

Policy Committee Meeting  
Wednesday, June 1, 2022, 11:00 AM  
SAU 33 Office  
AGENDA

I. Call to Order

II. Proof of Posting

III. Old Business

**Raymond Policy**

EEA Student Transportation Services

EEA-R Student Transportation Services

*No direct corresponding policy*

EEAE School Bus Safety Program

*No direct corresponding policy*

EEAEA Mandatory Drug & Alcohol Testing

EEAEA-R Drug and Alcohol Testing

*No direct corresponding policy*

EEBB Use of Private Vehicles to Transport Students

JICC Student Conduct on School Buses

*No corresponding policy*

GCEB Staff Recruiting - *follow-up with some proposed revisions*

**NHSBA Sample Policy**

EEA Student Transportation Services

EEA-R Student Transportation Services  
(withdraw)

EEAB Establishment of School Bus Routes

EEAE School Bus Safety Program

EEAE-R Safety Guidelines School Buses

EEAEA Mandatory Drug & Alcohol Testing

EEAEA-R Drug and Alcohol Testing

EEAEC Student Conduct on School Buses  
(withdraw)

EEAG Use of Private Vehicles to Transport Students

JICC Student Conduct on School Buses

JICC-R School Bus Conduct Rules

IV. New Business: NHSBA Spring Policy Update

Policy Update Cover Sheet

*Note: We'll plan to bring GBCD and GBCD-R, as well as IJOC, to the next Policy Committee meeting, after our Human Resources Department has reviewed the proposed changes in addition to previous revisions made.*

*NHSBA Policy GCAA is not included here. It is to be withdrawn and we don't currently have the policy.*

Minor Policy Corrections: Page 5 and 6 of the Policy Update include a list of minor policy corrections. Would the Policy Committee approve of these corrections being made, where applicable?

**Raymond Policy**

BBBA-R Oath of Office

BIE Board Member Indemnification

*No corresponding policy*

FF Naming New Facilities

*No corresponding policy*

*No corresponding policy*

**NHSBA Sample Policy**

BBB-F Oath of Office

(NHSBA Technical Advisory here)

(Oath of Office Form used by our Clerk here)

BIE Board Member Indemnification

DFGA Crowdfunding

FF Naming of District Buildings and Facilities and Dedication of Areas

IHBB Programs for Gifted and Talented Students

IKL Academic Integrity and Honesty

## STAFF RECRUITING

The School Board and the administrative personnel realize that a sound educational system cannot be built and maintained without definite procedures for the recruitment of personnel.

1. The quality of the educational program in any school system is dependent upon the employment and retention of high caliber personnel.
2. All currently employed personnel share a common responsibility for the procurement of the type of staff needed. They are expected to help in every way possible and, specifically, by making the system aware of outstanding prospects at every opportunity.
3. Job postings will occur to encourage advancement within the organization for all interested employees. At a minimum, internal postings will occur for all administrative positions.
4. In the event of an administrator position opening, an administrator selection ~~advisory~~ committee ~~to the School Board~~ which includes staff, citizens and a School Board representative shall be established by the Superintendent. **Participation in the search committee will be open to an equal number of REA members, RESS members, and parents.** The School Board will determine which member will serve. The committee shall present candidates to the Superintendent who shall nominate his/her choice to the School Board.
5. First consideration will be given to those applicants seeking permanent rather than temporary employment.
6. All professional staff selected for employment must be nominated by the Superintendent and approved by the School Board.
7. In selecting nominees for instructional positions, the Superintendent, after considering recommendations of District personnel, will be guided by the following criteria:
  - Professional qualifications and credentials, including full state certification.
  - Successful teaching experience.
  - Specific requirements of position.
  - Balance and stability within facility.
  - Budget considerations.

The Superintendent shall ensure a thorough check is made of the candidate's prior record, prior to nomination to the Board.

Adopted: June 22, 1978  
Revised: May 1, 1980  
Revised: August 1, 2002  
Revised: August 1, 2012  
Revised: November 6, 2019  
Revised: May 20, 2020

DRAFT May 2022

## Raymond School District Policy - EEA

### STUDENT TRANSPORTATION SERVICES

Consistent with RSA 189:6, 189:8 and 189:9 transportation at the School District's expense will be provided for K-8 students who live more than one (1) mile from the school that they are required to attend, except as provided below. If, in the opinion of the School Board, the road is unreasonably hazardous relative to the age of the students concerned, a student living less than one (1) mile from his/her school may be transported at the School District's expense.

Per RSA 193:12, students who are deemed legal residents of the School District pursuant to a divorce decree or parenting plan developed under RSA 461-A will not necessarily be provided for students admitted under this provision and under corresponding law. The Superintendent or designee will make all determinations as to whether transportation will be provided in such circumstances. The Superintendent or designee's decision will be final.

Parents have the responsibility of providing transportation for their children when their children are involved in the following:

1. Participation in activities that extend beyond the normal school day
2. Student activities that are held at other than normal school hours
3. Detention after normal school hours for disciplinary reasons.

With regard to Item 3 above, pertaining to students in grades K through 8, if parents do not provide transportation, the school administration may send the student home at parental expense.

NOTE: The school staff is responsible for providing at least 24 hours notification to the parents, in a manner to be determined by the school administration, of those students who will be detained beyond normal school hours.

