

Policy Committee Meeting  
October 31, 2023, 9:00 AM  
SAU 33 Office  
43 Harriman Hill Road, Raymond NH  
Agenda

I. Call to Order

II. Proof of Posting

III. Old Business

Policy BEDH Public Participation at Board Meetings

At the last meeting, the policy committee reviewed this policy but my notes don't reflect action taken. Would the committee like to move forward with the NHSBA policy or keep ours as is or with revisions?

Raymond Policy BEDH

NHSBA Policy BEDH

JICI Weapons on School Property

For one more review/discussion with the policy committee after my discussion with the attorney.

Raymond Policy JICI

NHSBA Policy JICI

IV. New Business

IKA-R Grading System

I was asked to add this to the policy committee meeting for review.

Raymond Policy IKA-R

NHSBA Policy IKA

V. Fall 2023 NHSBA Policy Update

Fall Policy Update

NHSBA Policy

Raymond Policy

ACN Nursing Mothers Accommodation

No corresponding policy

BEDG Meeting Minutes

BEDG Meeting Minutes

DFGA Crowdfunding  
*(Redlined)*

JJE Student Fundraising Activities  
and Crowdfunding

EBCC False Alarms, Bomb,  
Active Shooter, and Other Such Threats

EBCC Bomb Found or Threats

EHAB Data Governance and Security  
*(Redlined)*

EHAB Data Governance and Security

FA Facilities Development Goals and  
Preparation of CIP  
*(Redlined)*

FG Capital Improvement Plan

FAA Annual Facility Plan and Unused  
District Property  
*(Redlined)*

No corresponding policy

GBCD Background Investigations and  
Criminal History Records Check

GBCD Background Investigations and  
Criminal Records Check

IKL Academic Honesty and Integrity  
*(Redlined)*

No corresponding policy

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  
*(Redlined)*

KCD Public Donations and Acceptance of Gifts

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. 1<sup>st</sup> 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

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

Category: Recommended

Related Policies: BEDB, KE & KEB

~~~~~

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.

~~~~~

A. General Meeting Policy.

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

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.

## PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

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 \_\_\_\_ [<sup>2</sup> 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, [<sup>3</sup> 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.

---

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

<sup>3</sup>[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.

**PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS**

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.<sup>4</sup> [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.*]<sup>5</sup> 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.

---

<sup>4</sup> [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.

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

**PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS**

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



**PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS**

- 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.

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:*****Legal References:**

U.S. Const., 1st Amendment

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

RSA 91-A:3, Non-Public Sessions

RSA 189:65, VII & VII-a - Definitions (Student and Teacher personally identifiable information)

RSA 189:74, School Board Public Comment Period

RSA 644:2, Disturbing the Peace

State v. Comely, 130 N.H. 688 (1988)

State v. Dominic, 117 N.H. 573 (1977)

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

---

***When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.***

**NHSBA history:** Revised Aug. 2022, 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

**PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS**

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.

**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.

## Raymond School District Policy - JICI

### WEAPONS ON SCHOOL PROPERTY

#### Guns and Firearms - Students:

Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local School Board for a period of not less than 12 months. This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law.

Pursuant to the provisions of 20 U.S.C. § 7151, Gun-Free Schools Act, the Board requires the Superintendent to contact local law enforcement authorities and/or the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Weapons under control of law enforcement personnel are permitted.

All students will receive written notice of this policy at least once each year.

#### Other weapons:

For the purposes of this policy, "weapon" includes but is not limited to: slung shot, metallic knuckles, billies, knives, electric defense weapons (as defined in RSA 159:20), aerosol self-defense spray weapons (as defined in RSA 159:20), and martial arts weapons (as defined in RSA 159:24).

"Weapon" is further defined as any device, instrument, material or substance, which is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

Weapons are not permitted in school buildings, on school property, in school vehicles or at school-sponsored activities. This policy applies to students and members of the public alike.

Student violations of this policy will result in both school disciplinary action and notification of local law enforcement authorities.

Members of the public who violate this policy may be reported to local law enforcement authorities, if possession of the weapon is used in a threatening, harassing or intimidating manner.

The Superintendent or other building administrator may exercise his/her best judgment in determining the scope of this policy as it relates to inadvertent or unintentional violations of this policy by adults, provided such inadvertent or unintentional violation of this policy does not affect the safety of students, school staff or the public.

#### Legal References:

*18 U.S.C. § 921 Et seq., Firearms*

*20 U.S.C. § 7151, Gun-Free Schools Act*

*RSA 193:11, Disturbance*

*RSA 193-D, Safe School Zones*

*RSA 193:13, Suspension and Expulsion of Students*

*NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process*

*See Appendix JICD-R*

Adopted: November 16, 1992, R/R: 10/6/94, 3/23/95, Revised: August 1, 2002  
Revised: February 16, 2011, Revised: September 3, 2014

**WEAPONS ON SCHOOL PROPERTY**

*Category: Priority/Required By Law*

*See Also: KFA*

~~~~~

**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.*

~~~~~

**Guns and Firearms - Students:**

Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law.

Pursuant to the provisions of 20 U.S.C. § 7151, Gun-Free Schools Act, the Board requires the Superintendent to contact local law enforcement authorities and/or the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Weapons under control of law enforcement personnel are permitted.

All students will receive written notice of this policy at least once each year.

**Other weapons:**

For the purposes of this policy, "weapon" includes but is not limited to: slung shot, metallic knuckles, billies, knives, electric defense weapons (as defined in RSA 159:20), aerosol self-defense spray weapons (as defined in RSA 159:20), and martial arts weapons (as defined in RSA 159:24).

"Weapon" is further defined as any device, instrument, material or substance, which is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

Weapons are not permitted in school buildings, on school property, in school vehicles or at school-sponsored activities. This policy applies to students and members of the public alike.

## WEAPONS ON SCHOOL PROPERTY

Student violations of this policy will result in both school disciplinary action and notification of local law enforcement authorities.

Members of the public who violate this policy may be reported to local law enforcement authorities, if possession of the weapon is used in a threatening, harassing or intimidating manner.

The superintendent or other building administrator may exercise his/her best judgment in determining the scope of this policy as it relates to inadvertent or unintentional violations of this policy by adults, provided such inadvertent or unintentional violation of this policy does not affect the safety of students, school staff or the public.

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

**Legal References:**

18 U.S.C. § 921, Et seq., Firearms

20 U.S.C. § 7151, Gun-Free Schools Act

RSA 193:11, Disturbance

RSA 193-D, Safe School Zones

RSA 193:13, Suspension and Expulsion of Students

NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

---

***When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.***

**NHSBA history:** Revised: April 2013  
Revised: November 1999, February 2005, May 2006, April 2010

**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.

## Raymond School District Policy – IKA-R

### GRADING SYSTEM

The philosophy of the School Board concerning academic achievement, as well as children's social growth and development, is based on the premise that children have diverse capabilities and individual patterns of growth and learning.

Therefore, the Board feels it is important that teachers have as much accurate knowledge as possible of each student they instruct in order to assess individual performance and make instructional plans for him/her. The evaluation process should develop a strong sense of self and encourage scholarship amongst our students. Thus, a sharing of information among parents, teachers, and students is essential.

The Superintendent and the building Principals, with input from the faculty, will develop a grading system appropriate for the grade levels of the respective schools. The grading system will be approved by the School Board and published in the Parent-Student Handbook. All grading decisions shall be made at the building level and the decision shall be final.

