bus driver, directly or through a vendor, unless the person has received a School Bus Driver’s Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

Contracted carriers shall comply with all applicable provisions of RSA 376:2, as well as have a valid commercial driver’s license and operate a vehicle with a valid state inspection sticker.

4. **Criminal Background Investigation**

Before employing any person as a school bus driver, directly or through a vendor, or as a contracted carrier, the School District shall require a criminal background investigation as set forth in RSA 189:13-a and School District policy GBCD. For a school bus driver employed directly by or who volunteers for the District, then the employee will pay for the investigation. If the District contracts with a vendor to provide transportation services, either the vendor or the driver will pay for the investigation at the discretion of the vendor.

EEAEA - MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS

5. Mandatory Drug and Alcohol Testing

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all commercial driver's license holders and personnel performing safety-sensitive functions related to the transportation of the students of this School District will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of the 49 C.F.R. Part 40. The District and any transportation contractor transporting students on behalf of the District shall utilize the Drug and Alcohol Clearinghouse to comply with all requirements for drug and alcohol testing and reporting, in accordance with 49 C.F.R. Parts 382 and 391.

The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportation services, the vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing will include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. The School District supports a zero-tolerance policy related to substance abuse. Therefore, any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02 or greater will be terminated from employment.

Legal References:

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §5331
RSA 200:37, Medical Examination of School Bus Operators
RSA 263:29, School Bus Driver's Certificate
RSA 189:13-a, School Employee & Volunteer Background Investigations
RSA 376:2, VII, Motor Carriage of Passengers
49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program
49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing
49 C.F.R. Part 391, Qualifications of Drivers

First Read: November 2, 2021

Second Read:

Adopted:

District review/ revision history:

Category: Priority/Required by Law

Related Administrative Procedure: EEAEA-R

ConVal Policy

GBCD – Background Investigation and Criminal Records Check

Background Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Any person for whom the Board requires a Criminal Records Check shall be directly paid for, or reimbursed for state and federal processing fees associated with the Criminal Records Check, unless otherwise determined by the Board.

Criminal Records Check

Each person considered for employment by the Board must submit to a State and FBI Criminal Records Check and any other background check deemed appropriate by the Superintendent.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check and any other background check deemed appropriate by the Superintendent.

Designated Volunteers

A designated volunteer is a volunteer who routinely participates in the classroom environment and is regularly assigned and meets with students in a group or on a one-on-one basis. This shall include but is not limited to:

- a. volunteer drivers and chaperones
- b. volunteer aides who may work alone with a student in a private setting

Designated volunteers are subject to a background investigation/criminal records check and the provisions of this policy. The Board recognizes that rare occasions occur when a building principal may, on short notice, need to replace a designated volunteer with a non-designated volunteer. In such cases, it is the School Board's expectation that the designated volunteer pool will be looked at first for a replacement and every effort will

be made to find a designated volunteer as a replacement before using a non-designated volunteer.

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State, FBI Criminal Records Check, and any other records checks as deemed necessary by the Superintendent.

No selected applicant for employment shall start work until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of a felony offense, referenced in RSA 189:13-a, V. In addition to the felonies in RSA 189:13-a, a person may be denied a final offer of employment if he/she has been convicted of ANY felony. Such determination will be made by the Superintendent or a designee, on a case by case basis.

The Superintendent, or designee, will transmit the required, completed forms to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the district whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the State Police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Additional Criminal Records Checks

The District may require a Criminal Records Check of any employee or designated volunteer at any time.

Legal Reference:

RSA 189:13-a, School Employee and Volunteer Background Investigations

Appendix GBCD-R: Sample Background Check, Criminal History Records Check Protocol

Category: *P*

See also: *See IJOC*

First Read: May 15, 2018

Second Read: June 5, 2018

Adopted: June 5, 2018

BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

*Category: Priority/Required by Law
IJOC*

Related Policies: GBCE, GDF &

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~~~~”, and highlights in this sample should be removed prior to adoption.

- (a) 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.*
- (b) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) Highlighted footnotes should be removed before final approval of the policy.*
- (d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

A. Background Investigation. The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background of any applicant as defined in this policy. This investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or “designated volunteer” (as defined in policy {**}IJOC) to work or serve within the District. *All decisions regarding employment and the pre-employment process shall conform to the District’s Anti-Discrimination and Equal Opportunity policy, {**}AC.*

As part of the application process, each applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or notified that he or she will not be hired.

Record of background investigations (not necessarily source documentation) shall be retained pursuant to the District’s Record Retention Schedule {**}EHB-R.

B. False Information. The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment, withdrawal of any offer of employment, or immediate discharge from employment.

C. “Covered Person” and “Applicant” Defined. Except as otherwise provided in this Policy, the term “Covered Person” shall mean employee, coaches, trainers, designated volunteer, whether direct or through a volunteer organization, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district.

The term “applicant” as used in this policy shall include an applicant for employment or any person seeking to serve in any position falling with the term “covered person” as defined above.

D. Criminal History Records Check. As part of the District’s background check, each covered

person/applicant must submit to a criminal history records check through the State of New Hampshire in full compliance with RSA 189:13-a. No covered person shall be employed, extended a conditional offer of employment (as described below), or begin service in the District, until the Superintendent, or his/her designee, has initiated the formal State and FBI criminal history records check process and a background investigation.

The applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken according to that statute. The release form generally authorizes the State Police to conduct a criminal history records check through its state and records of the Federal Bureau of Investigation, and to release a report of any misdemeanors and/or felony convictions, as well as any charges pending disposition for any crimes listed in the then current paragraph V of RSA 189:13-a ("**Section V Offenses**"). Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the criminal history records check will result in immediate disqualification of the applicant and no further consideration for the position.