Non-resident students who attend one of the public schools in Raymond may ride on Raymond's school buses under the following conditions:

1. The bus must not be overloaded.
2. The bus must not deviate from its regular route.
3. The non-resident student's parent is responsible for dropping student at a recognized bus stop.
4. The non-resident student's parent must pay a fee equal to the annual cost per student for resident students to ride the bus as determined annually by the School Board.

The School Board can discontinue providing bus service to non-residents at any time.

### **General Operating Policy**

The Superintendent, subject to review by the Board, shall establish bus routes. Routes will be developed annually and posted. Pupils who attend chartered public schools within the district and pupils who attend private schools shall be entitled to the same transportation privileges within the District as are provided for pupils in public school. Bus stops shall be established under the direction of the Superintendent. A bus stop so established will be designated as authorized when the School Board has approved its designation as such. Drivers may not load or unload pupils at other than authorized bus stops.

### **Student Conduct on School Buses**

Regulations for students riding school buses are printed in the Raymond Transportation Handbook.

The bus driver will have responsibility to maintain orderly behavior of students on school buses and will report misconduct to the student's Principal in writing. Video/audio cameras may be used on buses to support the bus drivers' reports of unacceptable conduct (refer to policy ECAF). In cases of misconduct, the School Principal will have the authority delegated by the Superintendent to suspend the riding privileges of students or take other appropriate action. Parents of children whose pattern of behavior and conduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of school bus riding privileges in accordance with the student discipline code. Suspensions to continue beyond twenty (20) days must be approved by the Board (RSA 189:9a).

### **Resolution of Conflicts**

A parent who wishes to request a change or exemption from any of the Student Transportation policies shall direct that request first to the School Board's Transportation Committee. If the parent is not satisfied by the ruling of the Transportation Committee, he or she may appeal the ruling to the Superintendent within five (5) business days. If the parent is again not satisfied by the ruling, he or she may appeal to the Raymond School Board, whose decision will be final.

Statutory Reference:

RSA 189:6

RSA 189:8

RSA 189:9

RSA 189:9a

RSA 200:40

Adopted: July 26, 1979

R/R: 5/1/80, 2/21/91, 8/1/96

Revised: June 6, 2002

Revised: March 7, 2007

Revised: November 6, 2013

Revised: April 19, 2017

STUDENT TRANSPORTATION SERVICES

Category: Recommended  
EEAG & JICC

Related Policies: ECAF, EEAB, EEAE, EEAEA,

EEAF,

Related Administrative Procedures: EEAE-R & JICC-R

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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.

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**A. General Policy, Transportation Coordinator and Determination of Residency.**

The District will, make available transportation services to all regular education resident students grades K-12 \_\_\_\_\_<sup>[1]</sup>, grades K-12, who live at least 2 miles from their assigned school.

The Superintendent, or his/her designee, will fulfill the duties of Transportation Coordinator as described in this and other applicable Board policies.

Residency is determined under RSA 193:12. For children with parent/guardians residing in separate households, residency will be determined pursuant to RSA 193:12, I (a)(2) and, when applicable, parenting plans established under RSA 461-A. In such circumstances, the District is not required to provide transportation beyond the designated attendance area for the school to which the child is assigned, or beyond the geographical limits of the school district in which the child resides. Parents/guardians in such circumstances should contact the Superintendent’s office with any questions or requests for special accommodations.

Pupils who attend chartered public or non-public schools shall be entitled to the same transportation privileges within the District as are provided for pupils in public school using the same routes and termination points as are established for students attending the District’s schools. Drivers may not load or unload pupils at other than authorized bus stops.

The District shall also provide transportation to, and pay transportation costs for, all students who reside in the District and attend a regional career and technical education center, or who attend an alternative program at a regional career and technical education center or other comprehensive high school. The Superintendent is responsible for recovering such transportation costs per RSA 188-E:8.

**B. Establishment and Appeal of Routes, Schedules and Stops**

The Transportation Coordinator will establish bus routes, schedules and stops pursuant to Board policy {\*\*}EEAB. Routes will be developed annually and posted.

Parents who wish to request a change or exemption from any of the Board transportation policies, including bus routes or bus stops, may engage in the request and appeal process detailed in Policy {\*\*}EEAB.

**C. Authorized Transportation Providers**

The District authorizes students to be transported to school or school activities via school bus drivers, and to school activities via contracted carriers. See Policy {\*\*}EEAE for details.

All other authorized transportation of students must be in accordance with Policy {\*\*}EEAG.

#### **D. Student Conduct on School Buses**

Bus drivers have the responsibility to maintain orderly behavior of students on school buses and will report, in writing, misconduct to the student's Principal.

Student conduct while on District transportation is regulated in accordance with Board policy {\*\*}JICC, and any District or school rules implementing the same. See the District's School Bus Conduct Rules (administrative procedures {\*\*}JICC-R).

Students who violate regulations for student conduct within those policies may have bus riding privileges suspended. Such suspensions are in addition to other interventions or disciplinary consequences provided under the Student Code of Conduct [*or other such rules as termed by the district*] and such other applicable Board policies and District or school rules and regulations. Parents/guardians may appeal transportation suspensions per Board policy {\*\*}JICC and accompanying administrative procedures.

