

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

CONTOOCOOK VALLEY SCHOOL BOARD

POLICY COMMITTEE MEETING

Tuesday, January 17, 2023

5:45 PM

Location: SAU Finch Conference Room

Agenda

Committee Members: Crista Salamy (Chair), Tom Burgess, Katherine Heck, Kevin Pobst, Doug Sutherland, Janine Lesser

1. Call to order

2. Approval of the January 3, 2023 Minutes

3. 1st Read Policies:

- KEC/IJL (IGE) Reconsideration of Instruction Materials and Educational Media Library Collection Development/Library Collection
- JLCD: Administration of Medication

4. Policy Review (pg. 1-23)

- BBBF: Student Board Members
- JBAB: Transgender and Gender Expression
- JICA: Student Dress Code
- EBCD: Emergency School & District Closings
- EBCE: School Closings
- IHBAB: Special Education Evaluations

5. Non-Public Session RSA 91-A:3 II (If Required)

6. Policy Status Update:

Under review/revision by Administration:

- IHBG: Home Education Instruction
- JJJ: Access to Public School by Nonpublic, Charter Schools, and Home Educated Students
- JLDDB: Suicide Prevention and Response
- IKL: Academic Integrity and Honesty – Education Committee Recommendation
- JLCB: Immunization of Students (Reworded and Re-lettered)

Under review by Legal:

- JLCF: Wellness
- IHBAA: Evaluation Requirements for Students

Under review by Budget and Property:

- Capital Plan Policy

Under review by Communication Committee:

- EG/KDA: Public Information Program

Under review with Nurses:

- JLCA: Physical Examination of Students

Future Agenda Items:

- Fall Update Items

Student Board Members

Category: Recommended

A. General Policy.

The Board will have one student school board member from Contoocook Valley Regional High School.

Student School Board members (“Student-members”) will not have the right to vote and will be excluded from all non-public sessions the Board enters.

Legal References:

RSA 189:1-c, School Board Student Member

RSA 194:23-f, High School Student as a Board Member

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAB
Policy Committee Review: July 8, 2015 School Board First Read: July 15, 2015 Back to Policy: August 5, 2015 School Board Second Read/Adoption: August 19, 2015 Policy Committee: 4/14/22 & 5/12/22 School Board First read: May 18, 2022 School Board Second Read/Adoption: June 1, 2022	Page 1 of 1 Category: Optional

TRANSGENDER AND GENDER EXPRESSION

The Oyster River Cooperative School District (ORCSD) is committed to fostering a learning environment that is safe, equitable, and free from discrimination, harassment and bullying as well as to assist in the educational and social inclusion and acceptance of all students and their gender expression in our schools. The ORCSD is committed to being accepting to all gender expressions by counteracting expressions of bias that may occur on District property or at any District event.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students, and families may differ. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources.

Oyster River Cooperative School District works to ensure that all students have a safe, equitable, and welcoming educational environment. As with other protected classes, it is important for the District to build awareness and acceptance of the existence of transgender and varying gender expression.

Cross Reference:

JBAB – R Transgender and Gender Nonconforming – Procedure – Existing to be deleted and recreated.

Legal Reference:

RSA 354-A:2, XIV-c

**MASCENIC REGIONAL SCHOOL DISTRICT
TRANSGENDER AND GENDER NON-CONFORMING STUDENTS POLICY**

I. PURPOSE

The Mascenic School District through this policy requires that all programs, activities and employment practices be free from discrimination based on sex, sexual orientation and/or gender identity. This policy is designed to affirmatively create a safe learning environment for all students and to ensure that every student is kept free from harassment/discrimination and has equal access to all school programs and activities.

It is the intent of the Mascenic School Board through this policy to set out guidelines for schools and district staff. It is intended to address the needs of transgender and gender nonconforming students and to clarify how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students. The needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, our goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student while minimizing disruption to the learning environment.

II. DEFINITIONS

The definitions provided here are not intended to label students but rather, they are intended to assist in understanding this policy and the legal obligations of District staff. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.

"Transgender" describes people whose gender identity is different from their gender assigned at birth.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and/or those who are perceived as androgynous.

