

Policy Committee Meeting
January 23, 2024, 12:30 PM
SAU 33 Office
43 Harriman Hill Road, Raymond NH
AGENDA

- I. Call to Order
- II. Proof of Posting
- III. Old Business

School Closings and Cancellations

Previously, the Policy Committee approved the revision of our policy EBCE School Closings and Cancellations to match the revised and recoded NHSBA policy EBCD Emergency School and District Closings.

1. The NHSBA version linked above includes edits suggested by the policy committee. It also includes the addition of the last item, I, to match our policy KF-R.
2. We also have a current policy EBCE-R School Closings and Cancellations. Would the Committee like to keep this policy or redact it? NHSBA does not have a matching sample policy - all school closing topics are addressed in their policy EBCD.

Admission of Foreign Exchange Students

The Policy Committee had reviewed policy JFABB-R Admission of Foreign Exchange Students and had a question on the NHSBA sample policy regarding INS reporting requirements. NHSBA advice is linked below.

Current Raymond Policy

NHSBA Sample Policy

NHSBA Attorney Advice

Student Transportation Services

The Policy Committee had suggested some revisions to policy EEA-R Student Transportation Services. (Edits are noted in the policy linked below.) However, the committee had a question regarding a parent's ability appeal to the NH DOE. NHSBA advice is linked below.

[Current Raymond Policy with suggested edits](#)

[NHSBA Attorney Advice](#)

Public Participation at Board Meetings

The Policy Committee had reviewed the NHSBA sample policy and requested information on whether public comment could be limited at a public hearing. Attorney advice is linked below.

[Current Raymond Policy BEDH](#)

[NHSBA Sample Policy BEDH](#)

[Attorney Advice](#)

Suicide Prevention Policies

The Policy Committee has agreed to recommend adoption of the NHSBA sample policy [JLDBB Suicide Prevention and Response Plan](#), replacing our current policy [JLDB Suicide Prevention and Response](#).

We also have policy [JLDB-R Suicide Prevention and Response - Procedure](#), which the Policy Committee did not review at the same time. There is no similar NHSBA sample policy. Our Director of Health and Wellness has reviewed these policies and is in agreement to redact this policy, as the information is all covered in the NHSBA sample policy. Does the Policy Committee recommend redaction of JLDB-R?

IV. New Business

Resignation of Instructional Staff Member

Our Director of Human Resources has requested review of policy GCQC Resignation of Instructional Staff Member in light of current practice under the union agreement.

[Current Raymond Policy GCQC](#)

[NHSBA Sample Policy GCQC](#)

V. 2023 NHSBA Fall Policy Update - Continued

NHSBA Policies

Raymond Policies

IKL Academic Honesty and Integrity

No corresponding policy

(NHSBA redlined version here)

JCA Change of Class or School
Assignment - Best Interests,
Manifest Hardship

JCA Change of Class or School Assignment
Best Interests and Manifest Hardship

Please specifically review the endnote on the NHSBA policy - on the 5th page under "Transportation" as to whether we want to consider adding "not."

Raymond's policy JCA was very recently revised. This copy of JCA is a draft prepared for this meeting highlighting the changes that would need to be made to our most recent version to match the most current NHSBA sample policy.

JKAA Use of Restraints and Seclusions

JKAA Use of Restraints and Seclusions

KCD Public Gifts/Donations

KCD Public Donations and Acceptance of Gifts

(NHSBA redlined version here)

Raymond School District Policy - EBCE

SCHOOL CLOSINGS AND CANCELLATIONS

The Superintendent is empowered to close the District Schools or to dismiss them early in the event of hazardous weather or other emergencies, which threaten the health or safety of students and personnel. Students, parents, and staff shall be informed early in each school year of the procedures which will be used to notify them in case of emergency closing, whether action is taken before or during school hours. When schools are closed for emergency reasons, staff members shall report for work when directed by the Superintendent. Remote education will be provided at the discretion of the Superintendent. Staff shall facilitate the learning environment from school or home as directed by the Superintendent. Staff members, depending on their duties, shall report to work on-site when directed by the Superintendent or his/her designee.

Proposed: October 7, 1993
Adopted: October 21, 1993
Revised: May 16, 2002
Revised: October 21, 2020

Policy EBCD: Emergency School & District Closings

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 08/01/2022 | Last Reviewed Date: 08/01/2022

Category: Recommended

ADOPTION/REVISION NOTES -

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

- a. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- b. **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- c. **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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

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

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

- A. **Announcements and Notifications.** When the Superintendent/designee decides it is necessary to delay opening or close any facility or school or cancel any school event, he/she will initiate all related communications to the public by ~~radio~~, television, website, school alert system, or other available means. Students, parents, and staff shall be informed early in each school year of the procedures which will be used to notify them in case of emergency closings, whether action is taken before or during school hours. In the event of any closings, cancellations, or early dismissals, the Superintendent shall notify the Board.
- B. **Delayed Opening of Schools.** The Superintendent/designee may delay the opening of schools upon determining that weather conditions appear extremely hazardous to operate school buses at the regular early morning hours, but that travel conditions will appreciably improve later in the morning. The public announcement will report the delayed opening, including the cancellation of morning kindergarten preschool, if necessary. Schools and offices shall close

on the regular schedules. After-school activities and events will not be affected by a delayed opening.

- C. Closing of Schools for the Entire Day. When the Superintendent determines that weather or other conditions exist or will develop that would make it unwise to open one or more schools any time during the day, the announcement communicated to radio and television stations shall state that the school district is closed. If school is closed for the entire day, all afternoon and evening programs shall also be canceled.
- D. Distance Education During Inclement Weather. Pursuant to Board policy IC, the Superintendent may approve school or district-wide instruction by way of remote instruction or other form of "distance education". Unless the use of distance education for a specific day has previously been communicated, the Superintendent/designee will include the necessary information regarding the remote instruction/distance learning day in the announcement that school has been canceled.
- E. Emergency Early Release. In the event that weather conditions are safe for travel in the morning but become hazardous by the time of normally scheduled dismissals, the Superintendent may decide to release students early. The Superintendent will notify parents as soon as possible in order to allow for the arrangement of after-school care and transportation when necessary. The Superintendent shall develop protocols for dismissal schedules, transportation of students, and notification of stakeholders. If there is an emergency early release, all afternoon and evening programs shall also be canceled.
- F. Afternoon and Evening Program Cancellations. When schools are open to the end of the school day, but weather or other conditions deteriorate in the late afternoon, the Superintendent/designee may decide to cancel afternoon and evening programs. Schools and offices should plan and communicate alternate dates and times to hold programs or events.
- G. Weekend Closings. When weather or other conditions are predicted or develop that would make it hazardous to operate weekend programs or events, the Superintendent/designee is responsible for decisions regarding cancellations and for notifying the appropriate media.
- H. Staff Responsibilities. When schools are closed pursuant to this policy, staff members shall remain available for work as directed by the Superintendent.
- I. Public Use of School Facilities. As per policy KF-R Public Use of School Facilities: In the event of severe weather the Town Manager and Superintendent will collectively make a decision on the closure of school buildings for government meetings. If school is canceled or afternoon activities are canceled by the Superintendent, then all recreation activities will also be canceled. This decision will be made before the end of the school day. The decision to cancel evening government meetings will be made by 4:00pm. The Town Manager and Superintendent will be responsible for notifying their respective Boards and Raymond Community Television.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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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NH Statutes

RSA 189:1

Description

[Days of School](#)

NH Dept of Ed Regulation

N.H. Dept. of Ed. Rule - Ed 306.18

Description

[School Year](#)

N.H. Dept. of Ed. Rule - Ed 306.19

[School Calendar](#)

N.H. Dept. of Ed. Rule - Ed 306.22

[Distance Education](#)

Cross References

Code

EBCA

Description

[Crisis Prevention and Emergency Response Plans](#)

EBCA-R(1)

[Crisis Prevention and Emergency Response Plans -
Emergency Plans](#)

EBCE

[WITHDRAWN - School Closings \(See EBCD\)](#)

EBCF

[Pandemic/Epidemic Emergencies](#)

EG

[Creation of Communication Plans](#)

IC

[School Year And School Year Calendar](#)

IMBA

[Distance Education](#)

SCHOOL CLOSINGS AND CANCELLATIONS

In the event that inclement weather or other emergencies necessitates the possible cancellation of school, a delayed opening, or emergency closing during the school day, the Raymond School District will adhere to the following policy and procedures.

Closing and Delayed Openings:

1. WEATHER/ROAD CONDITIONS: The Superintendent will call the Raymond Dispatch Center and the Highway Department to review road conditions. The Superintendent will make the determination regarding a school cancellation or delayed opening in collaboration with administration and community contacts and notify constituents as soon as practicable.
2. For all school closings, the Superintendent will notify all appropriate stakeholders through a range of outlets. The School Board will be notified via email.

The Superintendent's designee will notify the individual school staff via automated notification system.

ALL DELAYED OPENINGS will be for two (2) hours after the regular scheduled time and will be announced by radio and television.

Closing While In Session:

1. While school is in session the Superintendent shall make the decision to close school if necessary to protect the health and safety of the educational community..

The Superintendent shall notify School Board Members of his/her decision.

2. Superintendent will notify stakeholders through a range of outlets and the automated notification system will be used as necessary.

Adopted: December 1, 1971
Revised: 2/3/77, 1/5/78, 5/4/89
Revised: May 16, 2002
Revised: April 15, 2015
Revised: October 21, 2020

Raymond School District Policy – JFABB-R*

ADMISSION OF FOREIGN EXCHANGE STUDENTS

Academic Requirements

No foreign exchange student will be admitted who has already graduated from the equivalent of twelfth grade or who will reach the age of twenty-one (21) years on or before September 15 of that school year.

The student must have average or above-average grades in school at home and must not require special education services in order to function in the regular academic program.

The student must have sufficient knowledge of the English language to enable effective oral and written communication and to function in a regular educational setting without special assistance. If a student's English proficiency is found to be insufficient to function in the regular instructional program without special assistance, the exchange program or private sponsor must provide a tutor or make other educational arrangements for the student at their expense. If the program or sponsor fails to do so, the student will be withdrawn.

The District will not provide foreign exchange students with admission to special education programs, English as a Second Language programs, post-secondary options, or other special programs.

Students are expected to take a full class load, including one Language Arts or English class and one American history or government class, and expected to maintain passing grades in all classes.

General Requirements

Foreign exchange students will be treated as regular students. They are responsible for complying with all District policies and regulations.

Foreign exchange students are expected to pay for all lunches, books, athletic and student activity fees and other fees, yearbook costs, and all other expenses normally borne by students in the District. Foreign exchange students are not entitled to free or reduced prices for lunches.

The eligibility requirements of the NHIAA will be followed.

The sponsor, host family, and local program representative must maintain personal contact with the school, be available and willing to meet with school personnel when problems or circumstances require, and assume full and final responsibility for resolving problems, including the early return of the foreign exchange student if personal, family, or school difficulties cannot be resolved.

If a student's grades, conduct, or discipline are deemed unsatisfactory by the school, the student may be withdrawn.

ADMISSION OF FOREIGN EXCHANGE STUDENTS
(continued)

Admissions Process

Approvals for admission must be obtained from the District between April 15th and July 31st for the following school year, or between October 15th and December 15th for the second semester, except under unusual circumstances.

All applications will be screened by the Superintendent or his/her designee before being forwarded for review by and approval of the Principal of the school where admission is being requested.

The student must attend the school in the attendance area in which the host family or sponsor lives, unless an appropriate transfer is approved by the District. Should a large number of foreign exchange students be scheduled for a particular school, a transfer to another school may be recommended by the District in order to create a balance in exchange student enrollment.

Upon the student's arrival in the District, the adult sponsor (host family or local representative of the exchange program) and student must come to the school to complete the enrollment process. Students must arrive in sufficient time for attendance on the first day of school.

Foreign exchange students requesting admission must submit:

1. Birth certificate or other proof of age
2. Recent official transcript with English translation reflecting courses taken and grades earned
3. Records showing any required immunizations
4. Evidence of medical insurance that will cover the student while residing in the District
5. A letter of application written in English by the student that provides pertinent information about the student, including his/her name, age, birth date, home address and phone number, level of education, reason for wanting to attend school in the District, and the projected duration of enrollment
6. The names, addresses, and phone numbers of the foreign exchange student's own parents/ guardians, the host family, and the local exchange program representative

ADMISSION OF FOREIGN EXCHANGE STUDENTS

(continued)

7. Proof of English language proficiency, including evidence that the foreign exchange student has successfully completed a minimum of three years of instruction in English and a letter of recommendation from the English language teacher documenting the level of proficiency or evidence that the student has passed a test of English language proficiency, such as the SLEP, TOEFL, or FSI
8. A notarized temporary custody agreement between the foreign exchange student's parents and the host family and/or exchange program.

Private sponsors must submit:

1. Proof of residence, or
2. Affidavit of support, as follows:
 - a. A copy of the last income tax return filed, and
 - b. A statement from the employer on letterhead stationery showing the date and nature of employment, the salary paid, and whether the position is temporary or permanent.

Only programs designated by the United States Information Agency will be considered for placement of foreign exchange students on J-1 Visas.

The program must have a local representative residing in or near the District who will meet with the student, host family, and school personnel on a regular basis.

Orientation, both pre-departure and upon arrival in the United States, must be provided to help foreign exchange students adjust to a new culture. Ongoing contact and support from the local representative of the exchange program must also be provided.

Orientation must be provided to the host family in advance of the foreign exchange student's arrival. The family should be acquainted with the needs and requirements of housing a visitor for a long period of time, advised of potential problems in hosting a foreign exchange student, and provided with suggestions for coping with these problems. Ongoing contact and support from the local representative of the exchange program must also be provided.

