

Policy Committee
April 18, 2019, 12:00 PM
SAU 33 Office
Agenda

- I. Call to Order
- II. Proof of Posting
- III. Policies for Review:

Student Conduct

Raymond Policy JICD Student Conduct, Discipline, and Due Process

NHSBA Policy JICD Student Discipline and Due Process

Raymond Policy JICD-R Administrative Procedure

Raymond Policy JICD-R Memorandum of Understanding

NHSBA Policy JICD-R Memorandum of Understanding

Updated Policy MOU with Police

Updated Policy MOU with Police Addendum

Time and Effort Policy

NHSBA Policy DAF Administration of Federal Grant Funds

This policy would cover the Corrective Action Plan we proposed for Observation 1 of the SAP grant audit by DHHS.

NHSBA Fall 2018 Policy Update Continued Review

NHSBA Fall 2018 Policy Update

Corresponding Raymond Policies*:

AC Non-Discrimination

ADB Drug-Free Workplace & Drug-Free Schools

ADC Tobacco Products Ban

BEDG Minutes

BEDH Public Participation

EBC Crisis Prevention and Response (Repeal)

EBCA Emergency Plans

EHAB Data Governance and Security (No current policy)

(A Board-approved data governance plan must be adopted by June 30, 2019.)

JCA Change of School Assignment or Policy

KEE Website Accessibility and Grievance (No current policy)

**Already addressed and revisions made at School Board level:*

EHB and EHB-R Records Retention Policies

GADA Employment References and Verification

JIC Student Conduct

Board-Recommended Policy Review

IO Class Size

SAU-Recommended Policy Revisions

JLCG Wellness Policy

Proposed revisions recommended by the Wellness Committee.

GCEC Administrators' Vacations

For consideration to add Curriculum Coordinator

Worker's Compensation/Accrued Leave Policy

This policy was drafted by our Attorney shortly before my arrival in Raymond as a result of discussion at the SAU level. It was brought to my attention recently and is a policy that is still recommended by our Human Resources Department, so I'm bringing it forward to the Policy Committee for review. There is no corresponding NHSBA policy.

IV. Adjournment

Raymond School District Policy - JCD

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS

Inappropriate student conduct that causes material and substantial disruption to the school environment interferes with the rights of others, or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers to communicate and educate effectively.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

Suspension means an in-school suspension, an out-of-school suspension, long-term suspension, a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. A long-term suspension will not exceed an additional ten days. A restriction from school activities means a student will attend school and classes but will not participate in practice or other extra-curricular activities.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the Board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the Board.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA

193:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:13, IV.

Students receiving special education services will be disciplined in accordance with the student's IEP and all applicable provisions of the Individual with Disabilities Education Act (IDEA).

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies.

Students and parents will be notified annually of this policy.

Legal References:

RSA 193:13, Suspension & Expulsion of Pupils

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures

See Appendix: JICD-R

Adopted: August 1, 2002

Revised: June 3, 2009

Revised: May 2, 2012

JICD - STUDENT DISCIPLINE AND DUE PROCESS

(Download policy)

Category: Priority - Required by Law

Related Policies: JI, JIA, JIC, JICDD & JICK

See also Appendix JICD-R

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

A. Disciplinary Measures - "Definitions".

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
 - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).
 - b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).
5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.
6. "Probation" means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate

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reinstatement of the penalty.

7. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

B. Standards for Removal from Classroom and Detention.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct.

The building Principal may assign students to detention under the same standard.

C. Standards for In-School Suspension, Restriction of Activities, and Probation.

The building Principal is authorized to issue in-school suspensions, restrictions of activities, or place a student on probation for any failure to conform to school or School District policies or rules, or for any conduct 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, and visitors, is otherwise inappropriate, or is prohibited by law.

Restriction of activities may also be issued pursuant to rules or policies pertaining to specific clubs or teams.

D. Process for Out-of-School Suspension.

The power of suspension is authorized for gross misconduct, for neglect, or refusal to conform to School District policies and rules as follows:

1. Short-term Suspensions. The [_____ building Principal] (as designee of the Superintendent) is authorized to suspend a student for ten (10) school days or less. The Principal shall consult with the Superintendent prior to issuing any suspension.

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

Due process standards for short-term suspensions (ten (10) days or less) will adhere to the requirements of Ed 317.04(f)(1).

2. Long-term Suspensions. The [_____ Superintendent??? {note: 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent}}] is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

Prior to a long-term suspension, the student will be afforded an informal hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing

before the School Board, but the process must comply with the requirements of Ed 317.04 (f)(2) and Ed 317.04 (f)(3)(g), including, without limitation, the requirements for advance notice and a written decision.

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the [Superintendent]'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

E. Process for Expulsion.

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.
2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
3. Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.
4. Any decision by the Board to expel a student may be appealed to the State Board of Education.
5. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

F. Sub-committee of Board. For purposes of sections D and E of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

G. 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 disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice.

This policy and school rules which inform the student body of the content of RSA 193:13

shall be printed in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

History:

First reading: _____

Second reading/adopted: _____

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

See Appendix: JICD-R

NHSBA revision history: Revised - May 2018; September 2017; April 2011; May 2008; November 2007; October 2005; November 1999

NHSBA note, May 2018: This sample policy has been substantially updated to more closely reflect and track the language of 193:13 and Ed 317.04. This revised version also includes a provision relative to discipline of children with educational disabilities. NHSBA adoption considerations: Because most of this policy derives from specific statutes or DOE regulations, and involves potential deprivation of a student's "property" rights, it is essential that the language adopted by the local School Board, including the designation of responsible personnel, track the applicable statutes and regulations. Districts should also be certain to update pertinent handbooks, website, and other pertinent publications to assure consistency. Finally, districts which do not use the NHSBA/NEPN code reference system, should check to make sure that the internal policy references included in JICD are changed to reflect the local coding system. See also revisions to sample policy JIC.

NHSBA note, September 2017: Revised to include the requirement that educational assignments shall be made available to the suspended student when suspended up to ten (10) days, enacted by House Bill 216, Laws of 2017, Chapter 12, effective June 16, 2017, and to conform to other changes to law and administrative rules. In light of the Supreme Court's decision in *In re Keelin B.*, language is added reflecting the School Board's authority under that statute to adopt policies defining misconduct beyond that explicitly addressed in RSA Chapter 193-D and RSA 193:13. RSA 189:15 was last amended in 1969 and it uses the term "regulation." More recent law and NHSBA practice uses the term "policy" for rules set by the School Board. "Regulation" is the term used for rules and procedure set by the Superintendent or Administrators using authority delegated by the School Board or established by statute. We recommend that School Boards continue to classify their "rule-making as policy, but it may be

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beneficial when setting a policy using the authority granted by RSA 189:15, to include in the text of the policy reference to that statute.

w/p-update/spring2018/JICD Student Discipline 2018-5 (f)

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Raymond School District Policy – JICD-R*

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS

ADMINISTRATIVE PROCEDURE

The Raymond School District rules relative to student conduct, discipline, and due process in the schools are adapted from rules of the New Hampshire State Board of Education. See Part ED. 317. The purpose of the State Board rules is set forth as follows:

I. Purpose

- a. These rules provide due process and statewide uniformity in the enforcement of RSA 193-D relative to disciplinary action for misconduct by a pupil in a safe school zone, including possessing a firearm or any other dangerous weapon, and RSA 193:13 relative to suspension and expulsion of pupils.
- b. Since RSA 193-D:2, II provides that school boards may adopt policies relative to pupil conduct and disciplinary procedures, these rules also provide a standard so that the policies of school boards are consistent throughout the state.
- c. These rules also link discipline and due process in safe school zones to the requirements of ED. 1109 relative to special needs students.

II. Definitions

- a. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13,II and III.
- b. "Weapon" means (1) a firearm [see 18USC Section 921], to include a pellet or BB gun; (2) any object prohibited, licensed, or regulated under RSA 159; (3) a knife, but not a folding pocket knife or cafeteria-issued dining utensil; and/or (4) a knife and/or any other substance or object which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing serious injury.
- c. "Gross misconduct" means an act or acts which: (1) results in violence to another person or property; or (2) poses a direct threat to the safety of others in a safe school zone; or (3) is identified in RSA 193-D:1; or (4) involves repeated instances of misconduct or inappropriate behavior for which the pupil has been previously warned or disciplined.
- d. "Neglect" in the context of RSA 193:13,I and II means the failure of a pupil to pay attention to an announced, posted, or printed school rule.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

- e. "Possession" shall include, but not be limited to, having control over a weapon during any part of a school day or during any part of a school-related activity, including transporting the weapon to school or to a school-related activity and storage of the weapon anywhere on school premises, whether in the student's locker or in another student's locker or in any other place on school premises. Possession is also deemed to include doing any other act whereby the actor knowingly contributes to causing a weapon to be on school premises or contributes to causing use of a weapon on school premises.
- f. "Pupil" means a child through age 21 in attendance at the school during the school day. (If the pupil is age 18 or older and not under guardianship, the written notices required below to issue to a parent shall issue instead only to the pupil and, further, all consents or decisions required in the suspension or expulsion process will issue from the pupil.)
- g. "Refusal," in the context of RSA 193:13, I and II, means the defiance of a pupil to comply with an announced, posted, or printed school rule.
- h. "Safe school zone" means "safe school zone" as defined in RSA 193-D: I, II.
- i. "School day" shall include not only the instructional portion of the day, but also may include travel to and from school or a school-related activity, as well as the time spent as a participant or spectator at a school-related activity.
- j. "School premises" shall include the school and surrounding school property, including, without limitation, parking areas, athletic fields, and playgrounds; school buses or other vehicles furnished by the district or its agents for transportation to or from school or a school-related activity; school bus stops; and/or those premises and surroundings being used for a school-related activity. For purposes of this procedure and without intending to interfere with the rights and duties of the police and/or private property owners, school premises shall also be deemed to include streets and exterior property in the school neighborhood during the course of travel to and from school or a school-related activity.
- k. "Superintendent" means the School Superintendent or, in the absence of the Superintendent, the Superintendent's designee.
- l. "Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.
- m. "Day," with respect to the number of days, shall refer to school days unless there is specific reference to "calendar" days.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

III. Standard for Expulsion by the School District

- a. If the school board expels a pupil under RSA 193:13,II or III, it shall state in writing the act or acts leading to expulsion; and the specific statutory reference prohibiting that act or acts as set forth in RSA 193:13 and/or RSA 193-D; and shall provide notice that the expulsion may be reviewed prior to the start of each school year in accordance with Appendix A to this Procedure.
- b. The principal of each school shall make certain that the pupil has received notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules. The statutory text shall be printed in the school handbook to be distributed to each student at the beginning of the school year; and shall be announced, posted, and printed at other appropriate locations and times in the middle school and high school. Nothing herein shall prevent a school principal from printing, posting, and/or announcing other rules applicable to the school.
- c. If the student is subject to expulsion and a weapon is involved, the responsibility shall be upon the Superintendent to contact local law enforcement officials whenever there is any issue concerning:
 1. Whether a firearm is legally licensed under RSA 159; or
 2. Whether a firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d. If a pupil brings or possesses a weapon in a safe school zone without written authorization from the Superintendent, the following shall apply:
 1. The pupil shall be suspended for a period of not less than ten (10) days and, if the weapon is determined to be a firearm as defined in 18 USC Section 921, the school board shall hold a hearing within ten (10) days to determine whether:

The student was in violation of RSA 193:13, III, and, therefore, is subject to expulsion for a period of not less than twelve (12) months; and whether the student's expulsion will be modified under policies set forth in Appendix B to this Procedure.
- e. Nothing in this provision shall be deemed to replace, supercede, or modify IDEA re-authorized.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

IV. Disciplinary Procedures

There shall be the following levels of discipline available to school officials enforcing RSA 193:13 and/or RSA 193-D relative to the suspension and expulsion of pupils.

- a. A short-term suspension (not to exceed 10 days). The School Board hereby designates that the Superintendent and each Principal, and Assistant Principal, and Administrative Assistants shall have authority to suspend a pupil for 10 days or less.
- b. A long-term suspension (between 11 and 20 days). Following a hearing, the Superintendent and each Principal shall have authority to extend a short-term suspension to 20 days. This hearing shall be conducted by and the decision shall be issued by a different administrator than the administrator who suspended the pupil for the first 10 days.
- c. An expulsion by the School Board whereby conditions are established for reinstatement. See also Appendix A to this Procedure relative to review of an expulsion prior to the start of any school year.

Due process in disciplinary proceedings shall include, at a minimum, the following:

- a. In a short-term suspension:
 1. The pupil shall be informed of the purpose of the meeting.
 2. At or before the meeting, oral and/or written notice of the charges and an oral and/or written explanation of the evidence against the pupil shall be provided to the pupil:
 3. The pupil shall be provided an opportunity to present his/her side of the story;
 4. Following the meeting, a written statement shall be issued to the pupil and at least one of the pupil's parents or guardians, delivered in person or by mail to the pupil's last known address, including an explanation of the charges, the evidence, the findings, any recommendation for additional suspension or expulsion, and a recommendation for student action to correct the discipline problem.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

- b. In a long-term suspension of a pupil:
 - 1. The written statement issued under Section IV,a.4 above shall establish a date for a hearing. The hearing will not generally be postponed if the postponement would interrupt the continuity of a short-term suspension into a long-term-term suspension.
 - 2. A hearing in accordance with the procedures set forth below in Section IV,c.6..
 - 3. A written decision, which includes the legal and factual basis for the conclusion that the pupil should be suspended for an additional 10 days or less.
 - 4. Within 10 calendar days of the decision, this decision may be appealed to the School Board under RSA 193:13, I. The Board may or may not stay the suspension while the appeal is pending. The Board reserves the right to issue a decision without hearing any evidence or all proffered evidence, but may instead rely upon the record as it has been developed during the suspension process.
- c. In the expulsion by the School Board, due process shall include the following minimal requirements:
 - 1. A formal hearing shall be held before any expulsion.
 - 2. Such hearing may be held either before or after the short-term suspension has expired.
 - 3. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired, pending the expulsion hearing. The School Board reserves the right to deny a request for postponement of a scheduled hearing if the request for postponement is objected to by either the pupil or the administrator recommending expulsion.
 - 4. The written statement issued under Section IV,a.4 above shall establish a date for the expulsion hearing and shall also include a complete description of the process used by administration to reach its recommendation that the student should be expelled.
 - 5. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardians at least 5 calendar days prior to the hearing.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

6. The following hearing procedures shall apply:
- (6.1) The pupil, together with a parent or guardian, may waive the right to a hearing and accept the findings.
 - (6.2) Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply.
 - (6.3) The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the School Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.
 - (6.4) During the hearing, the pupil, parent, guardian, or counsel representing the pupil shall have the right to examine any and all witnesses.
- a. The decision of the School Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act or acts for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion;
 - b. The decision shall state whether the student is expelled; a statement of the time period for which the student is expelled; and any action the student may take to be restored by the Board.
 - c. If the decision is to expel the pupil, the decision shall include the legal and factual basis for the decision; and,
 - 1. A decision shall include a statement that the pupil has the right to appeal the decision to the State Board of Education.
 - 2. All appeals to the State Board allowed under RSA 193:13, II or III, shall be filed within 20 calendar days of receipt of the written decision of the School Board and shall be in accordance with RSA 541-A and ED. 200.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

V. Reporting Procedures

- a. In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized New Hampshire State Board of Education Form ED. 317.
- b. The report by a supervisor to a principal on Form ED. 317 shall contain all the statutory information required by RSA 193:D:4.
- c. Form ED. 317 shall be completed and filed with the Commissioner of Education on or before June 30 of each year.
- d. Form ED. 317 shall contain the following information:
 1. School name
 2. School address
 3. School telephone number
 4. Name of School Principal
 5. Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm
 6. Time of incident in (5) above
 7. Location of incident in (5) above
 8. Alleged offense
 9. Description of incident
 10. Name of suspect
 11. Grade in school of suspect
 12. Address of suspect
 13. Gender of suspect
 14. Name of victim
 15. Grade in school of victim
 16. Address of victim
 17. Gender of victim
 18. Name of employee reporting incident
 19. Date report was completed by employee
 20. Date report was filed with law enforcement authority by school principal.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

VI. Discipline of Students with an Educational Disability

The district shall comply with the provisions of the Individual with Disabilities Education Act (IDEA) when disciplining students. Any special education student whose gross disobedience/ misconduct is not a manifestation of his or her disability may be expelled pursuant to the expulsion procedures, except that such disabled student shall continue to receive educational services as provided in the IDEA during such period of expulsion. A special education student may be suspended for a maximum of 10 consecutive days of school per offense, when the student's gross disobedience or misconduct is not a manifestation of his or her disabling condition, without the need for the district to provide any educational services. (A special education student may be suspended for additional removals as long as the removals do not constitute a pattern.) During such subsequent suspensions for 10 school days or less, the district must provide services to the student with disabilities to the extent determined necessary to enable the student to advance appropriately in the general curriculum and toward achieving his/her IEP goals. School administrators and the special education teacher will determine the services needed. The IEP team (PPT) will decide the level of services to be provided to a student with disabilities who is expelled for behavior unrelated to his/her disability.