E. Exceptions for, Substitute Teachers, Bus Drivers & Bus Monitors. The following exceptions apply only to the State Police/FBI criminal history records check provisions of this policy. The Superintendent shall, nonetheless, require a full background investigation for the excepted employees, and for applicants for school bus drivers or monitors employed directly by the District, the background check shall include a full background check, including a state criminal record release from an applicant for a bus driver or monitor for district positions. ^[1] delete fn.]

1. Substitute Teachers and Other Non-"Applicant" Educational Staff. Pursuant to RSA 189:13-a, IX(a), substitute teachers and other staff who do not meet the definition of "applicant" above, may initiate a criminal history records check with the Superintendent as described above. The State Police, however, shall issue its report directly to the potential substitute teacher/staff person. The report shall be valid for 30 days from the date of issuance and constitutes satisfactory proof of compliance with RSA 189:13-a.

2. Bus Drivers and Bus Monitors.^[2]delete footnote] Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers and bus monitors shall be processed through the New Hampshire Department of Education.

F. Results of Criminal History Records Check. The results of the criminal history records check shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality.

As used in this Section F, a "**designee**" of the Superintendent authorized to receive and inspect results of the criminal history records check, may only be an assistant superintendent, head of human resources, the personnel director, the business administrator or the finance director.^[3]

If the results of the records check disclose no criminal record, the results and information shall be destroyed immediately following review by the Superintendent or designee. If the results indicate criminal conviction or indicate any charge pending disposition of a Section V Offense, then the Superintendent or designee shall review the information for a hiring decision but shall destroy the records within 60 days of receiving the information.

Section V Offense. If the results of the record check disclose that the Applicant or Covered Person has either been convicted or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment.

Non-Section V Offenses. In addition to disqualification based upon conviction or pending charges for a Section V Offense, the District may deny a final offer of employment or permit service/work in the schools based upon convictions or charges of other misdemeanors or felonies, provided the basis for disqualifying the candidate is job related for the position in question and is consistent with business necessity and the best interests of the students and the District. Such determination will be made by the Superintendent or designee in accordance with

the established protocol and on a case-by-case basis. For non-Section V Offenses, which the applicant discloses, or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent or designee shall consider all reliable information in assessing the applicant's suitability. The Superintendent or designee shall assess whether, in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant's suitability for the position.

If the Superintendent chooses to nominate an applicant who has a history of conviction or pending charges of a crime (non-Section V Offense), then the final hiring decision must be approved by the School Board, who shall be informed generally of that history in non-public session.

- G. Conditional Offer of Employment.** Persons who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the background check, the State Police and FBI criminal history records check, and a determination that there are no disqualifying pending charges or convictions.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District as a contractor or employee of a contractor is entirely conditioned upon the results of a criminal history records check and background check being satisfactory to the District.

- H. Final Offer of Employment.** No applicant shall be extended a final offer of employment or be allowed to serve in the District if such person has charges pending or has been convicted of any Section V Offense; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

An applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of criminal history records check and background check,

- I. Fees for Criminal History Records Check.** Any applicant for whom the Board requires a criminal history records check, or, in the instance of third party contractors, the applicant's employer, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.
- J. Administrative Protocols/Procedures.** The Superintendent is authorized to establish written protocols for background investigations, which protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional disqualifying misdemeanor or felony convictions or charges in addition to the Section V Offenses.
- K. Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete criminal history records checks as required under this policy, as well as training and information required under policy {**}GBCE.
- L. Additional Criminal Records Checks.** The Superintendent may require a state criminal history records check of any covered person at any time to the extent permitted by law.
- M. Reports of Post-Employment/Service Section V Offenses.** When the District receives a notification of a covered person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other

action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall make report to the Department of Education pursuant to section 510.05 of the Code and Board policy {**}GBEAB.

District Policy History:

First reading: ____ ____
Second reading/adopted: ____ ____

District revision history:

Legal References:

RSA 189:13-a, School Employee and Designated School Volunteer Criminal History Records Check
RSA 189:13-b, School Bus Driver and Transportation Monitor Criminal History Records Check
Code of Conduct for New Hampshire 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 appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – Sept. 2021, Nov. 2020, Sept. 2017, Sept. 2016, Sept. 2010, Aug. 2007, Dec. 2004, Nov. 1999

NHSBA revision notes, September 2021, added “designee” language in Section F to reflect 2021 amendments to RSA 189:13-a, added legal references, and revised language to clarify prohibition of employing applicant who has been charged pending disposition or convicted of a Section V offense; **November 2020,** NHSBA revised GBCD to reflect 2020 amendments to RSA 189:13-a, and more generally to improve usability.

w/p-update/2021-U2 Fall/GBCD - Background Investigations 2021-U2 (v1)

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[¹] [Delete footnote] Starting in 2021 State Police/FBI criminal background checks for bus drivers and monitors are conducted by the DOE. However, under that process, the District does not receive any information other than the fact that the person's record had no Section V offenses. The additional state check referenced in this paragraph does not require fingerprinting, and only provides state information, but that information can be important in order to protect students. Districts are not required to provide the additional check described in the introductory paragraph of Section E.

[²] [Delete footnote] The statutory provisions identified in this paragraph took effect on January 1, 2021. Until that time, bus drivers and monitors fall within the definition of “applicant” for all purposes of this policy.

[³] [Delete footnote] Prior to the 2021 amendments to RSA 189:13-a, only the superintendent could receive and review results of the mandated records check. The amendments allow the superintendent to delegate those functions to Asst. Super, BA, or directors of HR, personnel director or finance. The discretion to delegate is the Superintendent's.

Policy JICD - Student Behavior, Conduct, Discipline and Due Process

Introduction

The School District is committed to promoting a safe, healthy, and supportive school and learning environment for all students. To achieve this goal, the District plays a significant role in supporting positive student conduct and behavior with respect to students, district personnel, and members of the community. This expectation extends to when students are on District property, on property within the jurisdiction of the School District (including vehicles), or while attending school activities.

