

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

CONTOOCOOK VALLEY SCHOOL BOARD

POLICY COMMITTEE MEETING

Thursday, September 7 2023

7:00 PM

Location: SAU Finch Conference Room

Agenda

Committee Members: Katherine Heck, Michael Hoyt, Thomas Kirlin, Janine Lesser

- 1. Call to order**
- 2. Approval of the August 8, 2023 Minutes**
- 3. Policy Review**
 - JICA: Student Dress Code
 - JBAB: Transgender and Gender Non-Conforming Procedure
 - IKFC: Alternate Diploma
 - AC: Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination
- 4. Non-Public Session RSA 91-A:3 II (If Required)**
- 5. Policy Status Update:**

Scheduled for Next School Board Agenda:

Under review/revision by Administration:

- JJJ: Access to Public School by Nonpublic, Charter Schools, and Home Educated Students
- JLDBB: Suicide Prevention and Response
- JLCB: Immunization of Students (Reworded and Re-lettered)
- JLCA: Physical Exams

Under review by Legal:

- IHBAA: Evaluation Requirements for Students
- IHBG: Home Education Instruction
- AC: Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
- AC-E: Non-Discrimination

Under review by School Board Committee:

- Capital Plan Policy (Budget & Property)
- EG/KDA: Public Information Program (Communication)
- IKL: Academic Integrity and Honesty – (Education Committee)
- JLCF: Wellness

Under review with Nurses:

- JLCA: Physical Examination of Students

On Hold:

- DJB/DJB-R: Purchasing Procedures
- DJE: Bidding Requirements

Future Agenda Items:

- Fall Update Items

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

CONTOOCCOOK VALLEY SCHOOL BOARD

POLICY COMMITTEE MEETING

Tuesday, August 8, 2023

5:45 PM

Location: SAU Finch Conference Room

Minutes

Committee Members: Crista Salamy (Chair), Katherine Heck, Michael Hoyt, Thomas Kirlin, Janine Lesser

Present: Crista Salamy, Janine Lesser, Katherine Heck, Dr. Kimberly Saunders

1. Call to order

Crista Salamy called the meeting to order at 5:47 p.m.

2. Approval of the June 6, 2023 Minutes

Janine Lesser moved to approve the minutes of June 6, 2023. Crista Salamy seconded. Unanimous.

3. Policy Review

● JICA: Student Dress Code

The dress codes from other districts were previously reviewed.

Previous discussion also included placing language in the handbooks to inform codes.

The question might be how to move forward; continue as is or look to the NHSBA policy.

"See standards" might state "see school handbooks".

"Building Principals shall assure that any District or School standards are included in the Student Handbook and otherwise communicated to students annually." Other languages that address the safety aspect were favored.

"Students who do not meet this policy..." was favored as well as changing the word

"Principal" to "School Administration" and also changing "policy" to "handbook".

Kimberly Saunders agreed to clean up the policy and return it to the Policy Committee.

● JBAB: Transgender and Gender Non-Conforming Procedure

Tabled.

● IKFC: Alternate Diploma

Tabled.

● JLCF: Wellness

Legal references and compliance language were confirmed.

Language about "Before and After School Activities: and "Walking and Biking to School" was discussed.

Kimberly Saunders agreed to clean the policy up and bring it to the next Board meeting for

a first read.

- KFA: Public Conduct on School Property

The recommendation to change number 11 to read “Operate **any motorized** vehicle in violation of.....” was made.

This policy will go for a first read on August 15th.

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

None.

5. Policy Status Update:

Scheduled for Next School Board Agenda:

- KFA: Public Conduct on School Property (1st Read)

Under review/revision by Administration:

- JJJ: Access to Public School by Nonpublic, Charter Schools, and Home Educated Students
- JLDDB: Suicide Prevention and Response
- JLCB: Immunization of Students (Reworded and Re-lettered)
- JLCA: Physical Exams

Under review by Legal:

- IHBA: Evaluation Requirements for Students
- IHBG: Home Education Instruction
- AC: Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
- AC-E: Non-Discrimination

Under review by School Board Committee:

- Capital Plan Policy (Budget & Property)
- EG/KDA: Public Information Program (Communication)
- IKL: Academic Integrity and Honesty – (Education Committee)
- JLCF: Wellness

Under review with Nurses:

- JLCA: Physical Examination of Students

On Hold:

- DJB/DJB-R: Purchasing Procedures
- DJE: Bidding Requirements

Future Agenda Items:

- Fall Update Items

Katherine Heck moved to adjourn the meeting at 6:45 p.m. Janine Lesser seconded the motion. Unanimous.