Any special education student may be temporarily excluded to an appropriate alternative educational setting for no more than 45 days by court order or by order of a duly appointed hearing officer if the district demonstrates that maintaining the student in his/her current placement is substantially likely to result in injury to the student or others.

A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from school. Such a student shall be suspended for an initial period of 45 days or less in accordance with IDEA. This determination is made by the School Principal.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

APPENDIX A

An expelled pupil has the right to request a review of the expulsion prior to the start of each school year.

A request for review should be directed by the pupil to the Superintendent of Schools and should be received by the Superintendent on or before August 15. The request shall set forth each and all reasons why the pupil's right to attend school should be reinstated. Of particular importance would necessarily be such information as might convince school authorities that the conduct that led to the expulsion would not be repeated.

The Superintendent of Schools shall direct written recommendation to the School Board with a copy to the pupil.

The expulsion may be continued; the pupil may be reinstated without conditions; or the pupil may be required to meet certain conditions prior to reinstatement. A code of conduct and consequences may be established for a reinstated pupil that are more strict than for the general student population.

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS
ADMINISTRATIVE PROCEDURE
(continued)

APPENDIX B

The mandatory 12-month expulsion from school for bringing or possessing a firearm in a safe school zone may be modified on a case-by-case basis in the sole discretion of the Superintendent of Schools in the following situations:

1. The Superintendent determines that possession of the firearm was inadvertent in that another person had left the firearm in the pupil's vehicle; and the pupil had not noticed that s/he was bringing the firearm within the safe school zone; or
2. The Superintendent determines that the pupil intended to use the firearm for sport immediately before or after school and had no intention to display the firearm to other students.
3. The pupil is in the fifth grade or lower grade and the Superintendent determines that the pupil did not properly understand the dangers of firearms when the firearm was brought to school.
4. The Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

See Policies IHBA and JICI

Adopted: August 1, 2002
Revised: June 18, 2008

RAYMOND SCHOOL DISTRICT POLICY JICD-R

RAYMOND SCHOOL DISTRICT AND RAYMOND POLICE DEPARTMENT MEMORANDUM OF UNDERSTANDING

for administering the Provisions of RSA 193-D Safe School Zones

1. General Principles

The School Board and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staff and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults as well as children.

The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.

2. Definitions

The following terms, as defined in RSA 193-D-1 apply to this Memorandum:

- "Safe School Zone" means an area inclusive to any school property or school buses.
- "School" means any public or private elementary, secondary or secondary vocational-technical school in New Hampshire. It shall not include home schools.
- "School Employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or perforating continuing contract services for any public or private school, school districts school

department or school administrative unit.

- "School property" means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.
- "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

3. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents, the School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the Principal at each school as that school's Reporting Official. He/she shall be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer(s) who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

4. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the designated school employee:
 - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions;
 - b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;
 - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions,;
 - d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, or at school functions;
 - e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;
 - f. Burglary under RSA 635: any person who enters a building to

separately secured section of a building, with a purpose to commit a crime;

g. Robbery under RSA 636: including any theft that is accomplished by the physical force or the threat of imminent use of force;

h. Thefts of property where the value is more than \$50.00, repeated occurrences of theft by one student, (thefts by students who are in the third grade or lower are generally not reported to the Police);

i. Homicides under RSA 630: any death shall immediately be reported to the Police Department, regardless of suspected cause;

j. Any first or second degree assault under RSA 631, whereby an injury occurs to a person, requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;

k. Any sexual assault under RSA 632-A. Any sexual contact with a person who is under 13 years of age will be reported;

l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property;

m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

n. Simple assault under RSA 631:2a. Simple assault may result in some injuries. Simple assault also includes knowingly having unprivileged physical contact with another person. Law enforcement and school officials can jointly determine the best action to be taken in terms of filing a report.

2. Discretionary Reporting Events are up to the Discretion of the Building Principal.

a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.

b. Theft, under RSA 637, of property under \$49.

c. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$49 or less of damage. This includes vandalism to school property.

B. Police Department Reports to School

1. The following information shall be reported by the Police Department to the School Principal:

a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.

2. The following information may be shared with school Administration by

the Police Department, subject to applicable statutes and regulations governing confidentiality:

- a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.
- b. Other non-criminal activity that the Police Department deems pertinent to the student's well-being, including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual.

5. Procedures for Reporting

A. It is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school Principal. The Principal shall then contact the Police Department immediately and report the incident. The Principal shall also provide the Police Department with a written report within 48 hours of the incident.

B. The report required shall include:

1. Identification of the act of theft, destruction, or violence that was alleged.
2. The name and address of witnesses to the alleged act.
3. The name and home address of any person suspected of committing the act.

C. The written report required under RSA 193-D:4 shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in a written police report.

D. School Response

1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
 - a. Confront the student with the nature of the offense;
 - b. Take the student to the Principal's office;
 - c. Retrieve and turn over any physical evidence to the Principal.
2. For Mandatory Reportable acts, the Principal shall:
 - a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
 - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.
3. For Discretionary Reportable Acts, the Principal shall:
 - a. Determine if the police and parent/guardian should be notified and, if

so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parent/ guardian;

b. Initiate disciplinary action in accordance with Board policies.

4. As a result of New Hampshire RSA 193-D:7, school employees are relieved of concerns regarding confidentiality. It states:

Notwithstanding any other provision of law, 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 reasonable relates to delinquency or criminal 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.

E . Police Response

(1) The Police Officer will make contact with the school as soon as possible after receiving a report from the Principal to investigate the incident, or take any other appropriate action.

(2) During the investigation, the Police Officer may meet with the Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.

(3) If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.

(4) When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.

(5) To the extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.

Chief of Police

School Board Chair

Superintendent

Date

Date

Date

MEMORANDUM OF UNDERSTANDING

for administering the Provisions of RSA 193-D

Safe School Zones

1. General Principles

The School Board and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staffs and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by- the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults, as well as, children.

The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.

2. Definitions

The following terms, as defined in RSA 193:D-1 apply to this Memorandum:

- "Safe School Zone" means an area inclusive to any school property or school buses.
- "School" means any public or private elementary, secondary or secondary vocational-technical school in New Hampshire. It shall not include home schools.
- "School Employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or perforating continuing contract services for any public or private school, school districts school department or school administrative unit.
- "School property" means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether

public or private.

- "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

3. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the Principal at each school as that school's Reporting Official. He/she shall be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer(s) who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

4. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the designated school employee:
 - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions;
 - b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;
 - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions,;
 - d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, or at school functions;
 - e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;
 - f. Burglary under RSA 635: any person who enters a building to separately secured section of a building, with a purpose to commit a crime;
 - g. Robbery under RSA 636: including any theft that is accomplished by the physical

force or the threat of imminent use of force;

h. Thefts of property where the value is more than \$50.00, repeated occurrences of theft by one student, (thefts by students who are in the third grade or lower are generally not reported to the Police);

i. Homicides under RSA 630: any death shall immediately be reported to the Police Department, regardless of suspected cause;

j. Any first or second degree assault under RSA 63 1, whereby an injury occurs to a person, requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;

k. Any sexual assault under RSA 632-A will be reported;

l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property;

m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

2. Discretionary Reporting Events are up to the Discretion of the Building Principal.

a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.

b . Simple assault incidents (which don't meet the criteria as stated in j. above), depending upon the nature of the incident, as determined by the school administration.

c. Theft, under RSA 637, of property under \$49.

d. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$49 or less of damage. This includes vandalism to school property.

B . Police Department Reports to School

1 . The following information shall be reported by the Police Department to the School Principal:

a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.

2 . The following information may be shared with school Administration by the Police Department, subject to applicable statutes and regulations governing confidentiality:

a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.

- b . Other non-criminal activity that the Police Department deems pertinent to the student's well-being, including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual).

5. Procedures for Reporting

A. It is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school Principal. The Principal shall then contact the Police Department by telephone and report the incident. The Principal shall also provide the Police Department with a written report within 48 hours of the incident.

B. The report required shall include:

1. Identification of the act of theft, destruction, or violence that was alleged.
2. The name and address of witnesses to the alleged act.
3. The name and home address of any person suspected of committing the act.

C. The written report required above shall be waived when there is a law enforcement response at the time of the incident which results a written police report.

D. School Response

- 1 . A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
 - a. Confront the student with the nature of the offense;
 - b. Take the student to the Principal's office;
 - c. Retrieve and turn over any physical evidence to the Principal.
2. For Mandatory Reportable acts, the Principal shall:
 - a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
 - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.
3. For Discretionary Reportable Acts, the Principal shall:
 - a. Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parent/ guardian;
 - b. Initiate disciplinary action in accordance with Board policies.

E . Police Response

- (1) The Police Officer will make contact with the school as soon as possible after

receiving a report from the Principal to investigate the incident, or take any other appropriate action.

(2) During the investigation, the Police Officer may meet with the Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.

(3) If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.

(4) When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.

(5) To the extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.

Chief of Police

Date

School Board Chair

Date

Superintendent

Date

RAYMOND SCHOOL DISTRICT POLICY JICD-R
RSA 193-D Safe School Zones
Memorandum of Understanding
Raymond School District and Town of Raymond Police Department

The Raymond Police Department and the Raymond School District agree to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended.

- I. "Acts of theft, destruction, or violence" as defined and described below, regardless of the age of the perpetrator, shall be reported as required below:

A. Mandatory Reporting: The following incidents will be reported to the Raymond Police Department in accordance with the provisions of RSA 193-D and this memorandum.

- a. RSA 630:1 - Capital Murder, RSA 630:1-a - First Degree Murder, RSA 630:1-b - Second Degree Murder, RSA 630:2 - Manslaughter. Any death shall be reported to law enforcement regardless of the suspected cause.
- b. RSA 631:1 - First Degree Assault and Second Degree Assault - These include assaults involving serious bodily injury to another and assaults with a deadly weapon.
- c. RSA 632-A:2 - Aggravated Felonious Sexual Assault, RSA 632-A:3 - Felonious Sexual Assault, RSA 632-A:4 - Sexual Assault - These include a number of prohibitions on sexual contact with a person in a Safe School Zone.
- d. RSA 633:1 - Kidnapping - This includes knowingly confining another with the purpose to hold them for ransom, avoid apprehension by a law enforcement official, terrorize him/her or some other person, or commit an offense against, or to detain or conceal any child under the age of 18 unrelated to the person with the intent to detain or conceal the child from a parent/guardian or other person having lawful physical custody of the child.
- e. RSA 159 - Unlawful Possession or Sale of a Firearm or Other Dangerous Weapon - Any person, except law enforcement personnel, in possession of a firearm within a Safe School Zone will be reported. Also, RSA 193:13 - prohibits pupils from bringing or possessing a firearm as defined in Section 921 of Title 18 of United States Code in Safe School Zone or possessing a pellet or BB gun, rifle, or paintball gun. Title 18 United States Code, Section 922(x)(2)(A) prohibits any juvenile from knowingly possessing a handgun or ammunition for a handgun.
- f. RSA 634:1 - Arson - This includes knowingly starting a fire or causing an explosion which unlawfully damages the property of another.
- g. RSA 635 - Burglary - This includes entering or remaining unlawfully in a building or occupied structure or a separately secured or occupied section thereof with the purpose to commit a crime therein.

- h. RSA 636:1 - Robbery - A person commits robbery if in the course of committing a theft they use physical force on the person of another and such person is aware of such force or they threaten another with or purposely put another in fear of immediate use of physical force.
- i. RSA 318:B - Illegal Sale or Possession of a Controlled Drug.
- j. RSA 631:4 - Criminal Threatening - This includes putting a person in fear of imminent bodily injury and threatening to commit a crime with a purpose to coerce or terrorize.
- k. RSA 639:2 - Incest.
- l. RSA 639:3 - Endanger the Welfare of a Child - This includes violating a duty of care protection or support a person owes to a child; or inducing the child to engage in conduct that endangers the child's health or safety.
- m. RSA 645:1, II and III - Indecent Exposure and Lewdness - This includes a person performing a gross or lewd act in the presence of a child less than 16 years old. This includes purposely transmitting a lewd image to a child.
- n. RSA 645:2 - Prostitution Related Offenses.
- o. RSA 649-A:3 - Possession of Child Sexual Abuse Images.
- p. RSA 649-A:3-a - Distribution of Child Sexual Abuse Images - This includes the possession or transfer of any visual representation of a child engaged in sexually explicit conduct.
- q. RSA 649-A:3-b - Manufacturing Child Sexual Abuse Image.
- r. RSA 649-B:3 - Computer Pornography - The facilitation or encouraging or offering or soliciting sexual conduct of or with any child of a visual depiction of such conduct.
- s. RSA 649-B:4 - Certain Uses of Computer Service Prohibited - Knowingly utilizing a computer, etc. to seduce or entice a child or another person believed by that person to be a child to commit indecent exposure or lewdness of by conduct that could endanger the child or involve sexual assault and related offenses.
- t. RSA 650:2 - Obscenity - This includes the sale or delivery of obscene material depicting acts involving a child.

B. Discretionary Reporting: Notwithstanding the provisions of RSA 193-D The Safe School Zone Act, the following incidents may in the circumstances described below not be reported.

- a. Simple assault under RSA 631:2-a.

Simple assault includes knowingly making unprivileged contact with another person.

The parties acknowledge and agree that simple assaults will not normally be reported to the police department and will usually be handled as an internal disciplinary matter as permitted by RSA 193-D:4, I (b) under the District's policies which set forth circumstances under which parents will be notified of simple assaults.

Examples of minimal contacts that will not generally be reported include, but are not limited to: minor bumping, pushing, tripping another, grabbing a backpack or personal item of clothing, or simply placing a person's hand(s) on another when it is clear the person does not want to be touched. Simple assault also includes knowingly or recklessly causing bodily injury to another. This will be reported when the act or when the bodily injury is deemed serious enough by the principal to be reported. Simple assault also includes negligently causing bodily injury with a deadly weapon. Such suspected assault will be reported.

- b. The parties also acknowledge and agree common self sense dictates that not every act which may fit the technical definition of Criminal Mischief under RSA 634:2 (purposely or recklessly damaging the property of another. This includes school property) and Theft under RSA 637 (obtaining or exercising of unauthorized control over the property of another. This includes school property) needs to be reported to the Police Department. For example, purposefully breaking or stealing a fellow student's pencil is not required to be reported while stealing and/or intentionally taking and breaking a cell phone should be reported. Therefore, acts of criminal mischief and theft as defined for the purpose of this section will be reported when the school principal reasonably believes that the act is serious enough so that the Police Department would expect the act to be reported, provided, however, that the school district agrees to err on the side of caution by filing a report when there is doubt about whether the incident should be reported. Typically, an incident will not be reported if the value of the item taken/damages is minimal i.e. less than fifty dollars.

- c. RSA 126-K Youth Access to and Use of Tobacco Products

C. Police Department Reports to School:

1. The following information may be reported by the Police Department to the School Principal.
 - a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.
2. The following information may be shared with school Administration by the Police Department, subject to applicable statutes and regulations governing confidentiality.
 - a. The arrest and filing of a delinquency complaint against any student under the age of 18 years.
 - b. Other non-criminal activity that the Police Department deems pertinent to the student's well-being including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker, or other individual.

II. Exchange of Information:

As authorized by RSA 193-D:7, the parties agree 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.

The release of student records is governed by The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). FERPA authorizes without parental consent the release of confidential

student records to “school officials” with a legitimate educational interest in the information in the educational record. The School Resource Officer (SRO) is a “school official” who may have a legitimate educational interest in certain educational records of students in the school to which the SRO is assigned.