III. GUIDANCE

A. Privacy

The Board recognizes a student's right to keep private one's transgender status or gender nonconforming identity at school. Information about a student's transgender status, legal name and/or gender assigned at birth should be considered confidential. School personnel are not authorized to disclose information that may reveal a student's transgender status

and/or gender nonconforming identity to others, including parents and other school personnel, unless legally required to do so or unless the student and/or his/her parents have authorized such disclosure. (Documentation of student and/or parent preferences is encouraged to avoid misunderstandings.) Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much, to share private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. Written documentation of the student/families preference is encouraged and should be maintained in the student's file.

B. Official Records

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a written court order to be kept on file. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

C. Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's preferred gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy making the person(s) subject to disciplinary action.

D. Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, "boys vs girls" competitions, etc. students should be included in the group of their choice that corresponds to their gender identity.

E. Restroom Accessibility

Students shall have access to gender-neutral bathroom facilities, which shall be made available throughout the district's schools.

F. Locker Room Accessibility

One of the goals of this policy is to maximize each student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student(s). The use of locker rooms by transgender students shall be assessed on a case-by-case basis. Separate changing/shower

facilities shall be made available. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

G. Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall be encouraged to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

H. Interscholastic Competitive Sports Teams

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in a manner consistent with NHIAA policies.

I. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression and in a manner consistent with the school dress code. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of each member of the staff, the administration and the District to maintain and ensure that transgender and gender nonconforming students can attend school and learn in a safe school environment. Any incidents of discrimination, harassment and/or violence is to be given immediate attention, including the timely investigation the incident, appropriate corrective action, and follow-through. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as any other observed or experienced incidents of discrimination or harassment.

K. District Responsibility

Questions concerning the implementation and/or enforcement of this policy may be addressed through the Office of the Superintendent of Schools.

First Read: 06/4/2018

Second Read: 06/18/2018

Approved: 07/09/2018

STUDENT DRESS CODE

Category: *Optional*

Related Policies: *JIC*

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## ADOPTION/REVISION NOTES –

*Text between the highlighted lines “~~~~”, and highlights in this sample should be removed prior to FINAL adoption, but policy committee and/or board should review before removal.*

- (a) ***USER SUGGESTION** – Because of ADA compliance requirements, and other technological restrictions, some intended formatting does not appear on sample policies available through the NHSBA main policy database page. For MS Word versions of the samples (after 2008), we recommend accessing samples through the “Previous Policy Updates” link on the bottom of the NHSBA policy homepage. The password is the same as for the main policy database page.*
- (b) *General – As with all sample policies/procedures, 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.*
- (c) *Highlighted language or blank, underscored spaces indicate specific areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- (d) *{\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (e) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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The Board recognizes that student individual dress is primarily a parental responsibility that should reflect concern for health and safety of students, staff and others. When the dress of an individual student constitutes a health problem, is unsuitable for school wear, is a danger to any person, or causes a substantial and material disruption or substantial disturbance, the principal shall take appropriate action to correct the situation.

The dress code within each school shall be administered fairly, consistently, and equally to all students. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code relative to students’ gender, gender identity, sexuality, race, ethnicity, household income, or body type or size.

Enforcement must accommodate clothing worn by students as an expression of religious beliefs (e.g., head scarves) and worn by students with disabilities (e.g., protective helmets).

Enforcement shall not indirectly discriminate against students based on hair texture and or hairstyles, including, but not limited to, braids, locks, and twists.

District Standards: [¹ Delete fn.]

¹ [Delete fn.] A board may decide to either adopt district specific dress code standards or allow each school to adopt its own set of specific standards – ESPECIALLY for K-12 districts. The lists in this section are EXAMPLES of objective standards.

STUDENT DRESS CODE**A. Students must wear:**

1. A Shirt/dress (with fabric in front, back, under the arms, with straps/sleeves and covering the mid-section);
2. Pants, skirt, leggings, shorts, etc.; and
3. Shoes.

B. Students must not wear:

1. Tops that do not completely cover the mid-section;
2. Caps, hats, and other head gear;
3. Clothing depicting hate speech, offensive, vulgar, or racist language or pictures;
4. And clothing that glorifies, encourages or promotes the use of alcohol or drugs.