Adopted: January 19, 1984

R/R: 11/19/87, 7/12/90, 11/7/91, 6/15/95

Revised: August 1, 2002

GRADING SYSTEM

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.

~~~~~

The Superintendent and the building Principals will develop a grading system appropriate for the grade levels of the respective schools. The grading system will be approved by the Board and published in the Parent-Student Handbook. All grading decisions shall be made at the building level and the decision shall be final.

**District Policy History:**

First reading: \_\_\_\_\_  
Second reading/adopted: \_\_\_\_\_

**District revision history:**

**When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.**

NHSBA history:           Reviewed: July 2004  
                                  Revised: July 1998

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.



## FALL 2023 POLICY UPDATE

### Table of Contents:

ACN – Nursing Mothers Accommodation.....	3
BEDG – Meeting Minutes.....	3
DFGA - Crowdfunding.....	4
EBCC – False Alarms, Bomb, Active Shooter and Other Such Threats (new title) .....	4
EHAB – Data Governance and Security .....	4
FA – Facilities Development Goals and Preparation of Capital Improvement Plan.....	4
FAA – Annual Facility Plan and Unused District Property (new title).....	5
GBCD – Background Investigation and Criminal History Records Check .....	5
IKL – Academic Honesty and Integrity .....	5
JCA – Change of Class or School Assignment, Best Interests and Manifest Hardship .....	6
JKAA – Use of Restraints and Seclusion .....	6
KCD – Public Gifts/Donations.....	7



## **SPECIAL NOTE ABOUT NEW FORMAT**

This policy update will be the last using the old “Dropbox” release. Moving forward, NHSBA will use the new “Simbli” policy platform for the update releases. The policies included in this update, are completely reformatted as the revisions were made using the new Simbli editor. You will also see in the update folder that we have included two different versions for some of the revised policies: one version being a “redline” copy showing some of the revision markings, and the second being the final with the revisions adopted.

A few other things you will notice in the new formatting include:

- Related policies are now located at the end of the policy in the “Cross References” section
- Most legal references and cross references have live links.
- All “footnotes” are now located at the end of the policy content (i.e., before legal references). As you likely know, NHSBA started to use footnotes in samples over the past couple of years to try and highlight legal nuances, ambiguities, important legal references or areas where a board may have options as to the policy approach that would best fit that district. As we adapt to the new Simbli editor, we will try to identify the most convenient way of including this type of content.

Unfortunately, while moving the policies and revisions into the new platform, we lost some of the revision markings for the policies in this update, and consequently they do not appear. However, the marking feature is one we intend to use with future updates to provide greater assistance to boards and policy committees when reviewing their own policies for necessary or desired revisions.

## **ACN – Nursing Mothers Accommodation**

### ***Priority (Required by Law)***

Related Policies: AC, ACAC, GBEB, IHBCA, JIC

- This new sample policy is intended to reflect the requirements of HB358 (RSA 275:78-83 and the federal Pump for Nursing Mothers (“PUMP”) Act, both of which mandate certain accommodations for nursing mothers. Additionally, the federal Pregnant Worker Fairness Act (“PWFA”) also provides non-discrimination protections for pregnancy related conditions which include post-delivery (e.g., nursing). The PWFA, however, does not include specific provisions relating to nursing, and the provisions of this sample will meet the PWFA's requirements.) While the provisions from HB358 largely parallel some of the requirements of the PUMP, there are some very significant distinctions. Important distinctions include: the PUMP Act does not require employers to adopt a policy concerning expression of milk; while, HB358 does; the PUMP Act implicitly includes breastfeeding, while HB358 explicitly excludes it and only addresses expression of milk by "manual or mechanical means;" the PUMP Act provides an undue hardship exception for employers with less than 50 employees, while HB358 does not give a prerequisite number of employees for the undue hardship exception. As to the differences in the statute, it is important to note that in many respects the PUMP Act will take priority over the provisions of HB358, especially with respect to the limitations on the hardship exception for districts with more than 50 employees. For a more thorough discussion of the differences and similarities of the two laws, please see the 2023 Legislative Summary entry for HB358. NHSBA revised sample.

## **BEDG- Meeting Minutes**

### ***Priority (Recommended by law)***

Related Policies: BEC, EH

- NHSBA revised BEDG to reflect the passage of HB321, which amended RSA 91-A:3, III relative to review and disclosure of “sealed” non-public minutes. In general, the statutory amendments: (1) allow, but do not require, the public body to create procedures for reviewing previously sealed minutes, (2) allow up to 10 years for minutes to remain sealed without review (including minutes sealed prior to 2023), (3) allow the body to determine that the minutes should remain sealed for up to another 10 years, but (4) require unsealing unless the minutes are reviewed within the/every 10 year period.
- The responsive revisions to BEDG are found in ¶4.2.c and §5, with additional minor grammatical or formatting revisions throughout, e.g., §4, and ¶4.2.c .

## **DFGA- Crowdfunding**

### ***Recommended***

Related Policies: EHAB, GBEB, JJE, JLCF, JRA, KCD

- NHSBA revised sample DFGA to better align to sample KCD (gifts/unanticipated revenue), including 2023 revisions to that policy relative to fund funding limits. Revisions to DFGA include: (1) addition of adoption note a, explaining some of the nuances, (2) examples of crowdfunding sites, (3) increase to the amount the principal is authorized to approve, (4) increase to the amount the Superintendent may approve (consistent with KCD), and (4) additional language to better coordinate DFGA with 2023 revisions to sample KCD .

## **EBCC- False Alarms, Bomb, Active Shooter and Other Such Threats**

### ***Recommended Policy***

Related Policies: EBB

- Sample EBCC, which formerly only addressed bomb threats, was re-titled and substantially revised to include additional threats as well as false alarms. The impetus for the revision was the 2023 passage of HB244, amending RSA 644:3 to include false reports about active shooters or presence of explosive devices, along with the previous prohibition to threats/false reports about fire, explosions, presence of biological or chemical substances, or occurrence of “other catastrophe or emergency”.

## **EHAB- Data Governance and Security**

### ***Priority (Required by law)***

Related Policies: DFGA, EHAA, EHAC, EHB, GBEBD, IHBH,

- Sample EHAB was revised in response to passage of SB213, which amended both RSA 189:66, V and RSA 189:70, IV(b). The revisions to sample EHAB included adding new paragraph B.1(f), and a second paragraph to Section G, both acknowledging the exceptions created by SB213 relative to allowing student social media accounts (with parental consent) relative to career exploration or CTE participation to be included in a program of studies. “PII” was also added to the definition of confidential data in Section A.

## **FA – Facilities Development Goals and Preparation of Capital Improvement Plan**

### ***Recommended***

Related Policies: FAA

- NHSBA revised sample FA to reflect passage of HB365 which amended RSA 198:15-a, V, to include language recommending that school districts provide “long-range capital improvement programs” to the DOE every 2 years. Revisions to the sample policy include a change in the title, addition of

section lettering, and addition of Section C relative to the preparation of capital improvement plans.

- For districts which already have such plans, or processes for such plans, they should modify the language of Section C to reference or incorporate that current process, modifying it to reflect the recommendation that the plans be reviewed, updated and submitted to the DOE every two years.

#### **FAA- Annual Facility Plan and Unused District Property**

##### ***Recommended***

Related Policies: FA

- Substantial revisions to the former version, including a change in the title. Most importantly, the sample was expanded to include specific provisions relating to statutory rights charter schools have to school district property when the district is neither using the property and has no plan to use it within two years (i.e. an “unused facility”). Because of the significance and legal complexity of how the charter school rights impact district property interests, we have included much of the statutory language.

#### **GBCD- Background Investigation and Criminal History Records Check**

##### ***Priority (Required by law)***

Related Policies: EEAE, EEAEA, EHB, GADA, GBCE, GDF, IJOC, JLIF

- Sample revised to reflect: (1) passage of SB39, which reversed the 2020 legislation making the state responsible for criminal history records checks for transportation monitors, and (2) passage of SB136, prohibiting employment or appointment as volunteers of educators whose credentials have been revoked or are under current suspension. The changes relative to bus monitors are found in D.2 and footnotes 5 and 10, and the changes relative to suspended/revoked credentials are found in Section B. The only other significant change is found in Section D.5, wherein language allowing the Superintendent to share information about a criminal record for misdemeanor hires has been revised, with modifications to footnote 8 made to explain options the Board has for a district's policy concerning hiring of persons whose criminal history records check reveals charges, whether convicted or not, for non-section V offenses, and possible charges of Section V offenses that were later pled down or dismissed. Additional minor revisions throughout for clarification and/or style.

#### **IKL- Academic Honesty and Integrity**

##### ***Recommended policy***

Related Policies: EGAD, JICD, JICL

- The changes to IKL all concern introduction of provisions relating to the use of generative artificial intelligence in schoolwork.

- The use of 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 to their ubiquity and the constantly evolving difficulty in managing such a ban. Perhaps more importantly, an outright ban would fail 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 (see B.6, formerly B.5). 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.

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

#### ***Priority (Required by law)***

Related Policies: JEBA, JFAA, JFAB, JG

- Revisions include clarification of 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.

### **JKAA- Use of Restraints and Seclusion**

#### ***Priority (Required by law)***

Related Policies: GBEAB, EBB, EHB, JLF, JRA

- 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.

## **KCD – Public Gifts/Donations**

### ***Recommended policy***

Related Policies: DFGA & JJE

- NHSBA revised KCD 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) **changing 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.
- **Important considerations before adopting / revising sample KCD:**
  - Sample KCD sets parameters for levels of authority to accept gifts made to the District. It is important to note that gifts of cash or money generally fall into the classification of "unanticipated revenue" and therefore are 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. In the absence of such a vote, however, the only way money may be accepted and expended is through a warrant approved by the legislative body. Sample KCD presumes that the legislative body 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.
  - 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.

## **RECOGNITION**

NHSBA wishes to recognize Annelise Papinsick, a University of New Hampshire law student, for her contributions in the preparation of the NHSBA 2023 Fall Policy Update.

## **DISCLAIMER**

The *NHSBA 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, or 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, as well as other relevant education activity.

Policy ACN: Nursing Mothers Accommodations

Status: ADOPTED

Original Adopted 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 – Effective for 2023, both the state and federal legislatures (respectively, HB 358 and the Pump for Nursing Mothers (“PUMP”) Act) passed laws mandating – with limited exceptions - accommodations in the workplace for employees who are nursing. Both statutes only apply to employees. However, students who are nursing are protected from discrimination under other statutes like Title IX and RSA193:38, such that denying reasonable accommodation is discriminatory and exposes a district liability. As such, districts with high schools or other schools anticipating the possibility of students who have such needs may wish to adopt a singular policy for both students and employees. Districts without the likelihood of such students, or which choose not to include students in the policy, should make the necessary adjustments to the language of this sample. (The adjustments should only require removal of reference to students in section A and to the two references to the school nurse, all of which are highlighted.)***
- b. ***General – As with all sample policies/procedures, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.***
- c. ***General – Highlighted language or blank, underscored spaces indicate specific areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.***
- d. ***General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.***
- e. ***General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.***

**NHSBA history: New policy, September 2023**

**NHSBA revision notes, September 2023,** New sample policy is intended to reflect the requirements of HB358 (RSA 275:78-83 and the federal Pump for Nursing Mothers (“PUMP”) Act, both of which mandate certain accommodations for nursing mothers. Additionally, the federal Pregnant Worker Fairness Act (“PWFA”) also provides non-discrimination protections for pregnancy related conditions which include post-delivery (e.g., nursing). The PWFA, however, does not include specific provisions relating to nursing, and the provisions of this sample will meet the PWFA’s requirements.) While the provisions from HB358 largely parallel some of the requirements of the PUMP, there are some very significant distinctions. Important distinctions include: the PUMP Act does not require employers to adopt a policy concerning expression of milk; while, HB358 does; the PUMP Act implicitly includes breastfeeding, while HB358 explicitly excludes it and only addresses expression of milk by "manual or mechanical means;" the PUMP Act provides an undue hardship exception for employers with less than 50 employees, while HB358 does not give a prerequisite number of employees for the undue hardship exception. As to the differences in the statute, it is important to note that in many respects the PUMP Act will take priority over the provisions of HB358, especially with respect to the limitations on the hardship exception for districts with more than 50



employees. For a more thorough discussion of the differences and similarities of the two laws, please see the 2023 Legislative Summary entry for HB358.

A. Statement of Purpose.

The District provides a supportive environment as to time and place for [students and] employees (collectively “nursing mothers). Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of nursing mothers by providing reasonable times and suitable spaces for nursing ~~mothers to nurse during school and work hours for~~ one year<sup>[i] [Delete endnote]</sup> after the birth of the child. Nursing for purposes of this policy will include expression of milk by manual or mechanical means.

No nursing mother will be discriminated against for nursing or nursing related activities as provided in this policy, and reasonable efforts will be made to assist nursing mothers in meeting their infant feeding goals while at work or school.

B. Accommodation Notice and Plans.

A nursing or expectant mother should ~~contact the building principal[, school nurse]~~ or employee’s supervisor at least two weeks before the need for nursing accommodations arises. The District will endeavor to meet the break and space needs of each nursing mother. However, when ordinary accommodations (as discussed below) will create undue hardship to the operations of the school/workplace, the District will work with the nursing mother to determine whether other acceptable accommodations may be made. Such other accommodations could include such items as a change in work/class assignments, or schedules. When acceptable accommodations are unattainable, the [school nurse,] building principal or other administrator working with the nursing mother should consult with the District’s [Human Rights/Non-Discrimination Officer or Superintendent].<sup>[ii] [Delete endnote]</sup>

A nursing accommodation plan should be revisited upon the nursing mother’s request, or at least every three months, with adjustments made to the accommodations for breaks as nursing needs change.

C. Reasonable Time to Express Milk during the School Day.

Absent [undue hardship]<sup>[iii] [delete endnote]</sup> or other accommodations as established under Section B, above, a nursing mother will have a minimum of three opportunities (“nursing period”) during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of nursing or to address other needs relating to nursing. An employee or student can use usual break and meal periods if she chooses.

A nursing mother who is an hourly employee<sup>[iv] [delete endnote]</sup> [CHOOSE ONE OF TWO OPTIONS] [OPTION 1] will not be paid during nursing periods unless either (a) the nursing period falls during a regular paid break (e.g., a paid lunch), or she is not completely relieved of duties during the nursing break. [OR OPTION 2] will be paid during nursing periods. Nursing mothers shall not be required to “make up” time relating to the use of unpaid nursing periods.

D. Suitable Private Areas for Nursing.

Nursing mothers will be provided with a private place, other than a bathroom, in each school district building in which a nursing mother spends her working or school day. The nursing area:

1. May be temporary or permanent.
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk to the nursing mother’s work-station or classroom unless otherwise agreed by the nursing mother;
4. Have at a minimum an electrical outlet and a chair if feasible;

5. [items 5 is optional, delete/modify as desired] Will have a District provided, hospital grade lactation pump for shared use;