Adopted: August 1, 2002

Appendix JFABB-R(1): Foreign Exchange Students - Admission of Foreign Exchange Students

Status: ADOPTED

Original Adopted Date: 02/01/2005 | Last Reviewed Date: 02/01/2005

This sample – as with virtually all NHSBA samples designated with “-R”, “-F”, or “-E” - is intended as an aid toward administrative implementation of the corresponding sample policy. Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.

Academic Requirements

No student will be admitted who has already graduated from the equivalent of twelfth grade or who will reach the age of twenty-one years on or before September 15 of that school year.

The student must have average or above-average grades in school at home and must not require special education services in order to function in the regular academic program.

The student must have sufficient knowledge of the English language to enable effective oral and written communication and to function in a regular educational setting without special assistance. If a student's English proficiency is found to be insufficient to function in the regular Instructional program without special assistance, the exchange program or private sponsor must provide a tutor or make other educational arrangements for the student at their expense. If the program or sponsor fail to do so, the student will be withdrawn and INS will be notified.

The district will not provide foreign students with admission to special education programs, English as a Second Language programs, post secondary options or other special programs.

Students are expected to take five classes per term including one language arts or English class and one American history or government class and are expected to maintain passing grades in all classes.

General Requirements

Foreign students will be treated as regular students. They are responsible for complying with all district policies and regulations.

Foreign students are expected to pay for all lunches, books, athletic and student activity fees and other fees, yearbook costs, and all other expenses normally borne by students in the district. Foreign students are not entitled to free or reduced prices for lunches.

The eligibility requirement of the NHIAA will be followed.

The sponsor, host family and local program representative must maintain personal contact with the school, must be available and willing to meet with school personnel when problems or circumstances require and must assume full and final responsibility for resolving problems including the early return of the student if personal, family or school difficulties cannot be resolved.

If a student's grades, conduct or discipline are deemed unsatisfactory by the school, the student may be withdrawn.

Admissions process

Approvals for admission must be obtained from the district between April 15th and July 31st for the following school year or between October 15th and December 15th for the second semester, except under unusual circumstances.

All applications will be screened by the superintendent or designee before they are forwarded for review and approval of the principal of the school where admission is being requested.

The student must attend the school in the attendance area in which the host family or sponsor lives, unless an appropriate transfer is approved by the district. Should a large number of foreign students be scheduled for a particular school, a transfer to another school may be recommended by the district in order to create a balance in foreign student enrollment.

Upon the student's arrival in the district, the adult sponsor (host family and/or local representative of the exchange program) and student must come to the school to complete the enrollment process. Students must arrive in sufficient time for attendance on the first day of school.

Students requesting admission must submit:

1. Birth certificate or other proof of age
2. Recent official transcript with English translation reflecting courses taken and grades earned
3. Records showing any required immunizations
4. Evidence of medical insurance that will cover the student while residing in the district.
5. A letter of application written in English by the student that provides pertinent information about the student, including student's name, age, birth date, home address and phone number, level of education, reasons for wanting to attend school in the district and the projected duration of enrollment.
6. The names, addresses and phone numbers of the exchange student's own parents/guardians, the host family and the local exchange program representative.
7. Proof of English proficiency, including evidence that the student has successfully completed a minimum of three years of instruction in English and a letter of recommendation from the English language teacher documenting the level of proficiency or evidence that the student has passed a test of English language proficiency, such as the SLEP, TOEFL or FSI.
8. A notarized temporary custody agreement between the student's parents and the host family and/or exchange program.

Private sponsors must submit:

- a. Proof of residence; or
- b. Affidavit of support, including the following supporting evidence:
 - A statement from an officer of a bank or other financial institution in which deposits are recorded giving details regarding the date the accounts were set up.
 - A statement from the employer on letterhead stationery showing the date and nature of employment, the salary paid and whether the position is temporary or permanent
 - If self-employed, a copy of the last income tax return filed

Only programs designated by the United States Information Agency will be considered for placement of foreign students on J-1 visas.

The program must have a local representative residing in or near the district who will meet with the student, host family, and school personnel on a regular basis.

Orientation, both pre-departure and upon arrival in the United States, must be provided to help foreign students adjust to a new culture. Ongoing contact and support from the local representative of the exchange

program must also be provided.

Orientation must be provided to the host family in advance of the foreign student's arrival. The family should be acquainted with the needs and requirements of housing a visitor for a long period of time, advised of potential problems in hosting a foreign student and provided with suggestions for coping with these problems. Ongoing contact and support from the local representative of the exchange program must also be provided.

Policy JFABB-R, the third paragraph on the first page says that if a program or sponsor fails to provide a tutor, etc., for English proficiency, the student will be withdrawn and INS will be notified. Is notification to INS *required*?

As to the second question, reporting is not required, however, students under an F-1 visa are required to satisfy all of the requirements of the district, which in this instance, includes passing standardized tests that demonstrate English proficiency. The reporting provision is only triggered if two events arise:

1. If upon beginning classes it is clear that the student is not adequately proficient, the sponsor is notified that it must provide a tutor or make other arrangements for the student at the sponsor or tutor's expense; AND
2. The sponsor fails to so provide, leaving the district with the expense or burden of a student needing extra help.

Note also that the full repercussion of the two events occurring is that the student is also "withdrawn" from enrollment. It is that withdrawal that causes the student to be in violation of the F-1 Visa. It might be added that the demonstrated lack of proficiency after starting often indicates testing irregularities.

All that said, there is no requirement to report. A board could change one or both of the use of "will" in the clause "will be withdrawn and INS will be notified" to "may".

STUDENT TRANSPORTATION SERVICES

REGULATIONS FOR STUDENTS RIDING SCHOOL BUSES

1. The driver is in full charge of the bus and the students. Students shall obey the driver promptly.
2. Students shall occupy the seat designated for them by the driver.
3. Students shall be on time at the point of pickup. The bus cannot wait for those who are not on time. If a student misses the bus, it is the parents' responsibility to transport the student to school. If the driver sees a pattern of tardiness, the driver will report it to their supervisor. The Transportation Supervisor will then report it to the SAU Administration.
4. Students living outside the walking limits to school are granted the privilege of riding the school buses to and from school.
5. In an effort to make the school day on the bus both enjoyable and safe, it will be necessary for bus students and parents to cooperate with the bus driver and the school in adhering to the rules and regulations that follow:
 - a. While waiting for the bus to arrive at the bus stop, please stand six (6) feet from the road edge. All students shall line up at the bus stop. As you load the bus, go to the appropriate seats.
 - b. Approach the bus only after it has come to a complete stop and the red lights are flashing.
 - c. Walk onto the bus with care and sit down. There shall be no more than 2 to 3 persons to a seat, depending on the size of the students.
 - d. Feet shall be on the floor and out of the aisle.
 - e. Hands and arms shall be kept out of the aisle and inside the windows.
 - f. Musical instrument cases must be placed in the area designated by the bus driver.
 - g. Standing in aisles or jumping on seat areas is prohibited at all times.
 - h. Students are to remain seated until the bus reaches school, your home, or other designated area and the bus comes to a complete stop.
 - j. Talking should be limited to those in your seat. Please refrain from loud talking, whistling, shouting, or singing. Remember: unnecessary noise is distracting to the driver, and his/her main concern is your safety.
 - k. Once the bus is stopped, please depart in an orderly and polite manner.

THE ROLE OF STUDENTS AND PARENTS IN TRANSPORTATION

The following guidelines outline the expectations of students and parents as they relate to pupil transportation:

1. Riding the school bus is a privilege. This privilege may be temporarily denied or permanently revoked if misconduct of your child jeopardizes the safe operations of the school bus or the safety of the children riding this bus.
2. Parents are responsible for the safety of their children from the time they leave home in the morning until the time they board the school bus; and at the end of the school day from the time the school bus departs the loading/unloading area and the children reach home. Once the child enters the school bus, the authority lies with the bus driver and the School Administrator.
3. Students should leave home early enough so that they arrive at the designated school bus stop point five (5) minutes before the scheduled arrival time of the school bus.
4. Parents should be aware of their responsibility not only for their child's behavior while on the school bus, but also their responsibility for damage caused by their child(ren) to the property of others, including the school bus. When a child walks to and from the bus stop, and while he/she waits at the school bus stop, and when he/she walks home from the school bus stop at the end of the school day, he/she must show consideration and respect for the property of those citizens whose homes and places of business are located along these routes.
5. Parents, together with the child, should develop a route to and from the school bus stop, or school, which minimizes the exposure of the child to vehicular traffic. Shortcuts through isolated fields and woods or across streams or railroad tracks can often be dangerous. Entering of abandoned houses or deserted buildings by children on their way to or from school should not be condoned. Injuries incurred as a result of deviation from the normal route of travel may not be covered by school insurance companies. The route should be direct and uninterrupted.
6. Parents should walk with younger children to and from the school bus stop, using this opportunity to teach the child(ren) proper pedestrian practice. If the parents cannot accompany their child(ren), arrangements should be made, if possible, for older children (brother, sister, or neighbor) to escort the younger children to and from the school bus stop or school.
7. Parents should develop in their child(ren) an awareness of the molestation (personal harassment) problem. Encourage children not to accept candy, soft drinks, money, toys, or rides from strangers or to associate with anyone they do not know. If your child is confronted with these problems on his/her way to or from school, he/she should tell you or his/her teacher as soon as possible. This is a situation that should be referred to the police.
8. Parents should realize that weather determines how a child is to be dressed. Encourage your child to wear the type clothing that will not only keep him/her warm and enable him/her to see where he/she is going, but also permit him/her to be seen. If the child(ren) cannot be seen by the drivers of vehicles, they are in danger. For example, white clothing is difficult to see in snow, but makes one clearly visible at night. If the weather is inclement, the child should be dressed for the occasion and leave a few minutes earlier than his/her normal starting time in order to reach the school bus stop or school safely and on time.

9. In the event that inclement weather requires the school to open late, close early, or be cancelled, the Superintendent will notify the media outlets listed below. The Raymond School District also activates an automatic call and email notice to notify parents of school closings, delayed openings, early releases due to weather, and any emergency situation.

Internet: www.sau33.com, www.wmur.com,

Television Stations: RCTV Raymond Channels 13 and 22, WMUR Manchester Channel 9

10. The application of common sense is the best method of determining the role of the parents regarding the safety of children traveling to and from school, either as a passenger on a school bus or as a pedestrian.

OPERATION OF THE SCHOOL BUS SYSTEM

1. Bus routes/stops shall be established by the bus company's Transportation Coordinator in conjunction with the school and SAU administration and be subject to approval by the School Board. Routes will be over the most direct roads practicable for bus travel to serve those entitled to transportation service. Where an alternate route may be selected without sacrifice to efficiency or economy, preference will be given to that route serving the larger number of pupils more directly. Routes will be designed to employ as nearly as practicable the full carrying capacity of each bus trip. New routes will be established only when full capacity of the trips on existing routes has been reached or is imminent.
2. Bus schedules shall be established by the bus company's Transportation Coordinator and school administration under the direction of the Superintendent and be subject to Board approval. The purpose of bus scheduling shall be to achieve maximum service with a minimum fleet of buses consistent with rendering reasonably equal service to all patrons. The measure of service rendered shall be the total time between leaving a bus stop in the morning and returning thereto in the afternoon on a regular bus trip. To the greatest extent possible, routes will minimize and balance the time students spend on buses.
3. Bus stops shall be established by the bus company's Transportation Coordinator and school administration under the direction of the Superintendent and subject to Board approval. The operator may not permit drivers to load or unload pupils at other than authorized bus stops. Priority in distance to stops will be given to younger children to the greatest extent possible.
4. Authorized bus stops shall be located at convenient intervals in places where pupils can be loaded or unloaded, cross highways, and await arrival of buses with the utmost safety permitted based upon highway conditions, terrain, and visibility. The number of bus stops on each trip shall be limited, consistent with the policy, so as to enable buses to maintain a reasonable timetable and schedule.
5. The process of establishing routes/stops is as follows:
 - a. The bus company's Transportation Coordinator obtains student enrollment list, usually in early July.
 - b. The bus company's Transportation Coordinator and drivers meet, evaluate past year's routes and stops, find houses of new students, and draft a route/stop proposal.

- c. Proposal is reviewed with Superintendent and/or Principals.
 - d. In August, a final draft of bus routes will be posted on the District website upon receipt from the bus company. This final draft is reviewed at the next School Board meeting, recommended by the bus company's Transportation Coordinator, Superintendent, and Principals. Action to approve a the roster of routes/stops is taken by the School Board.
 - e. ~~Routes and stops are published on the District website.~~
 - f. Late ~~regulations~~ registrations and other factors may necessitate alteration of newly established and publicized routes and stops.
 - g. The bus company's Transportation Coordinator reviews routes/stops and requests with the Principals. Approval of any changes requested is reviewed at the first School Board meeting in October. ~~the September or October School Board meeting.~~
6. Students entitled to transportation service will be assigned to a school bus and will be expected to adhere to the assignment. Parental requests for changes in a child's regular bus assignment should be sent in writing to the Superintendent. Bus assignment changes will be made based on the following criteria:
- a. Requests must be written by a parent or guardian and submitted to the Superintendent. The *Bus Stop Change Request Form* is available on the District website or at any school for this purpose.
 - b. Space must be available.
 - c. If the bus company's Transportation Coordinator perceives a safety concern or if there is agreement that a change or addition to the route/stop is justified, the Coordinator will immediately make the change. Change in a student's regular bus assignment may be approved for the year, the half year, or the quarter. Changes for shorter periods will not be honored.
 - d. If the bus company's Transportation Coordinator opts to deny the request, the full Transportation Committee then reviews the request before a final decision is made.
 - e. Emergency situations or one-day changes may be authorized on a case-by-case basis by the Principals. Any such one-time change must be requested in writing and in advance by the parent/guardian. The Principals will coordinate the change directly.