In order to promote a safe, healthy, and supportive school and learning environment, this policy prohibits student conduct and behavior that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, constitutes a crime or a violation of the Safe School Zones Act, or violates the District's established expectations for student conduct and behavior. Responses to violations of established expectations for student conduct and behavior will be designed to maximize academic, emotional, and social success while at the same time ensuring the safety of all students, staff and school visitors. To attain this objective, the Board endorses the adoption of a Multi-Tiered System of Supports (MTSS) as the underlying framework for implementing a system of graduated responses which incorporates in-school support and disciplinary consequences. *Students facing discipline will be afforded all due process rights given by law.*

Established Expectations for Student Conduct and Behavior

Students have a responsibility to know and respect the rules and regulations of the school. The School Board delegates to the Superintendent, in consultation with building administrators, the responsibility of adopting and implementing age-appropriate expectations for student conduct and behavior for each school. These will include school-wide approaches, as well as small group and individualized interventions that target a student's specific areas of need.

In-School Support

Whenever appropriate, and consistent with safety concerns, the ConVal School District shall seek to improve student conduct and behavior through alternatives other than the use of exclusionary discipline practices (i.e., suspension or expulsion).

The District maintains a proactive, progressive response system of age-appropriate supports which are designed to promote acceptable behavior, correct student misconduct, reduce incidents of future misconduct, and safeguard the health, safety, and welfare of students and staff. The following are examples of in-school supports that may be offered to students before, in conjunction with, or after disciplinary consequences:

A. Elementary School In-School Supports

The supports offered to students at the elementary schools include, but are not limited to, the following:

- *Preventive Classroom Management* - Preventive classroom management includes the implementation of a variety of strategies that support students to be successful in the classroom

(e.g., having an organized classroom, establishing clear routines and procedures, setting high expectations, stating expected behaviors positively, modeling expected behaviors).

- *In-Class Regulation Support* - Students are supported to build and practice a “toolbox” of regulation strategies that they can select from when they feel dysregulated (e.g., breathing strategies, movement/sensory activities, mindfulness strategies, positive time away from the class).
- *Precorrection* - A precorrection is a quick reminder that describes the expected behavior for a task, activity, or transition that is about to happen. The goal of precorrection is to proactively prompt expected behavior before problem behaviors occur.
- *Positive Reinforcement* - Recognizing when a student exhibits an expected behavior (e.g., offering behavior-specific praise).
- *Active Adult Supervision* - Staff circulate among and interact with students, acknowledging when students demonstrate expected behaviors by providing positive reinforcement.
- *Conference* - Teachers or administrators meet with students and/or their parents/guardians to debrief a particular situation or incident in order to support students to reflect on a particular situation or incident, etc.
- *Reflection* - Students reflect on what happened, what they were thinking/feeling, what action they took, what their action accomplished, and what they would do differently next time.
- *Adult Mentorship* - Staff members serve as mentors who coach students to make positive behavior changes, monitor the students’ behavior, and provide the presence of a trusted adult at school (e.g., Check In/Check Out).
- *Social Skills/Behavior Instruction* - A social skills curriculum is targeted to address specific areas of need for an individual student or a small group of students (e.g., asking for help, taking turns, sharing, initiating play, making friends).
- *Reinforcement Systems* - Reinforcement systems include providing instruction on the expected or desired behavior and then developing a plan for reinforcing that behavior such as:
 - Token Economies - Students earn tokens when they exhibit the expected behavior. Tokens can be used to obtain an item or a preferred activity.
 - School-to-Home Communication - When students meet a daily/weekly goal for behavior, the school calls home or sends a positive note home.
- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., build regular movement breaks into a student’s schedule, build a weekly time with the school counselor into the student’s schedule).
- *Functional Behavior Analysis (FBA)* - FBA is an assessment that is designed to uncover the reason(s) why students are engaging in problem behaviors.
- *Behavior Intervention Plan (BIP)* - Following an FBA, intervention plans are designed to support students in reducing problem behaviors through the use of appropriate replacement behaviors.
- *Wrap-Around Services* - This intervention involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

B. Middle and High School In-School Support

In addition to the supports listed for elementary school, the supports offered to students at the middle and high school include, but are not limited to, the following:

- *Social Skills/Behavior Instruction* - A social skills curriculum targets specific areas of need for an individual student or a small group of students (e.g., organizational skills and goal setting, interpersonal communication skills, problem-solving, coping with feelings).
- *Peer Mediation/Peer-to-Peer Problem Solving* - Trained students serve as neutral mediators helping peers to address interpersonal issues by going through a process that focuses on identifying any underlying root causes and then deciding on fair ways to resolve the issue or conflict.
- *Restorative Meeting* - Restorative meetings focus on implementing a victim-sensitive process for problem solving that shows the school community members involved how they can deal with the consequences of the wrongdoing and repair the harm done.
- *Counselor Intervention* - The School Counselor and Student Support Counselor provide social-emotional support and/or services that enable students to progress consistent with the educational, social-emotional, career, and transitional goals of all students. Support services are provided in 1:1 meetings, in small groups, and in co-taught, in-class environments.
- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., rearrange class schedule).
- *Youth Employment and Empowerment Services (YEES)* - YEES is a state-certified program that facilitates communication between the family, school, and community and coordinating resources that are available to identified students.
- *Wrap-Around Services* - Involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

In-school support is not considered a disciplinary consequence. Any educator or staff member may refer a student to an administrator for in-school support. The examples listed above are not exclusive, and administrators may implement other supports that they deem appropriate. The decision to provide in-school support is final and not appealable. Except in the case where support requires parental consent and the parent has withheld consent, a student's refusal to accept or participate in an in-school support may constitute cause for the administrator implementing a disciplinary consequence or an additional disciplinary consequence.