Respectfully submitted,

Brenda Marschok

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 an appropriate level of consistency throughout the District. Such regulations should be approved by the Superintendent of Schools or designee.~~

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 or worn by students with disabilities consistent with the student's needs to accommodate their disability (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.

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 do not meet the school dress code 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 school administration so the student is in compliance with the dress code as outlined in the appropriate student handbook. Students who repeatedly do not meet the dress code may face more severe consequences.

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.

Legal References:

U.S. Constitution, 1st Amendment

RSA 189:15, Regulations

RSA 193:38, Discrimination in Public Schools

Category: R

1st Read: September 2, 2014

2nd Read: November 18, 2014

Adopted: November 18, 2014

JBAB - TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

(Download policy)

Category: Optional

I. PURPOSE

District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies 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, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the 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.

II. DEFINITIONS

The definitions provided here are not intended to label students but rather 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 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 presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel,

unless legally required to do so or unless the student has authorized such disclosure. 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.

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. However, the District is not required to use a student's legal name and gender on other school records or documents. 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 court order. 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 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.

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, students should be included in the group that corresponds to their gender identity.

E. Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

F. Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the 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. In most cases, transgender students should

have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. 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 permitted 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.

I. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. 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 school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. 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 other discrimination or harassment complaints.

New Sample Policy: April 2015

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

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AC – Non-Discrimination

The School Board, in accordance with the requirements of the federal and state laws, and the regulations which implement those laws, hereby declares formally that it is the policy of the Board, in its actions and those of its employees and students, that there shall be no discrimination on the basis of age, sex, gender, race, creed, color, marital status, physical or mental disability, national origin, sexual orientation, or any other categories protected by law for employment in, participation in, admission/access to, or operation and administration of any educational program or activity in the School District. Notwithstanding the language of any other policy adopted by this Board, we will abide by the Department of Education Final Rule 34 CFR Part 106.

Inquiries, complaints, and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received by the Superintendent or designee.

This policy of non-discrimination is applicable to all persons employed or served by the District. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the non-discrimination grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights act of 1964, Title IX of the Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.

Legal Reference:

RSA 354-A:6, Opportunity for Employment without Discrimination a Civil Right

RSA 354-A:7, Unlawful Discriminatory Practices

The Age Discrimination in Employment Act of 1967

Title I of The Americans with Disabilities Act of 1990

Title VII of The Civil Rights Act of 1964 (15 or more employees)

Appendix: AC-R

1st Read: July 7, 2020

2nd Read: July 28, 2020

Adopted: July 28, 2020

< ABA – Community Involvement In Decision Making

ACAC - Title IX Sexual Harassment Policy and Grievance Process

(<https://schoolboard.convalsd.net/district-policies/acac-title-ix-sexual-harassment-policy-and-grievance-process/>)

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT and DISTRICT ANTI-DISCRIMINATION PLAN

Category: Priority/Required by Law
JICK KED, KEE

Related Policies: ACD, ACE, GBAA, JBAA,
See also: EF, EFAA, IKG, AC-E & AC-R

ADOPTION NOTES –

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

- (a) The November 2019 revision is intended to meet the basic policy requirements of SB263, (2019 N.H. Laws 282) while more extensive revisions to related NHSBA sample discrimination policies and procedures undergo review and revision. See NHSBA Revision Note, below.
- (b) Additionally, this revision incorporates the provisions (revised) of previous NHSBA sample GBA, which has been withdrawn as of December 2019.
- (c) **Many districts have adopted policies other than NHSBA's policies relative to discrimination, harassment, etc., and used different policy codes than NHSBA.** Districts should take extra care to cross-reference according to their own policies and policy codes.
- (d) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.
- (e) Withdrawn and earlier versions of revised policies should be maintained as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.
- (f) **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.