The SRO, however, shall not disclose **educational records** to any other party including other members of the Police Department or any other law enforcement authorities without parental consent, except in accordance with FERPA.

“Law enforcement records” on the other hand are those records and other materials: (1) created by the SRO or Police Department; (2) created for a law enforcement purpose; and (3) maintained by the Police Department. Law enforcement records include Safe School Zone reports required below in Section III.

The SRO shall physically segregate education records and law enforcement records and maintain such records separately. Education records shall be subject to FERPA and the School District’s policies and procedures. Law enforcement records shall be subject to the exclusive supervision and control of the Raymond Police Department.

The parties also recognize that not every action which is reported will be found to be a violation of law or be prosecuted. However, reporting an incident will allow the police department to make an investigation to determine the appropriate Department response. The school district therefore agrees to err on the side of filing a report when there is doubt as to whether an incident should be reported.

The parties agree that their representatives will meet on a regular basis to discuss the implementation of this Memorandum of Understanding, particularly with respect to which acts of simple assault, criminal mischief, and theft the police department expects to be reported. In addition the parties agree that they will meet annually to review the purpose of the memorandum of understanding.

III. Procedures for Reporting:

As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. When the principal has received any such information, she/he shall report it to Raymond Police Department immediately, by telephone or otherwise, and the reporting shall be followed within 48 hours by a report in writing.

The report required above shall include all information as defined in R.S.A. 193-D:4, II.

The written report shall be waived by law enforcement officials when there is a law enforcement response, including by an SRO, at the time of the incident which results in a written police report.

School Response

1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
 - a. Confront the student with the nature of the offense;
 - b. Notify administration or escort the student to the principal’s office;
 - c. Retrieve and turn over any physical evidence to the principal.
2. For Mandatory Reportable acts, the principal shall:

- a. Notify the policy and student's parents/guardian, and inform them of the nature of the incident;
 - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.
3. For Discretionary Reportable acts, the principal shall:
 - a. Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parents/guardian.
 - b. Initiate disciplinary action in accordance with Board policies.

IV. Definitions:

The following terms, as defined in RSA 193-D:1 apply to this memorandum:

"Safe School Zone" means an area inclusive of any school property or school buses.

"School" means any public or private elementary, secondary, or secondary vocation- technical school in New Hampshire. It shall not include home schools under RSA 193-A.

"School Employee" means any school administrator, teacher, or other employee of any public, or private school, School District, school department, or school administrative unit, or any person providing or performing continuing contact services for any public or private school, School District, school department, or school administrative unit.

"School property: means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

"School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

V. Miscellaneous:

The Raymond School District will cooperate with law enforcement agencies in the interest of the general welfare of all citizens. At the same time, the School District works to guard welfare of students while they are attending school. To the extent possible, precautions will be taken by both police and school officials at all times to ensure the educational process is not disrupted. In the absence of unique/extenuating circumstances, including but not limited to:

1. The presence of School Resource Officers in school under agreement with the District,
2. Police response to a call for assistance or police response to an emergency or crime being committed on school property,
3. Officers entering the school premises in hot pursuit of a suspect,
4. Police presence due to an ongoing investigation of a serious nature,
5. A police interview of a reported victim of child abuse or neglect, or
6. Presence of law enforcement at the invitation, request or encouragement of school officials.

DRAFT 4.5.19

Parental Notification: When the School Resource Officer (SRO) or other law enforcement officer questions a student at the school during a police investigation, the police department shall notify the parent/guardian as soon as reasonably possible after questioning and as required by law. In the event that any student is arrested, the student will be read *Miranda/Benoit* and given an opportunity to consult with an interested adult before further questioning.

Nothing contained in this memorandum is intended to limit the events that may be reported to the Police Department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

This Memorandum of Understanding replaces any previous written or oral understanding between the parties.

Signed by the parties on the dates indicated below, to be effective upon the date of the second party to sign.

Date: _____

The Raymond Police Department

By: _____

Title: _____

Date: _____

Raymond School District

By: _____

Title: _____

ADDENDUM TO MEMORANDUM OF UNDERSTANDING BETWEEN
THE RAYMOND SCHOOL DISTRICT AND THE RAYMOND POLICE DEPARTMENT

A goal of the Raymond School Board ("Board") is to provide a safe learning environment for its students and staff. To that end, the Board recognizes that cooperation with law enforcement agencies will help protect students, staff, and visitors and help maintain a safe environment in schools, and safeguard Raymond School District ("District") property.

The Board believes that the District's video monitoring system can be a valuable tool to monitor activity on school property to help protect students, staff, and visitors to the schools as well as police and other law enforcement personnel if and when they respond to safety emergencies at the schools.

The School Board recognizes that real time monitoring of the District's video monitoring system by police and other law enforcement responders during a safety emergency at the schools and of the exterior of school buildings when school is not in session, is permitted by FERPA because it does not involve the release of a "student record" and furthermore the release of a student record in a health or safety emergency is permitted by FERPA.

In order to allow the police and law enforcement access to the District's live video monitoring during a response to a safety emergency at Raymond schools and to the exterior of the school buildings when school is not in session, the Board and the Raymond Police Department agree to the following additional terms to their Memorandum of Understanding, dated _____:

1. A safety emergency is defined as an articulable and significant threat where police response is necessary to keep from harm, attack or injury students, staff, visitors, or other persons.
2. The Raymond Police Department will be permitted real time access to the District's video monitoring system and cameras. The Police Department will not make any recording of any video from the District's video monitoring system when it accesses the system.
3. Access to such view-only video monitoring will be limited to the staff of the Raymond Police Department. Other law enforcement personnel working with the Police Department who respond to a safety emergency at the District's schools may be permitted to view the video monitoring as they monitor response of their personnel to a safety emergency.
4. The Superintendent or his/her designee may review any access by the police to the District's video monitoring system, and will note the date and time of any such access.
5. Video-only cameras (no audio) will only be located in public areas at District schools and on District property and will be positioned so that they can only focus on and view areas where there is no reasonable expectation of privacy. No audio recording will be made by the monitoring system located at the District's schools. (Audio recording may be made on District buses in accordance with District policy and state law.)
6. The Police Department will not under any circumstances make or allow others to make any recording while using the District's video monitoring system.

DRAFT 1.3.19

7. Any and all recordings from the District's video monitoring system made by the District will remain the property of the District. If an incident is reported, a record may be made and a recording may be retained by the District for as long as the Superintendent or his/her designee deems appropriate. Otherwise, recordings will not be retained on an ongoing basis. . Release of any recordings to the Raymond Police Department, or other law enforcements responder will only be made in accordance with state and federal law, including the Family Educational Rights and Privacy Act 20 U.S.C. 12329 (FERPA) and applicable School District policy.

Date: _____

The Raymond Police Department

By: _____

Title: _____

Date: _____

Raymond School District

By: _____

Title: _____

**New Hampshire School Boards Association
25 Triangle Park Drive, Suite 101
Concord, NH 03301
(603) 228-2061
(603) 228-2351 (fax)**

Dear NHSBA Members,

This Special Policy Update consists of a single sample policy package that contains several sub-policies regarding management of Federal grant funds. The policies are among others required under a set of Federal regulations and guidelines commonly referred to as the Uniform Grant Guidance (“UGG”). The policy package, designated sample policy DAF – “Administration of Federal Grant Funds”, consists of an introduction and 10 sub-policies, as follows:

- DAF-1 ALLOWABILITY**
- DAF-2 CASH MANAGEMENT AND FUND CONTROL**
- DAF-3 PROCUREMENT**
- DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM**
- DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES**
- DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS**
- DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS**
- DAF-8 ACCOUNTABILITY AND CERTIFICATIONS**
- DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT**
- DAF-10 GRANT BUDGET RECONCILIATION**

The policy **must be supplemented with written procedures** that should be developed under the supervision of the Superintendent and business office. The specific procedures will require tailoring according to the administrative structure, technological capacity and other circumstances or preferences of each district. Written procedures which are required under the policy and the UGG are indicated in the policy and may be identified searching for the phrase “administrative procedures”.

For more guidance relative to the UGG, the NHDOE, Bureau of Federal Compliance, has released several “Fact Sheets” relative to the UGG which include, among other things, a description of some of the specific procedures administrators will need to create and implement. You can find those fact sheets at:

<https://www.education.nh.gov/program/federal-compliance/fact-sheets.htm>

Note, however, that many of the provisions stated as required in the DOE Fact Sheets (and the DOE’s “Sample Procurement Procedures for Child Nutrition Programs”), are incorporated into this sample policy DAF.

(a) Other current existing policies implicated by this sample DAF should be reviewed to help assure continuity of practices within the District. Most significantly:

- Modify DJ to identify who has authority to approve purchase orders;
- Modify DJB to outline approved process for purchase order procedures. The policy may instruct the Superintendent to approve and implement written procedures which more specifically spell out the process.

(b) A sampling review of the policy manuals of various school districts, reveals that many districts have adopted some UGG policies or components of policies required by the federal Uniform Grant Guidance (2 CFR 200). In order to avoid redundancy, we recommend that prior to adoption of this sample, Districts review their own policy manuals for related policies, and make such changes as are appropriate.

(c) The UGG and this policy apply specifically to federal grant funds - whether or not received directly, through NHDOE or through any other pass-through entity, and irrespective of whether the federal moneys are the sole funds used for the particular purpose, program, purchase, etc. Because many of the elements required under the UGG are significantly more restrictive or burdensome than those which may exist under state law, the component “sub-policies” (see page 3 of this sample) are framed to pertain to Federal Fund use only. Boards may choose to extend some of the requirements found in this policy more generally. For instance, the Travel section (DAF-6), or Conflict of Interest (DAF-4), could be extended to district programs which do not rely on Federal grant funds. In those instances, we recommend revising current policies to simply refer to the appropriate section(s) of this policy. E.g., the last two sentences of NHSBA sample policy DKC would be replaced with “Travel reimbursement shall be subject to the same restrictions, procedures and controls as set forth in Board Policy DAF-7 regarding travel relating to federal grant funds.”

(d) Because this sample implicates subject matter found in several other NHSBA samples (see related policies section in the headers of pages 1 and 3), districts should review their own companion policies and consider whether to include the following notation:

All purchases for property and services made using federal funds are conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Grant Guidance, and the District’s written policies and procedures. See Board Policy DAF.

- (e) Given the complexity of this sample policy, and relationship to many existing NHSBA samples, NHSBA contemplates further development and revisions over the next several policy update cycles.

Please direct any inquiries to either NHSBA's Director of Policy Services or local district counsel.

Administration of Federal Grant Funds

Category: *Priority/Required by Law*

Related Policies: *DI, DID, DJ, DJC, DJE, DJF & DK*
See also: *ADB, EFAA, EHB, JICI & JRA*

ADOPTION NOTES – DELETE BEFORE ADOPTION:

Policy begins on third page.

(a) *General – As will all sample policies, NHSBA recommends that each district carefully review this sample DAF prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc.. Highlighted language in this sample indicates areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. **This text box, and all highlights within the policy should be removed prior to adoption.***

(b) *This sample policy DAF, includes several sub-policies (see page 3, below), and is intended to establish the local board's expectations and standards for financial management and other internal controls relative to federal grant awards as required by a set of federal regulations commonly known as the Uniform Grant Guidance ("UGG"); 2 CFR Part 200. **This policy is not sufficient, alone, to serve as the written controls required by the UGG.** The policy **must be supplemented with written procedures** that should be developed under the supervision of the Superintendent and business office. The specific procedures will require tailoring according to the administrative structure, technological capacity and other circumstances or preferences of each district. Written procedures which are required under the policy and the UGG are indicated in the policy, and may be identified searching for the phrase "administrative procedures". **NHDOE, Bureau of Federal Compliance**, has released several "Fact Sheets" relative to the UGG which include, among other things, a description of some of the specific procedures administrators will need to create and implement:*

<https://www.education.nh.gov/program/federal-compliance/fact-sheets.htm>

An example of the type of procedures (as opposed to policy) required by the UGG may be found in the NHDOE the sample set of procedures for food service procurement. Note, however, that many of the provisions stated as required in the DOE Fact Sheets, and the food service procedures, are incorporated into sample policy DAF.

(c) *Other current existing policies implicated by this sample DAF should be reviewed to help assure continuity of practices within the District. Most significantly:*

- *Modify DJ to identify who has authority to approve purchase orders;*
- *Modify DJB to outline approved process for purchase order procedures. The policy may instruct the Superintendent to approve and implement written procedures which more specifically spell out the process.*

Administration of Federal Grant Funds

ADOPTION NOTES – CONTINUED....

- (d) *A sampling review of the policy manuals of various school districts, reveals that many districts have adopted some UGG policies or components of policies required by the federal Uniform Grant Guidance (2 CFR 200). In order to avoid redundancy, we recommend that prior to adoption of this sample, Districts review their own policy manuals for related policies, and make such changes as are appropriate.*
- (e) *The UGG and this policy apply specifically to federal grant funds - whether or not received directly, through NHDOE or through any other pass-through entity, and irrespective of whether the federal moneys are the sole funds used for the particular purpose, program, purchase, etc. Because many of the elements required under the UGG are significantly more restrictive or burdensome than those which may exist under state law, the component “sub-policies” (see page 3 of this packet, page 1 of the policy) are framed to pertain to Federal Fund use only. Boards may choose to extend some of the requirements found in this policy more generally. For instance, the Travel section (DAF-6), or Conflict of Interest (DAF-4), could be extended to district programs which do not rely on Federal grant funds. In those instances, we recommend revising current policies to simply refer to the appropriate section(s) of this policy. E.g., the last two sentences of NHSBA sample policy DKC would be replaced with “Travel reimbursement shall be subject to the same restrictions, procedures and controls as set forth in Board Policy DAF-7 regarding travel relating to federal grant funds.”*
- (f) *Because this sample implicates subject matter found in several other NHSBA samples (see related policies section in the headers of pages 1 and 3), districts should review their own companion policies and consider whether to include the following notation:*

All purchases for property and services made using federal funds are conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Grant Guidance, and the District’s written policies and procedures. See Board Policy DAF.

- (g) *Given the complexity of this sample policy, and relationship to many existing NHSBA samples, NHSBA contemplates further development and revisions relative to DAF and related policies over the next several policy updates.*

Direct any inquiries to either NHSBA’s Director of Policy Services or local district counsel.

Administration of Federal Grant Funds

Category: *Priority/Required by Law*

Related Policies: *DI, DID, DJ, DJC, DJE, DJF & DK*
See also: *ADB, EFAA, EHB, JICI & JRA*

This Policy includes “sub-policies” relating to specific provisions of the Uniform Administrative Requirements for Federal Awards issued by the U.S. Office of Budget and Management. Those requirements, which are commonly known as Uniform Grant Guidance (“UGG”), are found in Title 2 of the Code of Federal Regulations (“CFR”) part 200. The sub-policies include:

Please change or delete page numbers according to your own formatting

DAF-1	ALLOWABILITY	2
DAF-2	CASH MANAGEMENT AND FUND CONTROL	6
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NOTICE: 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 any administrative procedures adopted implementing this Policy.

The Board accepts federal funds, which are available, provided that there is a specific need for them and that the required matching funds are available. The 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 (NHDOE) or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grant management to be used by the District in the administration of any funds received by the District through Federal grant programs as required by applicable NH and Federal laws or regulations, including, without limitation, the UGG.

The Board directs the [....*Superintendent, Business Administrator*.... *other – for instance, a District may designate a “Federal Funds Coordinator”*] to develop, monitor, and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable

Administration of Federal Grant Funds

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 sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant 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.

DAF-1 ALLOWABILITY

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

A. Cost Principles: Except whether otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

1. Be “necessary” and “reasonable” for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
 - a. To determine whether a cost is “reasonable”, consideration shall be given to:
 - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
 - ii. the restraints or requirements imposed by such factors as sound business practices, arm’s length bargaining, Federal, State, local, tribal and other laws and regulations;
 - iii. market prices for comparable goods or services for the geographic area;

Administration of Federal Grant Funds

- iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
 - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the “necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
- b. When determining whether a cost is “necessary”, consideration may be given to whether:
- i. the cost is needed for the proper and efficient performance of the grant program;
 - ii. the cost is identified in the approved budget or application;
 - iii. there is an educational benefit associated with the cost;
 - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or
 - v. the cost addresses program goals and objectives and is based on program data.
- c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
 3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
 4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
 5. Be determined in accordance with generally accepted accounting principles.
 6. Be representative of actual cost, net of all applicable credits or offsets.