Building Principals shall assure that any District or School standards are included in the Student Handbook and otherwise communicated to students annually.

Notwithstanding District or School standards, some courses and school activities may require adjustments to attire and hairstyle or may require specific attire to ensure safety during academic activities (e.g., science labs or PE).

Students who violate this policy will be given an opportunity to correct the situation by either changing the clothing, removing the clothing (if appropriate), wearing it inside-out, or other means as determined by the principal so the student is in compliance with this policy. Students who repeatedly violate this policy may face more severe punishment, including detention, in-school suspension, or out-of-school suspension.

School staff shall not confront students on dress-code violations in a manner that unnecessarily disciplines or publicly shames the student. When a school staff member or school administrator discusses a dress code violation with a student, it is recommended that another adult should be present and at least one of the two adults should be the same sex as the student.

District Policy History:

First reading: _____ Last revised: _____

Second reading/adopted: _____ Reviewed/reaffirmed: _____

Other district policy history: _____

Legal References:

U.S. Constitution, 1st Amendment
 RSA 189:15, Regulations
 RSA 193:38, Discrimination in Public Schools

STUDENT DRESS CODE

***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 Aug. 2022, Nov. 2007, Aug. 2006, Oct. 2004, Nov. 1999, July 1998

NHSBA revision notes, Aug. 2022, updated to include provisions intended to minimize discrimination against protected classes, and minimize risk of inadvertent, perceived or real harassment in the enforcement of such a code. Also recoded policy as optional.

w/p-update/2022-U2 Fall/JICA Dress Code 2022-U2 (F)

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

JICA – Student Dress Code

The ConVal School Board recognizes that student individual dress is primarily a parental responsibility that should reflect concern for health and safety of students, staff, and others. When the dress of an individual student constitutes a health problem, is unsuitable for school wear, is a danger to any person, or causes a substantial and material disruption or substantial disturbance, the principal shall take appropriate action to correct the situation.

Building Principals are authorized to issue regulations consistent with this policy and developed collaboratively to provide on appropriate level of consistency throughout the District. Such regulations should be approved by the Superintendent of Schools or designee.

Category: R

1st Read: September 2, 2014

2nd Read: November 18, 2014

Adopted: November 18, 2014

EMERGENCY SCHOOL & DISTRICT CLOSINGS

Category: Recommended

Related Policies: EBCF, EBCG, IC & IMBA

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**ADOPTION/REVISION NOTES –**

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- (a) **USER SUGGESTION** – Because of ADA compliance requirements, and other technological restrictions, some intended formatting does not appear on sample policies available through the NHSBA main policy database page. For MS Word versions of the samples (after 2008), we recommend accessing samples through the “Previous Policy Updates” link on the bottom of the NHSBA policy homepage. The password is the same as for the main policy database page.
- (b) **General** – As with all sample policies/procedures, 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.
- (c) **General** – Highlighted language or blank, underscored spaces indicate specific areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (d) **General** – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) **General** – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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No school, office, or system event cancellation or delay will be made without the direct authorization of the Superintendent of Schools. In the event the Superintendent is unavailable, such decisions will be made by a senior administrator specifically designated by the Superintendent.

- A. **Announcements and Notifications.** When the Superintendent/designee decides it is necessary to delay opening or close any facility or school or cancel any school event, he/she will initiate all related communications to the public by radio, television, website, school alert system, or other available means. Students, parents, and staff shall be informed early in each school year of the procedures which will be used to notify them in case of emergency closings, whether action is taken before or during school hours. In the event of any closings, cancellations, or early dismissals, the Superintendent shall notify the Board.
- B. **Delayed Opening of Schools.** The Superintendent/designee may delay the opening of schools upon determining that weather conditions appear extremely hazardous to operate school buses at the regular early morning hours, but that travel conditions will appreciably improve later in the morning. The public announcement will report the delayed opening, including the cancellation of morning kindergarten, if necessary. Schools and offices shall close on the regular schedules. After-school activities and events will not be affected by a delayed opening.
- C. **Closing of Schools Only for the Entire Day.** When the Superintendent determines that weather or other conditions exist or will develop that would make it unwise to open one or

EMERGENCY SCHOOL & DISTRICT CLOSINGS

more schools any time during the day, the announcement communicated to radio and television stations shall state that the school district is closed. If school is closed for the entire day, all afternoon and evening programs shall also be canceled.