7. Appeal Process

If the bus stop change request is not approved, the petitioner may appeal the decision to the School Board:

- a. Petitioner completes a *Request for Inclusion on the School Board Agenda* (available on the District website or at the SAU Office) and submits the request for appeal to the Superintendent.
- b. The School Board hears the appeal as part of its next available agenda.
- c. The School Board makes a decision route/stop in question after hearing all available information.

Statutory Reference:

RSA 189:9

RSA 189:6-8

Adopted:

Revised: October 20, 2021

DRAFT for Policy Committee Meeting

Reviewing transportation policies, if a parent appeals to the School Board regarding a bus stop change request, can they then appeal that decision to the NH Department of Education?

As to the first question, the answer is probably yes, although there is no specific statute creating a right to appeal a bus route decision. Ed 204.01, however, does indicate that when the board conducts a hearing, it must advise the parent/individual that there is a right to appeal to the state board. . Additionally, the State Board has over the past few years shown an increasing willingness to accept complaints or appeals from district actions even when there is no statute mandating a right of appeal to either the local or the state board. That said, there is a difference of opinion among school lawyers - and school boards - whether to allow some type of review on matters that do not have a statutory or regulatory avenue of appeals. Generally, NHSBA only adds review processes when the subject matter is one that either a board has initial responsibility for (though delegated to admin), or is one that the state board/commissioner has entertained even in the absence of a statutory right of review and having the local board's perspective prior to moving up to the state level can be helpful. (Book review policies for instance.) Transportation is also one such area. In addition to the fact that the state board has taken up bus route cases, there is also a possible statutory basis, although it suggests that it is the Commissioner who would resolve the issue. RSA 189:6 reads in part:

... The local school district may furnish transportation to pupils in kindergarten through grade 8 who live 2 miles or less from the school to which they are assigned, and to pupils in grades 9 through 12, when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education.

Although it does not clearly state there is a review of parent complaints, it is hard to imagine how or why the Commissioner would be directing local districts to provide transportation unless someone asked/complained/petitioned. We would suggest that the Raymond board discuss with its private counsel whether or not to include school board level review of route decisions.

All of the above is a long winded way of saying, yes, adding the appeal probably does make the path of appeal to the state board a little clearer due to the requirement of Ed 204.01 that the local board advise the complainant/individual of the right of appeal.

PUBLIC PARTICIPATION AT BOARD MEETINGS

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 of RSA 91-A:3.

Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting. ("Chair" shall apply to either in this policy.)

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.

1. The Board will provide 30 minutes for public comments at the beginning of each Board meeting. This period may be extended by the Chair or his/her designee, unless a Board member objects. If a Board member objects, a majority vote of the Board will be taken to continue. 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.
5. 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 requires 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 resolutions processes set forth in School Board Policies KE and KEB. Complaints regarding the Superintendent may be made either during public comment or directed to the School Board Chair.
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 makes most meetings accessible online in real time with meeting links included on the meeting notice. Although the Board will allow public comment remotely, attendance in person in order to offer public comment is highly encouraged. The Board cannot and will not assure that in all cases the technology will/can function adequately. If technological issues arise either before or during the meeting such that the comments are not reasonably audible at the meeting location, the Chair may terminate opportunity for remote public comment, or terminate the speaker's comment period.

8. 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 the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without authority to answer spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, 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.

Legal References:

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

RSA 91-A:3, Non-Public Sessions

U.S. Const. 1st Amendment

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
Revised: August 14, 2019
Revised: September 21, 2022

Policy BEDH: Public Comment and Participation at Board Meetings

Status: ADOPTED

Original Adopted Date: 02/01/2004 | Last Revised Date: 08/01/2022 | Last Reviewed Date: 08/01/2022

Category: *Recommended*

ADOPTION/REVISION NOTES –

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

- a. **SPECIAL NOTE:** *With the adoption of SB410 (codified as new RSA 189:74), school boards are now required to provide a minimum of 30 minutes of opportunity for public comment at most board meetings. Previously, such public comment was optional under both state law and the First Amendment. The new statute is largely in accord with NHSBA’s past recommendations for public comment periods, and generally reflects some of the principles under First Amendment law regarding “time, place and manner” rules, and other viewpoint neutral speaker limitations. Although RSA 189:74 includes specific mandated parameters, it leaves to local boards much discretion with respect to how those parameters are implemented. For instance, although boards must provide time for “no less” than 30 minutes, the law does not dictate when or how during a meeting the 30 minutes shall occur. Accordingly, the placement and limitations included in this sample policy are only suggestions. In adopting/revising its own policy, re: public comment period, a board may, among other things, choose language: (1) allowing more than the required 30 minutes, (2) breaking the 30 minutes into more than one session, or (3) including a provision to the effect that “if there are not enough speakers at the beginning of the meeting to exhaust the full 30 minutes, the Board will provide opportunity at the end of the meeting for additional public comment of no less than the balance of the 30 minutes.” Additionally, although the statute allows boards to prohibit disclosure of student & staff PII and other confidential information, it does not require such a provision. Boards wishing to explore allowable options for their public comment periods should contact NHSBA’s staff attorney or their district’s private counsel.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. *Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised Aug. 2022, Sept. 2019, May 2007, Nov. 1999, July 1998 and Feb. 2004
NHSBA revision notes, Aug. 2022, revised to reflect the enactment of RSA 189:74 (see, SB 410). The new statute now requires school boards to provide no less than 30 minutes public comment opportunity at each of its meetings. Previously, while most school boards included public comment periods in their meetings, it was not required. The law leaves boards with choices about how the public comment period is administered. E.g., boards may: (1) request – but not require – pre-registration, (2) set per speaker time limitations, (3) restrict comment that disclose student/staff PII, and/or (4) exclude/allow remote comments. **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.

A. General Meeting Policy.

Meetings of the Board shall be open to the press and public. ¹Delete fn.]

The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. Additionally, the Board will provide opportunity for members of the public to provide input and comment at Board meetings consistent with the meeting and participation rules as described below.

This policy sets forth the standards and meeting rules that apply to the public in attendance at Board meetings, and to the opportunity for the public to provide comment at Board meetings.

B. Opportunity for Public Comment.

Consistent with RSA 189:74, the Board will provide the opportunity for members of the public to comment on school district matters at all Board meetings with the exception of emergency meetings called under RSA 91-A:2, II, or at meetings for which the sole purpose is to address one or more issues in non-public session under RSA 91-A:3.

In order to ensure that persons who wish to appear before the Board may be heard and, at the same time, ensure 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.

1. Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting (“Chair” shall apply to either in this policy).
2. The Board will generally schedule the public comment period in the first half of its meetings. *[some boards have policies that establish an agenda order. Those boards will need to assure that their agenda “templates” match the placement of public comment in a revised BEDH]*
3. The Board will provide a minimum of thirty ____ ² Delete Fn.] minutes [*{optional}*] and a maximum of ____ *[e.g. forty-five, thirty, etc]* minutes to hear public comment. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment periods for specific agenda items with a time limit for public comment specified on the pertinent agenda. If speakers do not fill the minimum 30 minute public comment period, ³ Delete fn.] the Board will move to table the remainder of the time until the end of the meeting [*{or}*] later in the meeting *{or for Boards who move into nonpublic session directly after the meeting}*] immediately before scheduled nonpublic session]. If insufficient speakers remain to fill the 30 minutes, the Board will close public comment.
4. Individual speakers will be allotted ____ *[e.g. three, five, etc.]* minutes per person and each speaker will be permitted equal time. Speakers may not relinquish allotted time to another speaker. The Board may at the outset of the public comment period increase or decrease the individual time limit for all speakers (but may not decrease the aggregate time below 30 minutes).
5. *{OPTIONAL}* Speakers are requested to sign up prior to the meeting *[describe method, online form, email, sheet outside of the meeting room, etc]*. Although such pre-registration is not required as a condition for offering public comment, the Chair will recognize speakers on a first come basis using the pre-registered list as the starting point.⁴ delete Fn.] If a person declines to speak or is not present at the time called, the Chair will move to the next name on the list.

6. {OPTIONAL} The Board makes most meetings accessible online in real time with meeting links included on the meeting notice. Although the Board will allow public comment remotely, attendance in person to offer public comment is highly encouraged. The Board cannot and will not assure that in all cases the technology will/can function adequately. If technological issues arise either before or during the meeting such that the comments are not reasonably audible at the meeting location, the Chair may terminate opportunity for remote public comment, or terminate the speaker's comment period.
7. {OPTIONAL}. The Board will provide opportunity for written public comment for persons unable to attend the meeting. Written comments that meet the requirements of this paragraph and other provisions of this policy, will either (a) be included in the materials publicly available at the meeting, (b) briefly described in the minutes (in the same manner as comments made in person), or (c) attached to the minutes. In the event that the full thirty minutes for public comment have not been exhausted, the Board may read the written comments aloud at the meeting on a first received basis until the comment period has expired. Written comments must be submitted at least ____ [e.g., two, three, etc.] prior to a Board meeting, and shall be limited to ____ [e.g., 425, etc.]⁵ words. Anonymous written comments will not be accepted as part of public comment as RSA 91-A:2, II requires that meeting minutes include the names of persons appearing at public meetings. Only one written comment is permitted per individual for each meeting. Written comments including PII or other confidential information will only be disclosed/made public as required under RSA 91-A:4 and 5, and Board policy {**}EH. This paragraph is not intended to limit other correspondence to the school district, but only pertains to writings intended to be included as public comment at a school board meeting.
8. In order to comply with the official minutes requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.
9. During the public comment period, an individual may offer comments on agenda items or any other District matters (e.g., operations, budget, and other issues directly relating to the District's school policies, programs and operations.) However, consistent with RSA 189:74, I, and in the interest of protecting personally identifiable information ("PII") as well as other confidential information, comments (including complaints) regarding individual students, volunteers, or employees (other than the Superintendent) should be directed to the Superintendent or otherwise as provided under the complaint/grievance resolution processes set forth in School Board policies {**}KE and/or {**}KEB.
10. Defamatory statements, comments threatening bodily harm, or other unprotected speech will not be tolerated.
11. Comments which do not adhere to the above provisions, may be ruled out of order by the Chair. Repeated violations may result in the Chair terminating the speaker's privilege of address, and possibly deeming the violations a disruption to be treated as discussed in section C below.
12. Persons appearing before the Board are reminded that the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without authority to answer spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, will be deferred pending consideration by the full Board.
13. In addition to the opportunity to offer input during the public comment period of a Board meeting, members of the public may also request initiatives or other such items to be placed on the Board's agenda. The determination whether or not to include the matter on a Board meeting agenda will be made consistent with Board Policy {**}BEDB. Requests to have a matter placed on an agenda should be presented in writing 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 addressed.

C. Meeting Disruptions. The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. While members of the public have the right

to attend and offer input during the public comment period of meetings, they do not have the right to disrupt the meetings. Impermissible disruptions include, but are not limited to:

- Shouting at any time, or speaking while someone else has been recognized by the Chair;
- Obstructing the view of others with posters or otherwise;
- Refusing to terminate public comment after that speaker's time has expired;
- Any other sustained or intentionally loud noises after the Chair has called for order; or
- Any other conduct intended to disrupt the meeting or person speaking.

If, after at least two warnings from the Chair, an individual continues to disrupt the meeting by words or actions, the Chair may direct the person to leave the meeting. Upon refusal, the Chair may request assistance from law enforcement officials to have the individual removed, with the potential for criminal charges. Interruptions may result in a recess, or, provided the thirty minutes for public comment has expired, and adjournment of the meeting.

¹ [Delete fn.] RSA 189:74 uses the term "public". Formerly many boards' public comment policies (but not NHSBA's sample) restricted comment to groups with identifiable connections to the district (parents, residents, etc.). Boards should discuss continuance of those limitations with District counsel.

² [Delete fn.] May be more, but not fewer than 30 minutes.

³ [Delete fn.] The first sentence of 189:74 implies that the Board needs to provide "opportunity" for public comment, while the second sentence says the period must be "no less than 30 minutes." One reasonable reading would be that the "opportunity" for 30 minutes would suffice. This sample, however, suggests that if not enough speakers are present at the point in the agenda for public comment, the board can table the remainder until the end of the meeting. If no speakers are then present, the board could adjourn.

⁴ [Delete Fn.] Boards may request that persons register in advance but may not require pre-registration as a condition of participating in the public comment period.

⁵ [Delete Fn.] A speech of 425 words will take approximately 3 minutes to read at a normal speed.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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.*

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are 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.

NH Case Law

117 N.H. 573 (1977)

Description

State v. Dominic

130 N.H. 688 (1988)

State v. Comely

NH Statutes

RSA 189:65, VII & VII-a

Description

Definitions (Student and Teacher personally identifiable information)

RSA 189:74

School Board Public Comment Period

RSA 644:2

Disturbing the Peace

RSA 91-A:2

Meetings Open to Public

RSA 91-A:3

Non-Public Sessions

Federal Statutes

1st Amendment

Description

U.S. Const.

Cross References

Code

BEDB

Description

Agenda Preparation and Dissemination

BEDDA

Board Meeting - Rules of Procedure & Order

KE

Public Complaints

KEB

Public Complaints about School Personnel, Employees, Students or Administration



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November 3, 2023

CONFIDENTIAL ATTORNEY
CLIENT COMMUNICATION

VIA E-MAIL ONLY

Jennifer Heywood, Administrative Assistant
Raymond School District, SAU #33
43 Harriman Hill Road
Raymond, New Hampshire 03077-1509

Re: Raymond School District – Policy BEDH Public Participation at Board Meetings

Dear Jennifer:

In your email to me earlier today, you stated that the District is considering revising Policy BEDH Public Participation at Board Meetings to add a section on public hearings. You wanted to know: (1) whether the public hearing could be limited to thirty minutes; and (2) whether non-residents are permitted to speak at public hearings.