6. Have a sink with running water if feasible, or be in proximity to one;
7. Have a refrigerator for breast milk storage if feasible, or be in proximity to one; and
8. Shall be cleaned regularly by District staff assigned to that duty.

#### E. Nursing Mother Responsibilities.

Nursing mothers will:

1. Provide at least two weeks advance notice of the need for nursing accommodations, preferably prior to their return to school following the birth of the child. This will allow school administrators the opportunity to establish a location and work out scheduling issues.
2. Maintain the nursing area by wiping down surfaces [*including the shared breast pump*] with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

#### F. Prohibited conduct.

Any intentional act which violates a nursing mother's privacy, aims to frustrate a nursing mother's intentions to use the nursing facilities, or constitutes harassment on account of a nursing mother's needs or breastfeeding status is prohibited, and shall be treated as violation of the applicable code of conduct, with possible disciplinary consequences and may constitute sexual harassment and reported to the Title IX Coordinator.

#### G. Dissemination of policy.

This policy shall be printed or summarized in applicable employee and student handbook. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

---

<sup>[ii]</sup> [Delete endnote] The minimum period under both the FLSA and HB358 is one year.

<sup>[iii]</sup> [Delete endnote] The federal PUMP Act only allows hardship exceptions for employers with fewer than 50 employees. Accordingly, while smaller employers are entitled to an exception under the federal law, larger (50+) employers are not. However, the federal statute is more flexible than the state statute relative to the specific spaces and breaks required. Additionally, the state statute specifically allows parties to agree to different specific accommodations than are described in the statute. Accordingly, both statutes allow variances. If the mother and the District can't agree, then the human rights officer, superintendent and possibly the district's attorney should be consulted.

<sup>[iiii]</sup> [Delete endnote] As noted in section B and endnote ii, the undue hardship exemption is only available to employers with less than 50 employees. Accordingly, districts with more than 50 should not include the bracketed language.

<sup>[v]</sup> [Delete endnote] Employers are not required to pay for nursing periods unless (a) the employee is not free from all duties during that period, or (b) the nursing period falls within an otherwise paid break (e.g., paid lunch). Note, this provision may implicate provisions of applicable collective bargaining agreements.

## Federal Statutes

20 U.S.C 1681, et seq

42 U.S.C. 2000gg

42 U.S.C. 218d

## Cross References

### Code

AC

AC-F(1)

ACAC

GBEB

IHBCA

JIC

## Description

Title IX of the Education Amendments of 1972

Pregnant Worker Fairness Act ("PWFA")

Pump for Nursing Mothers Act ("PUMP Act")

## Description

Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan

Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information for Human Rights Officer, Title IX Coordinator, 504 Coordinator and Civil Rights Agencies

Title IX Sexual Harassment Policy and Grievance Process

Staff Conduct

Pregnant Students

Student Conduct

MINUTES

**A. Minutes Required.**

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

The Board will appoint a School Board Clerk to prepare the minutes of each meeting. Should the person so appointed be absent from all or part of a meeting (e.g., non-public session), the School Board Secretary will take the minutes.

In addition to "minutes" as described below, a more comprehensive "record" and/or "decision" may be required in the event of a "hearing" regarding individual rights/claims (e.g., teacher non-renewal, student expulsion, manifest educational hardship, etc.). In such instances, the Board and or Superintendent should consult with counsel to assure that any statutory or regulatory requirements are satisfied.

**B. Required Content of Minutes.**

At a minimum, all minutes, including minutes of non-public sessions, must include:

1. the names of members participating;
2. persons appearing before or addressing the School Board (members of the public who do not address the board, and are there as attendees only, do not need to be identified);
3. a brief description of each subject matter discussed;
4. identification of each member who made a first or second of any motion;
5. a record of all final decisions;
6. when a recorded or roll call vote on a motion is required by law or called for by the Chair (or other presiding officer), a record of how each board member voted on the motion; and
7. in the event that a board member objects to the subject matter discussed by the board, if the board continues the discussion above the member's objection, and upon the request of the objecting member, then - and irrespective of whether the objection/discussion occurred in public or non-public session - the public minutes shall also reflect (i) the objecting member's name, (ii) a statement that the member objected, and (iii) a "reference to the provision of RSA 91-A:3, II that was the basis for the objection and discussion." (See RSA 91-A:2, II-a.).

See Section D below for additional content requirements for minutes of any meeting at which the Board enters a non-public session.

**C. Approval and Access to Minutes.**

Approval and availability of minutes will depend in part on whether the minutes are of a public or non-public session, and as to non-public minutes, whether they are sealed or not. "*Approved minutes*" refers to the final version of minutes approved by vote of the Board. "*Draft minutes*" refers to minutes that have not been formally approved by the Board. "*Sealed minutes*" refers to minutes from a non-public session and which the

Board has determined should not be disclosed pursuant to RSA 91-A:3, III and as discussed in Section D, below.

1. Location and Retention of Minutes. In accordance with Board policy EH, and N.H. Dept. of Education rule Ed 302.02 (j), all minutes will be kept at the office of the Superintendent. Minutes for non-public sessions that have not been sealed shall be kept in the same location and indexed in the same manner as for public minutes.

2. Access to Approved & Unsealed Minutes. Approved and unsealed minutes shall be available for inspection by the public during the normal business hours of the SAU office, and in accordance with RSA 91-A:2 through 91-A:4 (subject to the exemptions stated in RSA 91-A:5), and Board policy EH. Requests for access to minutes shall be processed in accordance with District administrative procedures EH-R.

Additionally, all approved and unsealed minutes shall be posted in a consistent and reasonably accessible location on the District's web site, or the web site shall contain a notice describing where the minutes may be reviewed and copies requested.

3. Access to Draft Minutes and Minute Preparation Materials. "Draft" or "unapproved" minutes that have not been sealed will be available for inspection upon request at the SAU office during normal business hours. Drafts for public sessions must be available within 5 business days of the meeting, while drafts of non-public session minutes that have not been sealed by the Board must be available within 72 hours (3 calendar days) of the meeting.

Notes and other materials used in the preparation of the minutes must be retained until the minutes are approved or finalized and shall likewise be available for inspection during that period.

4. Approval of All Minutes Other Than Sealed. Draft public minutes and non-public minutes that were not sealed will be sent to the members of the Board before the meeting at which they are to be approved. Changes made by the Board to draft minutes shall be recorded either by (i) retaining the draft with the final approved minutes, (ii) including notations (e.g., "redline" edits) in the final approved minutes, or (iii) outlined in the minutes of the meeting at which the Board approved.

5. Approval of Sealed Non-Public Minutes of Non-Public Sessions. Unless previously sealed by the Board, draft minutes for all non-public sessions will be made available for public inspection within seventy-two (72) hours after the non-public session.

Drafts of non-public minutes will be provided to the Board, either (i) at the conclusion of the non-public session and may be approved at the time, prior to any vote to seal, or (ii) if sealed, provided to Board at the meeting, if any, at which they are to be approved. If copies of draft sealed minutes are provided to Board members for the purpose of review and/or approval, the copies shall be recovered by the Chair or recording clerk and destroyed. Only the official record copy may be retained, with a list maintained for sealed non-public minutes as described in Section D.4., below.

#### **D. Special Provisions for Minutes Relating to Non-Public Sessions.**

For any public meeting that includes a non-public session (see Board policy BEC for statutorily required procedures relative to entering and exiting non-public sessions), additional information beyond that discussed in paragraphs, is required both for the public meeting minutes, and for minutes specific to the non-public session, irrespective of whether the non-public minutes are "sealed."

1. Information Regarding Non-Public Session Included in Public Minutes. The public minutes of the meeting at which the non-public session occurs must include the statutory reason given in the motion as

the foundation for each non-public session, as well as a roll call record of how each Board member voted on the motion to enter. Public minutes must also reflect any motion to seal (described in paragraph C.2., above), along with the statutory reason permitting the sealing (see D.2., below), and record how each member voted on the motion to seal.

2. Sealing Non-Public Minutes. As used in this policy, “sealed” minutes in reference to minutes of non-public sessions, means that the Board determined by 2/3 majority vote in public session that “divulgence of the information” (i.e., information in the minutes of the non-public session):

- i. Would affect adversely the reputation of a person other than a Board member;
  - ii. Would render ineffective the action/proposed action taken in non-public session; or
  - iii. Pertains matters relating the preparation for and carrying out of all emergency functions intended to thwart a deliberate act intended to result in widespread or severe damage to property or widespread injury or loss of life (i.e., terrorism).
- a. A motion to seal, if any, should be the first item of public business after the Board exits the non-public session, and must state one of the three grounds above allowing sealing.
  - b. If the minutes are not prepared/approved during the non-public sessions itself, the Board should discuss the content of the minutes prior to exiting so that any vote to seal will be an informed vote.
  - c. When making or voting upon a motion to seal, the Board should consider and state the duration that minutes be sealed based upon the grounds supporting the sealing. *This can be done either by stating a date they sealed until, or a date by which the Board might review the minutes status.* For instance, minutes sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the Board might remain sealed permanently, while minutes sealed because disclosure would “render the action ineffective” should be sealed only for as long as that reason exists or is anticipated to exist. *Pursuant to RSA 91-A:3, III, non-public minutes relating to discussion about lease, purchase or sale of property (91-A:3, II(d)) must be made available “as soon as practicable after the transaction has closed or the Board has decided not to proceed with the transaction.”*

3. Minutes of the Non-Public Session Itself. In addition to the information included in all minutes as described in paragraphs B.1-7, above, minutes of the non-public session must include “all actions” and decisions (i.e., votes, including negative votes) taken by the Board, with a record of how each member voted. If the Board does not “seal” the minutes of the non-public session, then such information must be disclosed to the public within 72 hours of the close of the meeting.

4. Sealed Minutes List. In order to comply with RSA 91-A:3, III, the Superintendent is directed to maintain a list of all sealed minutes for non-public sessions occurring after July 1, 2021. The list (referred to as the “Sealed Minutes List”) shall include:

- a. the name of the public body (e.g., School Board, Policy Committee, etc.);
- b. the date, time and location of the public meeting (from meeting notice);
- c. the start and end times of the non-public session;
- d. the specific grounds upon which the non-public session occurred (e.g., RSA 91-A:3, II (b) and (c), etc.);

- e. the specific grounds upon which the minutes were sealed (e.g., “disclosure would render the action ineffective” or “disclosure would likely adversely affect the reputation of a non-board member,” etc.);
- f. the date the vote to seal the minutes occurred;
- g. the date, if any stated in the original motion or subsequently, on which the sealed minutes will be unsealed; the motion to seal should,<sup>[4]</sup> when possible, state the date the minutes should be unsealed or at least reviewed by the Board or other public body; and
- h. the date, if any, of a subsequent decision to unseal the minutes.

The Sealed Minutes List shall be updated each time the public body seals non-public minutes, and the updated List shall be made as soon as practicable for public disclosure.

5. Reviewing Sealed Minutes.

Sealed minutes shall be reviewed periodically and unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. Although discussion of whether to unseal such minutes can occur in non-public session pursuant to RSA 91-A:3, II (m), any vote to unseal must occur in public session.

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

*RSA 91-A:3, Nonpublic Sessions*

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

*RSA 189:29-a, Records Retention and Disposition*

*N.H. Dept. of Education regulation Ed 302.02 (j), Substantive Duties of Superintendents*

Adopted: April 7, 1971  
 R/R: 8/6/98  
 Revised: June 6, 2002  
 Revised: June 4, 2008  
 Revised: August 14, 2019  
 Revised: April 15, 2020  
 Revised: July 20, 2022

Policy DFGA: Crowdfunding

Status: ADOPTED

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

Category: *Recommended [delete fn.]*

ADOPTION/REVISION NOTES –

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

- a. **Adoption note: the dollar amounts in this sample are intended to align with the amounts found in sample KCD. Some of the amounts included in sample KCD are limited by statute. Accordingly, the boards should be careful to ensure that (1) the amounts in their adopted version of KCD do not exceed those in RSA 198:20-b, and (2) that the amounts in KCD and this policy are consistent.**
- 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 - Sept. 2023. New policy – May 2022.

**NHSBA revision notes, September 2023,** revisions include (1) addition of adoption note a, above, (2) examples of crowdfunding sites, (3) increase to the amount the principal is authorized to approve, (4) increase to the amount the Superintendent may approve (consistent with KCD), (5) additional language to better coordinate DFGA with 2023 revisions to sample KCD, and (6) minor language or grammatical changes. *See also, adoption note a, above.* **May 2022,** NHSBA created policy FF in response to multiple requests from member school districts.

**A. Purpose and General Policy Statement.**

The purpose of this policy is to establish and regulate parameters for use of crowdfunding or other forms of online fundraising and solicitations for classroom, school or district programs.

The School Board recognizes that crowdfunding campaigns and other forms of online fundraising have become an increasingly popular method by which educators and school sponsored activity groups or organizations can procure funding for specific projects and/or programs. The revenue-raising potential that crowdfunding campaigns may provide may be a benefit for District programs and classrooms. The Board further recognizes, however, that unregulated employee use of crowdfunding campaigns on behalf of the District can subject both the District and its employees to significant potential legal liability.

For purposes of this policy, “crowdfunding”, is the practice of using online sites (e.g, donorschoose.org,



classful.com, etc.) to solicit donations, whether monetary or in-kind, on behalf of the School District, including any class, extra/co-curricular program. A crowdfunding campaign is considered “to be on behalf of the School District” if it uses imagery, logos or language that would lead a reasonable person to believe that (1) the School District or any school within the District, or program/activity of a school within the District, is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the District.

## **B. Unapproved Crowdfunding Prohibited.**

Crowdfunding on behalf of the District is prohibited unless undertaken by an District employee or school sponsored organization with prior written approval under this policy. No public action towards initiating a crowdfunding campaign on behalf of the District may be taken until the campaign is approved in writing pursuant to this policy.

No employee or student will be compelled to initiate or participate in a crowdfunding campaign on behalf of the District. Students are permitted to participate in publicizing an employee’s approved crowdfunding campaign but are prohibited from otherwise engaging in crowdfunding on behalf of the District. Employees or students who participate in crowdfunding on behalf of the District are acting in their capacity as employees or students and are subject to all rules governing employee and student conduct.

Except in furtherance of an approved campaign, employees are prohibited from doing any of the following as part of a crowdfunding campaign: identifying as an employee of or stating an association with the District; using a District email address, school name, logo, or mascot; or linking to or referencing any school website, social media site, platform, or account associated with the District.

Approved crowdfunding campaigns will operate in compliance with all laws and other Board policies and regulations.

## **C. Crowdfunding Request and Approval Procedures.**

1. Crowdfunding Requests. Any request for approval of a crowdfunding campaign shall be in writing and shall include the following information:
  - a. the employee’s name, job title, school, and email address;
  - b. the approved crowdfunding website to be used;
  - c. the nature and quantity or amount of donations being requested;
  - d. the classroom, program, or activity to be benefitted and the educational purpose to be served;