- D. Distance Education During Inclement Weather. Pursuant to Board policy {**}IC, the Superintendent may approve school or district-wide instruction by way of remote instruction or other form of "distance education". Unless the use of distance education for a specific day has previously been communicated, the Superintendent/designee will include the necessary information regarding the remote instruction/distance learning day in the announcement that school has been canceled.
- E. Emergency Early Release. In the event that weather conditions are safe for travel in the morning but become hazardous by the time of normally scheduled dismissals, the Superintendent may decide to release students early. The Superintendent will notify parents as soon as possible in order to allow for the arrangement of after-school care and transportation when necessary. The Superintendent shall develop protocols for dismissal schedules, transportation of students, and notification of stakeholders. If there is an emergency early release, all afternoon and evening programs shall also be canceled.
- F. Afternoon and Evening Program Cancellations. When schools are open to the end of the school day, but weather or other conditions deteriorate in the late afternoon, the Superintendent/designee may decide to cancel afternoon and evening programs. Schools and offices should plan and communicate alternate dates and times to hold programs or events.
- G. Weekend Closings. When weather or other conditions are predicted or develop that would make it hazardous to operate weekend programs or events, the Superintendent/designee is responsible for decisions regarding cancellations and for notifying the appropriate media.
- H. Staff Responsibilities. When schools are closed pursuant to this policy, staff members shall remain available for work as directed by the Superintendent.

District Policy History:

First reading: _____ Last revised: _____
 Second reading/adopted: _____ Reviewed/reaffirmed: _____
 Other district policy history: _____

Legal References:

RSA 189:1, Days of School
 N.H. Dept. of Ed. Rule - Ed 306.18, School Year
 N.H. Dept. of Ed. Rule - Ed 306.19, School Calendar
 N.H. Dept. of Ed. Rule - Ed 306.22, Distance Education

EMERGENCY SCHOOL & DISTRICT CLOSINGS

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NHSBA history: Aug. 2022, April 2004, Nov. 1999, July 1998

NHSBA revision notes, August 2022, policy was revised to combine NHSBA sample policies EBCE and EBCE (School Closings, which is now withdrawn). NHSBA combined the policies in an effort to have fewer, but more comprehensive, policies where two samples have a substantial overlap. The section on distance education was added to meet the criteria of Ed. Rule 306.22. Additionally, a section on emergency early release was added.

w/p-update/2022-U2 FallEBCE School Closings 2022-U2 (F)

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EBCD – Emergency Closings

The Superintendent shall establish criteria and procedures for emergency closings of the schools.

Students, parents, and staff shall be informed early in each school year of the procedures which will be used to notify them in case of emergency closing, whether action is taken before or during school hours. When schools are closed for emergency reasons, staff members shall comply with Board policy in reporting for work.

Category: R

1st Read: September 17, 2013

2nd Read: October 1, 2013

Adopted: October 1, 2013

< EBCC - Bomb Threats

EBCE - School Closings (<https://schoolboard.convalsd.net/district-policies/ebce-school-closings/>)

SCHOOL CLOSINGS

Category: **WITHDRAWN**

Related Policies: **EBCD**

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**ADOPTION/REVISION NOTES –**

*Text between the highlighted lines “~~~”, and highlights in this sample should be removed prior to FINAL adoption, but policy committee and/or board should review before removal.*

- (a) **WITHDRAWAL NOTES:** former sample policy EBCE is withdrawn to eliminate repetitive policies. Sample policy EBCE was combined with sample policy EBCD in an effort to have fewer, but more comprehensive, policies where two samples have a substantial overlap.
- (b) General – As with all sample policies/procedures, 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.
- (c) Highlighted language or blank, underscored spaces indicate specific areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (d) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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WITHDRAWN /date district withdraws _____/

Former policy {**}EBCE has been withdrawn as obsolete. {**}EBCE was combined with Board policy {**}EBCD (previously “Emergency Closings” and now “School or District Closings”) in an effort to have fewer, but more comprehensive policies where two policies have substantial overlap.