The time for a public hearing cannot be limited to thirty minutes. The public hearing must be left open until everyone wishing to speak has done so.

The District's Policy BEDH can limit public comment to residents. That appears to be the intent of the District's Policy although that limitation can be more clearly stated. (See attached redline). The School Board can address concerns of non-residents by, for example, adding a topic to the School Board's agenda.

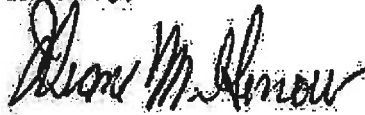
It is not clear whether public hearings can be limited to residents. As you know, public hearings are usually mandated by statute before the School Board can take certain action. At public hearings, the general public has the right to speak and provide testimony on an issue

Jennifer Heywood, Administrative Assistant
November 3, 2023
Page 2

before the School Board votes. There may be situations in which the topic of the public hearing is of interest to non-residents, such as staff members, parents of non-resident students, or non-resident taxpayers. With public comment, the School Board has the ability to address non-resident concerns by adding them to an agenda. With public hearings, however, there is no alternative for non-residents to provide input on the matter under consideration before the School Board votes at the public hearing. A policy restricting the right of all members of the general public to speak at a public hearing may be invalid. Therefore, I do not recommend that the School Board revise its Policy to restrict public hearings to residents.

If you have any other questions, please let me know.

Sincerely,



Diane M. Gorrow

E-mail: gorrow@sculearn.com

DMG:sds
Attachment

PUBLIC PARTICIPATION AT BOARD MEETINGS

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 of RSA 91-A:3.

Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting. ("Chair" shall apply to either in this policy.)

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.

1. The Board will provide 30 minutes for public comments at the beginning of each Board meeting. This period may be extended by the Chair or his/her designee, unless a Board member objects. If a Board member objects, a majority vote of the Board will be taken to continue. 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. **Speakers must be residents of Raymond.** 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.
5. 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 requires 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 resolutions processes set forth in School Board Policies KE and KEB. Complaints regarding the Superintendent may be made either during public comment or directed to the School Board Chair.
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 makes most meetings accessible online in real time with meeting links included on the meeting notice. Although the Board will allow public comment remotely, attendance in person in order to offer public comment is highly encouraged. The Board cannot and will not assure that in all cases the technology will/can function adequately. If technological issues arise either before or during the meeting such that the comments are not reasonably audible at the meeting location, the Chair may terminate opportunity for remote public comment, or terminate the speaker's comment period.

8. 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 the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without authority to answer spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, 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.

Legal References:

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

RSA 91-A:3, Non-Public Sessions

U.S. Const. 1st Amendment

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
Revised: August 14, 2019
Revised: September 21, 2022

Policy JLDBB: Suicide Prevention and Response Plan

Status: ADOPTED

Original Adopted Date: 11/01/2019 | Last Revised Date: 08/01/2022 | Last Reviewed Date: 08/01/2022

Category: Priority/Required by Law

ADOPTION/REVISION NOTES -

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

- a. Policy Note - This sample policy contemplates the development of a separate District Suicide Prevention Plan, with components as outlined in Section A of the policy. NHSBA recommends that districts use as a template or guide the sample "policy" available through the American Foundation for Suicide Prevention. The coding should connect to the board policy (e.g., JLDBB & JLDBB-R). This sample policy JLDBB was structured to mesh the key elements of RSA 193-J with the AFSP model "policy". As of August 2022, the AFSP guide and policy can be found at:

<https://afsp.org/our-work/education/model-school-policy-suicide-prevention/>(<https://simbli.eboardsolutions.com/SU/qWzdV5HlrLHZ0t2pluscJG4lg==>)

- b. Policy Note - This sample policy is structured to apply to districts with more than one school. For single school districts, the duties/positions of District Suicide Prevention Coordinator and School Suicide Prevention Points of Contact (policy sections B.1 & B.2, below) may/should be merged, with additional changes as needed for internal continuity.
- c. General - As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- d. Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- e. {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- f. Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised August 2022; New policy, November 2019.
NHSBA revision notes, August 2022, NHSBA added Section E to reflect the 2022 passage of the Jason Dickey Suicide Prevention Act (SB 234, RSA 193-J:2-a) which requires that the National Suicide Prevention Lifeline shall be included on student identification cards, effective as of July 31, 2022. **November 2019** revised in response to RSA 193-J, which, among other things, requires that "each school district shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the risk of, intervene in, and respond to suicide." This sample policy is intended to coordinate the requirements of the statute with the framework with some of the model "policies" created by various suicide prevention/crisis intervention organizations such as the American Foundation for Suicide Prevention.

The School Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, and response to suicide or suicide attempt ("postvention"); and to promote access to suicide awareness, prevention and postvention resources.

A. District Suicide Prevention Plan and Biennial Review. The District shall maintain a coordinated written District Suicide Prevention Plan (the "Plan") to include guidelines, protocols and procedures with the objectives of prevention, risk assessment, intervention and response to youth suicides and suicide attempts. [1 Delete fn.]

- 1. **Specific Requirements for Plan Terms:** The District Suicide Prevention Plan shall include terms relating to:
 - a. Suicide prevention (risk factors, warning signs, protective factors, referrals);
 - b. Response to in-or-out-of-school student suicides or suicide attempts (postvention, suicide contagion);

- c. Student education regarding safe and healthy choices, coping strategies, recognition of risk factors and warning signs of mental disorders and suicide; and help seeking strategies;
 - d. Training of staff, designated volunteers, and contracted personnel on the issues of youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention and resources available within the school and community;
 - e. Confidentiality considerations;
 - f. Designation of any personnel, in addition to the {see adoption note (c) above, and B.1 & B.2, below} _____ District Suicide Prevention Coordinator and Building Suicide Prevention Liaisons, to act as points of contact when students are believed to be at an elevated risk of suicide;
 - g. Information regarding state and community resources for referral, crisis intervention, and other related information;
 - h. Dissemination of the Plan or information about the Plan to students, parents, faculty, staff, and school volunteers;
 - i. Promotion of cooperative efforts between the District and its schools and community suicide prevention program personnel;
 - j. Such include such other provisions deemed appropriate to meet the objectives of this Policy (e.g., student handbook language, reporting processes, "postvention" strategies, memorial parameters, etc.).
2. **Biennial Review:** No less than once every two years, the Superintendent, in consultation [with the District Suicide Prevention Coordinator and Building Suicide Prevention Liaisons_____ and] with input and evidence from community health or suicide prevention organizations, and District health and guidance personnel, shall update the District Suicide Prevention Plan, and present the same to the Board for review. Such Plan updates shall be submitted to the Board in time for appropriate budget consideration.

B. Suicide Prevention Coordinator and Liaisons.

1. **District Suicide Prevention Coordinator.** [{The Superintendent shall appoint a} OR {the ____ is designated as the}] District Suicide Prevention Coordinator, who, under the direction of the Superintendent shall be responsible for:
 - a. developing and maintaining cooperative relationships with and coordination efforts between the District and community suicide prevention programs and personnel;
 - b. annual updating of (i) State and community crisis or intervention referral intervention information, and (ii) names and contact information of Building Suicide Prevention Liaisons, for inclusion in student handbooks and on the District's website;
 - c. developing - or assisting individual teachers with the development - of age appropriate student educational programming, such that all students receive information in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help;
 - d. developing or assisting in the development of the annual staff training required under section C of this policy;
 - e. Such other duties as referenced in this Policy or as assigned by the Superintendent.
2. **Building Suicide Prevention Liaison.** The [name position _____], or, in his/her absence, the building principal, shall be designated as the Building Suicide Prevention Liaison, and shall serve as the in building point-of-contact person when a student is believed to be at an elevated risk for suicide. Employees who have reason to believe a student is at risk of suicide, or is exhibiting risk factors for suicide, shall report that information to the Building Liaison, who shall, immediately or as soon as possible, establish and implement a response plan with the District Suicide Prevention Coordinator.

C. Annual Staff Training. The Superintendent shall assure that beginning with the 2020-21 school year, all school

building faculty and staff, designated volunteers, and any other personnel who have regular contact with students, including contracted personnel or third-party employees, receive at least two hours of training in suicide awareness and prevention. Such training may include such matters as youth suicide risk factors, warning signs, protective factors, intervention, response procedures, referrals, and postvention and local resources.

D. Dissemination. Student handbooks and the District's website will be updated each year with the contact information for the Building Suicide Prevention Liaisons, State and community crisis or intervention referral intervention resources. The District Suicide Prevention Plan will be made available on the District's, and each school's respective websites.

E. Student Identification Cards. ^[2 Delete fn.] The National Suicide Prevention Lifeline shall be labeled on student identification cards and include the telephone number; National Suicide Prevention Lifeline 988 ^[3 Delete fn.]. Prior to the start of each school year, the Superintendent shall certify that the contact information for the National Suicide Prevention Lifeline is accurate and up to date. ^[4 delete fn.]

¹ The policy previously stated, per RSA 193-J:2, II, that the Superintendent shall develop and provide the District Suicide Prevention for board approval no later than May 31, 2020. Districts should have adopted a District Suicide Prevention Plan by now, but if not, the Superintendent should develop one and submit it to the Board for approval as soon as possible.

² ^[delete fn.] Section E is only to apply to school districts that serve any students in grades 6 through 12 and issue student identification cards.

³ ^[delete fn.] The District may also use the number 1-800-273-8255 instead of, or in addition to, the 988 number (988 allows for SMS messages as well). The Board should ensure that the number in the policy matches what is printed on the IDs.

⁴ ^[delete fn.] The requirement for student identification cards to include the National Suicide Prevention Lifeline is effective as of July 31, 2022. It is to apply to any student identification card that is either (1) issued for the first time after July 31, 2022 or (2) a replacement card issued for damaged or lost student id cards after July 31, 2022.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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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NH Statutes References

RSA 193-J

RSA 193-J:2-a

Description

Suicide Prevention Education -

<https://simbli.eboardsolutions.com/SU/AcMc0QIK8ALDCK5IM0ApFQ==>

Suicide Prevention; Public School Identification Cards -

<https://simbli.eboardsolutions.com/SU/PHdcJsJ6XKLJKPuSG1ZsqQ==>

Cross References

JLD

Description

School Guidance and Counseling Program -

<https://simbli.eboardsolutions.com/SU/hQJZR7UCv1wkgVV0TF4hIA==>

Raymond School District Policy - JLDB

SUICIDE PREVENTION AND RESPONSE

The Raymond School District recognizes that suicide is a complex issue that requires school family, and community resources to be harnessed for appropriate and timely help to be available to NH students in order to prevent suicide. This policy guides the Raymond School District in the development and implementation of a coordinated plan to prevent, assess the risk of, intervene in, and respond to suicide.

As outlined in 193-J:1, this coordinated plan includes:

- a. Training for staff: 2 hours of annual training in suicide awareness and prevention for faculty, staff, contracted personnel, and designated volunteers. The training may include but not limited to: youth suicide factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community. This training will be evidenced informed.
- b. Educating students in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage resources and refer friends for help.
- c. Identifying within the school, the person(s) who serve as the point of contact when a student is believed to be at an elevated risk for suicide.
- d. Making referral, crisis intervention, and other related information, both within the school and community, available for students, parents, faculty, staff and school volunteers.
- e. Promoting cooperative efforts between school districts, charter public schools, and community suicide prevention program personnel.

Raymond Schools will create a procedure JLDB-R that guides the implementation of this policy, and is reviewed annually, and revised as needed.

193-J:3 Immunity.

Nothing in this chapter shall create a private right of action against any school administrative unit, school district, public academy, chartered public school, the state, or any employee, contractor, subcontractor, or agent thereof. A school administrative unit employee, school employee, chartered public school employee, public academy employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for conduct arising from or related to the implementation of, or failure to adequately implement, this chapter. 315:2 Effective Date. This act shall take effect July 1, 2020.

Legal References: RSA 193-J, Suicide Prevention Education

Adopted: June 3, 2020

Raymond School District Policy - JLDB-R

SUICIDE PREVENTION AND RESPONSE - PROCEDURE

The Raymond School District recognizes that suicide is a complex issue that requires school family, and community resources to be harnessed for appropriate and timely help to be available to NH students in order to prevent suicide. Policy JLDB guides the Raymond School District in the development and implementation of a coordinated plan to prevent, assess the risk of, intervene in, and respond to suicide.

This coordinated plan includes these five areas:

1. Staff Training,
 2. Educating students,
 3. Identifying contact people,
 4. Referral and interventions,
 5. Cooperating with local resources.
-
1. Raymond Schools will conduct 2 hours of training for staff in suicide awareness and prevention. This training will occur annually. Staff includes faculty, staff, contracted personnel, and designated volunteers. Such training may include but not limited to: youth suicide factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community.
 - *By March 30, 2021, Raymond Schools will have completed 2 hour trainings with staff. Raymond Schools will review evidence-based materials from local resources such as the Raymond Coalition for Youth, NH NAMI, and NH Suicide Prevention Resource Center. Raymond Schools will use published materials and self-training materials that may include handouts, face-to face presentations, and online videos. Raymond schools will develop a procedure for ensuring this annual training requirement is completed and met.*
 2. Raymond Schools will educate students in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others. The schools will provide students with help-seeking strategies for oneself or others, including how to engage resources and refer friends for help.
 - *Raymond Schools will use evidenced-based resources such as, but not limited to: the Michelle Garcia Winner's Social Thinking Framework, Second Step Program, Michigan Model for Health, and lessons delivered as part of the Raymond Health Curriculum. Raymond Schools supplement lessons with self-training materials as student developmental needs require.*
 3. Raymond Schools will identify the person(s) who serve as the point of contact when a student is believed to be at an elevated risk for suicide.
 - *Raymond Schools will post a flyer that identifies the contact names for each school. It will be available for students, parents, and staff, and counselors will have the information readily available.*
 4. Raymond Schools will have suicide prevention information available for students, parents, faculty, staff and school volunteers. This information will include outside referrals to community organizations and crisis intervention services.