  - e. the exact language that will be used in the crowdfunding campaign, as well as any graphics that will be included;
  - f. the start and end dates of the crowdfunding campaign; and
  - g. a statement of recognition by the requester that any proceeds of the campaign are school property.

The Superintendent may create and make available a form, which may be online, to be used for such requests.

2. Approved Crowdfunding Sites

The Superintendent or designee shall create a list of approved crowdfunding sites. All approved crowdfunding sites must (1) be operated by an entity with no known significant history of fraud, unlawful activity, financial mismanagement, or other misconduct and (2) have a policy requiring all donations on behalf of the District to go directly to the District. The Superintendent/designee shall encourage the use of sites focused on K-12 education.

If no site meets these requirements or the Superintendent or designee does not approve any sites, no crowdfunding requests will be approved.

3. Approval Process. Notwithstanding anything to the contrary in Board policy {\*\*}KCD, Gifts and Bequests, the terms of this section control the approval of proposed online crowdfunding campaigns.

- a. Review by the Building Principal. To be eligible for approval under this policy, employees must submit in writing a fully completed approval request form to the building Principal. Notwithstanding any contrary provision in Board policy {\*\*}KCD, the Building Principal has authority to approve proposed campaigns seeking a dollar value up to the amount of \$500. [2 delete fn.]. Regardless of the amount sought to be donated, the Building Principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Building Principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of \$500, and the building Principal believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the building Principal shall refer the proposed campaign to the Superintendent or designee.

- b. Review by the Superintendent. The Superintendent or designee shall review referred approval request forms and seek additional information about proposed campaigns as appropriate. The Superintendent or designee has authority to approve proposed campaigns seeking a dollar value up to \$2,500 [3 delete fn.]. Regardless of the amount sought to be donated, the Superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

Consistent with Board policy {\*\*} KCD, if a proposed campaign seeks a dollar value in excess of \$2,500, and the Superintendent or designee believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the Superintendent or designee shall refer the proposed campaign to the Board.

- c. Review by the Board. Subject to the requirements of Board policy {\*\*} KCD, the Board may approve a campaign that seeks a dollar value in excess of \$2,500, although pursuant to RSA 198:20-b, unanticipated funds of \$20,000 or more also require a public hearing before acceptance. [4 delete fn.] After considering the Superintendent's or designee's recommendation, the Board will decide whether to approve or deny the proposed campaign.

4. Criteria of Approval of Crowdfunding Requests. Crowdfunding requests will not be approved unless the proposed campaign:

- a. meets all requirements of applicable Board policies and administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable state or federal laws or regulations;

- b. uses a crowdfunding site that has been approved by the Superintendent pursuant to Section C.2, above;
- c. is consistent with the District's approved curriculum;
- d. does not create significant disparities or inequities among similarly situated students;
- e. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;
- f. seeks donations that are compatible with the District's Data and Privacy Governance Plan, as confirmed by the District's Director of Technology or designee.
- g. has a specific, pre-determined beginning and ending date;
- h. does not disparage the District or any of its buildings, programs, representatives, employees, or students;
- i. does not include pictures or the identifying or confidential information of any District student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;
- j. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;
- k. does not result in donations being delivered directly to the requester;
- l. is not contingent on the District matching funds or making any expenditure;
- m. does not request food or beverage items inconsistent with the District Wellness Policy {\*\*} JLCF;
- n. does not suggest or state that the donation sought is required for or integral to a student's special education program, a student's ability to achieve his or her IEP goals, or the participation of students with disabilities in any school program.

Any crowdfunding campaign that does not fully comply with the requirements of this policy is prohibited. It is the responsibility of the employee implementing an approved crowdfunding campaign to ensure that all applicable policies, regulations, and laws, including the requirements of the crowdfunding site, are followed.

The Board reserves the right to terminate any approved crowdfunding campaign or refuse any donation for any reason and at any time.

##### 5. **Receipt and Allocation of Donations**

All monetary donations will be made payable to and deposited into an account designated by the SAU business office. All in-kind donations must be inventoried in accordance with Board policy and District procedures.

All donations, regardless of their form, obtained through crowdfunding on behalf of the District are school property. As a general matter, the employee who completed an approved crowdfunding campaign should be given preference in the use of the donations obtained. Employees shall only use donations from a crowdfunding campaign for the approved purpose stated in the campaign. The

Board reserves the right to transfer donations to a different use at the Board's sole discretion.

## 6. **Record Keeping**

After donations obtained through an approved crowdfunding campaign have been utilized, the employee must file a written report with the Superintendent or Building Principal detailing how the donations were used and how students benefited. Such records will be forwarded to the District's business office.

---

<sup>1</sup> [Delete]The "recommendation" is that a Board should have a policy relative to crowdfunding. A school Board could adopt a policy prohibiting all crowdfunding. A sample policy prohibiting crowdfunding is available upon request.

<sup>2</sup>[Delete fn.] NHSBA's sample policy KCD allows the Superintendent to approve gifts up to the value of \$2,500. This policy sets an amount which the Building Principal may approve without the Superintendent's approval. A Board may set different values for what requires prior approval from the Superintendent or Building Principal (or even exclude such authority). The only place the Board does not have flexibility is in receipt of gifts of \$20,000 or more, which gifts must go through the process described in policy KCD re unanticipated revenue as defined under RSA 198:20-b.

<sup>3</sup>[Delete fn.]. See footnote 2.

<sup>4</sup>[Delete fn.]. See footnote 2.

---

### **District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

**NH Statutes**  
RSA 198:20-b

**Description**  
Appropriation for Unanticipated Funds Made Available During Year

**Cross References**

**Code**  
EHAB

**Description**  
Data Governance and Security

GBEBC

Employee Gifts and Solicitations

JJE

Student Fund-Raising Activities

JLCF

Wellness

JRA

Student Records and Access (FERPA)

JRA-R(1)

Student Records and Access (FERPA)

KCD

Public Gifts/Donations

Policy DFGA: Crowdfunding

Status: DRAFT

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

Category: *Recommended* [<sup>1</sup>delete fn.]

ADOPTION/REVISION NOTES –

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

- a. Adoption note: the dollar amounts in this sample are intended to align with the amounts found in sample KCD. Some of the amounts included in sample KCD are limited by statute. Accordingly, the boards should be careful to ensure that (1) the amounts in their adopted version of KCD do not exceed those in RSA 198:20-b, and (2) that the amounts in KCD and this policy are consistent.
- 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 - Sept. 2023. New policy – May 2022.

NHSBA revision notes, September 2023, revisions include (1) addition of adoption note a, above, (2) examples of crowdfunding sites, (3) increase to the amount the principal is authorized to approve, (4) increase to the amount the Superintendent may approve (consistent with KCD), (5) additional language to better coordinate DFGA with 2023 revisions to sample KCD, and (6) minor language or grammatical changes. See also, adoption note a, above. May 2022, NHSBA created policy FF in response to multiple requests from member school districts.

**A. Purpose and General Policy Statement.**

The purpose of this policy is to establish and regulate parameters for use of crowdfunding or other forms of online fundraising and solicitations for classroom, school or district programs.

The School Board recognizes that crowdfunding campaigns and other forms of online fundraising have become an increasingly popular method by which educators and school sponsored activity groups or organizations can procure funding for specific projects and/or programs. The revenue-raising potential that crowdfunding campaigns may provide may be a benefit for District programs and classrooms. The Board further recognizes, however, that unregulated employee use of crowdfunding campaigns on behalf of the District can subject both the District and its employees to significant potential legal liability.

For purposes of this policy, “crowdfunding”, is the practice of using online sites (e.g. donorschoose.org, classful.com, etc.) to solicit donations, whether monetary or in-kind, on behalf of the School District,

including any class, extra/co-curricular program. A crowdfunding campaign is considered “to be on behalf of the School District” if it uses imagery, logos or language that would lead a reasonable person to believe that (1) the School District or any school within the District, or program/activity of a school within the District, is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the District.

## **B. Unapproved Crowdfunding Prohibited.**

Crowdfunding on behalf of the District is prohibited unless undertaken by an District employee or school sponsored organization with prior written approval under this policy. No public action towards initiating a crowdfunding campaign on behalf of the District may be taken until the campaign is approved in writing pursuant to this policy.

No employee or student will be compelled to initiate or participate in a crowdfunding campaign on behalf of the District. Students are permitted to participate in publicizing an employee’s approved crowdfunding campaign but are prohibited from otherwise engaging in crowdfunding on behalf of the District. Employees or students who participate in crowdfunding on behalf of the District are acting in their capacity as employees or students and are subject to all rules governing employee and student conduct.

Except in furtherance of an approved campaign, employees are prohibited from doing any of the following as part of a crowdfunding campaign: identifying as an employee of or stating an association with the District; using a District email address, school name, logo, or mascot; or linking to or referencing any school website, social media site, platform, or account associated with the District.

Approved crowdfunding campaigns will operate in compliance with all laws and other Board policies and regulations.

## **C. Crowdfunding Request and Approval Procedures.**

1. Crowdfunding Requests. Any request for approval of a crowdfunding campaign shall be in writing and shall include the following information:
  - a. the employee’s name, job title, school, and email address;
  - b. the approved crowdfunding website to be used;
  - c. the nature and quantity or amount of donations being requested;
  - d. the classroom, program, or activity to be benefitted and the educational purpose to be served;
  - e. the exact language that will be used in the crowdfunding campaign, as well as any graphics that will be included;
  - f. the start and end dates of the crowdfunding campaign; and
  - g. a statement of recognition by the requester that any proceeds of the campaign are school property.

The Superintendent may create and make available a form, which may be online, to be used for such requests.

## 2. Approved Crowdfunding Sites

The Superintendent or designee shall create a list of approved crowdfunding sites. All approved crowdfunding sites must (1) be operated by an entity with no known significant history of fraud, unlawful activity, financial mismanagement, or other misconduct and (2) have a policy requiring all donations on behalf of the District to go directly to the District. The Superintendent/designee shall encourage the use of sites focused on K-12 education.

If no site meets these requirements or the Superintendent or designee does not approve any sites, no crowdfunding requests will be approved.

## 3. Approval Process. Notwithstanding anything to the contrary in Board policy ~~{\*\*}~~KCD, Gifts and Bequests, the terms of this section control the approval of proposed online crowdfunding campaigns.

- a. Review by the Building Principal. To be eligible for approval under this policy, employees must submit in writing a fully completed approval request form to the building Principal. Notwithstanding any contrary provision in Board policy ~~{\*\*}~~KCD, the Building Principal has authority to approve proposed campaigns seeking a dollar value up to the amount of \$500. <sup>[2 delete fn.]</sup> Regardless of the amount sought to be donated, the Building Principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Building Principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of \$500, and the building Principal believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the building Principal shall refer the proposed campaign to the Superintendent or designee.

- b. Review by the Superintendent. The Superintendent or designee shall review referred approval request forms and seek additional information about proposed campaigns as appropriate. The Superintendent or designee has authority to approve proposed campaigns seeking a dollar value up to \$2,500 <sup>[3 delete fn.]</sup>. Regardless of the amount sought to be donated, the Superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

Consistent with Board policy ~~{\*\*}~~ KCD, if a proposed campaign seeks a dollar value in excess of \$2,500, and the Superintendent or designee believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the Superintendent or designee shall refer the proposed campaign to the Board.

- c. Review by the Board. Subject to the requirements of Board policy ~~{\*\*}~~ KCDRSA-198:20-b, only the Board may have the authority to approve a campaign that seeks a dollar value in excess of \$2,500, although pursuant to RSA 198:20-b, unanticipated funds of \$20,000 or more also require a public hearing before acceptance. <sup>[4 delete fn.]</sup> After considering the Superintendent's or designee's recommendation, the Board will decide whether to approve or deny the proposed campaign.

## 4. Criteria of Approval of Crowdfunding Requests. Crowdfunding requests will not be approved unless the proposed campaign:

- a. meets all requirements of applicable Board policies and administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable state or federal laws or regulations;



- b. uses a crowdfunding site that has been approved by the Superintendent pursuant to **Section C.2, above**;
- c. is consistent with the District's approved curriculum;
- d. does not create significant disparities or inequities among similarly situated students;
- e. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;
- f. seeks donations that are compatible with the District's Data and Privacy Governance Plan, as confirmed by the District's Director of Technology or designee.
- g. has a specific, pre-determined beginning and ending date;
- h. does not disparage the District or any of its buildings, programs, representatives, employees, or students;
- i. does not include pictures or the identifying or confidential information of any District student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;
- j. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;
- k. does not result in donations being delivered directly to the requester;
- l. is not contingent on the District matching funds or making any expenditure;
- m. does not request food or beverage items inconsistent with the District Wellness Policy **{\*\*}** **JLCF**;
- n. does not suggest or state that the donation sought is required for or integral to a student's special education program, a student's ability to achieve his or her IEP goals, or the participation of students with disabilities in any school program.

Any crowdfunding campaign that does not fully comply with the requirements of this policy is prohibited. It is the responsibility of the employee implementing an approved crowdfunding campaign to ensure that all applicable policies, regulations, and laws, including the requirements of the crowdfunding site, are followed.

The Board reserves the right to terminate any approved crowdfunding campaign or refuse any donation for any reason and at any time.

##### **5. Receipt and Allocation of Donations**

All monetary donations will be made payable to and deposited into an account designated by the SAU business office. All in-kind donations must be inventoried in accordance with Board policy and District procedures.

All donations, regardless of their form, obtained through crowdfunding on behalf of the District are school property. As a general matter, the employee who completed an approved crowdfunding campaign should be given preference in the use of the donations obtained. Employees shall only use donations from a crowdfunding campaign for the approved purpose stated in the campaign. The

Board reserves the right to transfer donations to a different use at the Board's sole discretion.

## 6. Record Keeping

After donations obtained through an approved crowdfunding campaign have been utilized, the employee must file a written report with the Superintendent or Building Principal detailing how the donations were used and how students benefited. Such records will be forwarded to the District's business office.

---

<sup>1</sup> ~~[Delete]~~ The "recommendation" is that a Board should have a policy relative to crowdfunding. A school Board could adopt a policy prohibiting all crowdfunding. A sample policy prohibiting crowdfunding is available upon request.