The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

Administration of Federal Grant Funds

7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
 8. Be adequately documented:
 - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- B. Selected Items of Cost:** The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.
- C. Cost Compliance:** The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.
- D. Determining Whether A Cost is Direct or Indirect:**
1. “Direct costs” are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).
 2. “Indirect costs” are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

Administration of Federal Grant Funds

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all the following conditions are met:

- a. Administrative or clerical services are integral to a project or activity.
- b. Individuals involved can be specifically identified with the project or activity.
- c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
- d. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by NHDOE or the pass-through entity (Federal funds subject to 2 C.F.R Part 200 pertaining to determining indirect cost allocation).

- E. Timely Obligation of Funds:** Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following are examples of when funds are determined to be “obligated” under applicable regulation of the U.S. Department of Education:

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District – when the services are performed.
3. Personal services by a contractor who is not an employee of the District – on the date which the District makes a binding written commitment to obtain the services.
4. Public utility services – when the District received the services.
5. Travel – when the travel is taken.
6. Rental of property – when the District uses the property.
7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E – Cost Principles – on the first day of the project period.

Administration of Federal Grant Funds

- F. Period of Performance:** All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification (“GAN”). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period of carry over. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is substantially approved, unless an agreement exists with NHDOE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than forty-five (45) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consistently, the District shall closely monitor grant spending throughout the grant cycle.

DAF-2 CASH MANAGEMENT AND FUND CONTROL

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments and in accordance with the requirements of NHDOE or other applicable pass-through-entity.

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District’s payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the NHDOE (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the NHDOE, grantor agency or other pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District’s financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The [Superintendent /Officer] is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

Administration of Federal Grant Funds

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The District receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

DAF-3 PROCUREMENT

All purchases for property and services made using federal funds must be conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Guidance, and the District's written policies and procedures.

Procurement of all supplies, materials equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, District policies, and procedures.

Administration of Federal Grant Funds

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District's documented general purchase policy **DJ [DJ (DJ is NHSBA's sample, check for district reference)]**.

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

Contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration is given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract is awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records are sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

- A. Competition:** All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

1. unreasonable requirements on firms in order for them to qualify to do business;
2. unnecessary experience and excessive bonding requirements;
3. noncompetitive contracts to consultants that are on retainer contracts;
4. organizational conflicts of interest;
5. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and/or

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6. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list must include enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list as requested.

- B. Solicitation Language:** The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

- C. Procurement Methods:** The District shall utilize the following methods of procurement:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Sealed Bids

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Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$250,000.

- a. In order for sealed bidding to be feasible, the following conditions shall be present:
 - i. a complete, adequate, and realistic specification or purchase description is available;
 - ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- b. When sealed bids are used, the following requirements apply:
 - i. Bids shall be solicited in accordance with the provisions of State law and *[Policy DJE (DJE is NHSBA's sample, check for district reference)]*. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
 - ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
 - v. The Board reserves the right to reject any and all bids for sound documented reason.
 - vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

4. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one sources submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

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- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. the item is available only for a single source;
- b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
- d. after solicitation of a number of sources, competition is determined to be inadequate.

D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:

The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

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4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
- E. Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.323(a)). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- F. Time and Materials Contracts:** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiently. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls, and otherwise performs in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- G. Suspension and Disbarment:** The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance/ and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

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Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensure. A person so excluded is suspended. (See 2 CFR Part 180 Subpart G).

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (See 2 CFR Part 180 Subpart H).

The District shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000 the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management ("SAM"), which maintains a list of such debarred or suspended vendors at www.sam.gov (which replaced the former Excluded Parties List System or EPLS); or collecting a certification from the vendor. (See 2 CFR Part 180 Sub part C).

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

H. Additional Requirements for Procurement Contracts Using Federal Funds: *Revision note, this paragraph H is new. Re-letter remaining paragraphs accordingly.*

1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)).
3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)).
4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J).
5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the

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contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)).

- I. **Bid Protest:** The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

- J. **Maintenance of Procurement Records:** The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and records regarding disbarment/suspension queries or actions. Such records shall be retained consistent with *District policy EHB and District Administrative Procedures EHB-R (EHB and EHB-R are NHSBA's samples, check for district references _____)*.

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

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

- A. **Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:
1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
 2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

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3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
 4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
 5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;
 6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
 7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.
- B. Contracts with Food Service Management Companies:** Procedures for selecting and contracting with a food service management company shall comply with guidance provided by the NHDOE, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts.

DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES

The District complies with the requirements of State law and the Uniform Guidance for conflicts of interest and mandatory disclosures for all procurements with federal funds.

Each employee, board member, or agent of the school system who is engaged in the selection, award or administration of a contract supported by a federal grant or award and who has a potential conflict of interest must disclose that conflict in writing to the [Superintendent /Officer], who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.

A conflict of interest would arise when the covered individual, any member of his/her immediate family, his/her partner, or an organization, which employs or is about to employ any of those parties has a financial or other interest in or received a tangible personal benefit from a firm considered for a contract. A covered individual who is required to disclose a conflict shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

Covered individuals will not solicit or accept any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award. Violations of this rule are subject to disciplinary action.

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The Superintendent shall timely disclose in writing to NHDOE or other applicable pass-through-entity, all violations of federal criminal law involving fraud, bribery, or gratuities potentially effecting any federal award. The Superintendent shall fully address any such violations promptly and notify the Board with such information as is appropriate under the circumstances (e.g., taking into account applicable disciplinary processes).

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

Equipment and supplies acquired (“property” as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

- A. **“Equipment” and “Pilferable Items” Defined:** For purposes of this policy, “equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of \$5,000, or the capitalization level established by the District for financial statement purposes. “Pilferable items” are those items, *regardless of cost*, which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.
- B. **Records:** The [Superintendent /Officer] shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
- C. **Inventory:** No less than once every two years, the [Superintendent /Officer] shall cause a physical inventory of all equipment and pilferable items must be taken and the results reconciled with the property records at least once every two years. Except as otherwise provided in this policy DAF, inventories shall be conducted consistent with Board Policy [DID (DID is NHSBA’s sample, check for district reference)].
- D. **Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:
1. prevent loss, damage, or theft of the property; Any loss, damage, or theft must be investigated;
 2. to maintain the property and keep it in good condition; and
 3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

Administration of Federal Grant Funds**DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS**

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient.

For purposes of this policy, “travel costs” shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.

School officials and district employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.

The validity of payments for travel costs for all district employees and school officials shall be determined by the [____ *Superintendent* ____/Officer].

Travel costs shall be reimbursed on a mileage basis for travel using an employee’s personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district’s non-federally funded activities, and in accordance with the district’s travel reimbursement policies and administrative regulations.

Mileage reimbursements shall be at the rate approved by the Board or Board policy for other district travel reimbursements. Actual costs for meals, lodging and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by Board policy, or, in the absence of such policy, the federal General Services Administration for federal employees for locale where incurred.

All travel costs must be presented with an itemized, verified statement prior to reimbursement.

In addition, for any costs that are charged directly to the federal award, the [____ *Superintendent* ____/Officer] shall maintain sufficient records to justify that:

- A. Participation of the individual is necessary to the federal award.
- B. The costs are reasonable and consistent with Board policy.

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

All fiscal transactions must be approved by the [____ *Superintendent* ____/Officer] who can attest that the expenditure is allowable and approved under the federal program. The [____ *Superintendent* ____/Officer] submits all required certifications.

DAF-9 TIME-EFFORT REPORTING / OVERSIGHT

The Superintendent will establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. The District will submit all reports as required by federal or state authorities.

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As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify the compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

A. Compensation: Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 CFR 200.431 Compensation – fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

1. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
2. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

B. Time and Effort Reports: Time and effort reports shall:

1. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
2. be incorporated into the official records of the District;
3. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
4. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
5. comply with the District's established accounting policies and practices;
6. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The [Superintendent /Officer] is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

Administration of Federal Grant Funds

DAF-10 GRANT BUDGET RECONCILIATION

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:**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

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: New policy – April 2019

NHSBA note, April 2019, this policy was created to reflect requirements of Title 2 CFR Part 200, commonly known as the Uniform Grant Guidance.

w/p-update/2019 Fed/DAF Grant Mgt (Final 13-4-2)

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Raymond School District Policy - AC

NONDISCRIMINATION/EQUAL OPPORTUNITY

The Raymond School District does not exclude from participation, deny the benefits of, or otherwise discriminate in the administration of its admissions or in its educational programs, activities, or employment practices on the basis of race, color, national origin, ancestry, religion, age, sex, handicap/disability, sexual orientation, economic status, or marital status.

The District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

These statements reflect the mission of the Raymond School District and refers to, but is not limited to, the provision of the following laws:

Title VI and VII of the Civil Rights Act of 1964;
The Age Discrimination Act of 1975;
Title IX of the Education Amendments of 1972;
Section 504 of the Rehabilitation Act of 1973;
Title II of the Americans with Disabilities Act of 1990;
NH Law Against Discrimination (RSA 354-A);
State Rule: Ed. 303.01 (i), (j), (k).

Inquiries regarding discrimination may be directed to the building Principal or his/her designee(s) or the Superintendent of Schools, SAU 33, 43 Harriman Hill Road, Raymond, NH 03077 (603) 895-4299. For complaints of race, color, national origin or ancestry discrimination, see *"Discrimination, including Harassment, Based on Race, Color, National Origin and Ancestry-ACA,"* for grievance procedures.

For complaints regarding sex discrimination, see *"AC-R-Nondiscrimination: Title IX Grievances,"* for Title IX grievance procedures, and for complaints regarding sexual harassment, see *"JBAA-Sexual Harassment – Students."* The Title IX Coordinator, who can be reached through the District's Human Resources Coordinator, at the SAU 33 Office, 43 Harriman Hill Road, Raymond, NH 03077 (603) 895-4299, ext 1104. For complaints regarding disability discrimination, see *"ACE-Procedural Safeguards – Nondiscrimination On The Basis Of Handicap/Disability,"* for Section 504 grievance procedures. The Special Education/Disabilities and the Section 504/Title II Coordinator, who is the District's Special Education Director, is to be reached at Raymond School District, 43 Harriman Hill Road, Raymond, NH 03077, (603) 895-4299, ext. 1108.

Inquiries may also be made to: Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109-3921; (617) 289-0111; Website: www.ed.gov/ocr; Email: OCR.Boston@ed.gov

Statutory Reference: RSA 354-A:7

See Appendix AC-R

Adopted: April 21, 1988

Revised: February 7, 2002

Revised: June 6, 2012

Revised: April 6, 2016

Raymond School District Policy - ADB

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS

The School District will provide a drug-free workplace in accordance with the Drug-free workplace requirements for federal contractors, 41 U.S.C. § 8102, and federal grant recipients, 41 U.S.C. § 8103. The School District will provide a drug-free school zone in accordance with New Hampshire's Drug-Free School Zones law, RSA Chapter 193-B. In compliance with these requirements and state law, the District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five (5) days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration as soon as possible.)
 - c. Possessing or distributing controlled substances on School property.
 - d. Consuming, possessing, or distributing alcohol or illegal drugs at official* School functions not on School property.

*An official School function is defined as one that is authorized and conducted by the School with School officials present, in charge, and on duty, such as, but not limited to:

 - Interscholastic athletic contests
 - Field trips
 - School dances
5. Alert the local law enforcement agency of suspected violations of the policy.

6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:

- a. Suspension
- b. Termination of employment
- c. Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health or law enforcement or other appropriate agency.

7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

8. Post at each school and in each school bus Drug-Free School Zone signs with a map of the drug-free zone around each school. These signs will be those provided by the New Hampshire Department of Education, as required by RSA 193-B:3, I; Ed. Part 316.

Legal References:

41 USC § 8101 Et. seq., Drug-free workplace requirements for Federal contractors, and Federal grant recipients
RSA Chapter 193-B, Drug Free School Zones
Ed. Part 316

Adopted: July 2, 1992

Revised: February 7, 2002

Revised: May 23, 2018

Raymond School District Policy - ADC

TOBACCO PRODUCTS BAN

USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN AND ON ALL SCHOOL FACILITIES AND GROUNDS

No person shall use any tobacco product in any facility maintained by the School District, or on any of the grounds of the District.

"Tobacco products" means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco, and tobacco in any other form.

"Facility" is any place that is supported by public funds and used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, libraries, and storage areas.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police, who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop regulations that cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

TOBACCO PRODUCTS BAN

(continued)

Employees

No employee shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all enforcement proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action, which may include warning, suspension, or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All other persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all School District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all enforcement proceedings and applicable fines and penalties.

Statutory Reference:

RSA 78:12-b1.(b)

RSA 155:64-76

RSA 126 – K:6 and K:7

Adopted: December 20, 1990

Revised: February 7, 2002

Raymond School District Policy - BEDG

MINUTES

The Secretary shall keep a record of the actions of Board meetings. The minutes of the Board shall be kept in an official minute book and shall include resolutions and motions. Papers not a part of a formal motion may be omitted if they are referred to and identified by some method.

Copies of the draft minutes of a meeting shall be sent to the members of the Board before the meeting at which they are to be approved. Corrections to the minutes may be made at the meeting at which they are to be approved.

All minutes will be kept in accordance with RSA 91-A:2 and RSA 91-A:3 and will be in the custody of the Superintendent. Minutes of all public meetings will be made available for public inspection no later than five (5) business days after the meeting. Minutes for all non-public sessions will be made available for public inspection within seventy-two (72) hours after the non-public session.

Statutory Reference:

RSA 91-A: 3 III

RSA 91-A: 4 I

RSA 91-A: 2 II

Adopted: April 7, 1971

R/R: 8/6/98

Revised: June 6, 2002

Revised: June 4, 2008

Raymond School District Policy - BEDH

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board encourages citizens of the District to attend its sessions so that they may become better acquainted with the operation and programs of the schools and so that the Board may have opportunity to hear the wishes and ideas of the public. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time to discuss such matters as are properly considered in non-public session in accordance with RSA 91-A:3.

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, it may conduct its meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings.

1. The first 20 minutes will be set-aside for citizens to address the Board.
2. Any individual desiring to speak shall be recognized by the Chairperson and shall give his or her name, address, and the group, if any, that is represented.
3. The presentation should be as brief as possible. Written remarks are encouraged.
4. Speakers may offer comments on such school operations and programs as concern them. In public session, however, the Board will not hear personal complaints of school personnel nor complaints against any person connected with the school system. Other channels are provided for Board consideration and disposition of legitimate complaints involving individuals, which should be referred to the Superintendent for appropriate action.
5. At the discretion of the Board Chairperson, the Board may allow public input in conjunction with agenda items.

The Board vests in its Chairperson or other presiding officer authority to terminate the remarks of any individuals when they do not adhere to the rules established above as to content or time limitation.

Persons appearing before the Board are reminded, as a point of information, that members of the Board are without authority to act independently as individuals in official matters. Thus, answers to any questions must be deferred pending consideration by the Superintendent and the full Board.

Statutory Reference: RSA 91-A:3

Adopted: May 5, 1971

R/R: 9/7/78, 9/21/78, 10/4/79, 4/21/88, 8/6/98, 5/3/01

Revised: June 6, 2002

Revised: September 5, 2007

Raymond School District Policy EBC

CRISIS PREVENTION AND RESPONSE

The Board recognizes that schools are subject to a number of potentially dangerous events, such as natural disasters, industrial accidents, acts of terrorism, and other violent events. No school is immune from these events no matter the size or location. The Board is committed to the prevention of these events, to the extent possible, in the schools and at school-sponsored activities.

The Superintendent shall establish an advisory committee to develop a Crisis Prevention and Response Plan. Board Policy EBCA and Appendix EBCA-R contain provisions relative to Emergency Response Plans. Consistent with Policy EBCA and RSA 189:64, the School Board directs the Superintendent to develop site-specific emergency response plans for each school building and further directs the Superintendent to submit the emergency response plans to the Division of Homeland Security and Emergency Management, Department of Safety.

The committee will review School District programs and activities, assess the District's security and safety needs, and review Board policies, administrative regulations, response plans, and procedures.

The Superintendent will develop an administrative regulation that ensures the effective development and implementation of the District's plan.