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#### **District Policy History:**

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

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

***District revision history:***

#### **Legal References:**

RSA 188-E:8, Career and Technical Education; Transportation  
RSA 189:6, Transportation of Pupils  
RSA 189:8, Limitations and Additions  
RSA 189:9, Pupils in Private Schools  
RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons  
RSA 193:12, Legal Residency Required  
RSA 194-B:2, V, Chartered Public Schools; Establishment  
RSA 376:2, VII, Motor Carriage of Passengers  
RSA 461-A, Parental Rights and Responsibilities

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

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***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 – Sept. 2021, Sept. 2016, Sept. 2013, Aug. 2008, Aug. 2006, May 2006, April 2004

**NHSBA revision notes, September 2021,** policy was revised generally along with a restructuring of related transportation sample policies and procedures, primarily to reduce redundancies and conflicting provisions, as well as improved integration. EEA now establishes general transportation policy with duplicative language or content in the former version replaced with references to other applicable policies and procedures. Also, the revisions add a Transportation Coordinator, a position that was formerly referenced in many NHSBA samples but not specifically established. Clarification was added via an “Authorized Transportation Providers” subsection to define applicable services in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2, VII. Revisions also included addition of the new requirement to provide transportation services to students attending CTE and alternative programs in accordance RSA 188-E:8 (SB 148, Pt II).  
**September, 2016:** Amended to allow charter school pupils access to traditional transportation services under RSA 194-B:2, V.

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<sup>[1]</sup> [Delete footnote.] The statutory minimum is 2 miles for grades K-8 (RSA 189:6), with an additional requirement that children eligible for transportation must have an available stop within 1 mile of home. Most districts provide transportation beyond the statutory minimum. It is good practice, and in some instances, can limit litigation exposure to have the parameters set by Board policy. This policy should describe those general standards (Example: *The District will, make available transportation services to all regular education resident students all students K-12 who reside more than 1.5 miles from their assigned school. Additionally, there shall be a "late bus" provided for middle and high school students who participate in after-school activities. The late bus will only provide transportation to a single location in each of the District's constituent towns.* Note that unilateral changes by the board might interfere with existing transportation contracts.



STUDENT TRANSPORTATION SERVICES

REGULATIONS FOR STUDENTS RIDING SCHOOL BUSES

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

## THE ROLE OF STUDENTS AND PARENTS IN TRANSPORTATION

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

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

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

Internet: [www.sau33.com](http://www.sau33.com), [www.wmur.com](http://www.wmur.com),

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

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

### **OPERATION OF THE SCHOOL BUS SYSTEM**

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

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

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

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

Statutory Reference:

RSA 189:9

RSA 189:6-8

Adopted:

Revised: October 20, 2021

STUDENT TRANSPORTATION SERVICES

Category: WITHDRAWN



ADOPTION/REVISION NOTES –

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

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(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.



WITHDRAWN on [date board votes to withdraw]

Former “-R” sample {\*\*}EEA-R was withdrawn as duplicative of subject matter found in other policies, or better suited for policy rather than procedures. The previous content is now entirely included within Board policies {\*\*}EEA & {\*\*}JICC, new Board policy {\*\*}EEAB, and associated administrative procedures and guidelines, {\*\*}EEAE-R and {\*\*}JICC-R.

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: Withdrawn – September 2021; Revised – April 2004, Nov. 1999, July 1998

NHSBA revision notes, September 2021, NHSBA withdrew sample EEAEC because the subject matter was the same as that included in JICC. Concurrent with the withdrawal of EEAEC, NHSBA also substantially restructured or revised most of its other transportation policies, including JICC. See revision notes to EEA and JICC for further information. See also Sept. 2021 revision notes for sample EEA.

w/p-update/2022-U1/EEAEC Student Conduct on Buses 2021-U2 (v3)

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**STUDENT TRANSPORTATION SERVICES**

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.

ESTABLISHMENT OF SCHOOL BUS ROUTES

Category: Recommended

Related Policies: EEA, EEAA & JICC

Related Administrative Procedures: EEAE-R & JICC-R

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ADOPTION/REVISION NOTES

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

- (a) The content of this policy was formerly located in sample “-R” document EEA-R. Given recent experiences of districts with parent transportation challenges, NHSBA recommends adopting as a Board policy.
- (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.
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- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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A. General Policy.

The Transportation Coordinator designated by the Superintendent pursuant to Board policy {\*\*}EEA, in consultation with the Principal(s) and transportation provider shall establish bus routes, schedules and stops for all students eligible for transportation pursuant to Board policy {\*\*}EEA. Routes will be over the most direct roads practicable for bus travel. Where an alternate route may be selected without sacrifice to efficiency or economy, preference will be given to that route serving the larger number of students more directly. Routes will be designed to employ as nearly as practicable the full carrying capacity of each bus trip. New routes will be established only when full capacity of the trips on existing routes has been reached or is imminent.

The purpose of bus scheduling shall be to achieve maximum service with a minimum fleet of buses consistent with rendering equitable service to all eligible students. The measure of service rendered shall be the total time between leaving a bus stop in the morning and returning thereto in the afternoon on a regular bus trip. To the greatest extent possible, routes, schedules and stops will minimize and balance the time students spend on buses. However, priority in distance to stops will be given to younger children.