- *Raymond Administrators, Counselors, Social Workers, Psychologists and other related personnel will create and have referral and crisis intervention information packets available for students, parents, faculty, staff and school volunteers.*
5. Raymond Schools will demonstrate cooperative efforts between school districts, charter public schools, and community suicide prevention program personnel.
- *Raymond Schools will work cooperatively with local resources, such as the Raymond Coalition for Youth, Seacoast Mental Health Center, and Raymond Police Department. Procedures for establishing meeting times will be developed each year.*

Adopted: June 3, 2020

Raymond School District Policy - GCQC

RESIGNATION OF INSTRUCTIONAL STAFF MEMBER

All staff members who sign a contract are expected to honor the contract.

Resignations tendered between the time the employee signs the contract and July 1 of a given year will not be accepted unless and until a suitable and fully qualified replacement is hired. Resignations tendered after July 1 of the year of the contract will not be accepted nor will the employee be released from his/her contractual duties unless recommended by the Superintendent.

If an employee under contract breaches his/her contractual obligations to the District, or fails to abide by the terms of this Policy, the Board may initiate such legal actions as it deems appropriate, including monetary damages from the employee.

In addition, if a teacher reneges on his/her contract, the Board shall notify the teacher certification division of the Department of Education.

Adopted: June 3, 1976

Revised: September 7, 1978

Revised: August 1, 2002

Policy GCQC: Resignation of Instructional Staff Member

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/1999 | Last Reviewed Date: 06/01/2004

Category: Recommended

ADOPTION/REVISION NOTES -

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

- a. General - As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- b. Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- c. [**] indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Reviewed: June 2004
Revised: November, 1999
Revised: July, 1998

All staff members who sign a contract are expected to honor the contract.

Resignations tendered between the time the employee signs the contract and July 1 of a given year will not be accepted unless and until a suitable and fully qualified replacement is hired. Resignations tendered after July 1 of the year of the contract will not be accepted nor will the employee be released from his/her contractual duties.

However, the Board recognizes that extenuating circumstances may arise which warrants it giving special consideration to a resignation request. In these instances, the Board may make exceptions to this Policy, on a case by case basis.

If an employee under contract breaches his/her contractual obligations to the District, or fails to abide by the terms of this Policy, the Board may initiate such legal actions as it deems appropriate, including monetary damages from the employee.

In addition, if a teacher reneges on his/her contract, the Board shall notify the teacher certification division of the Department of Education.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Policy IKL: Academic Honesty and Integrity

Status: ADOPTED

Original Adopted Date: 05/01/2022 | Last Revised Date: 09/18/2023 | Last Reviewed Date: 09/18/2023

Category: *Optional*

ADOPTION/REVISION NOTES -

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

- a. **ADOPTION NOTE** - *The use of generative artificial intelligence ("AI ") tools is ever-present and becoming more so. Obvious concerns exist that students use such tools in place of their own work to the detriment of the development of their own critical thinking , writing and other skills, not to mention as a means of cheating or otherwise gaining an unfair advantage . Nonetheless, NHSBA recommends against a complete ban on AI tools due not only to their ubiquity and the constantly evolving difficulty in managing a ban. Perhaps more importantly, an outright ban fails to recognize that properly used, AI is a powerful tool both for teachers and students. With this in mind, NHSBA revised Section B of the policy to include a paragraph specific to improper use of AI, as well as language in some of the other examples of prohibited conduct to include reference to AI. The new section, B.3 “Improper Use of Artificial Intelligence”, however, also allows for use within parameters established by a particular instructor or by district or school rules. NHSBA encourages school administrators, IT directors and teachers to consider such parameters.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - Sept. 2023; New policy – May 2022

NHSBA revision notes, August 2023, revised Section B to include provisions concerning use of AI, also revised section B.6 (formerly B.5). **May 2022**, new policy prepared at the request of multiple NHSBA member boards.

A. Statement of Policy. All students are expected to demonstrate academic integrity and honesty. Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect towards their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of their educational experience or their full academic potential. These expectations are directly related to the Board’s educational objectives for students to learn to be responsible for and accept the consequences of their behavior.

B. Prohibited Behavior. In addition to any standards or rules established by individual classroom teachers, the following behaviors are in violation of the standards of academic integrity and honesty and are specifically prohibited:

1. **Cheating.** Cheating is any act of academic dishonesty, which includes such things as receiving or communicating information to another student during a test or other assessment; looking at another's test or assessment during the exam; using notes or obtaining information during a test or assessment when prohibited; obtaining information about the questions or answers for an assessment prior to the administration of the exam; or whatever else is deemed contrary to the rules of fairness with respect to school work or assessment, including special rules developed by the instructor of the course.
2. **Improper Use of AI Tools.** Improper use of artificial intelligence ("AI") tools (e.g., ChatGPT, Google Bard, Harvey.AI, etc.) is use which is inconsistent with the purpose, spirit, or specific instructions for assigned school work or homework. **Students may only use AI tools in accordance with the teacher's specific instructions or pre-existing class, school or District guidelines.** When use is permitted, students must state their use of the AI tools and, where applicable, find a legitimate, independent source to cite information. Teachers will provide general instructions related to the acceptable use of AI tools, but students are expected to obtain clarification from the teacher if they are uncertain of whether and how AI tools may be used on any given assignment.
3. **Plagiarism.** Plagiarism is the representation of someone else's ideas or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. Sources of work that must be cited or otherwise acknowledged in order to avoid plagiarism include, but are not limited to, books, articles, websites, work of classmates/others, and AI tools (such as ChatGPT, Google Bard, Harvey.AI, etc.). Teachers should provide clear instructions related to the applicable standards of attribution and citation for a given assignment, but students are expected to obtain clarification from the teacher if they are uncertain of the applicable standards.
4. **Academic Misrepresentation.** Academic misrepresentation occurs when a student has another student or individual substitute for himself or herself during the taking of a test or other assessments.
5. **Academic Collusion.** Academic collusion is the sharing of test or other assessment questions or answers with another student without the instructor's permission. Academic collusion includes copying another student's homework without the instructor's permission or allowing another student to copy one's work. It also includes group collaboration on individual assignments without the instructor's permission.
6. **Dishonesty in Papers or Other Academic Work.** Dishonesty in papers or other academic work occurs when one submits work prepared by a writing service, an AI tool, or any another person. All work submitted for a course must be the student's own original work unless the sources are cited, or are otherwise in compliance with the teacher's instructions, or school or District guidelines.
7. **Self-Plagiarism (Work Done for One Course and Submitted in Another).** Self-Plagiarism occurs when a student for a class refers to work previously submitted in another class in order to fulfill the academic requirements in that latter class. In some instances, instructors may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance.
8. **Unfair academic advantage.** Unfair academic advantage occurs when a student acts in such a way as to prevent or hinder another student's performance with respect to an academic activity. Examples include: concealing, destroying, or stealing research or library materials with the purpose of depriving others of their use; sabotaging another student's work; or attempting intimidation for academic advantage.

9. **Facilitating academic dishonesty.** Facilitating academic dishonesty occurs when one student completes an academic activity (e.g., homework, test, paper, etc.) for another student, or collaborates with another student on an academic activity when instructions have called for independent work.
10. **Other Academic Dishonesty.** This policy also prohibits any intentional act that violates the spirit of academic integrity and this policy. Such prohibited conduct includes, but is not limited to, stealing assessments; tampering with academic records; including inaccurate academic information on any application or resume; altering academic tests or assessments, grades or other student records; distributing materials for the purpose of cheating or facilitating; inappropriate or unethical use of technology (pre-program of graphing calculator, smart phones, etc.); or feigning illness or personal circumstances to avoid an academic activity (e.g., test, quiz, paper, homework, lecture, etc.).

C. Consequences.

The disciplinary consequences for violations of this policy shall be consistent with Board policy and the Student Code of Conduct _____. The minimum consequence [should/shall] be a zero relative to the specific assignment, test or quiz, and a conference with the student's parent/guardian. The Superintendent or designee shall list in the applicable Code of Student Conduct the specific range of additional consequences that may be imposed on a student for violations of this policy. For a high school student, violations of academic integrity and honesty are cumulative during the student's high school years.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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Cross References

Code	Description
EGAD	<u>Copyright Compliance</u>
JICD	<u>Student Discipline and Due Process</u>
JICL	<u>School District Internet Access for Students</u>

Policy IKL: Academic Honesty and Integrity

Status: DRAFT

Original Adopted Date: 05/01/2022 | Last Revised Date: Pending | Last Reviewed Date: 05/01/2022

Category: *Optional*

ADOPTION/REVISION NOTES –

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

- a. *ADOPTION NOTE - The use of generative artificial intelligence ("AI ") tools is ever-present and becoming more so. Obvious concerns exist that students use such tools in place of their own work to the detriment of the development of their own critical thinking , writing and other skills, not to mention as a means of cheating or otherwise gaining an unfair advantage . Nonetheless, NHSBA recommends against a complete ban on AI tools due not only to their ubiquity and the constantly evolving difficulty in managing a ban. Perhaps more importantly, an outright ban fails to recognize that properly used, AI is a powerful tool both for teachers and students. With this in mind, NHSBA revised Section B of the policy to include a paragraph specific to improper use of AI, as well as language in some of the other examples of prohibited conduct to include reference to AI. The new section, B.3 “Improper Use of Artificial Intelligence”, however, also allows for use within parameters established by a particular instructor or by district or school rules. NHSBA encourages school administrators, IT directors and teachers to consider such parameters.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - Sept. 2023; New policy – May 2022

NHSBA revision notes, August 2023, revised Section B to include provisions concerning use of AI, also revised section B.6 (formerly B.5). May 2022, new policy prepared at the request of multiple NHSBA member boards.

A. Statement of Policy. All students are expected to demonstrate academic integrity and honesty. Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect towards their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of their educational experience or their full academic potential. These expectations are directly related to the Board’s educational objectives for students to learn to be responsible for and accept the consequences of their behavior.

B. Prohibited Behavior. In addition to any standards or rules established by individual classroom teachers,

the following behaviors are in violation of the standards of academic integrity and honesty and are specifically prohibited:

1. **Cheating.** Cheating is any act of academic dishonesty, which includes such things as receiving or communicating information to another student during a test or other assessment; looking at another's test or assessment during the exam; using notes or obtaining information during a test or assessment when prohibited; obtaining information about the questions or answers for an assessment prior to the administration of the exam; or whatever else is deemed contrary to the rules of fairness with respect to school work or assessment, including special rules developed by the instructor of the course.
2. **Improper Use of AI Tools.** Improper use of artificial intelligence ("AI") tools (e.g., ChatGPT, Google Bard, Harvey.AI, etc.) is use which is inconsistent with the purpose, spirit, or specific instructions for assigned school work or homework. **Students may only use AI such tools in accordance with the teacher's specific instructions or pre-existing class, school or District guidelines.** When use is permitted, students must state their use of the AI tools and, where applicable, find a legitimate, independent source to cite information. Teachers will provide general instructions related to the acceptable use of AI tools, but students are expected to obtain clarification from the teacher if they are uncertain of whether and how AI tools may be used on any given assignment.
3. **Plagiarism.** Plagiarism is the representation of someone else's ideas or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. Sources of work that must be cited or otherwise acknowledged in order to avoid plagiarism include, but are not limited to, books, articles, websites, work of classmates/others, and AI tools (such as ChatGPT, Google Bard, Harvey.AI, etc.). Teachers should provide clear instructions related to the applicable standards of attribution and citation for a given assignment, but students are expected to obtain clarification from the teacher if they are uncertain of the applicable standards. ~~The submission of an assignment or parts of an assignment written by someone other than the student, including but not limited to, other students, commercial organizations, or electronic sources.~~
4. **Academic Misrepresentation.** Academic misrepresentation occurs when a student has another student or individual substitute for himself or herself during the taking of a test or other assessments.
5. **Academic Collusion.** Academic collusion is the sharing of test or other assessment questions or answers with another student without the instructor's permission. Academic collusion includes copying another student's homework without the instructor's permission or allowing another student to copy one's work. It also includes group collaboration on individual assignments without the instructor's permission.
6. **Dishonesty in Papers or Other Academic Work.** Dishonesty in papers or other academic work occurs when one submits work prepared by a writing service, an AI tool, or any another person. All work submitted for a course must be the student's own original work unless the sources are cited, or are otherwise in compliance with the teacher's instructions, or school or District guidelines.
7. **Self-Plagiarism (Work Done for One Course and Submitted in Another).** Self-Plagiarism occurs when a student for a class refers to work previously submitted in another class in order to fulfill the academic requirements in that latter class. In some instances, instructors may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance.
8. **Unfair academic advantage.** Unfair academic advantage occurs when a student acts in such a way as to prevent or hinder another student's performance with respect to an academic activity. Examples include: concealing, destroying, or stealing research or library materials with the purpose of depriving others of their use; sabotaging another student's work; or attempting

intimidation for academic advantage.

9. **Facilitating academic dishonesty.** Facilitating academic dishonesty occurs when one student completes an academic activity (e.g., homework, test, paper, etc.) for another student, or collaborates with another student on an academic activity when instructions have called for independent work.
10. **Other Academic Dishonesty.** This policy also prohibits any intentional act that violates the spirit of academic integrity and this policy. Such prohibited conduct includes, but is not limited to, stealing assessments; tampering with academic records; including inaccurate academic information on any application or resume; altering academic tests or assessments, grades or other student records; distributing materials for the purpose of cheating or facilitating; inappropriate or unethical use of technology (pre-program of graphing calculator, smart phones, etc.); or feigning illness or personal circumstances to avoid an academic activity (e.g., test, quiz, paper, homework, lecture, etc.).