<sup>2</sup> ~~[Delete fn.]~~ NHSBA's sample policy KCD allows the Superintendent to approve gifts up to the value of \$2,500. This policy sets an amount which the Building Principal may approve without the Superintendent's approval. A Board may set different values for what requires prior approval from the Superintendent or Building Principal (or even exclude such authority). The only place the Board does not have flexibility is in receipt of gifts of ~~exceeding~~ \$20,000 or more, which gifts must go through the process described in policy KCD re unanticipated revenue as defined under RSA 198:20-b.

<sup>3</sup> ~~[Delete fn.]~~. See footnote 2.

<sup>4</sup> ~~[Delete fn.]~~. See footnote 2.

---

### **District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

**NH Statutes**  
RSA 198:20-b

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

**Cross References**

**Code**  
EHAB

**Description**  
[Data Governance and Security](#)

GBEBC

[Employee Gifts and Solicitations](#)

JJE

[Student Fund-Raising Activities](#)

JLCF

[Wellness](#)

JRA

[Student Records and Access \(FERPA\)](#)

JRA-R(1)

[Student Records and Access \(FERPA\)](#)

KCD

[Public Gifts/Donations](#)

## STUDENT FUNDRAISING ACTIVITIES AND CROWDFUNDING

The Board recognizes that students may wish to engage in fundraising activities. All such fundraising activities require prior approval of the Superintendent.

Student fundraising activities must be for the support of the school mission. Fundraising will not be school sponsored unless it is approved by the Superintendent. All fundraising money must be deposited in the school activity accounts which shall be maintained according to standards and procedures established by the Superintendent or his/her designee, and these accounts shall be audited annually.

Crowdfunding on behalf of the District is prohibited.

For purposes of this policy, "crowdfunding" is the practice of using online sites to solicit donations, whether monetary or in-kind, on behalf of the District. A crowdfunding campaign is considered "to be on behalf of the District" if it uses imagery, logos, or language that would lead a reasonable person to believe that (1) the District or any school within the District, or program/activity of a school within the District, is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the District.

Adopted: July 20, 2022

Revised: September 6, 2023

**Policy EBCC: False Alarms, Bomb, Active Shooter and Other Such Threats**

Status: ADOPTED

Original Adopted Date: 07/01/1998 | 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. *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. *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.*
- c. *General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- d. *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, Nov. 2006, May 2006, Nov. 1999, July 1998

**NHSBA revision notes, September 2023,** sample EBCC, which formerly only addressed bomb threats, was re-titled and substantially revised to include additional threats as well as false alarms. The impetus for the revision was the 2023 passage of HB244, amending RSA 644:3 to include false reports about active shooters or presence of explosive devices, along with the previous prohibition to threats/false reports about fire, explosions, presence of biological or chemical substances, or occurrence of “other catastrophe or emergency”.

The Board recognizes that false alarms, and bomb, active shooter or other such violent threats, are a significant concern to schools. Whether a threat is real or a hoax, it represents a likely substantial disruption to the educational mission of the school, as well as potential danger to the safety and welfare of students, staff, and school property.

No person shall make or communicate, by any means, a threat stating the current or future presence of: a fire, an explosion, an active shooter, an explosive device, a biological or chemical substance, or other catastrophic emergency on school premises. This prohibition extends to activating any alarm on school property intended to warn of the presence of one or more such threats or conditions when the person activating the alarm knows the threat or condition is not present, or there is no reasonable basis presence of such threat or condition. Making such threats or false alarms will be deemed a violation of the applicable code of conduct, with potential disciplinary action, and will be referred to law enforcement for potential criminal prosecution.

Any such false threat or alarm will be regarded as a serious matter and will be treated accordingly. In the event a violent threat is made or alarm activated, the Building Principal/supervisor shall follow the pertinent procedures set forth in the District Crisis Prevention and Response Plan {\*\*}EBCA, and the school specific Emergency Operations Plan. At a minimum:

1. The Superintendent or his/her designee shall make a determination as to whether an immediate evacuation of school buildings is required in accordance with the District Crisis Prevention and Response Plan.
2. Simultaneously, local law enforcement authorities shall be notified.
3. An investigation of the threat should be made by local law enforcement authorities or applicable state department.
4. Any decision to re-enter the school or buildings after an evacuation will be made by the Superintendent, or designee, and only after such clearance has been given by the appropriate law enforcement agency.
5. The Superintendent or her/his designee will communicate the occurrence of any threat under this policy to the parents of any students in the affected building, whether or not a full evacuation occurred **EITHER** in accordance with the District Crisis Prevention and Response Plan **OR** the District Communication Plan **OR** as soon as deemed appropriate under the circumstances.

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

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 Statutes**

RSA 158:9

**Description**

Possession of Explosives

RSA 644-a

False Fire Alarms

RSA 644:3

False Public Alarms

**Cross References**

**Code**

EBB

**Description**

School Safety

## Raymond School District Policy - EBCC

## BOMB FOUND OR THREATS

The Raymond School Board prohibits any action by any person that seriously disrupts or threatens to disrupt the educational process. Of particular concern to the School Board is the making of a threat that a bomb or other explosive device has been placed in or on school property or in a district conveyance.

Therefore, the School Board directs that any and all legal remedies and actions be taken against any person apprehended and proven to have made such a threat. Further, the School Board directs the Superintendent/Designee to implement RSA 193-D, Safe School Zones and follow the Raymond School District's Memorandum of Understanding (see JICD-R), regarding student discipline procedures against any student in the School District who has been apprehended and proven to have made such a threat.

Adopted: November 20, 1997  
Revised: December 7, 2000  
Revised: May 16, 2002

**Policy EHAB: Data Governance and Security**

Status: ADOPTED

Original Adopted Date: 09/01/2018 | 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. *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. *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.*
- c. *General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- d. *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, August 2022; New policy – September 2018

NHSBA revision notes, **September 2023**, revised EHAB by adding paragraph B.1(f), and second paragraph to Section G, both in response to passage of SB213, amending both RSA 189:66, V and RSA 189:70, IV(b). Also added "PII" to definition of confidential data in Section A. **August 2022**, revised Section B(1)(d) and Section F reflect the 2022 passage of HB1277 enacting new RSA 31:103-b (applicable to school districts as political subdivisions of the state), as well existing 359-C:19-21, regarding cybersecurity incidents and data breaches respectively; also updated legal references and added additional reference to and resources from the New Hampshire Department of Education. **September 2018**, this policy was created to reflect the requirements of RSA 189:66, V. Districts adopting this sample are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.

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

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

**A. Definitions**

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



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

Cybersecurity Incident – an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

## **B. Data and Privacy Governance Plan - Administrative Procedures.**

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer (“ISO”) (see paragraph C, below), shall update the Data and Privacy Governance Plan (“Data Governance Plan”) for presentation to the Board no later than June 30 each year. [delete Fn.]

The Data Governance Plan shall include:

- a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21;
- e. A requirement for a service provider to meet or exceed standards for data protection and privacy; and
- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education’s *Minimum Standards for Privacy and Security of Student and Employee Data*.

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

## **C. Information Security Officer.**

The [ ] Director of Technology] is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better

protect the confidentiality and security of District data. The ISO will work with both the District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The [ ] Assistant Director of Technology] is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

#### **D. Responsibility and Data Stewardship.**

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

#### **E. Data Managers.**

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

#### **F. Confidential and Critical Information.**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

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

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

#### **G. Using Online Services and Applications.**

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

Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

#### **H. Training.**

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

#### **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Board policy {\*\*}EHB and administrative procedure {\*\*}EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy {\*\*}EHB].

#### **J. Consequences**

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

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term, or permanent suspension of user privileges. The District will

cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

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

---

<sup>1</sup> [delete Fn.] The policy previously stated that the Superintendent and the ISO were to create a Data Governance Plan to be presented to the Board no later than June 30, 2019. Districts should have created a Data Governance Plan by now, but if not, the Superintendent, in consultation with the ISO, should do so.

---

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

---

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 Statutes**

RSA 189:65

RSA 189:66

RSA 189:67

RSA 189:68

RSA 189:68-a

RSA 31:103-b

RSA 359-C:19-21

**Federal Statutes**

15 U.S.C. §§ 6501-6506

20 U.S.C. § 1232h

**Description**

Definitions

Data Inventory and Policies Publication

Limits on Disclosure of Information

Student Privacy

Student Online Personal Information

Cybersecurity

Right to Privacy/Notice of Security Breach

**Description**

Children's Online Privacy Protection Act (COPPA)

Protection of Pupil Rights Amendment (PPRA)

20 U.S.C. § 1400-1417

Individuals with Disabilities Education Act (IDEA)

20 U.S.C. § 7926

Elementary and Secondary Education Act (ESSA)

20 U.S.C. §1232g

Family Educational Rights and Privacy Act (FERPA)

### **Cross References**

#### **Code**

#### **Description**

DFGA

Crowdfunding

EHAA

Computer Security, E-Mail and Internet Communications

EHAC

Electronic/Digital Records and Signatures

EHB

Data/Records Retention

EHB-R(1)

Data/Records Retention - Local Records Retention Schedule

GBEBD

Employee Use of Social Networking Websites

IHBH

Extended Learning Opportunities

IHBH-R(1)

Extended Learning Opportunities - Application

IHBH-R(2)

Extended Learning Opportunities - Memorandum of Understanding for Extended Learning Opportunities

JICJ

Unauthorized Communication Devices

JICL

School District Internet Access for Students

JICM

Bring Your Own Device/Technology

KD

School District Social Media Websites

KD-R(1)

School District Social Media Websites - Regulations

KDC

Website Publishing

KDC-R(1)

Website Publishing - Student Publications/Productions/Website Publications

Policy EHAB: Data Governance and Security

Status: DRAFT

Original Adopted Date: 09/01/2018 | Last Revised Date: Pending | 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. 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. 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.
- c. General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. 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, August 2022; New policy – September 2018

NHSBA revision notes, September 2023, revised EHAB by adding paragraph B.1(f), and second paragraph to Section G, both in response to passage of SB213, amending both RSA 189:66, V and RSA 189:70, IV(b). Also added "PII" to definition of confidential data in Section A. August 2022, revised Section B(1)(d) and Section F reflect the 2022 passage of HB1277 enacting new RSA 31:103-b (applicable to school districts as political subdivisions of the state), as well existing 359-C:19-21, regarding cybersecurity incidents and data breaches respectively; also updated legal references and added additional reference to and resources from the New Hampshire Department of Education. September 2018, this policy was created to reflect the requirements of RSA 189:66, V. Districts adopting this sample are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.

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

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

A. Definitions

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

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

Cybersecurity Incident – an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

## **B. Data and Privacy Governance Plan - Administrative Procedures.**

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer (“ISO”) (see paragraph C, below), shall update the Data and Privacy Governance Plan (“Data Governance Plan”) for presentation to the Board no later than June 30 each year. [delete Fn.]

The Data Governance Plan shall include:

- a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21; and
- e. A requirement for a service provider to meet or exceed standards for data protection and privacy; and
- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education’s *Minimum Standards for Privacy and Security of Student and Employee Data*.

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

## **C. Information Security Officer.**

The [Director of Technology] is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with both the District and

building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The [Assistant Director of Technology] is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

**D. Responsibility and Data Stewardship.**

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

**E. Data Managers.**

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

**F. Confidential and Critical Information.**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

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



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

#### **G. Using Online Services and Applications.**

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

Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

#### **H. Training.**

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

#### **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Board policy {\*\*}EHB and administrative procedure {\*\*}EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy {\*\*}EHB].

#### **J. Consequences**

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

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

the authority to sign any criminal complaint on behalf of the District.

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

---

<sup>1</sup> [delete Fn.] The policy previously stated that the Superintendent and the ISO were to create a Data Governance Plan to be presented to the Board no later than June 30, 2019. Districts should have created a Data Governance Plan by now, but if not, the Superintendent, in consultation with the ISO, should do so.

---

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

---

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 Statutes**

RSA 189:65

RSA 189:66

RSA 189:67

RSA 189:68

RSA 189:68-a

RSA 31:103-b

RSA 359-C:19-21

**Federal Statutes**

15 U.S.C. §§ 6501-6506

20 U.S.C. § 1232h

20 U.S.C. § 1400-1417

**Description**

[Definitions](#)

[Data Inventory and Policies Publication](#)

[Limits on Disclosure of Information](#)

[Student Privacy](#)

[Student Online Personal Information](#)

[Cybersecurity](#)

[Right to Privacy/Notice of Security Breach](#)

**Description**

[Children's Online Privacy Protection Act \(COPPA\)](#)

[Protection of Pupil Rights Amendment \(PPRA\)](#)

[Individuals with Disabilities Education Act \(IDEA\)](#)

20 U.S.C. § 7926

[Elementary and Secondary Education Act \(ESSA\)](#)

20 U.S.C. §1232g

[Family Educational Rights and Privacy Act \(FERPA\)](#)

## **Cross References**

### **Code**

DFGA

### **Description**

[Crowdfunding](#)

EHAA

[Computer Security, E-Mail and Internet Communications](#)

EHAC

[Electronic/Digital Records and Signatures](#)

EHB

[Data/Records Retention](#)

EHB-R(1)

[Data/Records Retention - Local Records Retention Schedule](#)

GBEBD

[Employee Use of Social Networking Websites](#)

IHBH

[Extended Learning Opportunities](#)

IHBH-R(1)

[Extended Learning Opportunities - Application](#)

IHBH-R(2)

[Extended Learning Opportunities - Memorandum of Understanding for Extended Learning Opportunities](#)

JICJ

[Unauthorized Communication Devices](#)

JICL

[School District Internet Access for Students](#)

JICM

[Bring Your Own Device/Technology](#)

KD

[School District Social Media Websites](#)

KD-R(1)

[School District Social Media Websites - Regulations](#)

KDC

[Website Publishing](#)

KDC-R(1)

[Website Publishing - Student Publications/Productions/Website Publications](#)

DATA GOVERNANCE AND SECURITY

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

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

**A. Definitions**

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

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

**Cybersecurity Incident** - an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

**B. Data and Privacy Governance Plan - Administrative Procedures.**

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