Authorized bus stops shall be located at convenient intervals in places where students can be loaded or unloaded, cross highways and await arrival of buses with the utmost safety permitted based upon highway conditions, terrain, and visibility. Bus stops will be situated so that no student is required to walk more than 1 mile to reach a stop. Per RSA 189:8, the maximum distance to stops can be extended to 1 ½ miles for students residing in areas which are

**ESTABLISHMENT OF SCHOOL BUS ROUTES**

inaccessible by the District's established mode of transportation, provided that the vehicle, route and schedule have been approved by the commissioner of education. The number of bus stops on each trip shall be limited, consistent with the policy, so as to enable buses to maintain a reasonable timetable and schedule.

**B. Process for Establishing Bus Routes and Stops.** [adjust timelines, titles, etc. as appropriate for District and transportation contractor]

1. Transportation coordinator obtains student enrollment list in early July.
2. Transportation Coordinator and building Principal(s), evaluate past year's routes and stops, find houses of new students, and draft a route/stop proposal.
3. Proposed route and stop schedule is reviewed with Superintendent and/or designee.
4. In August Superintendent approves final route and stop schedule.<sup>1</sup>
5. Routes and stops are posted on the District and school websites [and published in local newspapers].
6. Late enrollments and other factors may necessitate alteration of approved and publicized routes and stops.

**C. Parent/Guardian Requests for Changes and Appeals.**

1. Change Requests. Students entitled to transportation service will be assigned to a school bus and stop and will be expected to adhere to the assignment. Parent requests for changes in a child's regular bus assignment should be sent to the Transportation Coordinator. Bus assignment changes will be made based on the following criteria:
  - a. Request must be written by parent or guardian.
  - b. Space must be available.
  - c. Change in a student's regular bus assignment may be approved for the year, the half year, or the quarter. Changes for shorter periods will not be honored by the coordinator.
  - d. Emergency situations or one-day changes may be authorized on a case-by-case basis by the Principal or his/her designee. Any such one-time change must be requested in writing and in advance by the parent/guardian. The Principal/designee will coordinate the change directly.

**2. Appeals of Change Requests.**

- a. Appeals under C.1 must be presented in writing to the Superintendent within 10

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<sup>1</sup> [Delete footnote]. Some districts involve the School Board, while within Board authority, this can be problematic depending on Board availability. Boards could appoint sub-committee to carry out this function. For board or board committee, consider: "In August, the Superintendent or Transportation Coordinator presents the proposed route and stop schedule to the Board [Transportation Committee] for approval or revision."



**ESTABLISHMENT OF SCHOOL BUS ROUTES**

- calendar days of the Transportation Coordinator’s decision.
- b. The Superintendent will review relevant information and consult with the parent/guardian, Principal and transportation contractor [or driver if employed by the district].
  - c. If the Superintendent perceives a safety concern or if there is agreement that a change or addition to the route/stop is justified, the Superintendent will immediately make the change[*{if routes require board approval, then add}*] on a temporary basis. Changes will be brought to the Board for confirmation at its next scheduled meeting].
  - d. If the Superintendent does not approve the request, the parent/guardian may request a review by the School Board. To initiate the review/appeal the parent/guardian must request review/appeal in writing to the Superintendent within 10 calendar days from the date of the Superintendent’s decision.
  - e. The Board will hear the appeal as part of its next available agenda subject to the availability of the parent/guardian.
  - f. The Board will make its decision after hearing all appropriate information.

**District Policy History:**

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

***District revision history:***

**Legal References:**

- 189:6, Transportation of Students
- 189:8, Limitations and Additions
- 189:9, Pupils in Private Schools

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

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**NHSBA history:** New policy – Sept. 2021

**NHSBA revision notes, September 2021,** see adoption note (a) above. **See also Sept. 2021 revision notes for sample EEA.**

w/p-update/2021-U2 Fall/EEAB Establishment of Bus Routes and Stops 2021-U2 (vF)  
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**ESTABLISHMENT OF SCHOOL BUS ROUTES**

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Raymond School District Policy - EEAE

SCHOOL BUS SAFETY PROGRAM

The safety and welfare of student riders will be the first consideration in all matters pertaining to transportation. Safety precautions will include the following:

1. Children will be instructed as to the proper procedure for boarding and exiting from a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills will be conducted at least two times a year to acquaint student riders with procedures in emergency situations.
3. All vehicles used to transport children will be inspected on a regular schedule to see that they meet applicable safety regulations. The transportation contractor will ensure regular vehicle inspections.
4. All drivers will be screened before employment for physical condition, proper license, and experience. The prior driving record of each driver will be checked for license suspension due to drug and alcohol or other convictions and a criminal records check must also be completed and approved.
5. The Board authorizes use of video and/or audio surveillance on school buses to ensure the health, welfare, and safety of all students while riding on school buses. Use of such surveillance will be in accordance with Policy ECAF, Audio and Video Surveillance on School Buses.
6. In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.
7. The School District or independent contractor will comply with all state and federal laws and regulations pertaining to the operation of school buses and will make these requirements known to bus drivers. It will also cooperate with local safety officials in formulating and accomplishing its school bus safety program.

Legal References:

*20 U.S.C. §1232g, Family Educational Rights and Privacy Act*

*RSA 189:6-a, School Bus Safety*

*RSA 570-A:2, Interception and Disclosure of Telecommunication or Oral Communications Prohibited*

*See Appendix: EEA-R*

Adopted: April 4, 1991

Revised: June 6, 2002

Revised: March 16, 2011

SCHOOL BUS SAFETY PROGRAM

Category: Recommended

Related Policies: ECAF, EEA, EEAB, GBCD & JICC

Related Administrative Procedures: EEA-R & JICC-R



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.