C. Consequences.

The disciplinary consequences for violations of this policy shall be consistent with Board policy and the Student Code of Conduct _____. The minimum consequence [should/shall] be a zero relative to the specific assignment, test or quiz, and a conference with the student's parent/guardian. The Superintendent or designee shall list in the applicable Code of Student Conduct the specific range of additional consequences that may be imposed on a student for violations of this policy. For a high school student, violations of academic integrity and honesty are cumulative during the student's high school years.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

~~NHSBA history: New policy – May 2022 NHSBA revision notes, May 2022, new policy prepared at the request of multiple NHSBA member boards.~~

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Cross References

Code	Description
EGAD	Copyright Compliance
JICD	Student Discipline and Due Process
JICL	School District Internet Access for Students

**Policy JCA: Change of Class of School or Assignment Best Interests and Manifest Status: ADOPTED
Hardship**

Original Adopted Date: 07/01/1998 | Last Revised Date: 09/18/2023 | Last Reviewed Date:
09/18/2023

Category: Priority/Required by Law

ADOPTION/REVISION NOTES –

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

- a. *Adoption note - Important note regarding 2020 amendments to JCA: The 2020 revision to JCA also merged the subject matter of previous sample JEC (manifest educational hardship) with JCA to reflect the new statutory relationship between those two reassignment provisions. NHSBA withdrew sample JEC with the 2020 revision to JCA. Most of this policy specifically tracks language in the amended version of RSA 193:3. If a district wishes to modify miscellaneous provisions, it should review the statute carefully, and or consult with private counsel and/or NHSBA Policy Services.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. *General – **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. *General – **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised – Sept. 2021, Nov. 2020, Sept. 2018, Sept. 2016 (JCA only), Sept. 2015 (JCA only); Sept. 2011, Sept. 2008, July 1998.

NHSBA revision notes, Sept. 2023, revisions include clarification of the board's authority to approve Superintendent's assignment of students to approved private schools (see 2023 passage of SB77), as well as other revisions: (1) clarifying standards for consideration of requests for assignment to private schools, and annual review of both best interest and manifest hardship assignments, (2) adding language to section and footnote regarding transportation obligations in manifest hardship cases, and (3) minor format/grammar changes; **Sept. 2021,** revisions reflect 2021 amendments to RSA 193:3, I-II, & VI (HB388) which (i) expanded allowable best interest and manifest hardship re-assignments to include “approved” private schools (irrespective of whether sectarian), and (ii) added language to 193:3, IV clarifying that if denial of a manifest hardship assignment is based upon a child’s disability, a complaint may be filed with the N.H. Human Rights Commission. **November 2020,** the old version of policy JCA concerned only reassignments based on the best interest standard, while manifest educational hardship reassignments were addressed in sample JEC. Each of the former policies reflected different processes described in RSA 193:3, I-III. 2020 legislative changes to 193:3, I-III-a (see 2020 Laws 38:22, chaptered version of 2020 HB1558, including amended HB1328) made best interest and manifest hardship processes sequential, rather than separate. Accordingly, NHSBA has merged the two processes into one policy. It is possible/likely that at some point in the next couple of years, the NH DOE will amend Rule Ed 320 to reflect the 2020 legislative changes, and such rule revisions may require additional policy revisions.

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment – Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to a another class within the school, ~~to another public school or public academy within the District~~, to another public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs. This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, ~~to another public school, public academy, or approved private school within the district~~ or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent/guardian's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment Is or Is Not in Best Interest.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:
 - i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school or public academy within the district of residence; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district.
- c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. Tuition Determination.

- a. *Assignment to Another School District or Public Academy.* If a student is to be reassigned to a public school in another school district or approved public academy as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.
- b. *Assignment to an Approved Private School.* If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. ^[1 Delete Endnote] The Superintendent shall consult with counsel regarding tuition obligations in such an instance. Any such Agreement shall be subject to approval by the school board on behalf of the School District and shall be at the sole Discretion of the School Board with due consideration given to the fiscal impact of such approval of the District, and shall not be granted if, in the opinion of the School Board, there are other viable public school options for reassignment.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.
5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy ~~{**}~~JFAB or as computed under the formula set out in RSA 193: The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts). ^[2 Delete endnote]
6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies,

regulations, and ordinary practices of the District.

7. Review/Appeal of Decision. The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in Section B, below.
8. Annual Review of Decision. A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion waive the review when he/she deems such to be appropriate.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
 - a. Within thirty (30) days after receipt of the Superintendent's written determination describing that reassignment is not in the student's best interest as described in paragraph A.2.a & c, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
 - b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days ^[3 Delete endnote] after the request has been received by the Superintendent. The Board shall provide at least two full days' notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student [*if applicable*] attend another public school, public academy, or approved private school in the District, or] attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
 - d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
 - e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced

that the contention is highly probable.⁴

- f. The Board will render its decision in writing within seven days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).
3. **Finding of Manifest Educational Hardship.** If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student ~~[(if applicable) another public school, public academy, or approved private school in the District, or]~~ to a public school, public academy, or approved private school in another district.
4. **Finding that Manifest Educational Hardship Was Not Established – Appeal to the New Hampshire State Board of Education.** If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board’s written decision in accordance with NH Dept. of Ed. Rule Ed 2001(g). If a parent/guardian believes that denial of a re-assignment under this policy is based upon the child’s disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. Human Rights Commission under RSA 354-A:28.
5. **Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship.** If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend a public school or a public academy in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. **Transportation:** Transportation for a student reassigned to a school in another district under this Section B (manifest educational hardship) shall ~~{not} {see and delete endnote 5}~~ be the responsibility of the District unless otherwise ordered by the SBOE.
7. **Annual Review of Manifest Hardship Determination.** A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate. ~~{6 Delete endnote}~~

C. Admission Requirements. Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned. **Statutory**

D. Reassignment Limit. 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.

E. 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 (“ADMR”) 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.

F. 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.

G. 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.

1 [Delete endnote] The first sentence of this paragraph is taken directly from the 2021 amendment to RSA 193:13, I(h). It is unclear from the statutory language how this relates to the District's tuition negotiation/payment language relative to schools in other public districts.

2 [Delete endnote] RSA 193:3, I(g) includes the language: "Some or all of the tuition may be waived by the Superintendent for good cause shown or pursuant to school board policy of the receiving district." The language suggests that the two standards (good cause shown or policy) are not exclusive.

3 [Delete endnote] The 2020 amendments to RSA 193:3, II require that the hearing be held within 15 days of the request by the parent. This supersedes the 30 day requirement of NH DOE Ed. 320.01 (e).

4 The clear and convincing standard differs from the "preponderance of the evidence" standard, which only requires that evidence indicates that the contention is more likely than not.

5 [Delete endnote] There is some ambiguity as to whether the law requires districts to provide transportation for K-8 students who are assigned to schools outside of the district after a manifest hardship determination. RSA 189:6 requires the district to provide transportation for K-8 students living more than two miles from the school to which a student is assigned. While 193:3, I (g) has a specific exception built in for best interest assignments (see A.4, above), no such exception exists for manifest hardship assignments. Accordingly, before including the word "not" here, the School Board should consult with its private counsel.

6 [Delete endnote] Similar as to what is allowed of the Superintendent relative to a best interests determination, the School Board, may – but is not required to - review a student's manifest educational hardship reassignment to determine whether the original conditions which have caused the need for the manifest educational hardship reassignment no longer exist.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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NH Statutes

RSA 193:14-a

Description

Change of School Assignment; Duties of State Board of Education

RSA 193:3, III

Change of School Assignment

NH Dept of Ed Regulation

N.H. Dept. of Education Admin. Rule Ed. 320

Description

N.H. Dept. of Education Administrative Rule Ed. 320 [Pending revision]

Cross References

Code

JEBA

Description

Early Entrance into Kindergarten

JFAA

Admission of Resident Students

JFAB

Admission of Tuition and Non-Resident Students

JG

Assignment of Students to Classes and Grade Levels

Raymond School District Policy - JCA

CHANGE OF CLASS OR SCHOOL ASSIGNMENT BEST INTERESTS AND MANIFEST HARDSHIP

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment – Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to another class within the school, to another public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. **Procedure:**

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment Is or Is Not in Best Interest.

a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).

b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:

- i. A change of assignment within the student's current assigned school;
- ii. The student's transfer to another public school or public academy within the district of residence; or
- iii. The student's transfer to a public school, public academy, or approved private school in another district.

c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

d. Tuition Determination. If a student is to be reassigned to another school district or approved school as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.

If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. The Superintendent shall consult with counsel regarding tuition obligations in such an instance.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

3. Transportation: Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.

4. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy JFAB or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).

5. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. **"Manifest Educational Hardship" Defined.** As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. **Procedure for Determination of Manifest Educational Hardship.**
 - a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph A.2.C, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
 - b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received by the Superintendent. The Board shall provide at least two full days notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
 - d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
 - e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.[4]
 - f. The Board will render its decision in writing within seven (7) days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).

3. **Finding of Manifest Educational Hardship.** If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student to a public school, public academy, or approved private school in another district.

4. **Finding that Manifest Educational Hardship Was Not Established – Appeal to the New Hampshire State Board of Education.** If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education ("SBOE"), within thirty (30) days of receipt of the Board's written decision in accordance with NH Dept. of Ed. Rule Ed 204.01(g). If a parent/guardian believes that denial of a reassignment under this policy upon the child's disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. Human Rights Commission under RSA 354-A:28.

5. **Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship.** If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend school in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. **Transportation:** Transportation for a student reassigned to schools in another district under this section B (manifest educational hardship) shall be the responsibility of the District unless otherwise ordered by the SBOE.

C. Admission Requirements. Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.

D. Statutory Reassignment Limit. 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.

E. 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.

F. 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.

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

N.H. Dept. of Education Administrative Rule Ed. 320 [Pending revision]

Related Policies: JFAA, JFAB, JG

Adopted: May 20, 2002 Revised: January 20, 2016

Revised: May 17, 2017 Revised: September 4, 2019

Revised: February 16, 2022

Revised: October 4, 2023

Raymond School District Policy - JCA

DRAFT

**CHANGE OF CLASS OR SCHOOL ASSIGNMENT
BEST INTERESTS AND MANIFEST HARDSHIP**

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment – Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to another class within the school, to another public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent/guardian's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment Is or Is Not in Best Interest.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:
- i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school or public academy within the district of residence; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district.
- c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. Tuition Determination.

- a. *Assignment to Another School District or Public Academy.* If a student is to be reassigned to ~~another school district or approved school~~ a public school in another school district or approved public academy as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.
- b. *Assignment to an Approved Private School.* If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. The Superintendent shall consult with counsel regarding tuition obligations in such an instance. Any such agreement shall be subject to approval by the School Board on behalf of the School District and shall be at the sole discretion of the School Board with due consideration given to the fiscal impact of such approval of the District, and shall not be granted if, in the opinion of the School Board, there are other viable public school options for reassignment.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.
5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3. I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy JFAB or as computed under the

formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).

6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.
7. Review/Appeal of Decision. The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in Section B, below.
8. A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion waive the review when he/she deems such to be appropriate.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
 - a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph ~~A.2.G~~ **A.2.a & c**, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
 - b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received by the Superintendent. The Board shall provide at least two full days notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School

Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.

- d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
 - e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.
 - f. The Board will render its decision in writing within seven (7) days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).
3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student to a public school, public academy, or approved private school in another district.
 4. Finding that Manifest Educational Hardship Was Not Established – Appeal to the New Hampshire State Board of Education. If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board's written decision in accordance with NH Dept. of Ed. Rule Ed 204.01(g). If a parent/guardian believes that denial of a reassignment under this policy upon the child's disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. Human Rights Commission under RSA 354-A:28.
 5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend a public school or a public academy in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.
 6. Transportation: Transportation for a student reassigned to schools in another district under this section B (manifest educational hardship) shall be the responsibility of the District unless otherwise ordered by the SBOE.
 7. Annual Review of Manifest Hardship Determination. A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the

manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate.

C. Admission Requirements. Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.

D. Statutory Reassignment Limit. 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.

E. 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.

F. 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.

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

N.H. Dept. of Education Administrative Rule Ed. 320 [Pending revision]

Related Policies: JFAA, JFAB, JG

Adopted: May 20, 2002 Revised: January 20, 2016

Revised: May 17, 2017 Revised: September 4, 2019

Revised: February 16, 2022

Revised: October 4, 2023

DRAFT Revisions for October 31, 2023 Policy Committee Meetings

Policy JKAA: Use of Restraints and Seclusion

Status: ADOPTED

Original Adopted Date: 09/01/2010 | Last Revised Date: 09/18/2023 | Last Reviewed Date:
09/18/2023

Category: Priority/Required by Law

ADOPTION/REVISION NOTES –

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

- a. *Adoption note: Most of this sample reflects specific requirements of RSA 126-U or Ed Chapter 1200. The sample includes many procedures which, while not specifically described in the statute or regulations, are implicitly necessary. NHSBA has endeavored to indicate those areas where the rules are not specific, or otherwise where districts may have options. Before modifying parts of the policy especially those which are not indicated with footnotes etc., a board/policy committee should consult with the district’s private counsel or contact NHSBA’s Director of Policy Services.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. *General - Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. *General - *** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *General - Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised: Sept. Sept. 2014, May 2012; New policy: Sept. 2010

NHSBA Revision Notes: September 2023, Substantial revisions and reformatting throughout. The impetus for revision was the 2023 passage of SB179 and HB491, both amending provisions of RSA 126-U. SB179 refined the definition of seclusion, and added a requirement for use of “co-regulators”. SB179 further requires the Dept. of Education and Dept. of Health and Human Services to develop a form for reporting the information required in RSA 126-U:7, II. *As of preliminary release of this revision (9/8/2023), the form had not been released.* HB491 added a specific definition and prohibition of the use of “prone restraint” (previously would have been prohibited as a form of dangerous restraint technique). Sections also added to sample policy relative to mandated reporting for violations of RSA 126-U, and review of IEPs, 504 plans, behavior intervention plans, or other such individualized plans following use of restraint or seclusion. **September 2014:** Numerous changes to this policy were necessitated by legislative changes to RSA 126-U.