The Data Governance Plan shall include:

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

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's *Minimum Standards for Privacy and Security of Student and Employee Data*.

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

**C. Information Security Officer.**

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

The Business Administrator is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

**D. Responsibility and Data Stewardship.**

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

**E. Data Managers.**

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

**F. Confidential and Critical Information.**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New

Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As part of this investigation, the ISO or designee will promptly determine the likelihood that any information that is part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

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

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

#### **G. Using Online Services and Applications.**

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

#### **H. Training.**

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

#### **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Policy EHB and administrative procedure EHB-R, including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy EHB.

#### **J. Consequences**

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

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

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

**Legal References:**

15 U.S.C. §§ 6501-6506 Children's Online Privacy Protection Act (COPPA)  
20 U.S.C. § 1232g Family Educational Rights and Privacy Act (FERPA)  
20 U.S.C. § 1232h Protection of Pupil Rights Amendment (PPRA)  
20 U.S.C. § 1400-1417 Individuals with Disabilities Education Act (IDEA)  
20 U.S.C. § 7926 Elementary and Secondary Education Act (ESSA)  
RSA 31:103-b, Cybersecurity  
RSA 189:65 Definitions  
RSA 186:66 Student Information Protection and Privacy  
RSA 189:67 Limits on Disclosure of Information  
RSA 189:68 Student Privacy  
RSA 189:68-a Student Online Personal Information  
RSA 359-C:19-21 Right to Privacy/Notice of Security Breach

**Additional Resources:**

*N.H. Dept. of Education Minimum Standards for Privacy and Security of Student and Employee Data:*  
<https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/minimum-standards-privacy.pdf> (Link as of 2022.8.1)

Approved: July 24, 2019

Revised: January 18, 2023

**Policy FA: Facilities Development Goals and Preparation of Capital Improvement Plan**

Status: ADOPTED

Original Adopted Date: 05/01/2004 | 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: The new Section C of this sample relates to preparation of capital improvement plans /programs. For districts which already have such plans, or processes for such plans, they should modify the language of Section C to reference or incorporate that current process, modifying it to reflect the recommendation that the plans be reviewed, updated and submitted to the DOE every two years.*
- 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 – Sept. 2023; New policy - June 2004.

**NHSBA revision notes, Sept. 2023; sample revised to reflect passage of HB365 which amended RSA 198:15-a, V, to include language recommending that school districts provide "long-range capital improvement programs" to the DOE every 2 years. Revisions to the sample policy include a change in the title, addition of section lettering, and addition of Section C relative to the preparation of capital improvement plans ("CIP"). (Note, the information to be transmitted to DOE relates to a "capital improvement program", the use of "capital improvement plan" in this policy is intended to call attention to the fact that a District's the plan may be - should be - more comprehensive than the "program" that is to be reported to DOE. ) June 2020, Revised to reflect the passage of HB365, which amended RSA 198:15-a, V, to "recommend" that each district have a long-range capital improvement plan, updated biennially or as needed, with information obtained thereby to be used by the Department of Education in planning for expenditures relating to state building aid. The State Board of Education is required to adopt rules implementing the amendment, likely to occur over the next year.**

- A. **Policy Statement.** As the Board seeks to incorporate the most appropriate and cost-effective risk management techniques for loss prevention and control, and to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching. The Board specifically recognizes the need and importance of regular and substantial capital maintenance, renovation, improvement and expansion consistent with realistic fiscal constraints.



**B. Facility Considerations, Goals and Objectives.** In establishing specific facility plans, the Board will use the following considerations, goals and objectives among others:

1. Facilities, including buildings, ground, and playing fields, that will accommodate organization and instructional patterns that support the district's educational philosophy and instructional goals.
2. Meeting all safety requirements through the remodeling and renovation of older structures.
3. Providing building renovations to meet requirements on the availability of public school facilities to handicapped persons whenever possible.
4. Building designs, construction, and renovations that will lend themselves to low maintenance costs and the conservation of energy.
5. Facilities that will also lend themselves to utilization by the community in ways consistent with the overall goals of the district.
6. Keeping the community informed about the condition of district facilities as well as the perceived needs in the areas of capital improvement expansion and acquisition.

Decisions pertaining to education specifications of new buildings and those undergoing extensive remodeling will be developed with the input of teachers, students, parents, and the community.

**C. Capital Improvement Program.** [insert person or committee responsible for facilities planning, e.g., board facilities committee, superintendent, etc.][See Adoption note a. in heading of sample.] will prepare and update a long-range capital improvement program, to be reviewed at least every 2 years, that identifies District school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish Board and District goals. This program will be provided to the Department of Education pursuant to RSA 198:15-a, so that the state can project funds needed for building projects occurring in the District and elsewhere.

---

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

---

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 Statutes**  
RSA 198:15-a

**Description**  
Grant for School Construction

**Cross References**

**Code**  
FAA

**Description**  
Annual Facility Plan and Unused District Property

**Policy FA: Facilities Development Goals and Preparation of Capital Improvement Plan**

Status: DRAFT

Original Adopted Date: 05/01/2004 | Last Revised Date: Pending | Last Reviewed Date: 05/01/2004

Category: Recommended

**ADOPTION/REVISION NOTES –**

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

- a. *Adoption note: The new Section C of this sample relates to preparation of capital improvement plans /programs. For districts which already have such plans, or processes for such plans, they should modify the language of Section C to reference or incorporate that current process, modifying it to reflect the recommendation that the plans be reviewed, updated and submitted to the DOE every two years.*
- 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 – Sept. 2023; New policy - June 2004.

**NHSBA revision notes, Sept. 2023; sample revised to reflect passage of HB365 which amended RSA 198:15-a, V, to include language recommending that school districts provide "long-range capital improvement programs" to the DOE every 2 years. Revisions to the sample policy include a change in the title, addition of section lettering, and addition of Section C relative to the preparation of capital improvement plans ("CIP"). (Note, the information to be transmitted to DOE relates to a "capital improvement program", the use of "capital improvement plan" in this policy is intended to call attention to the fact that a District's the plan may be - should be - more comprehensive than the "program" that is to be reported to DOE. ) June 2020, Revised to reflect the passage of HB365, which amended RSA 198:15-a, V, to "recommend" that each district have a long-range capital improvement plan, updated biennially or as needed, with information obtained thereby to be used by the Department of Education in planning for expenditures relating to state building aid. The State Board of Education is required to adopt rules implementing the amendment, likely to occur over the next year.**

- A. **Policy Statement.** As the Board seeks to incorporate the most appropriate and cost-effective risk management techniques for loss prevention and control, and to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching. The Board specifically recognizes the need and importance of regular and substantial capital maintenance, renovation, improvement and expansion consistent with realistic fiscal constraints.

**B. Facility Considerations, Goals and Objectives.** In establishing specific facility plans, the Board will use the following considerations, goals and objectives among others:

1. Facilities, including buildings, ground, and playing fields, that will accommodate organization and instructional patterns that support the district's educational philosophy and instructional goals.
2. Meeting all safety requirements through the remodeling and renovation of older structures.
3. Providing building renovations to meet requirements on the availability of public school facilities to handicapped persons whenever possible.
4. Building designs, construction, and renovations that will lend themselves to low maintenance costs and the conservation of energy.
5. Facilities that will also lend themselves to utilization by the community in ways consistent with the overall goals of the district.
6. Keeping the community informed about the condition of district facilities as well as the perceived needs in the areas of capital improvement expansion and acquisition.

Decisions pertaining to education specifications of new buildings and those undergoing extensive remodeling will be developed with the input of teachers, students, parents, and the community.

- C. Capital Improvement Program.** [insert person or committee responsible for facilities planning, e.g., board facilities committee, superintendent, etc.][See Adoption note a. in heading of sample.] will prepare and update a long-range capital improvement program, to be reviewed at least every 2 years, that identifies District school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish Board and District goals. This program will be provided to the Department of Education pursuant to RSA 198:15-a, so that the state can project funds needed for building projects occurring in the District and elsewhere.

---

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

---

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 Statutes**  
RSA 198:15-a

**Description**  
[Grant for School Construction](#)

**Cross References**

**Code**  
FAA

**Description**  
Annual Facility Plan and Unused District Property

## Raymond School District Policy – FG

### CAPITAL IMPROVEMENT PLAN

The Capital Improvement Plan, as a timetable for accomplishing needed improvements on a scheduled basis and has a major impact on the allocation of fiscal resources. When the Plan is adopted and fully utilized, it ensures that needed capital projects are provided within the District's financial capability. The Plan's purposes are to:

1. Provides a needs assessment of the School District
2. Establish fiscal priorities for and between various projects
3. Schedule major projects to reduce fluctuations in the tax rate
4. Inform the taxpayers of anticipated future improvements and repairs
5. Arrange opportunities for the Public to offer comments on the Plan

### **DEFINITION OF A CAPITAL IMPROVEMENT**

A capital improvement project is defined as a major fiscal expenditure which is made infrequently or which is non-recurring and includes one or more of the following:

1. Acquisition of land
2. Construction or expansion of public facility
3. Non-recurring rehabilitation/upgrade of a facility
4. Design work or planning study related to an individual project
5. Any item that costs more than \$10,000 (\$2,500 for Food Service due to the nature and attempted self funding of this department) and has a useful life of 5 or more years
6. Replacement and purchase of vehicles
7. Or as deemed appropriate and necessary by the School Board

Adopted: March 5, 2008

Policy FAA: Annual Facility Plan and Unused District Property

Status: ADOPTED

Original Adopted Date: 09/01/2021 | 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. *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. *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.*
- c. *General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- d. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - September 2023; New policy – September 2021.

NHSBA notes, September 2023, substantial revisions to the former version, including a change to the title. Most importantly, policy was expanded to include specific provisions relating to statutory rights charter schools have to school district property when the district is neither using the property and has no plan to use it within two years. Because of the significance and legal complexity of how the charter school rights impact district property interests, we have included much of the statutory language. **September 2021**, This Sample Policy was developed to encourage districts to maintain annual records of facilities and usage, and to provide for organized long-term planning and efficiency in facility use. It also accounts for new statutory obligations germane to unused facilities lacking in an official plan pursuant to RSA 194:61, as effected in HB 278. Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter.

- A. **Drafting and Adoption.** Thee School Board shall adopt and approve an Annual Facility Plan by June 1 of each year.<sup>1[Delete footnote]</sup>

The Facility Plan shall be developed and drafted by the [insert person or committee responsible for facilities planning, e.g., Superintendent/designee, or Board Facilities Committee], and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadline articulated above.

- B. **Contents of Facility Plan.** In preparing the annual Facility Plan, due consideration will be given to the most recent Capital Improvement Program prepared pursuant to Board policy {\*\*} FA. The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities, administrative functions, and/or sports. Facilities for which no current or intended use is included on

the plan shall be referred to in this policy as “Unused Facilities”.

- C. **"Unused Facility" Defined.** As used in the policy, “Unused Facility” or “Unused Facilities” shall mean any district owned school building which is not currently used for academic purposes, extracurricular activities, administrative school functions, or sports, and for which the School Board has not approved a written plan for future use.
- D. **Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education no later than July 1 of each year.
- E. **Charter School Rights Relative to Unused Facilities.**
1. **Right of First Refusal:** Pursuant to RSA 194:61, such Unused Facilities are encumbered by a right of first refusal (“ROFR”) available to every approved charter school operating in New Hampshire. If the District has an Unused Facility which it seeks to sell or lease to a party other than an approved charter school, the District will include a ROFR provision in the offer for sale/lease and/or a sale/lease contract.
  2. **Conditional Contract for Sale/Lease.** If a prospective purchaser which is not an approved charter school enters into a contract with the District for purchase, lease or sale, (that is, an offer to sell/lease by the District is accepted by the prospective purchaser), the contract (the “Original Contract”) will be conditioned upon the expiration of the ROFR. **It is essential that the prospective purchaser or lessee is made aware of the ROFR prior to execution of the Original Contract, and that the Original Contract clearly articulate the ROFR with specific reference to RSA 194:61.** The District will promptly notify the Charter School Administrator of the Department of Education (“DOE Charter School Administrator”) in order for the Department to alert all approved charter schools in the state and allow them a chance to respond. The notice provided to the DOE Charter School Administrator shall contain clear language that the Unused Facility is available to any approved chartered public school in this state only, and shall list the offering school district's name and location, the square footage of the Unused Facility, the contact information of the offering school district's representative, and the expiration date of the right of first refusal which shall be 60 days after the date of the date the District provides notice to the DOE Charter School Administrator.
  3. **Charter School Rights if No Other Offer Received.** If the offering school district has not received an offer to purchase or lease an Unused Facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and Board shall engage in, good faith negotiations for the purchase or lease of the Unused Facility.
  4. **Invocation of Rights by One or More Approved Charter Schools.** If the District receives an offer on an Unused Facility from an approved charter school prior to the expiration date of the ROFR, the District will respond promptly to the offer and notify the prospective purchaser under the Original Contract and engage in good faith negotiations. If more than one chartered public school makes an offer on the District's Unused Facility, the School Board will make the final selection between the parties based on criteria established by the School Board and in accordance with the best interests of the District.
  5. **Procedure for Resolution of Negotiation Impasse.** A chartered public school that makes an offer shall have 6 months after the date of making a written offer to complete the purchase or lease of the Unused Facility for a price which the District has agreed upon.
  6. **District Discretion.** In right of first refusal negotiations with a chartered public school, it shall be the option of the Board whether to sell or to lease the property under consideration, at fair market value or less, for a term to be agreed upon by the parties. Any lease terms shall include, among others agreed upon by the parties, any required provisions for such