Graduated Disciplinary Consequences

The ConVal School District maintains a system of graduated disciplinary consequences that are available for implementation when responding to student misconduct that does not warrant suspension or expulsion. When an administrator determines that a disciplinary consequence is warranted, the administrator may determine, at their sole discretion, an appropriate consequence. Administrators will seek to implement graduated disciplinary consequences (sanctions) when doing so will not be detrimental to the health, safety, or welfare of students or staff.

The following are examples of graduated disciplinary consequences that may be administered. When appropriate, graduated disciplinary consequences may be paired with in-school support.

A. Elementary School Graduated Disciplinary Consequences

The graduated disciplinary consequences that may be administered at elementary schools include, but are not limited to, the following:

- *Planned Ignoring* - The student remains in the setting, but the teacher appears to ignore the student misbehavior rather than allow it to gain time and attention.
- *Withdrawal of Materials* - If a student misuses a material, the material is taken away for a specified amount of time.
- *Time Away from Activity/Group* - Students are able to observe, but cannot participate in, an activity for a specified amount of time.
- *Loss of Privilege* - Students are not allowed to use a specific material or piece of equipment as a result of a misbehavior. For example, if a student repeatedly walks up the slide on the playground, the student may be told that they cannot use the slide for the rest of the day or week. Students may not be allowed to participate in a particular activity. For example, a student may not attend an extra-curricular activity as a result of their misbehavior.
- *Apology* - Students need to provide a verbal or written apology to those impacted by their misbehavior.
- *Restitution/Community Service* - Students are responsible for repairing the harm or damage done as a result of their inappropriate behavior.
- *Parent Contact* - The teacher and/or the administrator contacts a parent/guardian to let them know about their child's inappropriate behavior, as well as any disciplinary consequences that will be implemented as a result of their inappropriate behavior.
- *Time in Office* - Students are removed from the classroom and need to spend time in the office so that the administrator can talk with the student about their inappropriate behavior.
- *Administrator Letter to Parent* - Inappropriate behavior by students is documented and shared with parent(s)/guardian and becomes part of their disciplinary record.
- *During-School Detention*
- *After-School Detention*

B. Middle and High School Graduated Disciplinary Consequences

In addition to the graduated disciplinary consequences identified for elementary school students, graduated disciplinary consequences that may be administered for middle and high school students include, but are not limited to, the following:

- *Temporary Removal from Class*
- *Academic Consequence* — Such action may include requiring students to redo an assignment or retake an assessment for a reduced grade when caught cheating.
- *Police Report* - A report to police is made when a student may have committed a criminal act on school property or while attending a school-sponsored activity.
- *Superintendent Involvement*

These graduated disciplinary consequences shall be administered in a manner which does not result in the student's loss of access to their educational programming. Any staff member may refer a student to

the administrator for disciplinary consequences. The decision of an administrator shall be final and shall not be appealable.

Neither in-school supports nor graduated disciplinary consequences shall be deemed a precondition for a suspension or expulsion which is permitted under the law without prior in-school supports or graduated discipline.

Suspension of Students

It is the stated objective of the ConVal School District to reduce the need for suspensions and expulsions through the use of responses such as in-school supports and graduated disciplinary consequences. The District reserves suspension for those matters which threaten to disrupt the educational community, which disrupt the educational community, which represent repeated or significant violations of the conduct or behavioral standards of the District, which threaten to endanger the health, safety, or welfare of students or staff, or which endanger the health, safety, or welfare of students or staff.

There are three forms of suspension: short-term suspension of five (5) days or fewer, short-term suspensions between six (6) and ten (10) days, and long-term suspension for more than ten (10) days.

As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.

Standards for Short-Term Suspension up to Five (5) School Days [Level One]

A short-term suspension of up to five (5) school days shall be reserved for:

- Misconduct that presents a low level of detriment to the health, safety, or welfare of the student committing the act and a low level of detriment to the health, safety, or welfare of other students or staff.
- Repeated and willful disregard of the rules of the school that has not been remediated through in-school support and graduated lesser forms of discipline.
- Such other infraction as the school administrator deems to warrant a short-term suspension of up to five (5) days.

Examples of misconduct which may result in a suspension of up to five (5) days include, but are not limited to, the following:

- Nicotine Products/Paraphernalia
- Social Media Violations/Harassment
- Vandalism
- Bullying
- Physical Assault
- Fighting
- Sexual harassment without unwanted physical contact
- Possession of a controlled drug without a valid prescription
- Repeated violation of any conduct standard

- Conduct that is repeatedly disruptive to classroom or school activities
- Dishonesty, including cheating on school assignments or assessments

The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of up to five (5) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants, up to five (5) days.

In addition, school administrators shall have the discretion to refrain from issuing a suspension when they determine that student conduct may be remediated through in-school support and/or a lesser consequence. In considering the length of the suspension, school administrators shall consider:

- The extent to which the conduct presented a threat or risk to, the health, safety, or welfare of other students or school personnel, the integrity of the educational process, or the functioning of the school.
- Whether the conduct was disruptive to the school environment and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident.

The administrator may implement the suspension on the day of the infraction, depending on the nature and severity of the violation. Suspensions of no more than five (5) days may be made by an assistant principal. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student. A suspension of five (5) days or fewer is not appealable.

Standards for Short-Term Suspension up to Ten (10) School Days [Level Two]

A short-term suspension between six (6) and ten (10) school days shall be reserved for:

- Behavior or misconduct that threatens significant harm to the health, safety, or welfare of the student, or other students or staff;
- Behavior or misconduct that results in significant harm to the health, safety, or welfare of the student, or other students or staff; or
- Repeated and willful disregard of the expectations for behavior that has not been remediated through in-school supports and graduated lesser forms of discipline (which may include a Level One suspension).
- Misconduct that involves or threatens disruption of the school environment.
- Such other infraction as the principal deems to warrant a short-term suspension between six (6) and ten (10) days.