Legal References:

RSA 189:64, Emergency Response Plans

RSA 193-D, Safe School Zones

RSA 193-F, Pupil Safety and Violence Prevention

NH Code of Admin. Rule. Section Ed. 306.04(a)(2), Promoting School Safety

Adopted: June 4, 2008

Revised: November 5, 2014

Raymond School District Policy – EBCA

EMERGENCY PLANS

The Superintendent is responsible for ensuring the district's Emergency Response Plan addresses hazards such as: acts of violence, natural disasters, fire, hazardous materials, medical emergencies, and other hazards deemed necessary by the School Board or local emergency authorities. The emergency response plans will be based on and conform to the Incident Command System and the National Incident Management System.

The School Board directs the Superintendent to develop site-specific emergency response plans for each school building and further directs the Superintendent to submit the emergency response plans to the Division of Homeland Security and Emergency Management, Department Of Safety.

The Superintendent is responsible for ensuring that at least two times per year, the District conducts emergency response drills. The Board or its designee will establish relations with local and state emergency and law enforcement authorities. The Superintendent or his/her designee will serve as a coordinator/liaison with these authorities.

RSA 189:64, Emergency Response Plans
Appendix: EBCA-R

Adopted: June 4, 2008

Revised: October 15, 2014

Raymond School District Policy - JCA

CHANGE OF SCHOOL OR ASSIGNMENT POLICY

In circumstances where the best interests of a pupil warrant a change of school or assignment, the Superintendent is authorized to re-assign a pupil from the public school to which he/she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from another school district, under the following conditions and procedures.

Conditions and Procedures for reassignment

1. The parent(s)/guardian (or superintendent of another SAU) shall make a written request to the Superintendent for a change of school assignment. In the request, the parent(s)/guardian shall state why the best interests of the pupil warrant a reassignment
2. The Superintendent shall fully consider this written request, meet with the parent(s)/guardian, if necessary, and make a decision concerning the reassignment request.
3. The Superintendent's decision shall be based on the best interests of the pupil, as determined by the Superintendent. The Superintendent may develop administrative regulations concerning the factors that will be considered in making such a determination.
4. If the Superintendent determines that the best interests of the pupil warrant a reassignment, he/she will present the matter to the School Board. The Board must vote to approve the reassignment before the reassignment can occur. Upon School Board approval, the Superintendent may reassign the pupil to: (a) another school within the same school district; (b) another school district within the same SAU; or (c) a school district in another SAU, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the Superintendent of the receiving SAU and approval of the School Boards of both the sending and receiving school districts.
5. The Superintendent's reassignment decision shall be in writing and shall be final and binding.
6. The total reassignments or transfers made under this policy in any one school year shall not exceed one percent (1%) of the average daily membership in residence of the District, or five percent (5%) of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.
7. Reassignments made under this policy that exceed the percentages provided above must have the prior written approval of the School Board.

Count of Re-Assigned Pupils, Tuition Payment and Rate, and Transportation

Pupils reassigned under this policy shall be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district shall forward any tuition payment due to the district to which said pupil was assigned.

The Superintendents involved in the reassignment of a pupil shall jointly establish a tuition rate for each such pupil. Some or all of the tuition may be waived by the Superintendent of the receiving district for good cause shown, or pursuant to any applicable policy/policies of the receiving district, presuming said action is not contrary to law.

The cost of transportation for any pupil reassigned under this policy shall be the sole responsibility of the pupil's parent(s)/guardian.

Role of Department of Education

The Superintendent of the pupil's resident SAU shall notify the Department of Education within thirty (30) days of any reassignment made under this policy.

Manifest Educational Hardship Change of Assignment

When a parent/guardian believes that an initial assignment has been made that will result in a manifest educational hardship to the pupil, said parent/guardian may seek a change of assignment in accordance with RSA 193:3 I and II, and Raymond Policy JEC, Manifest Educational Hardship.

Special Education Placements

A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

Statutory/Regulatory Reference:

RSA 193:3 III, Change of School Assignment

RSA 193:3 I and II, Manifest Educational Hardship

RSA 193:14-a, Change of School Assignment; Duties of State Board of Education

See Policies JEC and JFAB

Adopted: May 20, 2002

Revised: January 20, 2016

Revised: May 17, 2017

Raymond School District Policy - IO

CLASS SIZE

The School Board is aware that class size has bearing upon effective teaching. It therefore directs the Superintendent to work with Principals in establishing a reasonable and equitable class enrollment for each teacher.

The Board understands that achieving this goal is dependent upon the financial ability of the District. In determining the size of various classes, the administration will consider the following factors:

1. The type of load that will help the teacher be most effective with the students in the class
2. The experience of the teacher and his/her familiarity with Raymond programs and policies
3. Required preparation and correction time for the particular class
4. The degree of need for individualization of instruction.

As a general guideline, the Board supports the following maximum class sizes:

a. Preschool/Kindergarten	15 students per class
b. Grades 1 through 3	18 students per class
c. Grades 4 through 8	22 students per class
d. Grades 9 through 12	25 students per class

Adopted: August 14, 1975

R/R: 6/21/01

Revised: August 1, 2002

Revised: August 5, 2009

WELLNESS POLICY

The Raymond School Board recognizes the importance of proper nutrition and developmentally appropriate physical activity as ways of promoting healthy lifestyles, minimizing childhood obesity, and preventing other diet-related chronic diseases. The Board also recognizes that health and student success are inter-related. It is, therefore, the goal of the Board that the learning environment be aligned to positively influence a student's understanding, beliefs, and habits as they relate to good nutrition and physical activity.

Goals:

1. The District shall teach, encourage, support, and model healthy eating habits for students.
2. The District shall teach, encourage, support, and model age-appropriate daily physical activity.
3. The District shall educate students, employees, school board, and community members to the important benefits of a healthy lifestyle.
4. The schools shall comply with the nutrition guidelines outlined in this policy in a manner designed to facilitate the adoption of healthier eating habits.

Nutrition Guidelines:

The Raymond School District's nutritional standards are based upon standards established under the Healthy, Hunger Free Kids Act of 2010 (HHFKA) and its subsequent revisions. These nutrition guidelines, apply to all foods available to students on school grounds during the school day from midnight of the previous day until a minimum of 30 minutes after the final bell, including but not limited to: the school lunch and breakfast program; foods and beverages sold in vending machines/school stores and as part of classroom lessons/activities; parties; celebrations; or fundraising efforts. As needed, the Wellness Committee will request that the Superintendent notify the School Board regarding any changes that have occurred in federal and state nutrition guidelines that need to be reflected in this policy.

A. School Meals: School Meals served in the District shall meet or exceed the nutrition requirements established by the USDA under HHFKA, its laws, and regulations. Administration of the school meal program will be by qualified school food service staff. School lunches and breakfast programs will offer a variety of foods and choices for students. Nutritional information about school meals will be available upon request. Menus will be available on the school website, in the cafeterias, and other appropriate school media.

B. Free and Reduced Meals: Eligibility for and distribution of free and reduced priced meals will be provided with confidentiality in accordance with state and federal requirements.

C. Breakfast & Lunch: In order to meet the nutritional needs of children and enhance their ability to learn, the Raymond School District will provide a breakfast program as well as lunch.

D. Meal Times and Scheduling: Schools whenever possible:

1. Shall ensure students have sufficient time to eat breakfast and lunch in accordance with the HHFKA.
2. Shall not schedule tutoring, club, or organizational meetings/activities during mealtimes, unless students may eat during such activities.

E. Food Sales: All food items available through schools and school functions should meet or exceed nutritional standards established by the HHFKA and its "Smart Snack" guidelines.

1. Elementary Schools: The school food service program will approve and provide all food and beverage sales to students in elementary schools. Foods in elementary school are sold only as balanced meals with the exception of milk, which can be purchased separately.
2. Middle and High Schools: In middle and high school, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, fundraising, etc.) to students during the school day will meet the standards set under HHFKA and Smart Snack criteria.

F. Fundraising Activities: To support children's health and school nutrition-education efforts, school sponsored fundraising activities (direct school affiliation) should include foods that qualify under HHFKA and Smart Snack criteria. The Alliance for a Healthier Generation's "Smart Snack Calculator" and the Food Service Director may be used as resources for determining qualifying items. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

G. Rewards: Schools will not use foods or beverages as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

H. Snacks/Lunches: Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables or Smart Snack qualifying items as the primary snacks, and water as the primary beverage.

Students are discouraged from bringing unhealthy foods or beverages to school for either snack or lunch. Examples of these are any soda, high calorie/cafeinated energy drinks and food items that are high in sugar, fat or sodium content.

Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items and the Smart Snack Calculator link to teachers, after-school program personnel, and parents.

I. School Store: Food and beverage items sold in the school store will meet guidelines of this policy. Food items in the school store will not be sold when the school food services program is open for sale. (Food items available after lunch and after school.) Food items being sold in the school store will also be subject to the competitive foods standards. The sale of competitive food to students will be prohibited from the midnight before, to 30 minutes after the end of the official school day, or what may be considered the instructional day.

J. Celebrations: Schools should limit celebrations that involve food during the school day. Each party should include no more than one food or beverage that does not meet nutrition standards under Smart Snacks and HHFKA. The district will disseminate a list of healthy party ideas to parents and teachers. Subject area lessons involving food preparation should follow nutritional guidelines as part of the instruction of the lesson.

School staff involved in homeroom, field trips and classroom food related events will communicate with school food services managers to assist with nutritional planning and reducing food waste.

K. Classroom Activities: Schools shall discourage the use of food items for instructional purposes unless as part of the course curriculum. This is especially the case for those food items that do not meet the nutritional standards for foods as outlined in this policy.

Nutrition Guidelines for Reimbursable School Meals:

In no circumstances will the guidelines for reimbursable school meals be less restrictive than the regulations and guidance issued by the US Secretary of Agriculture as applicable to schools. Foods should be served with consideration toward variety, appeal, taste, safety, and packaging to ensure that students will participate in consuming high quality meals.

Plan for the Established Committee to Measure Implementation:

The School Board instructs the Superintendent to establish procedures for implementation of this policy that include targets in support of the goals set forth in this policy. **Annual notification of the Wellness Policy will go out each November via the Community Newsletter and an announcement on the District Website Homepage.** Each Building Principal is charged with the operational responsibility for ensuring that their school follows the guidelines set forth in this

policy and implements strategies for achieving the targets set forth in the procedures established by the Superintendent. The Wellness Committee will periodically assess the nutrition and physical activity environment throughout the District and provide input to each Building Principal and the Superintendent regarding progress on the current targets, recommend any new targets, and identify strategies in support of the goals stated in this policy. The Superintendent and Building Principals will decide upon the targets and strategies in support of the goals stated in this policy. Progress reports will be provided to the School Board once per year. Additionally, the Wellness Committee will determine two measurable goals each year to assess development and implementation of for the following school year. The Committee will review the policy every three years and recommend updates or modifications as appropriate.

Community Involvement:

The Board will establish a Wellness Committee ~~that will periodically assess the nutrition and physical activity environment throughout the District. This group will assess progress on the current goal targets, recommend any new goal targets, and identify strategies for achieving them.~~ The Committee will be appointed by the Superintendent. The Committee will consist of a group representing parents, students, the school's food service program, the School Board, administrators, regular and wellness-related faculty and staff as well as members of the public with wellness-related expertise. The purpose of this advisory Committee is to provide content area expertise and community input.

Legal References:

RSA 189:11-a, Food and Nutrition Programs

Section 204 of Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004

Ed 306.04(a)(20), Wellness

Ed 306.401, Health and Wellness Education Program

Adopted: July 19, 2006

Revised: June 30, 2016

Raymond School District Policy - GCEC

ADMINISTRATORS' VACATIONS

For the purpose of this policy, Raymond School District Administration shall mean:

Superintendent of Schools
Business Administrator
Building Principals
Director of Special Education
Director of Technology
Director of Facilities

1. Administrators are entitled to four weeks (20 days) vacation per year.
2. Administrators who have completed seven (7) full consecutive years of service to the District as a full-time administrator are entitled to an additional week (5 days) of vacation per year. This additional week shall not be taken consecutively with the other four weeks of vacation.
3. All vacation schedules will be subject to the approval of the Superintendent of Schools. Vacations of longer than five (5) days taken by the Superintendent will be subject to the approval of the School Board.
4. All accrued vacation days must be used on or before August 31 following the close of the school year.
5. Any District administrator who requests additional time to be absent from duty must have written approval of the Superintendent. Additional time to be absent from duty by the Superintendent must be approved by the School Board. Such time absent, if approved, will be deducted from his/her salary.

Adopted: December 7, 1989

Revised: February 1, 1996

R/R: 9/20/01

Revised: August 1, 2002

Revised: June 19th, 2013

**RAYMOND SCHOOL DISTRICT
WORKERS' COMPENSATION/ACCRUED LEAVE POLICY**

The purpose of this Policy is to put into writing the Raymond School District's current procedures for the use of accrued leave by employees with workers' compensation claims.

1. Employees may use three (3) days of accrued leave, if available, so that the employees can be paid during the three (3) day waiting period in RSA 281-A:22. Employees who use accrued leave days during the waiting period are required to reimburse the District for the days if the workers' compensation carrier pays the employees for these days. After the District receives reimbursement from the employees, the District shall restore the leave time to the employees.
2. Employees who receive workers' compensation benefits are not permitted to supplement their workers' compensation benefits with accrued sick and/or personal leave to bring the employee's gross earnings to 100%.
3. Employees who are waiting for a workers' compensation eligibility determination and/or workers' compensation payments may use accrued sick and/or personal leave. If the employees subsequently receive payment from the workers' compensation carrier for those days, the employees shall reimburse the District for any leave paid to the employees for those days. After the District receives reimbursement from the employees, the District shall restore the leave time to the employees.
4. Employees shall sign a Workers' Compensation Use of Accrued Leave and Repayment Agreement to request the use of accrued leave under this Policy.

RAYMOND SCHOOL DISTRICT

**Workers' Compensation
Use of Accrued Leave and Repayment Agreement**

I, _____, voluntarily request that the
Raymond School District:

(Check Option A or B below):

☐ A. Do not use my accrued time while I am awaiting a workers' compensation eligibility determination and/or payments. I acknowledge that I will only receive the workers' compensation payment(s) from the District's insurance carrier.

☐ B. Use my accrued leave while I am awaiting a workers' compensation eligibility determination and/or payments as designated below:

- ☐ Sick Leave
☐ Confidential Personal Leave

Repayment Agreement

I understand and agree that I must reimburse the Raymond School District for any paid leave I received from the District when the workers' compensation carrier pays me for those days.

I also understand and acknowledge that after I have repaid the Raymond School District for the paid leave I received from the District, the District shall restore to me the leave time.

**I acknowledge that I have received and read a copy of the Raymond School District's
Workers' Compensation/Accrued Leave Policy.**

Employee's Signature

Name (Typed or Printed)

Date

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

POLICY SERVICES

FALL 2018 POLICY UPDATE

Special note relative to HOUSE BILL 1744 (2018 N.H. Laws Chapter 91). This bill/law amended RSA 193-C:6 and RSA 91-A:5, III. The amendment is intended to allow New Hampshire parents/guardians to automatically exempt their children from any of the statewide and other assessments required under 193-C:6. However, as these assessments are required under federal law, the state is required to obtain a waiver from USDOE. As of October 3, 2018, the state has not received the waiver. As such, NHSBA is delaying any action on the statute until there is a decisive communication from NHDOE regarding the waiver/statute. Please contact NHSBA should you have any questions.

Note relative to SENATE BILL 349 (2018 N.H. Laws Chapter 108). This bill/law amended RSA 186:8 to direct the State Board of Education to adopt a rule to allow CTE program work to qualify for the "non-mathematics content area course" exception to the mathematics competencies requirement found in RSA 186:8, VIII. NHSBA will delay any policy revision regarding SB 349 until the State Board completes the rulemaking required under the bill.

Sample Policies Included in this Update:

AC – Non-Discrimination.

[Recommended policy]

Related Policy: GBA

See Also Appendix: AC-R

- We have revised policy AC to include a provision prohibiting discrimination in employment practices on the basis of gender identity as required by the 2018 passage of HB1319 (codified at RSA 354-A:6, and 354-A:7).

ADB – Drug-Free Workplace & Drug-Free Schools.

[Priority – Required policy]

Identical Policy: GBEC

Related Policy: JICH

- ADB (and its identical policy GBEC) are updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

- The policy is further amended to include the optional language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program) when requested by a "syringe service program administrator".

ADC – Tobacco Products Ban Use and Possession in and on School Facilities and Grounds.