leases as found in RSA 194:61.

7. Expiration of Right of Charter School After Written Offer. The chartered public school shall have 6 months after the date of making a written offer to complete the purchase or lease of the unused facility for a price negotiated with the school district.

---

<sup>1</sup> [Delete footnote] This policy and the “Annual Facility Plan” is not intended to replace or even serve the same purpose of a capital improvement or strategic plan. Rather, it is to help assure compliance with newly enacted 194:61. Existing capital improvement, strategic or other such plans should inform the Annual Facility Plan.

Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter. The June 1 date used in this policy for the local board to approve is a plan intended to give Districts ample time to meet the statutory reporting time. Districts may use other dates to best suit their local needs.

---

**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

---

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 Statutes**

RSA 194:61

**Description**

Unused District Facilities

**Cross References**

**Code**

FA

**Description**

Facilities Development Goals and Preparation of Capital Improvement Plan

Policy FAA: Annual Facility Plan and Unused District Property

Status: DRAFT

Original Adopted Date: 09/01/2021 | Last Revised Date: Pending | Last Reviewed Date: 09/01/2021

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. *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.*
- c. *General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- d. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - September 2023; New policy – September 2021.

NHSBA notes, September 2023, substantial revisions to the former version, including a change to the title. Most importantly, policy was expanded to include specific provisions relating to statutory rights charter schools have to school district property when the district is neither using the property and has no plan to use it within two years. Because of the significance and legal complexity of how the charter school rights impact district property interests, we have included much of the statutory language. September 2021, This Sample Policy was developed to encourage districts to maintain annual records of facilities and usage, and to provide for organized long-term planning and efficiency in facility use. It also accounts for new statutory obligations germane to unused facilities lacking in an official plan pursuant to RSA 194:61, as effected in HB 278. Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter.

- A. **Drafting and Adoption.** ~~The Each year, the School Board shall adopt and approve an Annual Facility Plan by June 1 of each year. <sup>1[Delete footnote]</sup> The first Facility Plan shall be adopted no later than November 15, 2021<sup>2</sup>, with an updated plan approved by the Board by June 1 of 2023 and each year thereafter.~~

The Facility Plan shall be developed and drafted by the [insert person or committee responsible for facilities planning, e.g., Superintendent/designee, or Board Facilities Committee], and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadlines articulated above.

- B. **Contents of Facility Plan.** In preparing the annual Facility Plan, due consideration will be given to the most recent Capital Improvement Program prepared pursuant to Board policy {\*\*} FA. The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities,

administrative functions, and/or sports. Facilities for which no current or intended use is included on the plan shall be referred to in this policy as “Unused Facilities”.

- C. **“Unused Facility” Defined.** As used in the policy, “Unused Facility” or “Unused Facilities” shall mean any district owned school building which is not currently used for academic purposes, extracurricular activities, administrative school functions, or sports, and for which the School Board has not approved a written plan for future use.
- D. **Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education no later than, ~~with the first such report due January 1, 2022 and subsequent reports due July 1 of each year thereafter.~~ Pursuant to RSA 194:61, such Unused Facilities are ~~then encumbered by a right of first refusal (“ROFR”) available to every approved charter school operating in New Hampshire. The specifics of the ROFR are described in RSA 194:61, III-VII.~~
- E. **Charter School Rights Relative to Unused Facilities.**
1. **Right of First Refusal:** Pursuant to RSA 194:61, such Unused Facilities are encumbered by a right of first refusal (“ROFR”) available to every approved charter school operating in New Hampshire. If the District has an Unused Facility which it seeks to sell or lease to a party other than an approved charter school, the District will include a ROFR provision in the offer for sale/lease and/or a sale/lease contract.
  2. **Conditional Contract for Sale/Lease.** If a prospective purchaser which is not an approved charter school enters into a contract with the District for purchase, lease or sale, (that is, an offer to sell/lease by the District is accepted by the prospective purchaser), the contract (the “Original Contract”) will be conditioned upon the expiration of the ROFR. **It is essential that the prospective purchaser or lessee is made aware of the ROFR prior to execution of the Original Contract, and that the Original Contract clearly articulate the ROFR with specific reference to RSA 194:61.** The District will promptly notify the Charter School Administrator of the Department of Education (“DOE Charter School Administrator”) in order for the Department to alert all approved charter schools in the state and allow them a chance to respond. The notice provided to the DOE Charter School Administrator shall contain clear language that the Unused Facility is available to any approved chartered public school in this state only, and shall list the offering school district's name and location, the square footage of the Unused Facility, the contact information of the offering school district's representative, and the expiration date of the right of first refusal which shall be 60 days after the date of the date the District provides notice to the DOE Charter School Administrator.
  3. **Charter School Rights if No Other Offer Received.** If the offering school district has not received an offer to purchase or lease an Unused Facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and Board shall engage in, good faith negotiations for the purchase or lease of the Unused Facility.
  4. **Invocation of Rights by One or More Approved Charter Schools.** If the District receives an offer on an Unused Facility from an approved charter school prior to the expiration date of the ROFR, the District will respond promptly to the offer and notify the prospective purchaser under the Original Contract and engage in good faith negotiations. If more than one chartered public school makes an offer on the District's Unused Facility, the School Board will make the final selection between the parties based on criteria established by the School Board and in accordance with the best interests of the District.
  5. **Procedure for Resolution of Negotiation Impasse.** A chartered public school that makes an offer shall have 6 months after the date of making a written offer to complete the purchase or lease of the Unused Facility for a price which the District has agreed upon.

6. **District Discretion.** In right of first refusal negotiations with a chartered public school, it shall be the option of the Board whether to sell or to lease the property under consideration, at fair market value or less, for a term to be agreed upon by the parties. Any lease terms shall include, among others agreed upon by the parties, any required provisions for such leases as found in RSA 194:61.
7. **Expiration of Right of Charter School After Written Offer.** The chartered public school shall have 6 months after the date of making a written offer to complete the purchase or lease of the unused facility for a price negotiated with the school district.

<sup>1</sup> **[Delete footnote]** This policy and the “Annual Facility Plan” is not intended to replace or even serve the same purpose of a capital improvement or strategic plan. Rather, it is to help assure compliance with newly enacted 194:61. Existing capital improvement, strategic or other such plans should inform the Annual Facility Plan.

<sup>2</sup> **[Delete footnote]** Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter. The **June 1 dates** used in this policy for the local board to approve/adopt a plan are intended to give Districts ample time to meet the statutory reporting time. Districts may use other dates to best suit their local needs.

**District Policy History:**

*First reading:* \_\_\_\_\_  
*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

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 Statutes**  
 RSA 194:61

**Description**  
[Unused District Facilities](#)

**Cross References**

**Code**  
 FA

**Description**  
[Facilities Development Goals and Preparation of Capital Improvement Plan](#)

**Policy GBCD: Background Investigation and Criminal History Records Check**      **Status: ADOPTED**

Original Adopted Date: 11/01/1999 | 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 final adoption.***

- a. ***Adoption Note: Although many components of this policy restate requirements of RSA 189:13-a, several other components are areas – both in the policy and the statute - where the local board has discretion to alter provisions according to local circumstances and priorities. (see, e.g., footnotes 2, 4, 5, 6, 8 & 9). The policy does not include the mechanics or specific procedures for initiating and conducting a criminal history records check, as those processes are regulated and subject to change by the State Police and, to a lesser extent, the NH Dept. of Education.***
- 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. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.***
- c. ***General – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.***
- d. ***General – Highlighted footnotes should be removed before final approval of the policy.***
- e. ***General – Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.***

**NHSBA history:** Revised – Sept. 2023, May 2022, Sept. 2021, Nov. 2020, Sept. 2017, Sept. 2016, Sept. 2010, Aug. 2007, Dec. 2004, Nov. 1999

**NHSBA revision notes, Sept. 2023,** sample revised to reflect: (1) passage of SB39, which reversed the 2020 legislation making the state responsible for criminal history records checks for transportation monitors, and (2) passage of SB136, prohibiting employment or appointment as volunteers of educators whose credentials have been revoked or are under current suspension. The changes relative to bus monitors are found in D.2 and footnotes 5 and 10, and the changes relative to suspended/revoked credentials are found in Section B. The only other significant change is found in Section D.5, wherein language allowing the Superintendent to share information about a criminal record for misdemeanor hires has been revised, with modifications to footnote 8 made to explain options the Board has for a district's policy concerning hiring of persons whose criminal history records check reveals charges, whether convicted or not, for non-section V offenses, and possible charges of Section V offenses that were later pled down or dismissed. Additional minor revisions throughout for clarification and/or style. **May 2022,** restructured generally – added and put definitions in front; added language reflecting 2021 SB134’s changes to 189:13-a and new section 189:13-c; added language re substitute teachers per 2022 amendment to 189:13-a, VI; and added additional policy cross-references; **September 2021,** added “designee” language in Section F to reflect 2021 amendments to RSA 189:13-a, added legal references, and revised language to clarify prohibition of employing applicant who has been charged pending disposition or convicted of a Section V offense; **November 2020,** NHSBA revised GBCD to reflect 2020 amendments to RSA 189:13-a, and more



- c. Meets with students on a one-on-one basis [without the presence of a teacher or other such professional staff member]; OR
  - d. Any other volunteer so designated by the School Board or Superintendent.
8. **“Educator Candidate”** means a student at an institution of higher education in New Hampshire who has been selected to participate in a K-12 educator preparation program (RSA 189:13-c, I(b)). This definition includes both Educator Candidates who are placed as student teachers in the district, and those who might be in the District for a different purpose (e.g., Methods, etc.)
9. **“Section V Offense(s)”** are those criminal offenses listed in RSA 189:13-a, V, as that list may be amended by the Legislature from time to time. The current of offenses may be accessed at:  
[Link: Section V Offenses - RSA 189:13-a, V](#)

**“Non-Section V Offenses”** are all other crimes offenses, whether felonies or misdemeanors.

10. **“Designee”** shall mean, a person designated by the Superintendent to receive and inspect results of the Criminal History Records Check. Under RSA 189:13-a, II, the Designee for purposes of CHRC may only be an assistant superintendent, head of human resources, the personnel director, the business administrator or the finance director.<sup>[3 delete fn.]</sup>

**B. Background Investigation and Restrictions on Hiring or Appointing Individuals with Revoked or Suspended Credentials.**

1. **General Requirements.** The Superintendent will require a Background Investigation of any Applicant or Covered Person as defined in this policy, *including but not limited to reviewing the most recent NHED List of Revoked & Suspended Credentials*. The Superintendent may assign the Background Investigation (but not the CHRC) to someone other than Designee, but the Background Investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, student teacher, or a Designated Volunteer to work or serve within the District. For Covered Persons who are employed by a third-party contractor or assigned as a Designated Volunteer by a volunteer agency, the Superintendent or Designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph D, below, however, may not be waived. *All decisions regarding employment and the pre-employment process shall conform to the District’s Anti-Discrimination and Equal Opportunity policy, {\*\*}AC.*

As part of the application process, each Applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The Applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or until notified that s/he will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C, below.

General record (e.g., checklist and or source documentation) of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee’s personnel file and retained pursuant to the District’s Record Retention Schedule {\*\*}EHB-R.

2. **Prohibition against hiring/appointment of individuals with revoked or suspended credentials.** The District will not hire any individual whose education license, certification or other credential (“credential”) issued by the Department of Education is currently revoked or suspended, unless: (1) the individual’s prospective employment would begin after the reinstatement of that individual’s credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

No person whose credential issued by the Department of Education has been revoked or is under current suspension, may be appointed as, or serve as, a volunteer for any district service or activity, designated or otherwise.

In the instance of a person with no current endorsement, the suspension or revocation would preclude hiring or appointing that person to any position within the district. This means, for example, that a former science teacher whose credentials are revoked may not be appointed as a volunteer soccer coach.

Notwithstanding the prohibitions and limitations imposed by this paragraph, educators whose credentials have been revoked or are currently suspended, retain all the rights afforded members of the public to enter onto school grounds and attend school events in accordance with applicable laws and School Board policies. Similarly, such individuals who are parents or guardians of district students shall maintain all the rights afforded all parents and guardians under law and School Board policies – but may not serve in volunteer positions.

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

#### **D. Criminal History Records Check.**

1. **General.** As part of the District's Background Investigation, each Applicant must submit to a Criminal History Records Check ("CHRC") through the State of New Hampshire in full compliance with RSA 189:13-a. No Covered Person/Applicant shall be employed, extended a Conditional Offer of Employment, or begin service in the District, until the Superintendent, or his/her designee, has initiated a CHRC. [<sup>4</sup>delete fn.]

The Applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken by a qualified law enforcement agency according to RSA 189:13-a, II.

Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the CHRC will result in immediate disqualification of the Applicant/Covered Person and will not be considered for the position.

2. **Special Provisions for Educator Candidates, [optional see sub-paragraph c], Substitutes, ]& Bus Drivers.**
  - a. **Educator Candidates.** Educator Candidates who are placed in the District as a student teacher shall undergo a CHRC prior to beginning in the District. For Educator Candidates in the District under a status other than student teacher (e.g, observation, Methods Course or Practicum student), the Superintendent or Designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition, above.
  - b. **Bus Drivers.** Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers shall be processed through the New Hampshire Department of Education ("NHED"). [<sup>5</sup> delete fn] Although NHED will conduct the CHRC, the Superintendent or designee shall require a Background Investigation in accordance with paragraph B.
  - c. [*Optional paragraph for multi-district SAUs* [<sup>6</sup> delete fn]] **Substitute Teachers.** Applicants for substitute teaching positions who have submitted to a CHRC within 3 years in any district within SAU \_\_\_ shall not be required to undergo an additional CHRC before substituting in this District, unless otherwise required by the Superintendent.
3. **Results of Criminal History Records Check.** The results of the CHRC shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality. The Superintendent or Designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information. [<sup>7</sup>delete fn.]



4. **Pending Charges or Convictions for Section V Offenses.** If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment. Additionally, the Superintendent (not the Superintendent's Designee), shall notify NHED through its Investigator or the Chief of the Governance Unit or as otherwise directed by NHED.