Examples of misconduct which may result in a Level Two suspension, include but are not limited to, the following:

- Multiple Level One infractions, whether in combination or repeated infractions
- Drug/alcohol policy violations
- Assault resulting in physical injury

- Repeated bullying
- Repeated sexual harassment
- Sexual harassment involving unwanted physical contact
- Disruption of the school day (Threats of Violence)

The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of between six (6) and ten (10) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants. In addition, the school administrator shall have the discretion to issue lesser forms of discipline when they determine that the student conduct may be remediated through in-school supports and/or a lesser consequence. In considering the length of the suspension, the school administrator shall consider:

- The extent to which the conduct presented a risk to the health, safety, or welfare of other students or school personnel.
- Whether the conduct was disruptive to the school environment, and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident and whether prior disciplinary measures have been unsuccessful.

The administration reserves the right to implement the suspension during the day of the infraction, depending on the nature and severity of the violation and/or the potential results of the violation. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student.

The decision of the School administrator is final and there is no right of appeal of a suspension of ten (10) days or fewer.

Interventions after Suspension

Students who are suspended for bullying shall be provided with targeted interventions, which shall also be considered a remedial measures. These may include, but are not limited to, the in-school supports bulleted above. Students who engage in repeated bullying after such targeted interventions may be subject to long-term suspension or expulsion, depending on the misconduct.

Standards for Long-Term Suspensions [11 to 20 days] [Level Three]

The Superintendent is designated and authorized by the School Board to extend a suspension for a period of ten (10) additional consecutive school days up to a total of twenty (20) consecutive school days (including the prior ten (10) days) following a hearing before the Superintendent for the following misconduct:

- Misconduct that threatens or results in significant harm to the health, safety, or welfare of the student, other students, or the school staff.
- Misconduct that causes, or threatens to cause, substantial disruption to the school environment.

- Criminal conduct on school property or at a school function

The Superintendent or their designee is authorized to extend a suspension for a period from an eleventh (11th) day up to a total of twenty (20) days based on the extreme nature of a situation.

Examples of misconduct which may result in a total suspension of up to twenty (20) days include, but are not limited to, the following:

- Any substantial threat to the school community
- Persistent and continual disregard of district policies
- An act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D [The Safe School Zones Act]
- Bullying pursuant to school district policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student
- Possession of a firearm [pending an expulsion recommendation], BB gun, paintball gun, or look-alike weapon
- The sale of drugs, either on or off campus
- Sexual assault, other than a felony if committed by an adult
- Possession of a knife or other weapon on campus or at a school activity
- Physical injury to staff or another student
- Any misconduct which is pending the Superintendent's recommendation for an expulsion hearing

A student who repeats any of the long-term suspension infractions listed above may be referred to the School Board for an expulsion hearing. A student who has been referred to the School Board for expulsion may be subject to either a Level Two or Level Three suspension as an interim disciplinary measure, pending the hearing before the School Board.

Any time a student is suspended more than ten (10) school days in any school year, upon the student's return to school the District shall develop an intervention plan designed to proactively address the student's misconduct.

Prior suspensions for drug/alcohol, weapons, or fighting violations may be considered aggravating factors in making disciplinary decisions.

When the District contemplates a suspension which will result in cumulative suspension days for the school year of more than twenty (20) days in total, the District shall arrange for and provide alternative educational services to the student for the duration of their suspension. The alternative educational services shall be designed to enable the student to advance from grade to grade.

No student shall be penalized academically solely by virtue of missing class due to suspension.

Before any long-term suspension [more than 10 days] may be implemented, except as provided for below, students and their parent/guardian must be informed in writing of the charges, and a hearing must be scheduled before the Superintendent or designee, at which the student shall be permitted to be represented by a parent, other adult, or counsel (at student expense) to refute any charges or evidence

against them, offer evidence, explanations or mitigating circumstances, cross-examine witnesses, and call witnesses of their own. The long-term suspension process shall comply with the requirements of Ed 317, as amended from time-to-time by the New Hampshire Department of Education. The failure on the part of students and/or their parent/guardian to show at a hearing without just cause shall constitute a waiver of the right to a hearing.

Long-term suspensions are appealable to the School Board unless determined by the Board. Any appeal of a long-term suspension to the Board shall be made in writing and received by the Superintendent within ten (10) days after the issuance of the decision being appealed.

The Board shall hold a hearing on the appeal. The long-term suspension shall remain in force while the appeal is pending, unless the Board stays the suspension while the appeal is pending. The Board may affirm, reverse, shorten, lengthen, or otherwise modify the terms of the long-term suspension, and, when appropriate under the law of the state, may expel the student. The decision of the School Board shall be in writing.

Standards for Expulsion of Students

Expulsion decisions may only be made by the School Board after written notice of the Superintendent's recommendation for expulsion has been provided to the student's parent/guardian or to the adult student. The written recommendation shall set forth the basis for the Superintendent's recommendation.

Additionally, expulsion may only occur after a hearing by the Board which affords the minimum due process required by the regulations of the State Board of Education. The hearing shall be conducted in a nonpublic session unless the parent/guardian or adult student requests a public hearing.

Any student may be expelled from the District by the Board for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would otherwise warrant long term suspension but for its repetition
- Any act of physical or sexual assault that would be a felony if committed by an adult
- Any act of violence pursuant to RSA 651:5, XIII
- Criminal threatening pursuant to RSA 631:4, II(a)
- An act of theft, destruction, or violence in a Safe School Zone
- Possession of a pellet or BB gun, paintball gun, rifle, or handgun
- Any act of similar or greater severity as those acts listed above

Furthermore, any student who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code on school campus, on school transportation, or to any District activity or event as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of no less than twelve (12) months.