A. School Bus Safety Program. The safety and welfare of student riders will be the first consideration in all matters pertaining to transportation. Safety precautions will include the following:

- 1. The Transportation Coordinator will assure that students using District transportation are provided annual instruction as to the proper procedure for boarding and exiting from a school bus, and in proper and safe conduct while aboard. See School Bus Conduct Rules at {\*\*}JICC-R. Additionally, the Transportation Coordinator will assure that emergency evacuation drills from school buses will be conducted at least two times a year to acquaint student riders with procedures in emergency situations (See RSA 189:6-a, I & II). Additionally, the Transportation Coordinator, is encouraged to establish guidelines for families relative to safe practices for students in between home and bus stops.
2. All vehicles used to transport children will be inspected on a regular schedule to see that they meet applicable safety regulations.
3. All drivers, whether employed by the District or a contracted vendor, and whether certified school bus drivers or contracted carriers under RSA 376:2, VII, will be screened before employment for physical condition, proper license, criminal records background check (per Board policy {\*\*}GBCD), and experience. The prior driving record of each driver will be

[Delete footnote.] See NEW sample guidelines EEAE-R “Safety Guidelines for Parents/Guardians of Students Using School Buses.”

SCHOOL BUS SAFETY PROGRAM

checked for drug and alcohol or other convictions and a criminal records check must also be completed. All checks and screenings will be conducted in accordance with Board policy {\*\*}EEAEA.

- 4. To help ensure the health, welfare, and safety of students, passengers and others relative to District provided transportation, the School Board has authorized use of video and/or audio surveillance on school buses. Conducting such surveillance, and the use of any subsequent recordings in student disciplinary proceedings, will be in accordance with Board policy {\*\*}ECAAF.
5. The School District or independent contractor will comply with all state and federal laws and regulations pertaining to the operation of school buses and will make these requirements known to bus drivers. It will also cooperate with local safety officials in formulating and accomplishing its school bus safety program.

B. Student Conduct on School Buses. Student conduct on District transportation shall be regulated in accordance with Board policy {\*\*}JICC and School Bus Conduct Rules {\*\*}JICC-R. See also Board policy {\*\*}EEA.

District Policy History:

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

District revision history:

Legal References:

- 20 U.S.C. §1232g, Family Educational Rights and Privacy Act
RSA 189:6-a, School Bus Safety
RSA 189:9-a Pupils Prohibited for Disciplinary Reasons
RSA 189:13-b, School Bus Driver & Transportation Monitor Criminal History Records Check
RSA 376:2, VII, Motor Carriage of Passengers
RSA 570-A:2, Interception and Disclosure of Telecommunication or Oral Communications
49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program
49 C.F.R. Part 382 (2021) Controlled Substances and Alcohol Use and Testing
49 C.F.R. Part 391 (1995), Qualifications of Drivers

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

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**SCHOOL BUS SAFETY PROGRAM**

**NHSBA history:** Revised – Sept. 2021, Sept. 2010, Sept. 2008, Feb. 2008, Feb. 2006

**NHSBA revision notes, September 2021,** Amendments were made to this sample policy to clarify drug and alcohol testing policies for contracted carriers, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2. Additionally, some duplicative language has been replaced with references to other applicable sample policies. **See also September 2021 revision notes to sample EEA.**

w/p-update/2021-U2/EEAE School Bus Safety Program 2021-U2 (vF)

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**SAFETY GUIDELINES FOR PARENTS/GUARDIANS OF STUDENTS USING SCHOOL BUSES**

*Category: Optional Guidelines*

*Related Policies: EEA, EEAE & JICC*

*Related Administrative Procedure: JICC-R*

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**ADOPTION/REVISION NOTES**

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

- (a) This NEW sample “-R” document is comprised of content formerly located in EEA-R, which is now withdrawn. It is intended as sample guidelines for administrators to use in student/parent handbooks, and not Board policy. Student bus conduct rules are found in JICC-R.*
- (b) General – As with all its sample policies and procedure, 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.*

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The following guidelines outline parent/guardian responsibilities relative to families using District school buses and transportation services.

1. Riding the school bus is a privilege. This privilege may be temporarily suspended or permanently revoked if a student’s misconduct violates School Bus Conduct Rules, jeopardizes the safe operations of the school bus or the safety of the children riding this bus. See Board policies {\*\*}EEA and {\*\*}JICC, and District regulations {\*\*}JICC-R.
2. Parents/guardians are responsible for the safety of their children from the time they leave home in the morning until the time they board the school bus; and at the end of the school day from the time the school bus departs the loading/unloading area and the children reach home. Once the child enters the school bus, the authority lies with the bus driver and the school.
3. Students should leave home early enough so that they arrive at the designated school bus stop point five (5) minutes before the scheduled arrival time of the school bus.
4. Parents/guardians should be aware of their responsibility not only for their child's behavior while on the school bus, but also their responsibility for damage caused by their child(ren) to the property of others, including the school bus. When a child walks to and from the bus stop, and while he/she waits at the school bus stop, and when he/she walks home from the school bus stop at the end of the school day, he/she must show consideration and respect for the property of those citizens whose homes and places of business are located along these routes.
5. Parents/guardians, together with the child, should develop a route to and from the school bus stop, or school, which minimizes the exposure of the child to vehicular traffic. Shortcuts through

**SAFETY GUIDELINES FOR PARENTS/GUARDIANS OF STUDENTS USING SCHOOL BUSES**

isolated fields and woods or across streams or railroad tracks can often be dangerous. Entering of abandoned houses or deserted buildings by children on their way to or from school should not be condoned. The route should be direct and uninterrupted.