A. **Policy Statement.** This policy is designed to help ensure the safety and dignity of all students by limiting and regulating the use of restraint and seclusion only as crisis or emergency responses. Restraint and seclusion of students is prohibited in the District except as described below.

B. **Definitions.** For the purposes of this policy,

- 1. **"Restraint"** means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any

involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

- a. **"Medication restraint"** occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.
 - b. **"Mechanical restraint"** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
 - c. **"Physical restraint"** occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.
 - d. **"Prone restraint"** is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child's physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.
 - e. **Exceptions to definition of restraint.** The term "restraint" DOES NOT, however, include:
 - i. Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
 - ii. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.
 - iii. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.
 - iv. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.
 - v. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.
2. **"Dangerous Restraint Technique"** are prohibited forms of restraint and/or behavior techniques that include:
- a. Prone restraint, or any other physical restraint or containment technique that:
 - i. Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
 - ii. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - iii. Obstructs the circulation of blood;

- iv. Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
 - v. Endangers a child's life or significantly exacerbates a child's medical condition.
- b. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
 - c. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
 - d. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.
 - e. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.
3. **"Seclusion"** means: the involuntary confinement of a child alone in any room or area from which the child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier, or from which the child reasonably believes they are not free to leave; or, the involuntary confinement of a child to a room or area, separate from their peers, with one or more adults who are using their physical presence to prevent egress.

The term "seclusion" DOES NOT, however, include: the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; circumstances in which there is no physical barrier, and the child is physically able to leave; or involuntary confinement of a child to a room or area with an adult who is actively engaging in a therapeutic intervention. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

- C. **Training Required.** Under RSA 126-U:5, II, the restraint may only be used/implemented by trained school staff, while 126-U:5-a, II applies the same limitation to the use of seclusion. The Superintendent shall ensure that:
- 1. each school building has staff who have been appropriately trained in the proper and safe implementation of seclusion or restraint techniques;
 - 2. each school building has staff who have been appropriately trained and are authorized to assess the mental, emotional, and physical well-being of a student relative to a period of restraint that exceeds 30 minutes in conditions described in ____, below; and
 - 3. ~~[] Delete endnote~~ all employees, designated volunteers and other persons who are required to have criminal history background checks under Board policy GBCD receive *general training* in the requirements and prohibitions of this policy, as well as basic de-escalation procedures. *Personnel who have only received such general training are not authorized to use restraint or seclusion upon any student.*
- D. **Procedures for Managing the Behavior of Students.** General procedures for managing student behavior are found in Board policies, District ~~[] and each school's~~ Code(s) of Conduct, and student handbooks. Behavior of individual students may be addressed in applicable individualized educational plans, 504 plans, behavior intervention plans, or other such individualized documents. The Superintendent is authorized to establish additional procedures for managing

student behavior and to implement this Policy as needed. Such procedures shall be consistent with all Board policies and all applicable laws or regulations. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

E. **Provisions Governing the Circumstances in Which – and Conditions by Which Forms of Restraint May and May Not Be Used.**

1. **Authorized Use of Restraint.**

a. **General.**

- i. Restraint may only be used by trained personnel using extreme caution when *all other interventions have failed or have been deemed inappropriate.*
- ii. The determination of whether the use of restraint is justified in a specific instance must be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.
- iii. Restraint may only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.
- iv. Restraint shall never be used either explicitly or implicitly as punishment for the behavior of a child.
- v. Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.
- vi. Restraint will be *discontinued immediately* if a child demonstrates signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

- b. **Restraint Periods Exceeding 15 Minutes.** Pursuant to RSA 126-U:11, no period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or Principal to provide such approval.

However, no period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by an employee trained and authorized to make such assessments.

Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by as part of the Written Notification required in Section G.1.c, below.

2. **Prohibition of Certain Forms of Restraint.** The use of any dangerous restraint technique as defined in Section A, above, is prohibited. Additionally, medical and mechanical restraints are prohibited except that limited mechanical restraint may be used in transportation as described in and subject to the conditions set forth in paragraph 3, of this Section.

3. **Limited Use of Mechanical Restraints During Transportation.** Pursuant to RSA 126-U6, the use of Mechanical Restraints is generally prohibited. However, RSA 126-U:12 allows the use of mechanical restraint during transportation when case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

- a. Prevents physical and psychological trauma;
- b. Respects the privacy of the child; and
- c. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints as described in **Section G.3** below.

4. **Reporting and Notification.** Any occurrence or incident or occurrence in which restraint is used shall be followed by reports and notification as described in **Section G**, below.

F. Use of Seclusion.

1. Circumstances in Which - and Conditions by Which - Seclusion May and May Not Be Used.

- a. Seclusion may only be used by personnel trained in the proper use of seclusion as provided in **Section C**, above.
- b. Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others and may only continue until that danger has dissipated.
- c. Seclusion shall only be used after other approaches to the control of behavior have been attempted and been unsuccessful or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.
- d. Seclusion will not be used explicitly or implicitly as a form of punishment or discipline for the behavior of a student.
- e. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

2. Conditions of Seclusion. When seclusion is permitted under this policy,

- a. it may only be imposed in rooms which:
 - i. Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
 - ii. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.

- iii. Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
 - iv. Are free of any object that poses a danger to the children being placed in the rooms.
 - v. Have doors which are either not equipped with locks or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:
 - A. The need to provide direct and immediate medical attention to a child;
 - B. Fire;
 - C. The need to remove a child to a safe location during a building lockdown; or
 - D. Other critical situations that may require immediate removal of a child from seclusion to a safe location.
- b. Each use of seclusion shall be directly and continuously visually and auditorily monitored by a person trained in the safe use of seclusion (e.g., in person, window with accommodation for sound, video with audio feed).
3. **Required Use of Co-Regulators.** When seclusion is used, the Principal, or when he or she is not immediately available, her/his designee or the then supervising employee, shall designate a co-regulator to monitor the child and develop a plan to help the child manage their state of regulation and their return to a less restrictive setting. The co-regulator shall check the child at regular intervals not to exceed 30 minutes between any one interval. The co-regulator shall be selected and designated in the following order of preference:
- a. A trusted adult selected by the child.
 - b. A clinician or counselor trained in trauma informed practices.
 - c. A staff member known to have a positive relationship with the child.
 - d. A staff member who was **NOT** involved in the incident that led to seclusion.
4. **Reporting and notification.** Any occurrence or incident in which seclusion is used shall be documented and followed with reports and notification as described in Section G, below. Multiple incidents of seclusion/restraint may be present within a single occurrence, and should be individually described within the reports and notifications.

G. Reporting, Notification and Record Keeping Requirements.

1. **Restraint and Seclusion.** Whenever restraint or seclusion has been used on a child, the following shall apply:
 - a. Immediate verbal report to Principal, designee or then current supervising employee: Immediately after the occurrence of seclusion or restraint and any threat to safety is no longer imminent, the employee who uses seclusion or restraint shall provide verbal notice to the Principal, principal's designee or other supervising employee on duty.
 - b. Initial Notification to Parent/Guardian: Upon receipt of a report of the use of seclusion or restraint, and unless prohibited by court order, the Principal, principal's

designee or other supervising employee who received the immediate verbal report described in Paragraph G.1.a, s/he shall make reasonable efforts to contact the child's parent or guardian as soon as is practicable, but in *no later than the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier*. The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.

- c. **Written Notification to Superintendent:** Within five business days of the use of seclusion or restraint, the employee who used seclusion or restraint on a child, will, with the assistance of the Principal or other employee who received the immediate verbal report (or if the employee is not available, the Principal or other recipient of the immediate report) will submit written notification on the form provided by the New Hampshire Departments of Education and Health and Human Services (the "DOE/DHHS form") to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

[^{liii}Delete endnote]

If the use of restraint on a child exceeded 30 minutes, the Written Notification shall also include information pertaining to the assessments described in Section E.1.b, above.

- d. **Written Information to Parent/Guardian:** Unless prohibited by court order, within 2 business days of receipt of the Written Notification, the Superintendent/designee shall send by USPS first class mail, or transmit by electronic means, to the child's parent/guardian all of the information included in the Written Notification or the Written Notification itself.
- e. **Final Investigation and Report:** [^{liii}Delete endnote] The Superintendent or Superintendent's designee shall review and investigate each incident of seclusion or restraint for a determination as to whether the use complied with this policy, RSA 126-U and Ed 1201-1203. After the completion of a reasonable review/investigation, the Superintendent or her/his designee, shall follow the Written Notification with a Final Report of the incident. The Final Report should include findings and conclusions, the documentary and other physical evidence (or summary of oral evidence), and a description of actions taken in response to those findings and conclusions.
2. **Additional Reporting Required for Injury or Death of a Child Subject to Restraint or Seclusion.** In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the Principal/Superintendent designee shall, in addition to the reports and notifications described above, and in accordance with the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the New Hampshire Attorney General, general, and the New Hampshire Disability Rights Center using the contact information provided by the Department of Education. [^{liii}Delete endnote] Such notice shall include the Official/Written Notification required in Section G.c, above.
3. **Additional Documentation Regarding Use of Mechanical Restraint.** Whenever a child is transported using mechanical restraints, the person(s) completing the Official Report Form/written notification described in G.1.c, above, shall include the reasons for the use of mechanical restraints. Such documentation shall be treated and retained as a notification of restraint under RSA 126-U:7. [^{liii}Delete endnote]
4. **Documentation for Other Intentional Physical Contact Between Employee and Student.** The following shall apply whenever there is an instance where a school employee [^{liii}Delete endnote] or designated volunteer] has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior.

- a. Notice to parents: the Principal, designee or other supervising employee will make reasonable efforts to promptly notify the student's parent or guardian. Such *notification shall be made no later the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier.* The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.
- b. Physical Contact Written Description: Unless the incident is subject to the notice and reporting requirements of Section G.1 above, the Principal shall prepare a written description of the incident ("Physical Contact Written Description") of the incident within five (5) business days of the occurrence/incident. The Physical Contact Written Description will include:
 - i. The date and time of the incident.
 - ii. A brief description of the actions of the child before, during, and after the occurrence.
 - iii. The names of the persons involved in the occurrence.
 - iv. A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
 - v. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

5. **Circumstances when Reporting/Notification is not Required.** The notification, reporting and record keeping requirements included in this Section G are not required in the following circumstances:

- a. When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. If, however, the child is actively combative, assaultive, or causes self-injury while being escorted, then the notification requirements described above are applicable.
- b. When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
- c. When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the notification and reporting requirements described above.

6. **Retention of Records.** All reports, notifications and other records created pursuant to this Section, or Sections H, I or J, shall be retained [the term of the student's enrollment plus three years, unless:

- a. the student is or was a student with an individualized educational program, in which case, the records shall be retained and destroyed in accordance with paragraph B.1 of Board policy ~~{**}~~ EHB; or
- b. a longer period is required pursuant to instruction by the Department of Education or the Department of Health and Human Services. ~~[viii] Delete endnote]~~

H. **Mandatory Reporting of Violations by Others.** Any school employee who has reason to believe that the action of another may constitute a violation of this policy, or the provisions of RSA 126-U, must report the suspected violation to the Principal or Superintendent in accordance with the reporting procedures of Board policy ~~{**}~~ GBEAB. The conduct giving rise to the suspected

violation may well likely require reporting under Board policies ~~{**}~~ JLF – Reporting Child Abuse or Neglect.

- I. **Complaints of Violation of RSA 126-U.** ~~[viii] Delete Endnote]~~ Any individual may file a complaint with the Superintendent's office alleging a violation of this policy or RSA 126-U. The complainant should be encouraged to file the complaint in writing with the information listed in paragraph 1 below, but if declined, the Superintendent/designee should promptly prepare a written summary of the complaint with such information as could be obtained from the complainant. The complaint should be made as soon as possible after the incident. (Note that under Ed 1203.02, complaints to the New Hampshire Department of Education made more than twelve months after an incident will be dismissed by the Department.)

1. **Complaint Contents.** The written complaint or complaint summary should include:

- a. The complainant's name, unless the complaint refuses;
- b. The date or approximate date of the alleged incident;
- c. The location of the alleged incident;
- d. The name of the child or children subject to the alleged restraint or seclusion, if known;
- e. The name of the school personnel alleged to have restrained or secluded the child, if known;
- f. A description of the alleged restraint or seclusion; and
- g. The date of complaint.

2. **Investigation and Resolution of Complaint.** The complaint or grievance will be investigated by the Superintendent, or another person designated by the Superintendent. The Complainant should be contacted no later than 5 business days (excluding school year vacations) following the date of the complaint.

In most cases, investigation of the complaint should be completed within 20 days following receipt of the complaint. If the Superintendent is not personally conducting the investigation, however, the extension of time must first be approved by the Superintendent. When extra time is required, the reasons for the extension should be included in the final investigative report.

A written investigative report of the findings and conclusions (whether the complaint is founded or unfounded) should be completed within five days of completion of the investigation. In addition to findings and conclusions, the investigative report must include the documentation of the evidence (or summary of oral evidence) relied upon.

The Superintendent will contact the complainant within 5 days after the report is completed to discuss the completion of the investigation. The amount of information provided is dependent on the nature of the complainant and the legal privacy of the concerned parties. If the complainant is the parent or guardian of the child concerned, the Superintendent may allow the parent/guardian access to the written report in the same manner as any other student record.

The Superintendent shall take such actions as are appropriate in light of the investigative report, including, without limitation, any mandatory or discretionary reports to outside agencies, employee discipline, ordering further investigation, training, etc..