In considering whether expulsion is warranted, the Board shall consider:

- The student's age
- The student's disciplinary history

- Whether the student is a student with a disability
- The seriousness of the violation or behavior committed by the student
- Whether the school district has implemented positive behavioral interventions subsequent to a ten (10) day suspension
- Whether a lesser intervention would properly address the violation or behavior committed by the student

A student expelled from school in another New Hampshire school district or another state shall not be eligible to enroll in the ConVal School District for the period of such expulsion. If the expulsion is for an indefinite period, the student or their parent/guardian may petition the School Board for enrollment provided they reside in the District or agree to pay tuition. If the student is denied enrollment, the expulsion may be appealed to the State Board of Education. The Superintendent is authorized to modify an expulsion and any reenrollment requirement on a case-by-case basis.

Any expulsion shall be subject to review by the School Board if requested prior to the start of each school year. Any parent/guardian or adult student has the right to appeal any such expulsion by the School Board to the State Board of Education at any time while the expulsion remains in effect.

Implementation and Notice

The Superintendent shall ensure that established expectations for student conduct and behavior **and student due process rights regarding discipline** shall be published annually in each school's student handbook, which are submitted, reviewed, and approved annually by the School Board.

These expectations will be made available to parents/guardians at the beginning of the school year, and be publicly available on the school or district website. Expectations for student conduct and behavior will also be made available in another language or presented orally upon request.

Additionally, building principal(s) shall ensure student awareness of the established expectations for student conduct and behavior and other District policies through print, postings and/or periodic announcements.

The Superintendent shall designate personnel to explore and pursue relevant State or Federal grants, technical assistance, and professional development opportunities available to facilitate the implementation of a Multi-Tiered System of Support (MTSS) for social, emotional, and behavioral health and wellness.

Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the established expectations for student conduct and behavior.

Parental Notification of Simple Assaults

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring notice to parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple

assault occurs when one purposely or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

Disciplinary Removal of Students with Disabilities

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to students with disabilities, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01 and federal law.

JRA - Student Records, Privacy, Family and Adult Student Rights

Possible Revisions

- ~~Clarify when student data becomes an educational record?~~ No, this is covered in "Education Record" section.
- Clarify accessing and securing student data being collected and maintained by applications, digital tools, and extensions?
- Based on Dean's presentation on FERPA, should we revise the section on "Maintenance of Student Records" to include a record keeping exception for staff who have an educational interest?

A. General Statement. It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations as well as all state statutes pertaining to the student records, record confidentiality and access thereto.

B. "Education Record". For the purposes of this policy and in accordance with FERPA, the term "educational record" is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, completed forms, printed documents, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche. Educational records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

Not all communications or information are considered an educational record. For example, electronic mail, notes or memoranda which are not directly related to a student will not be considered an education record. It is the responsibility of the school administrator to determine what records shall be maintained by the school as a student record.

C. "Directory Information". For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term "directory information" means:

1. Students' name(s), address(es), telephone number(s), and date(s) of enrollment;
2. Parents'/guardians' name(s) and address(es);
3. Students grade levels, enrollment status and dates of attendance;
4. Student photographs;
5. Students participation in recognized school activities and sports;
6. Weight and height of members of athletic teams;
7. Post-high school career or educational plans; and
8. Students' diplomas, certificates, awards and honors received.

Except for elements of a student's directory information which the student's parents or an eligible student has notified the District not to disclose, the District may release or disclose student directory information without prior consent of the student's parents/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/eligible students of their rights under FERPA and that the District may publish directory information without their prior consent. Parents/eligible students will be given until *September 30th of each school year* to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

D. "Personally Identifiable Information". "Personally identifiable information" is defined as data or information which makes the individual who is the subject of a record known, including a student's name; the student's or student's family's address; the name of the student's parent or other family members; a personal identifier such as a student's Social Security number; the student's date of birth, place of birth, or mother's maiden name. "Personally identifiable information" also includes other information that, alone or in combination, is linked or linkable to a specific student, that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or other information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

E. Annual Notification/Rights of Parents and Eligible Students. Within the first *four weeks of each school year*, the District will annually publish notice to parents and eligible students of their rights under State law, Federal law, and this policy ["the Notice," or

“Notice”]. The District will send the Notice listing these rights home with each student. The Notice will include:

1. The rights of parents or eligible students to inspect and review the student’s education records, and the process set forth in this policy JRA whereby a request is made for review and inspection;
2. The intent of the District to limit the disclosure of information in a student’s record, except: (a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student’s parents or an eligible student to seek to correct parts of the student’s educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; and the process for doing such, which includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent’s or eligible student’s request;
4. The right to provide written consent before the District discloses personally identifiable information, except to the extent the law permits disclosure without consent;
5. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
6. The procedure that a student’s parents or an eligible student should follow to obtain copies of this policy.

F. Procedure To Inspect Education Records. Parents or eligible students may inspect and review that student’s education records. In some circumstances, it may be more convenient for the record custodian to provide copies of records. In accord with RSA 91-A:5, student records are exempt from disclosure under the Right-to-Know Law and access to student records will be governed by FERPA and state law.

Since a student’s records may be maintained in several locations, the school Principal may offer to collect copies of records or the records themselves from locations other than a student’s school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school Principals will determine if a review at that site is reasonable.