6. Parents/guardians should walk with younger children to and from the school bus stop, using this opportunity to teach the child(ren) proper pedestrian practice. If the parents/guardians cannot accompany their child(ren), arrangements should be made, if possible, for older children (brother, sister, or neighbor) to escort the younger children to and from the school bus stop or school.
7. Parents/guardians should develop in their child(ren) an awareness of the molestation (personal harassment) problem. Encourage children not to accept candy, soft drinks, money, toys or rides from strangers or to associate with anyone they do not know. If your child is confronted with these problems on his/her way to or from school, he/she should tell you or his/her teacher as soon as possible. This is a situation that should be referred to the police.
8. Parents/guardians should realize that weather determines how a child is to be dressed. Encourage your child to wear the type clothing that will not only keep him/her warm and enable him/her to see where he/she is going, but also permit him/her to be seen. If the child(ren) cannot be seen by the drivers of vehicles, they are in danger. For example, white clothing is difficult to see in snow, but makes one clearly visible at night. If the weather is inclement, the child should be dressed for the occasion and leave a few minutes earlier than his/her normal starting time in order to reach the school bus stop or school safely and on time.
9. In inclement weather announcements regarding the closing of schools or school or delayed opening begin at approximately 6:00 a.m. During severe weather conditions, pertinent information concerning the transportation program will be announced on the radio.
10. The application of common sense is the best method of determining the role of the parents/guardians regarding the safety of children traveling to and from school, either as a passenger on a school bus or as a pedestrian.

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**District Policy History:**

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

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

***District revision history:***

**Legal References:**

RSA 189:6a, School Bus Safety

RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons

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**SAFETY GUIDELINES FOR PARENTS/GUARDIANS  
OF STUDENTS USING SCHOOL BUSES**

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**NHSBA history:** “New” guidelines September 2021

**NHSBA revision notes, September 2021,** see adoption note (a).

w/p-update/2021-U2 EEAE-R Parent Bus Safety Guidelines 2021-U2 (vF)

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## Raymond School District Policy - EEAEA

### MANDATORY DRUG AND ALCOHOL TESTING

In compliance with the United States Department of Transportation (49 CFR Part 40), school bus drivers are required to submit to drug and alcohol tests in accordance with the Rules and Regulations promulgated by that department.

The testing will be done by the Southern New Hampshire Regional Medical Center, at their Concord office on Pleasant Street; or by another equally qualified company selected by the District. The Center will review all mandatory drug testing including pre-employment, random, post-accident, reasonable suspicion, and return-to-duty. A laboratory certified by the Department of Health and Human Services will perform testing in compliance with the Department of Transportation regulations on the urine samples and delivered to them.

Random alcohol testing will be conducted at an annual rate of 10% of safety-sensitive positions and will be performed on National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device.

Random drug testing of employees will be done at an annual rate of 50% of the safety-sensitive positions. Employee numbers will be drawn from a general pool to which the District belongs with a number of other statewide employers. Arrangements will be made with Southern New Hampshire Medical Center so that these employees will go directly for a urine test when their number is drawn. The test site facility will be informed of the names to be expected.

The employee will be required to submit to a reasonable suspicion drug and/or alcohol test if his/her supervisor suspects drug and/or alcohol use. Behaviors believed to be a result of drug and/or alcohol use must be observed directly by the supervisor.

A medical review officer (MRO) will review any employee test that is positive from the Center to determine if the test is confirmed positive. The MRO will refer all employees who have a confirmed positive test for drugs to a substance abuse professional (SAP). The breath alcohol technician (BAT) will refer any employee whose breath test is 0.04 or above to an SAP. Department of Transportation (DOT) regulations outline procedures dealing with employees who test 0.02 to 0.039. The employee must fulfill the SAP requirements and follow-up testing in order to continue in their safety-sensitive position. The employee is responsible for these charges associated with SAP, drug/alcohol treatment, and follow-up testing.

Any employee who tests positive, meaning a concentration level of 0.02 or greater, will be subject to a second confirmation test. If the second test is also positive, the employee will be terminated from employment with the District.

The use, possession, sale, or transfer of illegal drugs, on or off the job, will be cause for termination. Refusal to participate in a drug screen or alcohol testing, whether selected randomly or for cause, will result in immediate termination.

MANDATORY DRUG AND ALCOHOL TESTING  
(continued)

All files on drug and alcohol testing are maintained by the Center. This information is strictly confidential. The District will be advised immediately if an employee fails the drug test or tests above 0.02 on breath alcohol measurement, and by mail for all negative tests.

I have received and understand the drug and alcohol testing policy of the District.

Bus Driver Signature: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

CC: Personnel File

Statutory/Regulatory Reference:

49 C.F.R. 391.41-391.49

RSA 200:37

See Appendix: EEAEA-R

Revised: May 16, 2002

**MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS**

*Category: Priority/Required by Law  
EEAEA-R*

*Related Administrative Procedure:*



**ADOPTION/REVISION NOTES –**

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- (d) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*



**1. Statement of Policy**

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle.