[Priority – Required policy]

Identical Policy: GBED & JICG

- Sample ADC/JICG/GBED has been revised to include definitions and prohibitions relative to E-cigarettes and liquid nicotine, as well as reorganized for improved readability.

BEDG – Minutes.

[Recommended policy]

- This update is in response to the requirement imposed by the 2018 passage of House Bill 1347, Laws of 2018, Chapter 244, that the first and seconds of all motions be recorded. Additional revisions to the policy are included to more clearly reflect the process for sealing non-public minutes.

BEDH – Public Comment and Participation at Board Meetings.

[Recommended policy]

Related Policies: BEDB, KE, KEB

- This sample policy is updated to more specifically recognize the distinction between board business, and public comment, and how that distinction relates to the benefit of public input at board meeting, as well as emerging judicial decisions regarding the need for viewpoint neutrality relative to public comment rules.

EBC – Crisis Prevention and Response.

[WITHDRAWN]

- NHSBA withdrew this sample policy with its Fall 2018 update. The substance of sample policy EBC has been incorporated into sample policy EBCA. School boards should formally repeal EBC (or their equivalent policies).

EBCA – Crisis Prevention and Emergency Response Plans.

[Recommended policy]

Related Policies: EB & JICK

See Also Appendix: EBCA-R

Sample policy EBCA has been retitled and revised substantially to:

- Incorporate related/redundant provisions of former sample policy EBC (withdrawn in October 2018);
- To reflect provisions of HB 1370, passed in May 2018, which now provides that it is DOE charged with providing Emergency Response Plans to the Director of Homeland Security.

EHAB – Data Governance and Security.

[Priority – Required policy]

Related Policies: EHAA, EHB, GBEED, GBEF, IHBH, JICJ, JICL, JICM, KD, & KDC

- This policy was created to reflect, in part, the requirements of RSA 189:66, V (NH Laws 2018 Chapter 252 (HB 1612)). HB 1612 also requires NHDOE to establish minimum standards for privacy and security. As of September 18, 2018, those standards have yet to be finalized. NHSBA expects that those standards will require further modifications to this policy as well as companion administrative procedures and other existing NHSBA sample policies.
- NHSBA has designated this policy as "Priority/Required by Law". Technically, what is required is a Board approved Data Governance Plan, no later than June 30, 2019. However, because of the significance of the subject, and the required plan, we have determined that the policy meets the priority designation.

EHB – Data/Records Retention.

[Priority – Required policy]

Related Policies: EH, EHAB, JRA, & GBJ

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

EHB-R – Local Records Retention Schedule.

See Board Policy: EHB

Related Policies: EH, EHAB, JRA, & GBJ

- Administrative procedures/appendix EHB-R has been generally reorganized, and also amended to reflect new RSA 186-C:10-a. See September 2018 revision notes to Policy EHB for further information.

GADA – Employment References and Verification (Prohibiting Aiding and Abetting of Sexual Abuse).

[Priority – Required policy]

Related Policies: GBCD, GBJ, GCF, & GDB

- This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

GBEC– Drug-Free Workplace & Drug-Free Schools.

[Priority – Required policy]

Identical Policy: ADB

Related Policy: JICH

- GBEC (and its identical policy ADB) are updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.
- The policy is further amended to include the optional language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program) when requested by a "syringe service program administrator".

GBED – Tobacco Products Ban Use and Possession in and on School Facilities and Grounds.

[Priority – Required policy]

Identical Policy: ADC & JICG

- See revision note on sample policy ADC above.

JCA – Change of School or Assignment – Best Interests.

[Priority - Required policy]

Related Policies: JEC & JFAB

- Minor changes only. Title and paragraph order changed to better distinguish reassignment requests based upon "manifest educational hardship" under RSA 193:3, I (see NHSBA sample policy JEC), from requests based upon "best interests" under RSA 193:3, III.

JEC – Change of School or Assignment – Manifest Educational Hardship.

[Priority – Required policy]

Related Policy: JCA

- Sample policy JEC is updated to reflect March 2018 changes in NH Dept. of Ed. Rule 320, and to more closely track the language of Rule 320 and RSA 193:3, I. Title has been changed to better distinguish reassignment requests based upon "manifest educational hardship" under RSA 193:3, I (see NHSBA sample policy JEC), from requests based upon "best interests" under RSA 193:3, III.

JIC – Student Conduct.

[Recommended policy]

Related Policy: JIA, JICD, JICDD, JICK

See Also: JICD-R

- Policy JIC has been revised to include a provision describing the circumstances in which simple assaults will be reported to parents pursuant to RSA 193-D:4, I and NHDOE Administrative Rule 317.05. This provision is required if the District wishes to limit required reporting for assaults to those constituting first or second degree assaults.

JICG – Tobacco Products Ban Use and Possession in and on School Facilities and Grounds.

[Priority – Required policy]

Identical Policy: ADC & GBED

- Sample JICG/ADC/GBED has been revised to include definitions and prohibitions relative to E-cigarettes and liquid nicotine, as well as reorganized for improved readability.

KEE – Website Accessibility and Grievance.

[Recommended policy]

Related Policies: AC, KD, KDC, & KED

- This policy was created to reflect the legal requirements of the ADA and other state and federal laws website accessibility for individuals with disabilities or who are members of other protected classes.

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w/p-updates/2018 Update 2 Fall/Policies 2018 Fall Final Version/1 - NHSBA Fall 2018 Policy Update - Cover Document

NON-DISCRIMINATION**Category: Recommended****Related Policy: GBA**
See also Appendix: AC-R

It is the policy of the School Board that there will be no discrimination on the basis of age, gender, race, creed, color, religion, marital status, sexual orientation, national ethnic origin, economic status or disability for employment in, participation in, admission/access to, or operation and administration of any educational program or activity in the School District.

The District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

The Superintendent or his/her designee will receive all inquiries, complaints, and other communications relative to this policy and the applicable laws and regulations concerned with non-discrimination.

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 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.

History:

First reading: _____
Second reading/adopted: _____

Legal References:

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 II of The Americans with Disabilities Act of 1990
Title VII of The Civil Rights Act of 1964 (15 or more employees)
RSA 186:11, XXXIII, Discrimination
RSA 275:71, Prohibited Conduct by Employer
Ed 306

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.*

District adoption/revision history:

NON-DISCRIMINATION

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised: September 2018, September 2008, February 2005, February 2004, July 1998

NHSBA Note, 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 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/2018 Fall/AC 2018-F(F) Non-Discrimination

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DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

Category: Priority-Required by Law

Identical Policy: GBEC

Related Policy: JICH

Drug and alcohol abuse in the workplace or at school or in connection with school-sponsored activities on or off school grounds threatens the health and safety of our students and our employees and adversely affects the educational mission of the District. Accordingly, the District is committed to providing a drug and alcohol free learning environment and workplace.

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

- a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL – MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR – see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

[name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- 41 U.S.C. §101, et. Seq.- Drug-free workplace requirements for Federal contractors, and Federal grant recipients
- RSA Chapter 193-B Drug Free School Zones
- N.H. Admin. Code, Ed. Part 316

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised and replaced September 2018.

Revised: April 2017; April 2010; February 2004; July 1998

NHSBA revision note: September 2018 – ADB, and its identical policy GBEC, are updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

The policy is further amended to include the **optional** language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program") when requested by a "syringe service program administrator".

Important note: Although a district may not adopt the optional provision regarding syringe service programs, districts should replace existing ADB/GBEC such that the policy better reflects the requirements of Federal law.

NHSBA revision note: April 2017 - Revised to reflect changes to federal and state law.

w/p-update/2018 Fall/ADB GBEC 2018 (F)

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**TOBACCO PRODUCTS BAN USE AND POSSESSION
IN AND ON SCHOOL FACILITIES AND GROUNDS***Category: Priority/Required by Law**Same Policy: GBED & JICG*

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

A. Definitions.

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI as the same may be amended or replaced from time-to-time.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-a as the same may be amended or replaced from time-to-time.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a as the same may be amended or replaced from time-to-time.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, E-cigarette, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

**TOBACCO PRODUCTS BAN USE AND POSSESSION
IN AND ON SCHOOL FACILITIES AND GROUNDS**

No employee shall use any tobacco product, E-cigarette, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, E-cigarette, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures.

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

District Policy History:

First reading: _____

Second reading/adopted: _____

**TOBACCO PRODUCTS BAN USE AND POSSESSION
IN AND ON SCHOOL FACILITIES AND GROUNDS***District revision history:***Legal References:**

- RSA 155:64 – 77, Indoor Smoking Act
- RSA 126-K:2, Definitions
- RSA 126-K:6, Possession and Use of Tobacco Products by Minors
- RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised – September 2018; February 2004; November 1999; July 1998

NHSBA Note, September 2018: Sample ADC/GBED/JICG has been revised to include definitions and prohibitions relative to E-cigarettes and liquid nicotine, as well as reorganized for improved readability.

w/p-update/2018 Fall/ADC GBED JICG Tobacco 2018-F (f)

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MINUTES***Category: Recommended***

Under RSA 91-A, the school board, and each of the school board's committees (whether standing or ad hoc, or whether deemed a sub-committee or an advisory committees) is required to keep minutes for every "meeting" as defined under 91-A:2, I. As used below, "Board" shall mean and include the district school board, and each such board committee.

The Board will keep a record of the actions taken at Board meetings in the form of minutes. At a minimum, all minutes, public and non-public, shall include:

- 1) the names of members participating,
- 2) persons appearing before the School Board (any persons other than board members who address the board or speak at the meeting;
- 3) a brief description of each subject matter discussed;
- 4) identification of each member who made a first or second of any motion;
- 5) a record of all final decisions;
- 6) When a recorded roll call vote on a motion is required by law or called for by the Chair (or other presiding officer), a record of how each board member voted on the motion; and
- 7) In the event that a board member objects to the subject matter discussed by the board, if the board continues the discussion above the member's objection, and upon the request of the objecting member, then – and irrespective of whether the objection/discussion occurred in public or non-public session - the public minutes shall also reflect (i) the objecting member's name, (ii) a statement that the member objected, and (iii) a "reference to the provision of RSA 91-A:3, II that was the basis for the discussion." (See RSA 91-A:2, II-a.).

Copies of the draft minutes of a meeting will be sent to the members of the Board before the meeting at which they are to be approved. The preceding sentence, however, shall not apply to minutes of non-public sessions when the Board has sealed such minutes by a recorded roll call vote taken in public session with 2/3 of the board members present supporting the motion. Drafts of non-public minutes will be provided to the Board either at the conclusion of the non-public session and may be approved at the time - prior to any vote to seal, or if sealed, provided to Board at the meeting at which they are to be approved.

Draft minutes of all public meetings, clearly marked as drafts, will be made available for public inspection no later than five (5) business days after each public session. Minutes for non-public sessions shall be kept as a separate document. Draft minutes for all non-public sessions, will be made available for public inspection within seventy-two (72) hours after the non-public session, unless sealed in accordance with the procedure described in the preceding paragraph.

MINUTES

Notes and other materials used in the preparation of the minutes must be retained until the minutes are approved or finalized.

All minutes, including draft minutes, will be kept in accordance with RSA 91-A:2 and RSA 91-A:3 and will be in the custody of the Superintendent.

Approved minutes, except those non-public session minutes which are sealed, shall be consistently posted on the District's web site in a reasonably accessible location or the web site shall contain a notice describing where the minutes may be reviewed and copies requested. Draft minutes will be available for inspection at the District's administrative office.

Sealed minutes shall be reviewed periodically and unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. The Superintendent shall identify and bring to the Board's attention minutes which have been sealed because disclosure would render the proposed action ineffective where the action has been completed and the minutes no longer need to be sealed. The Superintendent will also identify any other sealed minutes where the justification for sealing no longer applies due to the passage of time. Generally, non-public session minutes sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the School Board, will remain sealed.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 91-A:2 II, Public Records and Meetings: Meetings Open to Public

RSA 91-A:2, II-a,

RSA 91-A:3 III, Public Records and Meetings: Non-Public Sessions

RSA 91-A:4 I, Public Records and Meetings: Minutes and Records available for Public Inspection

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.*

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NHSBA history: Revised: September 2018; September 2017

MINUTES

NHSBA note, September 2018: This update is in response to the requirement imposed by the 2018 passage of House Bill 1347, Laws of 2018, Chapter 244, that the first and seconds of all motions be recorded. Additional revisions to the policy are included to more clearly reflect the process for sealing non-public minutes.

NHSBA note, September 2017: This update is in response to the requirement imposed by House Bill 170, Laws of 2017, Chapter 234, that Districts either consistently post approved meeting minutes on the District web site in a reasonably accessible location or maintain a notice on the web site advising where the meeting minutes may be inspected and copies requested. The policy is also updated to clarify the statutory requirements for the content of minutes, addresses disclosing draft minutes to satisfy the deadlines for disclosure, and the duty to unseal the sealed minutes of non-public sessions in some circumstances.

w/p-update/2018 Fall/BEDG 2018-F (f) - Minutes

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PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS*Category: Recommended**Related Policies: BEDB, KE & KEB*

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions RSA 91-A:3.

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, assure that the Board may conduct its business and meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings.

Rules of Order

1. The Board will provide a maximum of ___fifteen___ minutes to hear public comments at the beginning of each regular Board meeting. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment period for specific agenda items with a time limit for public comment specified on the pertinent agenda.
2. Individual speakers will be allotted ___three___ minutes per person. Speakers may not relinquish allotted time to another speaker. For specific meetings and/or specific agenda items, the Board may at the outset of the public comment period increase the individual time limit for all speakers.
3. The Chair will recognize speakers on a first come basis.
4. In order to comply with the minute requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.

OPTIONAL PROVISIONS – SELECT ONE OF THE ITALICIZED PARAGRAPHS

5. *Members of the public shall limit comments only to those items appearing on the current agenda. The Board will not entertain comments on items that do not appear on the agenda. The only exception shall be comments which address matters discussed by the Board at its last public meeting which were not on that meeting's agenda but were discussed by the Board under "New Business". Requests to address the Board on specific matters (i.e., a request to have a matter placed on an agenda) should be presented to the Superintendent no less than fourteen days prior to the next Board meeting, and must set forth the specifics of the subject to be address. The determination whether to place the matter on the agenda will be made consistent with Board Policy [BEDB].*

--OR--

PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

*Except as otherwise provided in this policy, members of the public may offer comments on agenda items or upon any other matter of public concern directly relating to the District's school policies, programs and operations. In the interest of preserving individual privacy and due process rights, the Board requests that comments (including complaints) regarding individual employees (other than the Superintendent) or individual students be directed to the Superintendent in accord with the complaint/grievance resolution processes set forth in School Board Policies **KE and/or KEB**. Complaints regarding the Superintendent, may be made either during public comment, or directed to the School Board Chair as described in Board Policy **KEB**.*

6. Any comments which do not adhere to the above, or which disrupt the official business of the Board may be ruled out of order by the Chair. Repeated disruption may result in the individual being asked to leave the meeting. Obscene speech, comments threatening bodily harm, or other unprotected speech will not be tolerated.
7. The Board Chair may terminate the speaker's privilege of address if the speaker does not follow the above rules of order. Repeated violations or disruptions may result in the intervention of law enforcement, with the potential for criminal charges.

Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters. Thus, in most instances, any board response will be deferred pending consideration by the full Board.

With the aim of maintaining focus on the issues in discussion, it is desired that all speakers strive to adhere to ordinary norms of decorum and civility.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 91-A:2, Meetings Open to the Public

RSA 91-A:3, Non-Public Sessions

U.S. Const., 1st Amendment

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.*

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PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

NHSBA history: Revised: September 2018; May 2007; November 1999; July 1998; and February 2004

NHSBA revision note, September 2018: This sample policy is updated to more specifically recognize the distinction between board business, and public comment, and how that distinction relates to the benefit of public input at board meeting, as well as emerging judicial decisions regarding the need for viewpoint neutrality relative to public comment rules.

w/p-update/2018 Fall/BEDH//BEDH Public Comment 2018 Rev (f)

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CRISIS PREVENTION AND RESPONSE

Category: WITHDRAWN

Related Policies: EBCA & JICK

WITHDRAWN OCTOBER 2018

NHSBA withdrew this sample policy with its Fall 2018 update. The substance of sample policy EBC has been incorporated into sample policy EBCA. School boards should formally repeal EBC (or their equivalent policies).