Although not specifically required, in order that a request is handled in a timely manner, parents/eligible students should consider submitting their request in writing to the school Principal, identifying as precisely as possible the record or records that he/she wishes to inspect. The Principal will contact the parents or the eligible student to

discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The Principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected. **This procedure must be completed within fourteen (14) days that the request for access is first made.**

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

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the Principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed. ***Where practicable, it may be necessary to prepare a copy of the record which has all personally identifiable information on other students redacted, with the parent or eligible student being allowed to review or receive only a copy of the redacted record. Both the original and redacted copy should be retained by the District.***

G. Procedures To Seek ~~To~~ Correction of Education Records. Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. FERPA and its regulations use both "correct/ion" and "amend". For the purposes of this policy, the two words (in all of their respective forms) shall mean the same thing unless the context suggests otherwise. To establish an orderly process to review and correct (amend) the education records for a requester, following processes are established.

1. First-level decision. When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building Principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the Principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form

stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Principal believes that the record should not be changed, he/she shall:

1. Provide the requester a copy of the questioned records at no cost;
2. Ask the parent/eligible student to initiate a written appeal of the denial of the request for the change, which will be forwarded to the Superintendent;
3. Forward the written appeal to the Superintendent; and
4. Inform the parents/eligible student that the appeal has been forwarded to the Superintendent for a decision.

2. **Second-level decision.** If the parent/eligible student wishes to challenge the Principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the Principal asking that the matter be appealed to the Superintendent. The Principal will forward the appeal to the Superintendent.

The Superintendent shall, within ten (10) business days after receiving the appeal:

1. Review the request;
2. Discuss the request with other school officials;
3. Make a decision whether or not to make the requested correction to the educational record;
4. Schedule a meeting with the parents/eligible student if the Superintendent believes such a meeting would be necessary; and
5. Notify the parents/eligible student of the Superintendent's decision on their request to correct the student's educational record.

If the Superintendent determines the records should be corrected, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been corrected and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

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

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

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

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

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

The School Board's decision will be final.

4. Parent/Eligible Student Explanation to be Included in Record. Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a parent or eligible student may insert into that student's educational record a written explanation respecting the content of the record.

H. Disclosure of Student Records and Student Information. In addition to directory information, the District may disclose student records and student information without consent [consistent with 34 CFR 99.31](#), [including](#) to the following parties on the condition that the recipient agrees not to permit any other party to have access to the released information without the written consent of the parents of the student, and under the conditions specified.

1. *School officials with a legitimate educational interest.* School officials with a legitimate educational interest may access student records. [“School official” includes a person employed by the district/SAU as an administrator, supervisor, instructor, or support staff member \(including health/medical staff\), members of the school board, volunteers, contractors/consultants who perform an institutional service or function for which the school district could otherwise use its own employees and who is under the direct control of the district with regard to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, or therapist; a parent/student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his/her tasks. A school official has a “Legitimate education interest” when the official needs to review an education record to fulfill his/her professional](#) ~~refers to school officials, contractors, consultants, or employees who need to know information in a student’s education record in order to perform their employment, contracting, or consulting responsibilities and duties ; all as more fully specified in Section 99.31 of the FERPA regulations.~~
2. *Other schools into which a student is transferring or enrolling,* upon condition that the student’s parents be notified of the transfer [of records](#), receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. This exception continues after the date that a student has transferred
3. *Officials for federal and state audit or evaluation purposes.*
4. *Appropriate parties in connection with financial aid for a student*
5. *Organizations conducting certain studies for, or on behalf of the School District.* Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction. The recipient organization must agree to limit access to the

information and to destroy the information when no longer needed for the purpose for which it is released.

6. *Accrediting organizations.*
7. *Judicial orders, or lawfully issued subpoenas*, upon condition that parents and the student are notified of all such orders, statutory disclosures or subpoenas in advance of compliance therewith by the District, ~~unless such notification is not required by FERPA, except when a parent is a party to a court proceeding involving child abuse or neglect or dependency.~~ The Principal shall consult with the Superintendent and legal counsel as needed to ensure compliance with the judicial order and applicable law.
8. *Health and safety emergencies.*
9. *Information designated as directory information*
10. *Disclosures to the Secretary of Agriculture or authorized representatives of the Food and Nutrition services for purposes of conducting program monitoring, evaluations and performance measurements.*

I. Maintenance of Student Records and Data. The Principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents.

All entries into student records, **other than by those individuals having a legitimate educational interest in accessing the records as defined herein**, must be dated and signed by the person accessing such records in a log or other record-keeping process.

The principal will ensure that all records are maintained in accordance with applicable retention schedules as may be established by law and District policy. **Not all records mentioning a student need be maintained as a student record. A record is considered an education record only if it personally identifies the student and is maintained by the district. Only those documents placed in a student's permanent file are considered to be maintained by the District.**

J. Disclosures Made From Education Records. The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of the information it discloses and persons to whom it permits access, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local

officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made; and
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student; requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent/eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

The records of a request for the correction of an educational record, including any appeal of a denial of that request, if the educational record is ultimately corrected shall not be treated as part of the educational record of the student and shall be preserved separately.

K. Military Recruiters and Institutions of Higher Learning

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless an adult student or the parent of the minor student requests that such information not be released without prior written consent. The district shall notify parents of the option to make such a request and shall comply with any requests received.

L. Law Enforcement and Reporting Agencies

Consistent with RSA193-D:7, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

M. Litigation Hold

In the event an administrator receives a litigation hold letter or notice regarding a student or former student, the administrator receiving the letter shall promptly inform those individuals responsible for record maintenance and retention of their duty to preserve and not delete or destroy records pertaining to the subject matter of the hold until instructed otherwise. If the administrator receiving the hold letter or notice is not the Superintendent, the Superintendent and the District's Information Technology Officer shall be promptly informed.