This policy applies to two categories of drivers:

- a. school bus drivers (see RSA 189:13-b; 263:29 & 29-a);
- b. “contracted carriers”: drivers of vehicles designed to transport 16 or more passengers, including the driver, which are a contract carrier of passengers that has been contracted by the school (see RSA 376:2).

Each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel.

The Superintendent/designee shall adopt and enact any procedures necessary or appropriate to assure compliance with applicable state and federal laws and regulations.

**2. Medical Examination of School Bus Operators**

In accordance with RSA 200:37, before employing any person as a school bus driver, directly or through a vendor, the District shall require that such persons submit a certificate signed by a

**MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS  
AND CONTRACTED CARRIERS**

licensed physician setting forth the physician's findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus driver, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually. *This provision does not apply to contracted carriers.*

**3. Certification**

No person shall be employed as a school bus driver, directly or through a vendor, unless the person has received a School Bus Driver's Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

Contracted carriers shall comply with all applicable provisions of RSA 376:2, as well as have a valid commercial driver's license and operate a vehicle with a valid state inspection sticker.

**4. Criminal Background Investigation**

Before employing any person as a school bus driver, directly or through a vendor, or as a contracted carrier, the School District shall require a criminal background investigation as set forth in RSA 189:13-a and School District policy {\*\*}GBCD. For a school bus driver employed directly by or who volunteers for the District, then the employee will pay for the investigation. If the District contracts with a vendor to provide transportation services, either the vendor or the driver will pay for the investigation at the discretion of the vendor.

**5. Mandatory Drug and Alcohol Testing**

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all commercial driver's license holders and personnel performing safety-sensitive functions related to the transportation of the students of this School District will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of the 49 C.F.R. Part 40. The District and any transportation contractor transporting students on behalf of the District shall utilize the Drug and Alcohol Clearinghouse to comply with all requirements for drug and alcohol testing and reporting, in accordance with 49 C.F.R. Parts 382 and 391.

The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportations services, the

**MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS**

vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing will include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. The School District supports a zero tolerance policy related to substance abuse. Therefore any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02<sup>1</sup> or greater will be terminated from employment.

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**District Policy History:**

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

***District revision history:***

**Legal References:**

- Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §5331
- RSA 200:37, Medical Examination of School Bus Operators
- RSA 263:29, School Bus Driver’s Certificate
- RSA 189:13-a, School Employee & Volunteer Background Investigations
- RSA 376:2, VII, Motor Carriage of Passengers
- 49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program
- 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing
- 49 C.F.R. Part 391, Qualifications of Drivers

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**NHSBA history.** Revised – August 2021, September 2008, May 2006; New policy – November 1999

**NHSBA revision notes. August 2021,** Amendments were made to this sample policy to include contracted carriers, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2, and to indicate which provisions of this policy affect both bus drivers and contracted carriers. Additionally, reference to the federal requirements relative to the Drug and Alcohol were inserted in Section 5. Some language has been edited for consistency and clarity.

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<sup>1</sup> [Delete footnote.] In adopting and altering this policy, the recommended blood alcohol concentration maximum of 0.02 should not be raised past the threshold of 0.04, which is the regulatory maximum under 49 C.F.R. 391.21(e)(3)(i).

**MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS  
AND CONTRACTED CARRIERS**

w/p-update/2021-U2/EEAEA Drug Testing Drivers 2021-U2 (vF)

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DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations Title 49, Part 382.

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations Title 49, §§ 40, *et seq.*

**Pre-Employment Tests**

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. This includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

**Post-Accident Tests**

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

who receives a citation under state or local law for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS  
(continued)

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided these tests conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

**Random Tests**

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

**Reasonable Suspicion Tests**

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS  
(continued)

**Enforcement**

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug- and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

**Return-to-Duty Tests**

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

**Follow-up Tests**

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS

(continued)

**Records**

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

**Notifications**

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials
2. The categories of drivers who are subject to the Code of Federal Regulations Title 49, Part 382
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382
4. Specific information concerning driver conduct that is prohibited by Part 382
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS  
(continued)

10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Adopted: May 16, 2002

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS**

Category: *Optional*

Related Policy: *EEAEA*

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**ADOPTION/REVISION NOTES –**