District Policy History:

First reading: _____ Last revised: _____
 Second reading/adopted: _____ Reviewed/reaffirmed: _____
 Other district policy history: _____

Legal References:

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.*

SCHOOL CLOSINGS

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: Withdrawn – August 2022; Revised Feb. 2008, April 2004, Nov. 1999, July 1998

NHSBA revision notes, August 2022, former sample policy EBCE is withdrawn. Sample policy EBCE was combined with sample policy EBCD in an effort to have fewer, but more comprehensive, policies where the subject matter of two samples have significant overlap.

w/p-update/2022-U2 Fall/EBCE Emergency Closings WITHDRAWN 2022-U2 (F)

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EBCE – School Closings

No school, office, or system event cancellation or delay will be made without the direct authorization of the Superintendent of Schools. In the event the Superintendent is unavailable, such decisions will be made by the Assistant Superintendent or designee.

Announcements: When the Superintendent decides it is necessary to delay opening or close any facility or school or cancel any school event, the Superintendent will initiate all related communications to the public by radio, television, website, or other available means.

Delayed Opening of Schools: The Superintendent may delay the opening of schools upon determining that weather conditions appear extremely hazardous to operate school buses at the regular early morning hours, but that travel conditions will appreciably improve later in the morning. The public announcement will report the time of the delayed opening. Schools and offices shall close on the regular schedules. After-school activities and events will not be affected by a delayed opening.

Closing of Schools for the Entire Day: When the Superintendent determines that weather or other conditions exist or will develop that would make it unwise to open one or more schools any time during the day, the announcement communicated to media sources shall state either the specific school(s) that are closed or that all schools are closed. If school is closed for the entire day, all evening programs may be canceled.

Afternoon and Evening Program Cancellations: When schools are open to the end of the school day, but weather or other conditions deteriorate in the late afternoon, the Superintendent may decide to cancel afternoon and evening programs. Schools and offices should plan and communicate alternate dates and times to hold programs or events.

Weekend Closings: When weather or other conditions are predicted or develop that would make it hazardous to operate weekend programs or events, the Superintendent is responsible for decisions regarding cancellations and for notifying the appropriate media.

Students, parents, and staff shall be informed early in each school year of the procedures which will be used to notify them in case of emergency closings, whether action is taken before or during school hours. When schools are closed for emergency reasons, staff members shall comply with Board policy in reporting for work.

Category: R

See Also Policy EBCD

1st Read: August 24, 2020

2nd Read: September 1, 2020

Adopted: September 1, 2020

< EBCD - Emergency Closings

EBCF - Pandemic/Epidemic Emergencies (<https://schoolboard.convalsd.net/district-policies/ebcf-pandemic-epidemic-emergencies/>)

SPECIAL EDUCATION EVALUATIONS

Category: *Recommended*

Related Policies: *IHBA, IHBAA & IHBAC*

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### ADOPTION/REVISION NOTES –

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

- (a) **SPECIAL NOTE** - *The Board/policy committee should review this policy with the District’s Special Education/Student Services Director to determine whether the criteria included in section B are suitable for the District’s own evaluations. The criteria imposed upon independent evaluations must be the same as that used by the District for evaluations it initiates.*
- (b) **USER SUGGESTION** – *Because of ADA compliance requirements, and other technological restrictions, some intended formatting does not appear on sample policies available through the NHSBA main policy database page. For MS Word versions of the samples (after 2008), we recommend accessing samples through the “Previous Policy Updates” link on the bottom of the NHSBA policy homepage. The password is the same as for the main policy database page.*
- (c) **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.*
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- (f) **General** – *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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A. Statement of Policy.

State and Federal special education laws require that the District, as the local educational agency (“LEA”), shall find, identify, and evaluate all children suspected to be children with disabilities. The District is committed to ensuring that each child’s IEP team bases its decisions on high quality, reliable, and educationally sound special education evaluations.