Legal References:

RSA 91-A:5, III, Exemptions, Pupil Records

RSA 189:1-e, Directory Information

RSA 189:66, IV, Data Inventory and Policies Publication

20 U.S.C. §1232g, Family Educational Rights and Privacy Act

34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

Related Policies: EHB & JRC

Category: Recommended

1st Read: August 20, 2019

2nd Read: September 3, 2019

Adopted: September 3, 2019

- **Possible Revisions**

- Clarify responsibilities related to collecting, maintaining, and securing student and staff data?
- Clarify responsibility to immediately report if there is reason to believe confidential information has been disclosed to an unauthorized person?
- Clarify responsibilities related to researching and using online services or applications?

GBEF – Acceptable Use Policy: Staff

1. For purposes of this policy, the term “staff” refers to Contoocook Valley School District employees, including administrative staff, teachers, paraprofessionals, maintenance personnel, food services employees, student teachers, methods students, interns, contracted service personnel, and any volunteers working within the school district.
2. It is the responsibility of the individual staff member to familiarize him/herself with and abide by the rules of this Acceptable Use Policy, any applicable Staff Handbook, and all other relevant school policies.

Introduction

1. Pursuant to New Hampshire Revised Statutes Annotated 194:3-d and the guidelines issued by the New Hampshire Department of Education, this Acceptable Use Policy shall serve as a statement on the appropriate use of the technology resources available to all staff of the school district.
2. These technology resources include, but are not limited to, the District network, including cabling, routers, wireless access points, and switches; the District’s electronic e-mail and voice mail systems; computer hardware in the form of desktops, laptops, and other mobile devices, including District owned cellular phones; digital peripheral devices, such as printers, scanners, digital still and digital video cameras; projection devices, such as interactive whiteboards, projectors, televisions/displays; as well as all software applications and web access tools.
3. The primary purposes of these technology resources are:
 - o to support the educational mission of the Contoocook Valley School District;
 - o to provide improved avenues of communication between staff, parents, guardians, and other stakeholders;
 - o to establish a web presence for the Contoocook Valley School District.

4. As such, the technology resources have a designated educational purpose and are not intended for recreational and entertainment use.

Privileges and Responsibilities

1. The use of the technology resources of the Contoocook Valley School District is a revocable privilege and not a right. All use of technology resources must be consistent with the District's contractual obligations, including limitations defined in software and other licensing agreements, including End User License Agreements (EULAs).
2. Every member of the staff is responsible for appropriate and professional behavior when using technology resources, just as they are in the classroom, in offices, or at any District function. Every member of the staff shall be responsible for promptly reporting any known loss of District electronic information or records to the District's Chief Information Security Officer [CISO].
3. Every member of the staff that will have District-owned equipment loaned to them must sign and date an Agreement for Authorized Use of District-Owned Equipment (GBEF-F).

Expectations of Privacy

1. While the school district recognizes the importance of maintaining confidentiality and privacy of student records in accordance with the Family Educational Rights and Privacy Act (FERPA), staff members do not have any expectation of privacy of any information stored or transmitted through district-owned communication systems or other technology resources. Student identifying information should not be included in electronic communications, except as permitted by FERPA.
2. District technology resources owned by the District are intended to be used for educational purposes and District business only. Staff members shall have no expectation of privacy when using the internet or electronic communications. The District reserves the right to monitor, inspect, copy, review, and store (at any time and with and/or without prior notice) all usage of District technology resources, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information generated through district technology resources shall remain the property of the District.
3. Electronic records shall be maintained and secured in accord with the District's Data Privacy and Governance Plan as amended from time-to-time, as well as state and federal law regarding student and personnel records maintenance, privacy and security.
4. Staff are expected to comply with all password protection and two-factor authentication requirements and should not disclose passwords or authentication information to any third party without permission from the District's CISO or his/her designee.

Use of Technology Resources

The Contoocook Valley School District's technology resources are intended for staff to conduct research, gather information, and communicate with others for educational purposes. The specific uses of these technology resources are broadly categorized as follows:

1. Approved – Approved uses of District technology resources are those uses that are related to a staff member's employment duties or are expressly approved by the Superintendent or designee.
2. Allowed – Allowed uses of District technology resources are those uses that are infrequent and de minimis and which do not interfere with the staff member's job duties and are not otherwise prohibited by this Policy or applicable law.
3. Prohibited – Prohibited uses of District technology resources are those uses that violate this Policy or applicable law, including but not limited to use in connection with employment outside of the District or other business activity, personal use that would exceed that which is reasonably considered de minimis, any use intended to harass, intimidate, or threaten another person, any use that interferes with another employee's ability to perform his/her job or that creates a hostile work environment for another employee, and any use that involves accessing, downloading, storing or sending sexually explicit material or any material or communication that is derogatory or offensive based on an individual's gender, race, religion, national origin, age, or sexual orientation. Use of District technology resources by staff members to communicate with students for any purpose other than legitimate educational purposes is considered a prohibited use.
4. Staff are expected to seek prior approval of new technology, software or web-based resources before utilization of the same.

Disciplinary Action

1. Engaging in prohibited use shall constitute a violation of this Acceptable Use Policy and result in appropriate disciplinary action, up to and including termination.
2. Such discipline will be administered consistent with Board policies and/or all applicable provisions of the Master Agreement/Collective Bargaining Agreement.

Disclaimer

1. The Contoocook Valley School District makes no warranties of any kind, whether expressed or implied, for the technology services it is providing. While the District will

make every effort to preserve data, the responsibility for it lies with the staff, except in those cases where web-based services are employed (e.g. EasyIEP, PowerSchool, etc.) and/or data are stored externally.

2. The District will not be held responsible for any damages staff may suffer, including but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions.

3. The District will not be responsible for personal property used to access District computers or networks or for District-provided Internet access.

Legal References:

RSA 194:3-d, School District Computer Networks

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Category: P

1st Read: September 5, 2017

2nd Read: September 19, 2017

Adopted: September 19, 2017