A. **{** see adoption note (c)} Prohibition Against Discrimination of Students in Educational Programs and Activities.**

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy JICK **{**}** Pupil Safety and Violence Prevention.

B. **Equal Opportunity of Employment and Prohibition Against Discrimination in Employment.**

The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who meet the physical and mental requirements, and who have the education,

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training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

C. Policy Application.

This Policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK{**}, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

D. District Anti-Discrimination Plan.

No later than October 15, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the "Plan") to include guidelines, protocols and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.

Among other things, the Plan should include provisions, and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District's Human Rights [Non-Discrimination] Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District's Suicide Prevention Plan per Policy JLDBB{**}), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

E. Human Rights [or Non-Discrimination], Title IX, 504 and other Coordinators or Officers.

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate as an Appendix AC-E {**} to this Policy an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

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Human Rights [or Non-Discrimination] Officer _____ [check district policies for title]

Title IX Coordinator _____ [check district policies (e.g., JBAA, GBAA?) for title]

504 Coordinator _____ [check district policies for title]

The Appendix will also include current contact for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights

U.S. Department of Agriculture, Office of Civil Rights

N.H. Human Rights Commission

N.H. Department of Justice, Civil Rights Unit

N.H. Department of Education, Commissioner of Education

F. Complaint and Reporting Procedures.

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below under this same heading.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the District Human Rights Officer.

1. Reports or complaints of sexual harassment or sexual violence by employees or third party contractors should be made under Board policy GBAA{**};
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy JBAA{**};
3. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE{**}, except for complaints regarding facilities accessibility by

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disabled non-students or employees, which should be made under Board policy KED{**}; and

4. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK{**}.

G. Alternative Complaint Procedures and Legal Remedies.

At any time, whether or not an individual files a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: OCR.Boston@ed.gov

Note: Complaints to OCR must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180 day time limit based on OCR policies and procedures.

2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: humanrights@nh.gov

Notwithstanding any other remedy, any person may contact the police or pursue a criminal prosecution under state or federal criminal law.

H. Retaliation Prohibited.

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.

I. Administrative Procedures and Regulations.

The Superintendent shall develop such other procedures and regulations as are necessary and appropriate to implement this Policy.

J. Notice of Compliance.

The Superintendent will provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

District Policy History:

First reading: _____

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Second reading/adopted: _____

District revision history:

Legal References:

RSA 186:11, XXXIII, Discrimination
 RSA 193:38, Discrimination in Public Schools
 RSA 193-F, Student Safety and Violence Protection Act
 RSA 275:71, Prohibited Conduct by Employer
 RSA 354-A, State Commission for Human Rights
 The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.
 The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794
 Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.
 Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c
 Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq
 Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq
 NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

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 - November 2019; September 2018; September 2008; February 2005; February 2004, July 1998

NHSBA Notes, November 2019: Sample policy AC was revised to reflect the 2019 passage of SB263, 2019 N.H. Laws Ch. 282, which among other things: (1) identifies education as a civil right protected under RSA 354-A; (2) expanded (or clarified) the list of classes protected against discrimination under state law; (3) created specific right of claimants or the state attorney General's office to bring discrimination complaints to the NH Human Rights Commission and Superior Court, and (3) requires each district to adopt a policy that sets the framework for developing a coordinated plan to prevent and address incidents of discrimination. The November 2019 revision is intended to meet the minimum requirements of SB263, while more extensive revisions to related NHSBA sample discrimination policies and procedures undergo review and revision. Additionally, incorporates the substantive provisions of former NHSBA sample policy GBA. **September 2018:** Addition of provision prohibiting discrimination in employment practices on the basis of gender identity is required by the passage of HB1319 (2018), which, among other things, amended

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RSA 354-A:6, and 354-A:7. **NHSBA Note, September 2014:** Addition of provision prohibiting discrimination on the basis of economic status, per RSA 186:11, XXXIII (effective July 2014). Addition of new paragraph prohibiting discrimination in employment matters against victims of domestic violence, harassment, sexual assault, or stalking, per RSA 275:71 (effective July 2014).

w/p-update/2019 Fall/ /AC Non Discrimination Eq Opp 2019 (d3)

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ALTERNATE DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

Category: Recommended

Related Policies: IHBA, IHBI, IKF

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) **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.