District Policy History:

Date withdrawn:

District revision history:

NHSBA history: WITHDRAWN October 2018.
Revised September 2014; August 2006
New Policy – November 2006

w/p-update/2018 Fall/EBC 2018-F (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.

CRISIS PREVENTION & EMERGENCY RESPONSE PLANS

Category: Recommended

*Related Policies: EB & JICK
See also Appendix: EBCA-R*

ADOPTION NOTE: *Although NHSBA recommends that districts review all NHSBA sample policies prior to adoption, highlights indicate areas which Boards should review and change to reflect local personnel titles, policy references, etc.. Highlights and corresponding notes/options should be deleted from the policy as adopted by the local board.*

The Board recognizes that schools are subject to a number of potentially dangerous events, such as natural disasters, industrial accidents, acts of terrorism, and other violent events. No school is immune from these events no matter the size or location. The Board is committed to the prevention of these events, to the extent possible, in the schools and at school-sponsored activities.

The Superintendent is responsible for ensuring that at least two times per year, the District conducts emergency response drills. The Superintendent will establish a relationship with local and state emergency (e.g., police, fire, ambulance, etc.). The Superintendent, or his/her designee, will serve as a coordinator/liaison with these authorities.

The Superintendent, in consultation with appropriate personnel, and in coordination with local emergency authorities, shall develop a District-wide Crisis Prevention and Response Plan, which must, at a minimum, include a site-specific Emergency Response Plan for each school. *[NHSBA is aware that one of the toolkits/templates used by districts to prepare the site-specific plan uses "Operations" in the title in place of "Response". As "Response" is the term referenced in RSA 189:64, we recommend using that term, or "Response Operations".]*

The Superintendent is responsible for ensuring that each Emergency Response Plan conforms with the requirements of RSA 189:64, as the same may be amended or replaced, and that each Emergency Response Plan addresses hazards including, but not limited to: acts of violence, threats, natural disasters, fire, hazardous materials, medical emergencies, and other hazards deemed necessary by the School Board or local emergency authorities. The emergency response plans will be based on and conform to the Incident Command System and the National Incident Management System.

The School Board directs the Superintendent to assure that each Emergency Response Plan is reviewed annually (in consultation with appropriate personnel, and in coordination with local emergency authorities), and is updated as necessary. If, after such review, the plan remains unchanged, then the Superintendent shall notify the Department of Education by September 1 that the plan is unchanged. If an Emergency Response Plan is update/revised, the Superintendent shall submit the updated Emergency Response Plan to the New Hampshire Department of Education no later than September 1.

The District Crisis and Response Plan will be updated annually to include each site-specific Emergency Response Plan as updated, and any other changes as deemed appropriate by the Superintendent.

CRISIS PREVENTION & EMERGENCY RESPONSE PLANS

The Superintendent will develop an administrative regulation that ensures the effective development and implementation of the district's plan.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- RSA 189:64, Emergency Response Plans
- RSA 193-D, Safe School Zones
- RSA 193-F, Pupil Safety and Violence Prevention
- NH Code of Admin. Rule. Section Ed. 306.04(a)(2), Promoting School Safety

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised – October 2018; September 2017; September 2014; August 2007; July 1998

NHSBA note, October 2018: Sample policy EBCA has been retitled and revised substantially to:

- Incorporate related/redundant provisions of former sample policy EBC (withdrawn in October 2018);
- To reflect provisions of HB 1370, passed in May 2018, which now provides that it is DOE charged with providing Emergency Response Plans to the Director of Homeland Security.

NHSBA note, September 2017: Policy revised to require annual submission of the emergency plan in accordance with House Bill 233, Laws of 2017, Chapter 14. Emergency Response Plans were previously submitted to the Division of Homeland Security and Emergency Planning, now they must be submitted to the Department of Education. The Department of Homeland Security and Emergency Planning has confirmed they work closely with and will have access to the plans through the Department of Education.

NHSBA note, September 2014: Policy is re-written in its entirety to reflect legislative changes to RSA 189:64. Changes are also made to the Legal References.

w/p-update/2018 Fall/EBCA 2018-F (I) Crisis Prevention & Emergency Response Plans

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DATA GOVERNANCE AND SECURITY*Category: Priority/Required by Law**Related Policies EHAA, EHB, GBEBD, GBEF, IHBH, JICJ, JICL, JICM, KD, & KDC*

ADOPTION NOTE: Although NHSBA recommends that districts review all NHSBA sample policies prior to adoption, highlights indicate areas which Boards should review and change to reflect local personnel titles, policy references, etc..

To accomplish the District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

A. Definitions

Confidential Data/Information – Information that the District is prohibited by law, policy or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information – Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with the ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);

DATA GOVERNANCE AND SECURITY

- (d) A response plan for any breach of information; and
- (e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2. **Policies and Administrative Procedures.** The Superintendent, in consultation with the ISO, is directed to review, modify and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures will may or may not be included in the annual Data Governance Plan.

C. Information Security Officer.

The [] Director of Technology??? is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with the both District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The [] assistant director of technology is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

D. Responsibility and Data Stewardship.

All District employees, volunteers and agents are responsible for accurately collecting, maintaining and securing District data including, but not limited to, Confidential and/or Critical Data/Information.

E. Data Managers.

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who

DATA GOVERNANCE AND SECURITY

need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise. The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

G. Using Online Services and Applications.

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

H. Training.

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

I. Data Retention and Deletion.

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be

DATA GOVERNANCE AND SECURITY

incorporated [by reference] into the data/record retention schedule established under Policy [EHB and administrative procedure EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy [EHB].

J. Consequences

Employees who fail to follow the law or District policies or procedures regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures or other rules will result in the same consequences, regardless of the success of the attempt.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

15 U.S.C. §§ 6501-6506 * Children's Online Privacy Protection Act (COPPA)

20 U.S.C. § 1232g * Family Educational Rights and Privacy Act (FERPA)

20 U.S.C. § 1232h * Protection of Pupil Rights Amendment (PPRA)

20 U.S.C. § 1400-1417 * Individuals with Disabilities Education Act (IDEA)

20 U.S.C. § 7926 * Elementary and Secondary Education Act (ESSA)

RSA 189:65 * Definitions

RSA 186:66 * Student Information Protection and Privacy

RSA 189:67 * Limits on Disclosure of Information

RSA 189:68 * Student Privacy

RSA 189:68-a * Student Online Personal Information

RSA 359-C:19-21 * Right to Privacy/Notice of Security Breach

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

DATA GOVERNANCE AND SECURITY

enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: New policy – September 2018

NHSBA note, September 2018, this policy was created to reflect, in part, the requirements of RSA 189:66, V (NH Laws 2018 Chapter 252 (HB 1612)). HB 1612 also requires NHDOE to establish minimum standards for privacy and security. As of September 18, 2018, those standards have yet to be finalized. NHSBA expects that those standards will require further modifications to this policy as well as companion administrative procedures and other existing NHSBA sample policies. Additionally, because a sampling review of the existing technology policies for various district reveal wide variations from current NHSBA samples (see "Related policies" reference at the top of this sample policy EHAB). Districts adopting this sample, therefore, are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.

NHSBA has designated this policy as "Priority/Required by Law". Technically, what is required is a Board approved Data Governance Plan, no later than June 30, 2019. However, because of the significance of the subject, and the required plan, we have determined that the policy meets the priority designation.

w/p-update/2018 Fall/EHAB 2018-F (f) - Data Governance & Security

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DATA/RECORDS RETENTION

Category: *Priority - Required by Law*

Related Policies: *EH, EHAB, JRA, & GBJ*
See also: *EHB-R (Records Retention Schedule)*

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations, and also addresses retention/destruction of all other records which are not subject to specific statutes or regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

A. Special Education Records.

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

B. Litigation Hold.

On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic or digital records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those

DATA/RECORDS RETENTION

records in accordance with the retention requirements of this policy and the associated procedures.

C. Right-to-Know Request Hold.

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

Board Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- RSA 91-A, Right to Know Law
- RSA 189:29-a, Records Retention and Disposition
- NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention
- NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention
- NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements
- 20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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

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

DATA/RECORDS RETENTION

graduation or to retain the records until the child's thirtieth birthday. The policy has also been modified to include information pertaining to digital or electronic records.

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

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

w/p-update/2018 Fall/EHB 2018-F (f) Data Records Retention

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LOCAL RECORDS RETENTION SCHEDULE*See Board Policy: EHB**Related Policies: EH, EHAB, JRA, and GBJ*

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

A. Special Education Records.

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

B. Litigation Hold.

On receipt of notice from legal counsel representing the District that a litigation hold is required, the routine destruction of governmental records, including paper and electronic records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the district has received a written directive from the attorney representing the district authorizing resumption of the routine destruction of those records.

C. Right-to-Know Request – Hold.

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt, the requested material shall be preserved

LOCAL RECORDS RETENTION SCHEDULE

for no less than 90 days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from the attorney representing the District authorizing destruction of the records has been received.

D. Electronic Records.

For legal purposes, electronic records and communications are no different than paper documents. The state law on preservation of electronic records, RSA 33-A:5-a Electronic Records, does not explicitly apply to school districts, but does provide guidance: "Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper or microfilm, or stored in portable document format/archival (PDF/A) on a medium from which it is readily retrievable. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by *[Superintendent as the party]* responsible for the records. The *[Superintendent]* is responsible for assuring the accessibility of the records for the mandated period." *[Italics represent modified language to reflect Superintendent's responsibility for record retention and access.]*

E. Retention Period Schedule.

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.. *[The superintendent should include language to this administrative procedure identifying one or more persons responsible for either assuring retention/destruction in accordance with the schedule, as well as any specific means of retention/destruction]*

Note regarding records relating to federal funds (items marked below with "*"):** Before any records related to federal funds are destroyed, however, the requirements of the General Education Provisions Act (GEPA) 20 U.S.C. 1232f shall be observed. Namely, that statute requires that district "shall keep records which fully disclose the amount and disposition by the recipient of [federal] funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit . . . for three years after the completion of the activity for which the funds are used." Therefore, to the extent that the below schedule, or other authorities, suggest that a purchase order, with accompanying documentation, may need to be retained only until the records are audited, plus 1 year, if the purchase is in part or in whole with federal funds the record must be retained for three years after the completion of the activity for which the funds are used, a much longer period of time.

Type of Record	Statute, Rule, or other legal authority – if none listed the retention period is a recommendation	Retention Period
Business Records		
Accident Reports:		
<ul style="list-style-type: none"> Employee 		Term of employment, plus 6

LOCAL RECORDS RETENTION SCHEDULE

		years
• Student		Age of majority, plus 6 years
Accounts Receivable	RSA 33-A:3-a	Until audited, plus 1 year
Annual Audit	RSA 33-A:3-a (10 years)	Permanent
Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU)	RSA 33-A:3-a	Permanent
Application for Federal Grants	20 U.S.C. 1232f., (three years after the completion of the activity for which the funds are used) other authorities may apply	5 years
Architectural Plans		Permanent
Asbestos Removal		Permanent
Bank Deposit Slips	RSA 33-A:3-a	6 years
Bonds and continuation certificates	RSA 33-A:3-a (expiration plus 2 years)	Permanent
Budget Worksheets		End of budget year, plus 1 year
Cash receipts, disbursement records, checks	RSA 33-A:3-a	Until Audited and at least 6 years after last entry
Child Labor Permits		1 year
Work-study	29 C.F.R. §570.37	3 years from date of enrollment
• Construction Contracts, Capital projects, fixed assets that require accountability after acquired*	RSA 33-A:3-a (Life of project/asset)	Life of contract, building, asset plus 20 years
• Engineering Surveys		Permanent
• Unsuccessful bids	RSA 33-A:3-a (Completion of project, plus one year)	Life of contract plus 3 years
Certified Educator		Permanent
COBRA Notices	42 U.S.C. 300bb-1, <i>et. seq.</i> (3 years) ERISA 29 U.S.C. §1027 (6 years)	6 years from date of issue
Collective Bargaining Agreements		Permanent
Correspondence for		Life of subject

LOCAL RECORDS RETENTION SCHEDULE

Business transactions*		matter plus 4 years
Correspondence - General		3 years or longer when historic/useful
Correspondence Transitory	RSA 33-A:3-a	As needed for reference
Deeds		Permanent
District Meeting Minutes & Warrant		Permanent
Insurance policies	RSA 33-A:3-a	Permanent
Notes (loan documents)	RSA 33-A:3-a	Until paid, Audited, plus 3 years
Student Activities Records/Accounts	RSA 33-A:3-a (bank deposit slips and statements 6 years)	Until Audited, plus 6 years
Enrollment Reports:		
• Fall Reports A12A (RSA 189:28)		Permanent
• Pupil Registers	RSA 189:27-b	Permanent
• Resident Pupil Membership Forms		14 years
• School Opening Reports		3 years

• Statistical Report A-3 (RSA 189:28)		Permanent
Federal Projects Documents	Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity for which the funds are used), other authorities may apply	5 years after submission of final audit report and documentation for expenditures, unless there is an ongoing audit
FICA Reports – monthly		7 years
Fixed Trip Requests/Confirmation		1 year
Fixed Assets Schedule		Permanent/as updated
Form C-2 Unemployment		6 years
Wage Report (DES 100)		6 years
Invoices*	Until Audited, plus 1 year	3 years*
MS-22 Budget Form		6 years
MS-23 Budget Form		6 years
MS-25 Budget Form		Permanent
Minutes of Board Meetings,	RSA 91-A:2, II, RSA 33-A:3-a	Permanent

LOCAL RECORDS RETENTION SCHEDULE

Board Committees		
Purchase Orders*		Until Audited, plus 1 year
Request for Payment Vouchers*		Until Audited, plus 1 year
Requisitions*		Until Audited, plus 1 year
Retirement Reports – Monthly		1 year
Time Cards:		
• Bus Drivers	Lab 803.03. Notification and Records no less than 4 years	5 years
• Custodial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Secretarial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Substitute Teachers pay slips	Lab 803.03. Notification and Records no less than 4 years	5 years
Payroll Records	RSA 33-A:3-a Audited, plus 2 year 29 C.F.R. §1627.3 (3 years) ADEA: 29 U.S.C. §626, 29 CFR Part 1602 (2 years from job action); 29 C.F.R § 825.500 FMLA, 29 U.S.C. §2616, 3 years	6 years
Travel Reimbursements*	Until Audit, plus 1 year	3 years*

Treasurer's Receipts – canceled checks		6 years
Treasurer's Report		6 years
Vocational Education:		
• AVI Forms		1 year
• Vocational Center Regional Contracts		20 years
• Federal Vocational Forms*		6 years
Vouchers Manifests*		Until Audit, plus 1 year
Tax Forms:		
• W-2's, 1099 *	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2)(tax advisors say 7 years)	7 years
• W-4 Withholding Exemption Certificate	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7	7 years

LOCAL RECORDS RETENTION SCHEDULE

	years)	
• W-9	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
• 941-E Quarterly Taxes	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
Personnel Records	RSA 33-A:3-a. Retirement or termination, plus 50 years	Term of Employment, plus 50 years
Application for employment - Successful	RSA 33-A:3-a Unsuccessful applicants: current year, plus 3 years.	Term of Employment, plus 50 years
Attendance Records:		
• Leaves	Family Medical Leave Act – 3 years	3 years
• Request for Leaves		1 year
Class Observation Forms		1 year
Criminal Record Check:		
• No criminal record	RSA 189:13-a (Superintendent only)	Destroy immediately after review
• Criminal record	RSA 189:13-a (Superintendent only)	Destroy within 30 days of receipt

Civil Rights Forms, Discrimination claims, accommodation under ADA, information used for EEO-5 report, EEO-5 report	29 C.F.R. §1602.40; 42 U.S.C. 12117; 42 U.S.C. § §§ 2000e-8-2000e-12; 42 U.S.C. § 2000ff-6; (final disposition, 2 years, 3 years)	6 years
Deferred Compensation plans	RSA 33-A:3-a	7 years
Dues Authorization	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Employment test papers with results	29 C.F.R. §1627.3	One year from date of personnel action
Evaluations	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
HIPPA Documentation	RSA 33-A:3-a. – Personnel record HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938	Term of Employment, plus 50 years
Labor-PELRB actions	RSA 33-A:3-a	Permanent
Labor Negotiations	RSA 33-A:3-a	Permanent