Any further review of the original complaint or investigative report will be in accordance with other established processes, e.g., grievance processes within applicable collective bargaining agreements, Board policies relating to complaints such as found in ~~{**}~~ KEB and ~~{**}~~ GBK.

The written complaint/complaint summary, the investigative report, evidence and other documents concerning the complaint shall be retained in accordance with Ed 1202.02(e).

- J. **Review of IEP or 504 Plan Following the Use of Restraint or Seclusion.** Pursuant to RSA 126-U:14, upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

If there have been multiple instances of restraint or seclusion of a child with a disability since the last IEP/504 plan review, an additional review shall occur at the request of the parent or guardian of the child.

- K. **Prohibition Against Retaliation or Harassment.** No person shall subject any individual to harassment or retaliation for filing, in good faith, a report under this policy, RSA 126-U, or Department of Education Rules Ed 1200. **Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.
- L. **Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

ENDNOTES

^[i] [Delete endnote] Although RSA 126-U does not specifically require such training, failing to provide greatly increases the likelihood that untrained staff will react to a situation with the unauthorized and prohibited use of restraint or seclusion.

^[ii] [Delete endnote] As of August 10, the form to be developed by DOE and DHHS was not available. Pending the release of that form, districts should use the same submission formats used in the past, which, in turn, were required under RSA 126-U:7, II, to include the same information now required to be included in the DOE/DHHS Official Report Form.

^[iii] [Delete endnote] Although neither the statute nor the rules discuss a procedure for finalizing a report relative to an instance of restraint or seclusion, both reference the fact of one. See 126-U:7, II (m), Ed 1202.02 (b)(13) and Ed 1202.03 (c)(13).

^[iv] [Delete endnote] The New Hampshire Disability Rights Center is New Hampshire's federally-designated protection and advocacy agency for individuals with disabilities

^[v] [Delete endnote] This sentence is verbatim from RSA 126-U:12, III except for the inclusion of "and retained". Although somewhat ambiguous, NHSBA recommends that the documentation of reasons for use

of the mechanical restraint should be included with/supplemental to the report and records required under 126-U:7.

^[vi] [Delete endnote] The statute (126-U:7, V) does not include designated volunteers, but the exact same principles apply, as would the subsequent investigation by DOE in the event a parent takes exception to the contact.

^[vii] [Delete endnote] Multiple provisions of RSA 126-U include statements to the effect of retaining records in accordance with Dept of Ed rules. However, those rules do not include a finite date. Rather, they indicate that they must be retained and available for both the mandatory three year DOE review, or otherwise when DOE investigates complaints of violations of 126-U or Ed 1200 rules.

^[viii] [Delete endnote] Neither 126-U nor DOE rules Chapter 1200 include specific provisions relating to a district level complaint process. However, Ed 1202.02 provides that “[s]chools shall document complaints that they determine do not meet the criteria for a violation of 126-U”, and then further requires the District to maintain those records for possible DOE/DHHS review. Additionally, the statute and rules both provide for a complaint process at the DOE level, with the DOE rules allowing “any individual” to file such a complaint – **even anonymously – with no written complaint required.** NHSBA, therefore, believes as a matter of board policy, having a specific process outline for reviewing and documenting such complaints at the district level is warranted.

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NH Statutes

RSA 126-U

Description

Limiting the Use of Child Restraint Practices

RSA 169-C:29-39

Reporting Law

RSA 186-C

Special Education

NH Dept of Ed Regulation

N.H. Code of Admin. Rules Chapter 1200

Description

Restraint and Seclusion for Children

Federal Statutes

Section 504, 29 U.S.C. 701, et. seq.

Description

Section 504 of The Rehabilitation Act of 1973

Cross References

Code

EBB

Description

School Safety

EHB

Data/Records Retention

EHB-R(1)

Data/Records Retention - Local Records Retention Schedule

GBEAB

Mandatory Code of Conduct Reporting - All Employees

JLF

Reporting Child Abuse or Neglect

JRA

Student Records and Access (FERPA)

Raymond School District Policy – JKAA
USE OF RESTRAINTS AND SECLUSIONS

Definitions:

1. (a) **"Restraint"** means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

(b) **"Restraint"** shall not include:

(1) Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.

(2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

2. **"Medication restraint"** occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

3. **"Mechanical restraint"** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

4. **"Physical restraint"** occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

5. **"Seclusion"** means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The

term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

Procedures for Managing the Behavior of Students:

The Superintendent is authorized to establish procedures for managing the behavior. Such procedures shall be consistent with this policy and all applicable laws. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

Circumstances in Which Restraint May Be Used:

Restraint will only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.

Restraint will only be used by trained school staff.

Restraint will not be as punishment for the behavior of a student.

Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.

No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the director to provide such approval. No period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by a trained and authorized employee.

Circumstances in Which Seclusion May Be Used:

The School Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those conditions, as defined by RSA 126-U:5-b.

Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others.

Seclusion will be used only by trained school staff.

Seclusion will not be used as a form of punishment for the behavior of a student.

Prohibition of Dangerous Restraint Techniques:

The School Board recognizes and hereby prohibits the use of "dangerous restraint techniques" as defined in RSA 126-U:4.

Reporting Requirements and Parental Notification:

In the event restraint or seclusion is used on a student, the building principal will, within 24 hours, verbally notify the student's parents/guardian of the occurrence.

The building principal will, within 5 business days after the occurrence, submit a written

notification/report to the Superintendent. The notification shall contain all the requirements and information as mandated by RSA 126-U:7, II. The Superintendent may develop a reporting form or other documents necessary to satisfy these reporting requirements.

Unless prohibited by court order, the Superintendent will, within 2 business days of receipt of the notification required in the above paragraph, send by first class mail to the child's parent or guardian the information contained in the notification/report. Each notification/report prepared under this section shall be retained by the school for review in accordance with state board of education rules and the department of health and human services rules.

If a school employee has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior, the building principal will make reasonable efforts to inform the student's parent or guardian as soon as possible, but no later than the end of the school day. The building principal will also prepare a written report of the incident within five (5) business days of the incident. The report will include information required under RSA 126-U:7, V.

Transportation: (RSA 126-U:12)

The school district will not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

1. Prevents physical and psychological trauma;
2. Respects the privacy of the child; and
3. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints.

Legal References:

RSA 126-U, Limiting the Use of Child Restraint Practices

Adopted: March 4, 2015

Policy KCD: Public Gifts/Donations

Status: ADOPTED

Original Adopted Date: 03/01/2005 | Last Revised Date: 09/18/2023 | Last Reviewed Date:
09/18/2023

Category: Recommended

ADOPTION/REVISION NOTES –

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

- a. *Adoption note: While this notation was added with the 2023 revisions, it applies equally to the pre-2023 versions as well. This sample policy allows the District to accept gifts - which generally will fall into the classification of "unanticipated revenue" and are therefore subject to the provisions of RSA 198:20-b. Under that statute, the board may accept gifts of money if the legislative body of a district (i.e., the annual meeting - or, in some cities, the city council/alderboard, etc.), approves a warrant article authorizing the school board to accept AND expend unanticipated revenue. However, such a vote has occurred, the only way money may be accepted and expended is through a warrant approved by the legislative body. This policy presumes that the district has approved such an article. If a board has questions about whether it has that authority/approved such an article, it should consult with the Dept of Revenue Administration, or the DOE, or its own annual meeting records.*
- b. *Adoption note: Many districts have gift/unanticipated revenue policies structured differently than this sample, policies which were likely prepared in consultation with legal or financial advisors. There is no requirement that a board adopt this sample. Boards with differently structured gift/unanticipated revenue policies may want to review the dollar amounts in their policies and determine whether such amounts should be modified to reflect the increase in the amounts that the board may accept without notice and hearing.*
- c. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
- d. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- e. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- f. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - Sept. 2023, Sept. 2017, Feb. 2008, March 2005

NHSBA revision notes, September 2023, sample was revised principally to reflect 2023 passage of HB207, which amended RSA 198:20-b, and increased the amount from \$5,000 to \$20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing. Additional revisions made included: (1) change the classification from optional to recommended, (2) increasing amount Superintendent may accept from \$500 to \$2,500 (this amount is not one set by statute, but rather policy, so the board can allow any amount here up to \$19,999), and (3) language added to better coordinate the sample with the sample DFGA relative to crowdfunding efforts. *See also adoption notes a and b, above.* **September 2017:** Sample was revised to include and clarify the treatment of small "gifts" by staff and to provide that pre-approval is required for soliciting gifts that will be made to the District, including use of web sites like donorchoose.org.

Gifts from organizations, community groups and/or outside individuals, which will benefit the District, shall be encouraged. A gift shall be defined as money, real or personal property, and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the District shall be encouraged to discuss in advance with the Building Principal or the Superintendent what gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the District's goals, or in which the ownership of the gift would tend to deplete the resources of the District. In determining whether a gift will be accepted, consideration shall be given to District Policies, School District goals and objectives (with particular emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

The Superintendent may accept gifts subject to the terms of this policy in the amount of \$2,500 or less. The Superintendent will advise the Board in advance of acceptance if possible, or if after acceptance, at the next regularly scheduled Board meeting. Gifts in excess of \$2,500 may only be accepted by the Board. Additionally, pursuant to RSA 198:20-b, III, gifts in the amount of \$20,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than \$20,000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting in which the gift is discussed. The acceptance of all gifts will be made in public session.

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the District. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the District. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the District. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product, business enterprise or institution of learning.

It is the responsibility of the Superintendent or designee to process the appropriate forms to update the District's inventory and to notify the donor of acceptance or rejection of a gift.

Voluntary contributions by District employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than \$250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by District employees with a value of \$250 or more must be approved as required in this policy for gifts from individuals not employed by the District.

Active solicitation of gifts to be received by the District, including by any school, classroom, or extra/co-curricular program in the District, through online crowd funding or donor web sites (e.g, donorschoose.org, classful.com, etc.) must be approved in accordance with Board policy **{**}** DFGA..

District Policy History:

First reading:

Second reading/adopted:

District revision history:

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NH Statutes

RSA 189:70

Description

Educational Institution Policies on Social Media

RSA 198:20-b

Appropriation for Unanticipated Funds Made Available During Year

Cross References

Code

DFGA

Description

Crowdfunding

JJE

Student Fund-Raising Activities

Policy KCD: Public Gifts/Donations

Status: DRAFT

Original Adopted Date: 03/01/2005 | Last Revised Date: Pending | Last Reviewed Date: 09/01/2017

Category: ~~Recommended~~Optional

ADOPTION/REVISION NOTES –

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Gifts from organizations, community groups and/or outside individuals, which will benefit the District, shall be encouraged. A gift shall be defined as money, real or personal property, and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the District shall be encouraged to discuss in advance with the Building Principal or the Superintendent what gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the District's goals, or in which the ownership of the gift would tend to deplete the resources of the District. In determining whether a gift will be accepted, consideration shall be given to District Policies, School District goals and objectives (with particular emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

The Superintendent may accept gifts subject to the terms of this policy in the amount of \$2,500 or less. The Superintendent will advise the Board in advance of acceptance if possible, or if after acceptance, at the next regularly scheduled Board meeting. Gifts in excess of \$2,500 may only be accepted by the Board.

Additionally, pursuant to RSA 198:20-b, III, gifts in the amount of \$20,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than \$20,000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting in which the gift is discussed. The acceptance of all gifts will be made in public session.

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the District. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the District. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the District. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product, business enterprise or institution of learning.

It is the responsibility of the Superintendent or designee to process the appropriate forms to update the District's inventory and to notify the donor of acceptance or rejection of a gift.

Voluntary contributions by District employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than \$250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by District employees with a value of \$250 or more must be approved as required in this policy for gifts from individuals not employed by the District.

Active solicitation of gifts to be received by the District, including by any school, classroom, or extra/co-curricular program in the District, including soliciting gifts through online crowd funding or donor web sites (e.g. donorschoose.org, classful.com, etc.) must be approved in accordance with Board policy **{**}** DFGA..

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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NH Statutes

RSA 189:70

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[Educational Institution Policies on Social Media](#)

RSA 198:20-b

[Appropriation for Unanticipated Funds Made Available During Year](#)

Cross References

Code

DFGA

Description

[Crowdfunding](#)

JJE

[Student Fund-Raising Activities](#)

Raymond School District Policy - KCD

PUBLIC DONATIONS AND ACCEPTANCE OF GIFTS

Gifts from organizations, community groups and/or individuals which will benefit the District shall be encouraged. A gift shall be defined as money, real or personal property, and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the district shall be encouraged to discuss in advance with the building principal or the superintendent what gifts are appropriate and needed.

The board reserves the right to refuse to accept any gift which does not contribute toward the achievement of the goals of this district or the ownership of which would tend to deplete the resources of the district. In determining whether a gift will be accepted, consideration shall be given to district policies, school district goals and objectives (with particular emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

Gifts of a value of \$100 or less will be accepted by the authority of the appropriate principal, director or program manager. Gifts of a value in excess of \$100 but less than \$500 will be accepted by the authority of the Superintendent or designee, and contributions of a value in excess of \$500 will be presented to and acted on by the School Board. Gifts of real property can only be accepted by the annual school district meeting. Gifts of money shall comply with the requirements of RSA 198:20-b.

Any gift accepted shall become the property of the district, may not be returned without the approval of the board, and is subject to the same controls and regulations as are other properties of the district. The board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the district. The board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the district. In no case shall acceptance of a gift be considered to be an endorsement by the board of a commercial product or business enterprise or institution of learning.

It is the responsibility of the Superintendent or designee to process the appropriate forms to update inventory and to notify the donor of acceptance or rejection of a gift.

On a monthly basis, the Superintendent shall present the School Board with a list of gifts that have been accepted by the Principal, Director, Program Manager, or Superintendent.

*Appendix KCD-R
Category O*

Adopted: May 21, 2008