The availability, steps, timelines, and other procedures for requesting, initiating a referral, or conducting an educational evaluation relative to a determination of whether a child is a child with a disability, are as set forth in the *New Hampshire Department of Education Special Education Procedural Safeguards Handbook*, a current copy of which may be obtained from [the child’s building Special Education Coordinator, the District [Student Services/Special Education office _____], or from the New Hampshire Department of Education. This policy establishes the criteria for those evaluations.

SPECIAL EDUCATION EVALUATIONS**B. Evaluation Criteria.**

To assure high quality, reliable, and educationally sound evaluations, and consistency among those evaluations, the District has established the following list of criteria for all special education evaluations the district conducts, all evaluations the District asks outside contractors to conduct, and all individual educational evaluations (“IEE”) parents expect the District to review, consider and/or fund.

1. Evaluation Criteria Waiver: Unique circumstances may justify deviation or waiver, in whole or in part, from these criteria. If a parent or district staff member is aware of such unique circumstances, they should inform the student’s special education teacher, building LEA or district special education administrator immediately. The District’s [Director of Special Education/Student Services Director/ _____] is authorized to grant a waiver.
2. Evaluator Credentials:
 - a. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire[, or in a state that is contiguous to New Hampshire], unless there is no qualified evaluator in New Hampshire[or its contiguous states]. [¹ Delete fn.]
 - b. The evaluator must hold a valid license or certification from the State of New Hampshire[See fn. 1 (delete)] in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of evaluation results. In instances where no “applicable license or certification” exists, the District must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
3. Test Protocol Requirement: All tests administered shall be the current version of the test. The test must be norm-referenced for the individual evaluation appropriate for the age and educational level of the child and measure the same skills, and meet the same standards of technical adequacy for reliability and validity.
4. Student Educational Record Review: The evaluator must review educational records located in the student’s local public school and other relevant educational records.
5. Communications and Shared Information Between Evaluator and District: The evaluator must be permitted to directly communicate with and is required to provide information to members of the IEP team, and to [the Director of Special Education/Student Services

¹ [Delete fn.] Boards should review with their student services/special education office whether that district is more suitable to a provision allowing evaluations to be conducted either in New Hampshire or a contiguous state and allowing evaluators to hold a license/certificate from a contiguous state. Allowing evaluations and licensure criteria in/from neighboring states enlarges the pool of qualified evaluators. This is especially relevant to districts near state borders, or in less populated areas of the state. Also under Ed 1107.04, examiner criteria and geographic limitations may not be so restrictive that the parent/guardian does not have a choice of independent evaluators.

SPECIAL EDUCATION EVALUATIONS

Director/ _____] or designees. The evaluator should have access to current evaluation and current IEP if applicable.

The evaluator is required to release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, and to the [Student Services Director/Director of Special Education/Building Special Education Coordinator _____] or their designees.

Additionally, the District shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, for purposes of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g(a)(4)(B)(i), records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

Accordingly, parents/guardians must authorize a release of information to allow for the sharing of such information as well as the records indicated in paragraph B.4.

6. **Student Observation**: In the absence of a contrary determination by the child's IEP team, the evaluator must either: a) observe the child in one or more educational settings; or b) make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
7. **Evaluation Compliance**: The evaluation must comply with the relevant provisions of the State and Federal Special Education Laws, including, without limitation, 34 C.F.R. 300.530-300.536 and New Hampshire Dept. of Education Rules Ed 1107.
8. **Evaluation Reports**: All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
9. **Cost & Payment**: The cost of the evaluation shall not exceed the usual and customary rate for such evaluations. [² Delete fn.] The school District will not pay for the evaluation until it receives the evaluator's report.

C. Information To Provide to Parents. The [the Director of Special Education/Student Services Director/ _____] or designee shall provide a copy of this policy to parents who indicate they are considering obtaining an IEE, and shall make available upon parent/guardian request information about where an IEE may be obtained.

District Policy History:

First reading: _____ *Last revised:* _____

² [Delete fn.] A district may use a rate schedule. If choosing to do so, the policy language should indicate rates as set forth in a schedule to be maintained and updated at least annually by the Special Education/Student Services Director.