LOCAL RECORDS RETENTION SCHEDULE

Legal Actions - lawsuits	RSA 33-A:3-a	Permanent
Medical Benefits Application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Medical exams, Physical examinations used for personnel action	29 C.F.R. §1627.3(One year from date of personnel action) RSA 33-A:3-a. – Personnel record 29 C.F.R. §1910.1020 (term of employment plus 30 years)	Term of Employment, plus 50 years
Oaths of Office	RSA 33-A:3-a Term, plus 3 years	Permanent
Promotion, demotion, transfer, selection for training, layoff, recall, or discharge	29 C.F.R. §1627.3 (1 year from date of action) RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Recruitment Documents	29 C.F.R. §1627.3	One year from date of personnel action
Re-employment Letter of Assurance	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Retirement application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years

School Bus Driver Drug Tests – positive results & records of administration of test	49 C.F.R. §382.401; 49 C.F.R. § 40.333	5 years
School Bus Driver Drug tests – negative & cancelled	49 C.F.R. §382.401	1 year
Separation from Employment Form/Letter	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Settlement agreements, even if in anticipation of a lawsuit	RSA 91-A:4, VI (10 years)	Permanent
Staff Development Plan	Term of Employment, plus 50 years	Term of Employment, plus 50 years
Substitute Teacher Lists		7 years
Student Records:		
Applications for Free/Reduced Lunch		6 years
Assessment Results	Ed 306.04 <u>Policy Development</u> , (h) complete	Permanent

LOCAL RECORDS RETENTION SCHEDULE

	and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	
Attendance	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Disciplinary Records		Term of Enrollment, plus 3 years
Early Dismissal		1 year
Emergency Information Form		1 year/as updated
Grades	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Health and Physical Records		Term of Enrollment, plus 3 years
Immunization Record		Term of Enrollment, plus 3 years
Log of requests for access to education records	FERPA 20 U.S.C. §1232g (b)(4)(A)	As long as the education record is retained

Medical Reports		Term of Enrollment, plus 3 years
Registration Form		Term of Enrollment, plus 3 years
Student Handbook		1 copy of each edition, Permanent
Transcripts	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Internal Records:		
Child Abuse Reports/Allegations		Permanent
Criminal Investigation		Permanent
Personnel Investigations		Permanent
Sexual Harassment		Permanent
Records Management,	RSA 33-A:3-a (summary report of what	Permanent

LOCAL RECORDS RETENTION SCHEDULE

transfer to storage or disposal	category of records, for what range of dates, was put in storage or destroyed)	
Vehicle maintenance	RSA 33-A:3-a	Life of vehicle, plus 3 years

NHSBA history: Revised: September 2018; May 2017

NHSBA revision note, September 2018: Administrative procedures/appendix EHB-R has been generally reorganized, and also amended to reflect new RSA 186-C:10-a. See September 2018 revision notes to Policy EHB for further information.

NHSBA Note, September 2017: The recommended retention periods in the NHSBA sample regulation, except where another statute or rule are cited, are based on the New Hampshire requirements for municipalities as set forth in RSA 33-a:3-a where a category of records is listed in that statute which is not addressed in school law, consideration of the civil statutes of limitation in New Hampshire, and the guidance last issued several years ago by the New Hampshire Department of Education. Where different retention periods are required or recommended by different sources of legal authority, the longest retention period is recommended, but the shorter period is cited with the source of legal authority.

Prior to destroying any class of records for which no definitive legal authority regarding retention is identified, we recommend that each District consult with local legal counsel and your insurance carrier for any recommendations they may have on retention periods. The recommended retention period is a minimum. Unless destruction is required by law, where governmental records have historical value or other considerations warrant retention, the records may be retained for a longer period or permanently.

w/p-update/2018 Fall/EHB-R 2018-F (I) Local Records Retention Schedule

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**EMPLOYMENT REFERENCES AND VERIFICATION
(PROHIBITING AIDING AND ABETTING OF SEXUAL ABUSE)****Category: Priority/Required by Law****Related Policies: GBCD, GBJ, GCF, GDB**

The District shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed;
 - b. The District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
 - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Current policy/version adoption:

First reading: _____

Second reading/adopted: _____

Previous District revision history:

**EMPLOYMENT REFERENCES AND VERIFICATION
(PROHIBITING AIDING AND ABETTING OF SEXUAL ABUSE)**

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: New policy, September 2018

NHSBA policy note, September 2018: This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

w/p-update/2018 Fall/GADA 2018-F (1)

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CHANGE OF SCHOOL OR ASSIGNMENT – BEST INTERESTS*Category: Priority/Required by Law**Related Policies: JEC & JFAB*

In circumstances where the best interests of a pupil warrant a change of school or assignment, the Superintendent is authorized to reassign a pupil from the public school to which he/she is currently assigned to another public school, or to approve a request from another Superintendent to accept a transfer of a pupil from a school district that is not part of the SAU, under the following conditions and procedures.

A. Manifest Educational Hardship Change of Assignment Distinguished.

When a parent/guardian believes that an initial assignment has been made which will result in a manifest educational hardship to the pupil, the parent/guardian may seek a change of assignment in accordance with provisions of RSA 193:3, I, as the same may be amended or replaced from time-to-time, and Board Policy JEC - Manifest Educational Hardship.

B. Conditions and Procedures for Reassignment Based upon Best Interests.

1. Either the parent/legal guardian or the Superintendent of a different SAU may make a written request to the Superintendent for a change of school assignment. In the request, the parent/guardian should state why the best interests of the pupil warrant a reassignment.
2. The Superintendent will fully consider this written request, will meet with the parent/guardian, if necessary, and will make a determination concerning the reassignment request.
3. The Superintendent's decision will be based on the best interests of the pupil, as determined by the Superintendent. The Superintendent may develop administrative regulations concerning the factors that will be considered in making such a determination.
4. If the Superintendent determines that the best interests of the pupil warrant a reassignment, he/she will present the matter to the school board. The board must vote to approve the reassignment before the reassignment can occur. Upon school board approval, the Superintendent may reassign the pupil to: (a) another school within the same school district; (b) another school district within the same SAU; or (c) a school district in another SAU, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the Superintendent of the receiving SAU and approval of the school boards of both the sending and receiving school districts.
5. The Superintendent will issue a written decision to the parent/guardian.
6. The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.
7. Reassignments made under this policy that exceed the percentages provided in Paragraph #6 must have the prior written approval of the School Board.

CHANGE OF SCHOOL OR ASSIGNMENT – BEST INTERESTS**C. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation.**

Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

The Superintendents involved in the reassignment of a pupil will jointly establish a tuition rate for each such pupil. Some or all of the tuition may be waived by the Superintendent of the receiving district for good cause shown or pursuant to any applicable policies of the receiving district, presuming said action is not contrary to law.

The cost of transportation for any pupil reassigned under this policy will be the sole responsibility of the parent/guardian.

D. Notice to the Department of Education.

The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.

E. Special Education Placements.

A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- RSA 193:3, III, Change of School Assignment
- RSA 193:14-a, Change of School Assignment; Duties of State Board of Education

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.*

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NHSBA history: Revised – September 2018; September 2016; September 2015; September 2008

CHANGE OF SCHOOL OR ASSIGNMENT – BEST INTERESTS

NHSBA Note, September 2018: Minor changes only. Title and paragraph order changed to better distinguish reassignment requests based upon "manifest educational hardship" under RSA 193:3, I (see NHSBA sample policy JEC), from requests based upon "best interests" under RSA 193:3, III.

NHSBA Note, September 2016: Minor amendment made as a result of SB 316, which amends RSA 193:3 to clarify that the placement or change of school assignment made pursuant to a student's special education needs and services does not constitute a change of placement for purposes of RSA 193:3.

NHSBA Note, September 2015: Changes are made to paragraphs #4, #5 and #6 under "Conditions and Procedures for Reassignment" section. Changes are necessitated due to legislative changes to RSA 193:3.

w/p-update/2018 Fall/Document1

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**CHANGE OF SCHOOL OR ASSIGNMENT –
MANIFEST EDUCATIONAL HARDSHIP***Category: Priority/Required by Law**Related Policy: JCA*

The Superintendent will assign resident students to a public school within the District.

The Board recognizes that in unusual and extraordinary circumstances, a parent, guardian or other person having custody ("parent/guardian") may wish to request a change in the student's school assignment to another public school within the District or a public school in another district.

A. Procedure for Consideration of a Manifest Educational Hardship Request.

The following procedures will be utilized when a parent/guardian seeks a change of assignment within the District, or a waiver of assignment for his/her child from attending any school in the District based on an assertion that the current assignment constitutes a manifest educational hardship:

1. The parent/guardian will submit a written application to the Superintendent's office detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship. Through the application, the parent/guardian may request that the child:
 - a. Attend another public school or public academy in the District; or
 - b. Attend a public school or public academy in another school district.
2. The Board will hold a hearing on the matter within thirty (30) days of receipt of the written request. The Board will hear the matter in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
3. Prior to the hearing, the Superintendent shall provide the Board his/her recommendations regarding the parent/guardian's request. Such recommendations may be provided orally at the hearing, or in writing at or before the hearing, with a copy to the parent/guardian.
4. At the hearing, the parent/guardian may use whatever information he/she deems is necessary and appropriate to support the request.
5. In determining whether the current assignment of the student constitutes a manifest educational hardship, and what the corresponding appropriate action should be, the Board will consider all information presented by the parent/guardian, the recommendations of the Superintendent, and any other information which the Board deems relevant and useful.
6. The Board may find that a manifest educational hardship exists provided that parent/guardian demonstrates that attendance at the assigned school will have a detrimental effect on the child's education, and that another public school or public academy, either within the District or in another district, can reasonably meet the child's educational needs.

**CHANGE OF SCHOOL OR ASSIGNMENT –
MANIFEST EDUCATIONAL HARDSHIP**

7. The Board shall find that a manifest educational hardship exists if it determines that there is clear and convincing evidence that:
 - a. A compelling amount of a child's academic, physical, personal, or social needs cannot be met by the assigned school or are not found within the student body of the assigned school;
 - b. The attendance at the assigned school will impair the educational progress of the child; and
 - c. Another public school or public academy, either within the district or in another district, can reasonably meet the child's educational needs.
8. The Board reserves the legal right to make a determination on whether a given request constitutes a manifest educational hardship, and what the corresponding action should be, on a case by case basis.
9. The Board will render its decision in writing within fifteen (15) days after the Board meeting in which the parent/guardian addressed the Board, and will forward its written decision to the parents or guardians via means producing third party proof of delivery (e.g., Certified, FedEx, UPS, etc.).
10. If a parent or guardian is aggrieved by the decision of the Board, he/she may appeal to the State Board of Education within thirty (30) days of receipt of the local board in accordance with the provisions of Ed 200.

B. Children with Disabilities.

Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

C. Tuition and Transportation.

If the child is assigned to attend school in another district ("receiving district"), tuition to be paid by the _____ **[name of district adopting policy]** District to the receiving district shall be computed as provided in RSA 193:4. Some or all of the tuition may be waived by the Superintendent/board of the receiving district.

The cost of transportation shall be the responsibility of the parent/guardian.

District Policy History:

First reading: _____

Second reading/adopted: _____

**CHANGE OF SCHOOL OR ASSIGNMENT –
MANIFEST EDUCATIONAL HARDSHIP**

District revision history:

Legal References:

- RSA 193:3, Change of School or Assignment; Manifest Educational Hardship
- NH Code of Admin. Rule, Section Ed 320, Manifest Educational Hardship
- NH Code of Admin. Rule, Section Ed 200, Rules of Practice and Procedure

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.*

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NHSBA history: Revised – September 2018; September 2011; September 2008; July 1998

NHSBA Note, September 2018: Sample policy JEC is updated to reflect March 2018 changes in NH Dept. of Ed. Rule 320, and to more closely track the language of Rule 320 and RSA 193:3, I. Title has been changed to better distinguish reassignment requests based upon "manifest educational hardship" under RSA 193:3, I (see NHSBA sample policy JCA), from requests based upon "best interests" under RSA 193:3, III.

w/p-update/2018 Fall/JEC 2018-F(1)

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STUDENT CONDUCT*Category: Recommended**Related Policies: JIA, JICD, JICDD, JICK**See also Appendix: JICD-R***A. General Conduct Standards and Disciplinary Concepts.**

Student conduct 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, and visitors, violates other Board policies or is otherwise inappropriate is prohibited. Students are expected to maintain appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.

Students will conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration for the rights of others, while on School District property or on property within the jurisdiction of the School District; while on school owned and/or operated school or chartered vehicles; and/or while attending or engaged in school activities. Students may also be disciplined for off-campus behavior in accordance with the provisions of Policies JICDD and JICK.

Terms, and levels of discipline are established in Policy JICD, as are the due process procedures to be afforded relative to each level of discipline. Disciplinary measures as defined in that policy include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

B. Implementation and Notice.

The School Board delegates to the Superintendent the responsibility of adopting and implementing such age-appropriate rules and regulations for each school as he/she, in consultation with the appropriate building Principal, deems necessary to implement this policy.

The content of RSA 193:13, this policy, and any such rules and regulations adopted hereunder, shall be printed in the student handbook(s) and distributed to all students, and parents/guardians. The Superintendent shall also assure that this policy, the content of 193:13, and any such rules and regulations adopted under this policy are made available on the District's website, with additional notice provided to the student body as the Superintendent or building Principal deems appropriate (e.g., periodic postings and notices).

Rules and regulations adopted and published under this policy will be deemed to be regulations and policies of the School Board and maintained as School Board records. The Superintendent shall provide to the School Board copies of all student handbook(s), and other rules and the regulations adopted under this policy. The School Board retains the authority to modify, supersede, or suspend any such rules and regulations consistent with the Board's statutory

STUDENT CONDUCT

authority, and other Board policies regarding review of administrative rules, regulations and procedures.

C. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring 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 under either District or building rules of conduct. 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 purposefully 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).

D. 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 disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils

RSA 193-D:4, Written Report Required

RSA 631:2-a, Simple Assault

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

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*

STUDENT CONDUCT

enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised – September 2018; May 2018; April 2011; September 2009; October 2004; November 1999; July 1998

NHSBA revision note, October 2018: Policy JIC has been revised to include a provision describing the circumstances in which simple assaults will be reported to parents pursuant to RSA 193-D:4, I and NHDOE Administrative Rule 317.05. This provision is required if the District wishes to limit required reporting for assaults to those constituting first or second degree assaults.

NHSBA revision note, May 2018: This sample policy is revised: (a) to include mandated notice requirements; (b) with an update to the language regarding discipline of children with disabilities, and (c) to remove redundant provisions more appropriately included in sample policy JICD (which has also been substantially revised with the May 2018 policy update.). NHSBA adoption considerations: If your District uses its own coding system rather than the NHSBA/NEPN letter coding, you should change the internal policy references within this sample policy to match the equivalent policies of your own District.

w/p-update/2018 Fall/JIC 2018-F (f) Student Conduct

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WEBSITE ACCESSIBILITY AND GRIEVANCE***Category: Recommended******Related Policies: AC, KD, KDC & KED***

The District is committed to ensuring accessibility of its website for students, parents, and members of the community with disabilities. All pages on the District website will conform to the W3C Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents of these guidelines.

The Superintendent is directed to establish procedures whereby students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 and Title II related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

A. Website Accessibility.

With regard to the District website and any official District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, parents and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing web content produced by the District, and new, updated and existing web content provided by third-party developers, will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, by September 20, 2018. This Regulation applies to all new, updated, and existing web pages, as well as all web content produced or updated by the District or provided by third-party developers.

B. Complaints and Grievances Concerning Accessibility of District Websites.

A student, parent or member of the public who wishes to submit a complaint or grievance regarding a violation of the Americans with Disabilities Act (ADA), Section 504 or Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District, third party vendors and/or open sources may complain directly to a school administrator, or the school or District webmaster. To best assure timely processing and resolution of any complaint/grievance under this Policy, the initial complaint or grievance should be made using Website Accessibility Complaint/Request Form to be created under the direction of the Superintendent.

The Website Accessibility Complaint/Request Form may be submitted in hard copy or via email to the District's "Website Accessibility Compliance Coordinator". The Board designates the _____ *[identify the person who shall be responsible for correct processing of complaints or grievances, e.g., the Superintendent, BA, HR head]* as the Website Accessibility Compliance Coordinator. Notwithstanding the above, however, a verbal complaint or grievance may be made. Any District employee who receives such a verbal complaint or grievance, is directed to immediately