A. PURPOSE. The purpose of this policy is to meet the requirements of the federal Every Student Succeeds Act (“ESSA”) to establish and allow the awarding of a District Alternate Diploma to certain students with the most significant cognitive disabilities.

B. INTRODUCTION. Under ESSA, states may adopt alternate content standards and alternate assessments for students with the most significant cognitive disabilities. In states that have adopted such alternative content standards, ESSA allows local school boards to adopt policies allowing certain students with significant cognitive disabilities the ability to earn an Alternate Diploma based on the alternative content standards.

An Alternate Diploma provides students who may have ordinarily earned certificates of attendance, or completion under New Hampshire Administrative Rule Ed 306.27(q), with the option to earn a diploma.

New Hampshire has adopted Dynamic Learning Maps (DLM) as an alternate assessment tool. The DLM assessment measures yearly student progress, and provides independent standards which align with the NH Statewide Assessment.

Accordingly, this policy authorizes the District to award an Alternate Diploma in accordance with the below requirements and conditions.

C. ELIGIBILITY.

Consistent with ESSA, the Alternate Diploma may be awarded to students who:

ALTERNATE DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

1. Have significant cognitive disabilities;
2. Have a current Individualized Education Program ("IEP"); and
3. Participate in the state authorized alternate assessment (currently DLM).

The Alternate Diploma is NOT available to students without IEP's, including students with Section 504 plans.

D. DETERMINATION OF AWARD.

The determination to award the Alternate Diploma is the responsibility of the student's IEP team, including the student's parent(s)/guardian(s). The IEP team's consideration of the appropriateness of an Alternate Diploma should be included in transition planning beginning at age sixteen (16). Details of this decision shall be included in the student's IEP transition plan in accordance with Ed 1109.03.

E. TIME OF AWARD.

The student may choose (individually or through the IEP team) to receive the Alternate Diploma at one (1) of three (3) times:

1. At graduation with common age peers;
2. At the conclusion of the student's IEP; or
3. Upon reaching age twenty-two (22).

If the student participates in the traditional graduation ceremony, the student will be included in the graduation program with no difference in listing from his/her peers awarded a regular diploma.

F. EFFECT OF AWARD AND CONTINUED ELIGIBILITY.

1. Under 34 CFR 300.102 (a)(3), the awarding of any document other than regular high school diploma shall not terminate a child's eligibility for a free and appropriate public education ("FAPE"). Accordingly, earning an Alternate Diploma does not end a student's eligibility for special education services. Rather, students who have earned the Alternate Diploma, and are otherwise eligible for special education services, may continue to receive such services and may continue working towards meeting the requirements for the regular high school diploma.
2. Alternate Diplomas awarded under this policy are counted in the state graduation rate, while certificates of attendance or equivalency are not.

G. IMPLEMENTATION.

The Superintendent, with the assistance of the [Director of Special Education/Student Services Director] is directed to establish and make available procedures and administrative rules to implement this policy.

ALTERNATE DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

District Policy History:

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

Legal References:

20 U.S.C. § 8101 (23) - Every Student Succeeds Act (§ 8101(a)(23))
 34 CFR 300.102 (a)(3); 300.43; and 300.320(b)
 RSA 193-E - Adequate Public Education
 RSA 186-C:2, Definitions
 Ed 306.27(q)(4)- Minimum Standards/High School Requirements/Equivalency Diplomas
 Ed 1109.03- When and IEP is in Effect...Transition Services

***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 – August 2022; New policy – May 2018.

NHSBA revision notes, August 2022, revised to reflect 2022's SB 394 and HB 1513 which both amend the definition in RSA 186-C:2 of "child with a disability" to include persons up to 21 years of age (inclusive). **May 2018** This is a new policy intended to adopt the provisions of the federal Every Student Succeeds Act ("ESSA") which allow the awarding of a "state-defined" Alternate Diploma to certain students with the most significant cognitive disabilities. NHSBA adoption consideration: If adopting this sample policy, language of the designated parties should be checked for consistency with District personnel (e.g., Director of Special Education, Student Services Director, etc.).

w/p-update/2022-U2 Fall/IKFC Alternate Diploma for Students w Significant Cog. Disabilities 2022-U2 (F)

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