5. **Non-Section V Offenses and/or Past Charges of Section V Offenses.**<sup>[8 delete fn]</sup> If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Superintendent or Designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Superintendent or Designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant's suitability for the position sought with student safety being the priority consideration. (Circumstances the Superintendent should consider, include, but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

If the Superintendent chooses to nominate, appoint or assign an Applicant who has a history of conviction or pending charges of a Non-Section V Offense, or of past concluded charges of Section V Offenses that did not result in a conviction, then the final hiring decision or appointment of another Covered Person must be approved by the School Board. Pursuant to regulations of the United States Dept. of Justice, and RSA 189:13-a, the Superintendent may NOT share with the Board information directly gleaned from the CHRC regarding specific criminal charges, arrests, convictions etc., but may share the fact that s/he is nominating a person whose background investigation revealed information requiring the Superintendent to apply the criteria established by the Board in the preceding paragraph. ~~ession general information about the offense/conviction but is prohibited under RSA 189:13-a from sharing the CHRC report.~~

6. **Fees for Criminal History Records Check.** Any applicant for whom the Board requires a CHRC check, or, in the instance of third party contractors/organizations, the Covered Person's employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.<sup>[9 delete fn.]</sup>
7. **Additional Criminal Records Checks.** To the extent permitted by law, the Superintendent or Designee may require a CHRC of any Covered Person at any time after hire or appointment to a position within the District. <sup>[10 delete fn.]</sup>

**E. Conditional Offer of Employment.** Applicants who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the Background Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions.

Any Applicant who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District is entirely conditioned upon the results of a CHRC and Background Investigation being satisfactory to the District.

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

An Applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of CHRC and Background Investigation,

**G. Administrative Protocols/Procedures.** The Superintendent is authorized to establish written protocols for Background Investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.

**H. Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII and policy ~~\*\*~~GBCE.

**I. Training of Superintendent/Designee.** The Superintendent or any Designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.

**J. Reports of Criminal Offenses Post-Hire or Commencement of Service.** When the District receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to immediate discharge. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the Covered Person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall report to the New Hampshire Department of Education pursuant to section 510.05 of the Code and Board policy ~~\*\*~~GBEAB – Mandatory Code of Conduct Reporting.

---

<sup>1</sup> ~~[Delete footnote]~~ the term "covered person" is a term coined by NHSBA in order to clarify that the requirements of the policy, as well as under RSA 189:13-a, extends far beyond applicants for "employment". As used in this sample, it includes all of the positions included in the statute (e.g., applicants, designated volunteers, representatives of contractors, student teachers, short term substitutes, coaches, etc.).

<sup>2</sup> ~~[Delete footnote]~~ RSA 189:13-a does not define "designated volunteer" (i.e., what volunteers are required to have background checks). Rather, the statute requires local school boards to define that category. A board could have a narrower, less protective definition, (not recommended), or a broader, more protective one.

<sup>3</sup> ~~[Delete footnote]~~ Prior to the 2021 amendments to RSA 189:13-a, only the superintendent could receive and review results of the mandated CHRC. The amendments allow the superintendent to delegate those functions to Assistant Superintendent Business Administrator, or directors of human resources, personnel or finance. The discretion to delegate is the Superintendent's.

<sup>4</sup> ~~[Delete footnote]~~ A board may choose to require the records check to be completed before allowing assignment. This provision, however, could lead to staffing concerns, especially near the beginning of the school year.

---

<sup>5</sup> [Delete footnote] Under a 2020 bill intended to provide greater mobility for bus drivers & monitors, DOE was required to records check for such employees every 5 years. Under 2023's SB39, the responsibility for transportation monitor criminal history records checks was passed back to the districts. **Important to note:** the DOE criminal records check, does not cover non-Section V offenses. **A school board may, but is not required to, include a requirement that its bus drivers undergo a complete criminal history records check in the same manner as for all other covered persons under paragraph D.1. This sample policy does not include language requiring the additional criminal records check by the district.**

<sup>6</sup> [Delete footnote] Senate Bill SB352 (2022) amends RSA 189:13-a, VI to allow portability for 3 years of a substitute's CHRC among districts within the same SAU, subject to board approval. Boards of districts within multi-district SAUs are not required to allow such portability. Single district SAUs would not include this optional paragraph.

<sup>7</sup> [Delete footnote] 2021 amendments to 189:13-a removed the requirement that negative results had to be destroyed immediately.

<sup>8</sup> [Delete footnote] RSA 189:13-a, V requires the local school board to adopt a policy relative to hiring/appointment practices for persons whose CHRCs disclose misdemeanor or criminal charges/convictions. A policy could include a list of specific crimes in addition to those listed in 189:13-a, V.

<sup>9</sup> [Delete footnote] Under RSA 189:13-a, IV, a Board may, but is not required to make the applicant pay for a Criminal History Background Check. Some districts may encounter hiring obstacles if requiring the Applicant to pay the fee, especially for lower wage positions.

<sup>10</sup> [Delete footnote] A board may, but is not required, to mandate periodic CHRCs. If a board is to consider such a requirement, the board should consult with district counsel regarding collective bargaining implications, and should consider both the financial and administrative resources necessary to implement the requirement. This issue may be particularly significant relative to employees or designated volunteers who have a significant break in service. Districts may impose such a requirement – either by policy or admin. rule - upon only certain classes (e.g., designated volunteers, etc.). Currently, state law only requires additional CHRCs for substitutes w/in the same SAU (3yrs.) and for bus drivers and monitors (every 5 years).

---

***District Policy History:***

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

regulations to address local facts and circumstances prior to adoption. NHBPA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

**NH Statutes**

RSA 189:13-a

**Description**

School Employee and Designated School Volunteer Criminal History Records Check

RSA 189:13-b

School Bus Driver & Transportation Monitor Criminal History Records Check

RSA 189:13-c

Credentialing Applicant and Candidate Criminal History Records Check

**NH Dept of Ed Regulation**

Code of Conduct for New Hampshire Educators

**Description**

Code of Conduct for New Hampshire Educators

**Cross References**

**Code**

EEAE

**Description**

School Bus Safety Program

EEAE-R(1)

School Bus Safety Program - Safety Guidelines for Parents/Guardians of Students Using School Buses

EEAEA

Mandatory Drug and Alcohol Testing – School Bus Drivers and Contracted Carriers

EEAEA-R(1)

Mandatory Drug and Alcohol Testing – School Bus Drivers and Contracted Carriers - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

EHB

Data/Records Retention

EHB-R(1)

Data/Records Retention - Local Records Retention Schedule

GADA

Employment References and Verification

GBCE

Training and Information Relative to Child Sexual Abuse Prevention

GDF

Hiring of Non-Certified Personnel

IIOC

Volunteers

IIOC-R(1)

Volunteers - Confidentiality Agreement

JLIF

Receipt and Use of Sex Offender Registry Information

JLIF-R(1)

Receipt and Use of Sex Offender Registry Information

## BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

### Background Investigation

The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background, of any applicant as defined in this policy. This investigation shall be completed prior to making an offer of final employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or designated volunteer to work within the District.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations that have been done. For the purposes of this policy, the term "applicant" shall include a selected applicant for employment by the District, an individual or entity with whom the District contracts to provide services directly to students, any employee of a contractor with whom the District contracts to provide services directly to students, student teachers who are proposed to be placed in a District school, and designated volunteers. All applicants will be subject to a criminal records history check meeting the minimum requirements of law, however, the Superintendent's protocol may specify additional background check steps for specific groups of employees, such as verifying the educational achievements and employment history of an applicant for a teaching position. The Superintendent's protocol shall include a list of felonies and misdemeanors, in addition to those specified in RSA 189:13-a,V, convictions of which shall be disqualifying. The protocol shall require that an analysis be conducted of any pending charges or convictions for crimes not on the statutory list of disqualifying offenses to determine whether the applicant should be disqualified. The protocol shall take into consideration the time which has passed since the conviction, the facts and circumstances of the charge or conviction, evidence of successful rehabilitation and an extended period of lawful behavior. For charges pending disposition for offenses not on the statutory list of disqualifying offenses, which the applicant discloses or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent shall consider all reliable information in assessing the applicant's suitability. The Superintendent shall assess whether, in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant's suitability for the position.

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

The fee and costs associated with the fingerprinting process and/or submission or processing of the criminal history records checks for a contractor or for employees of a contractor who provides services directly to students shall be borne by the contractor. Any other applicant for whom the Board requires a criminal history records check shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the criminal history records check, unless otherwise determined by the Board.

### Criminal History Records Check

Each applicant must submit to a State and FBI Criminal Records Check.

### Volunteers

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. "Designated Volunteers" are defined and so designated pursuant to Policy IJOC. Volunteers not categorized as "Designated Volunteers" per Policy IJOC will generally not be subject to a background investigation or criminal records check. However, the Board may require a Criminal Records Check of any Volunteer at any time.

### Student Teachers

The District will not accept the services of student teachers who would be disqualified from employment under this policy.

### Contractors

Any contractor and employees of the contractor who provide services directly to students are subject to State and FBI Criminal Records Check in accordance with this policy.

### Conditional and Final Offers of Employment

Persons who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the State and FBI criminal history records check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and a background investigation.

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

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

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a criminal history records check that is satisfactory to the Board.

### Felonies and Misdemeanors

No person shall be extended a final offer of employment, and no person will work within the District, if such person has charges pending or has been convicted of any crime listed in RSA 189:13-a, V; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed as disqualifying in RSA 189:13-a, V an applicant will not work within the District if he/she has charges pending or has been convicted of felony. For misdemeanors, an applicant will not work within the District if he/she has charges pending or has been convicted of a misdemeanor for any of the offenses listed in RSA 189:13-a, V, or for any offenses involving sexual offenses, child abuse or domestic violence.

The Superintendent shall assess the other misdemeanors on a case-by-case basis on the following factors:

- Time which has passed since the charge of conviction
- Age of person at time of the charge of conviction
- Number of charges or convictions
- Type of charge of conviction in light of the person's possible position/responsibilities
- Facts and circumstances of the charge or conviction
- Successful rehabilitation
- Extended period of lawful behavior

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check. In accordance with RSA 189:13-a, III, only the Superintendent will review the criminal history record received from the State Police and shall destroy that document as required by law.

When the District receives notification of an employee, contractor, contractor's employee, or volunteer being charged with or convicted of a disqualifying offense under RSA 189:13-a, the Superintendent's protocol, or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other action, consistent with

law and any applicable employment agreement or contract to address the individual's ongoing relationship with the District.

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

Additional Criminal Records Checks

The Board may require a criminal history records check of any employee, an individual with whom the District has contracted to provide services directly to students, a contractor or employee of a contractor with the District who has been assigned to provide services directly to students, student teachers who are placed in a District school, and designated volunteers at any time.

Statutory Reference:

*RSA 189:13-a*

*See Appendixes: GBCD-R N.H. Department of Education, School Employee Background Investigation, Including A Criminal History Records Check*

Adopted: May 16, 2002  
Revised: March 7, 2007  
Revised: August 27, 2008  
Revised: May 3, 2017  
Revised: October 3, 2018



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:***

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.

**Cross References**

<b>Code</b>	<b>Description</b>
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/rules.** 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.~~

---

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.

### **Cross References**

<b>Code</b>	<b>Description</b>
EGAD	<a href="#">Copyright Compliance</a>
JICD	<a href="#">Student Discipline and Due Process</a>
JICL	<a href="#">School District Internet Access for Students</a>

**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, [*if applicable*] 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, [*if applicable*] 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. [<sup>1</sup> 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). [<sup>2</sup> 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 <sup>[3 Delete endnote]</sup> 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.<sup>4</sup>

- 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} <sup>{see and delete endnote 5}</sup> 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. <sup>[6 Delete endnote]</sup>

**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.

---

<sup>1</sup> [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.

<sup>2</sup> [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.

<sup>3</sup> [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).

<sup>4</sup> 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.

<sup>5</sup> [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.

<sup>6</sup> [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:***

---

---

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 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 193:3.1. 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.C~~ **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. <sup>[ii]</sup> 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.  
[<sup>liii</sup>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: [<sup>liiii</sup>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. [<sup>liv</sup>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. [<sup>lv</sup>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 [<sup>lvi</sup>[ 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.<sup>[viii]</sup>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.** [lviii] 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**

<sup>[i]</sup> [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.

<sup>[ii]</sup> [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.

<sup>[iii]</sup> [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).

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

<sup>[v]</sup> [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.

<sup>[vi]</sup> [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.

<sup>[vii]</sup> [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.

<sup>[viii]</sup> [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.

---

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 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](http://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:***

---

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 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 –

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](http://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, 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:***

---

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 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](#)

## 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