SPECIAL EDUCATION EVALUATIONS

Second reading/adopted: _____ Reviewed/reaffirmed: _____

Other district policy history: _____

Legal References:

34 C.F.R. 300.300 - 300.502

20 U.S.C. §1232g(a)(4)(B)(i) Family Educational Rights and Privacy Act

RSA 186-C, Special Education

N.H. Dept. of Ed. Admin. Rule – Ed. 1107.03 Independent Educational Evaluations.

N.H. Dept. of Ed. Admin. Rule – Ed. 1120.07 Independent Educational Evaluations.

Additional Resources:

N.H. Department of Education's Procedural Safeguards Handbook

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards> (As of August, 2022)

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: New policy – August 2022

NHSBA revision notes, August 2022, created sample policy to provide guidance to staff, administrators, parents, and evaluators relative to requirements, procedures, and criteria for district funded special education evaluations, including independent educational evaluations. While the policy is not required, a District may not impose criteria upon IEE's that it does not apply to its own educational evaluations.

w/p-update/2022-U2 Fall/IHBAB Special Education Evaluations 2022-U2 (F)

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IHBAB – Developmental Delay

The Developmental Delay disability category has enhanced the identification process for children in early childhood age range by more accurately assessing specific areas of delay, creating a shift from less descriptive disability categories.

New Hampshire Department of Education RSA 186 C:2, I-a defines “Developmentally Delayed Child” as follows: a child at least three years of age or older but less than ten years of age, who, because of impairments in development, needs special education or special education and related services, and may be identified as being developmentally delayed provided that such a child meets the criteria established by the State Board of Education. The child must be experiencing developmental delays in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development. Ed 1102.01(s)(1).

The following principles shall apply to the identification of a child who may be experiencing a developmental delay:

- The developmental delay identification shall generally be used for students age three to seven years as a diagnostic tool when a student is suspected as having a more specific qualifying disability, but the Individualized Education Program (IEP) Team is not yet able to identify a more specific educational disability.
- When, and if the IEP Team determines that it has sufficient information that a child has a more specific educational disability, that designation should be used if it is more descriptive of a young child’s strengths and needs. The designation of developmental delay, as opposed to the designation of a more specific educational disability shall only be used past age seven when the IEP Team has determined that it still lacks sufficient information to determine whether a child has a more specific educational disability.
- The assessment process for Developmental Delay shall view the whole child within the context of the family and community, and with reference to typical developmental perspectives.
- Developmental Delay should not be used as a secondary identification.
- The five developmental domains to be assessed shall include: Physical, Cognitive, Communication, Social/Emotional, and Adaptive.
- The relevant assessments are listed in the Developmental Delay Assessment Resource Packet. These assessments may vary depending upon the nature of the determination by the IEP Team that the child may have one of the other educationally disabling conditions.

The evaluation of a child who is suspected of having a developmental delay shall include some or all of the following components: (ages three through six until seventh birthday)

1. A history of the child’s developmental, social, and medical history
2. A vision and hearing screening

3. Observations in an environment natural to the child, which is completed by appropriately trained specialists familiar with Child Development
4. Physical development assessment using standardized (norm-referenced or age referenced), diagnostic instruments and procedures individually administered by appropriate specialists. Assessment of Cognitive/Intellectual Functioning individually administered by appropriate specialists using appropriate diagnostic instruments and procedures
5. Communication/language skills assessment of receptive and expressive skills combined, using appropriate norm-referenced or age-referenced instruments individually administered by a Speech and Language Pathologist/Specialist
6. Social/emotional development assessment using direct and indirect observation data compiled by an appropriate specialist
7. Adaptive behavior skills assessment by an appropriately trained specialist through an appropriate standardized diagnostic instrument using the child's primary caretaker and/or other familiar person (with parental consent) as an informant

Category: 0

1st Read: August 14, 2012

2nd Read: September 4, 2012

Adopted: September 4, 2012

< IHBAA - Independent Special Education Evaluations

IHBAC- Student Evaluations: Specific Learning Disabilities

(<https://schoolboard.convalsd.net/district-policies/ihbaa-student-evaluations-specific-learning-disabilities/>)