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

- (a) This sample procedure is unnecessary for districts which contract with outside transportation companies. Additionally, the content is based entirely on Federal regulations, which would supersede local policy. Any modifications should only be made with the advice of 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.*

~~~~~

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Title 49 of the Code of Federal Regulations Part 382.

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of Title 49 of the Code of Federal Regulations, §§ 40, et seq.

**Drug and Alcohol Clearinghouse.**

The District will comply with the requirements of the Drug and Alcohol Clearinghouse, in accordance with 49 C.F.R. 391.23. Among other things, the rules provide that school districts that employ their own school bus drivers, or that otherwise employ or authorize the volunteer service of any CDL drivers, are required to:

1. Establish a user account that will enable appropriate personnel to access the clearinghouse database.
2. Report information related to drug and alcohol program violations into the database, as required by the federal regulations.
3. Query the database as part of their obligation to identify prospective drivers who have committed drug and alcohol program violations and who are not legally permitted to operate

## DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS

or perform other “safety-sensitive functions” related to school buses or other commercial motor vehicles.

4. Query the database at least annually for every CDL driver that is currently subject to the employer’s DOT testing program.

### **Pre-Employment Tests**

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous 6 months and participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.

### **Post-Accident Tests**

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for 8 hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the

## DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS

District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

### **Random Alcohol and Drug Tests**

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random tests annually based upon the average number of driver positions must equal the greater of the respective rates determined annually by the United States Department of Transportation, or 15% for alcohol and 50% for.<sup>1</sup> Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

### **Reasonable Suspicion Tests**

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the Districts alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the drivers appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within 2 hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8 hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

### **Enforcement**

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and

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<sup>1</sup> Federal law governs the testing requirements for school transportation drivers. Under 49 CFR 382.305(c), the Federal Motor Carrier Safety Administration (FMSCA) sets an annual rate based on rates of incidents within a given industry. There's a website (<https://www.transportation.gov/odapc/random-testing-rates>) that updates the annual rates for each industry. For 2021, the rates are 50% for drugs, and 10% for alcohol.



## **DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS**

treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

### **Return-to-Duty Tests**

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

### **Follow-Up Tests**

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

### **Records**

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

### **Notifications**

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. the person designated by the District to answer driver questions about the materials;
2. the categories of drivers who are subject to the Code of Federal Regulations, Title 49,

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS**

Part 382;

3. sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the workday the driver is required to comply with Part 382;
4. specific information concerning driver conduct that is prohibited by Part 382;
5. the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the drivers or a coworkers); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall receive notice that certain personal information that is collected and maintained as part of the district's DOT testing program must be reported to the DOT's secure, online clearinghouse database. This includes, for example, verified positive test results, refusals to submit to any DOT-mandated test, any alcohol or controlled-substance use that is prohibited by federal regulation, and information about a driver's follow-up and return-to-duty tests.

Drivers shall also receive information about legal requirements, District policies, disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS**

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

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**District Policy History:**

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

**District revision history:**

**Legal References:**

- Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §5331
- 49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program
- 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing
- 49 C.F.R. Part 391, Qualifications of Drivers

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

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

**NHSBA history. Revised – August 2021**

**NHSBA revision notes, August 2021,** Changes are intended to (a) add reference to Federal regulations pertaining to the Drug and Alcohol Clearinghouse, in accordance with 49 C.F.R. 391.23. These changes are found under the new hearing on page 1 “Drug and Alcohol Clearinghouse, and under the Notifications heading. Additional changes appear under the heading Random Alcohol and Drug Tests to better reflect the Federal standards.

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
AND COMMERCIAL VEHICLE DRIVERS**

w/p-update/2021-U2 Summer/EEAEA-R Notes v2:2021-7-23 W

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STUDENT CONDUCT ON SCHOOL BUSES

Category: WITHDRAWN

Related Policies: EEA & JICC



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.



WITHDRAWN on [date board votes to withdraw]

Former policy {\*\*}EEAEC as duplicative of subject matter now entirely included within Board policy {\*\*}JICC. All reference in school handbooks or other District materials to EEAEC shall mean/refer to policy {\*\*}JICC.

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: Withdrawn – September 2021; Revised – April 2004, Nov. 1999, July 1998

NHSBA revision notes, September 2021, NHSBA withdrew sample EEAEC because the subject matter was the same as that included in JICC. Concurrent with the withdrawal of EEAEC, NHSBA also substantially restructured or revised most of its other transportation policies, including JICC. See revision notes to EEA and JICC for further information. See also Sept. 2021 revision notes for sample EEA.

w/p-update/2022-U1/EEAEC Student Conduct on Buses 2021-U2 (v3)

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**STUDENT CONDUCT ON SCHOOL BUSES**

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 - EEBB

### USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS

Any use of private vehicles for transportation of students to or from school on field trips, athletic events, or other school functions, must have prior authorization by the Superintendent or his or her designee. Those providing unauthorized student transportation do so at their own expense and liability.

Any employee or private citizen using their own or a rented vehicle to provide school-authorized student transportation must have auto liability insurance of not less than \$500,000 Combined Single Limit and provide a Certificate of Insurance naming the District as an Additional Insured. The District will maintain liability insurance, which will be in excess of the owner's primary insurance for authorized student transportation.

A person under contract to transport one or more children to school, on field trips, to athletic events, or other school functions must have a valid School Bus Driver Certificate from the Department of Safety. This person's vehicle must be approved by the N.H. Department of Safety as meeting all applicable school bus safety standards. (Parents transporting their own children are exempt from this requirement, even if reimbursed by the School District.)

Those providing transportation on an incidental basis, i.e., not specifically as part of a contract to transport, must have a valid driver's license, and a vehicle which has a current N.H. inspection sticker. A commercial license is required for any vehicle that has a capacity of 16 or more.

The Board specifically forbids any employee to transport students for school purposes without prior written authorization by the Superintendent or his or her designee. All employees who regularly transport students must have a School Bus Driver Certificate.

No student shall be sent on school errands using any automobile.

Reimbursement for use of private vehicles may be made, but only if the employee or other person has prior approval of the designated administrator.

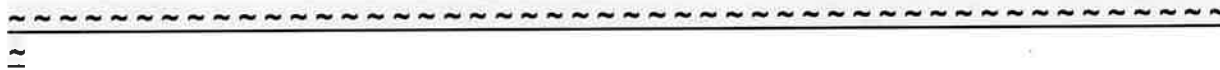
No student will transport another student for school authorized transportation.

Adopted: May 16, 2002

USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS

Category: Recommended

Related Policies: EEA



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.



Any use of private vehicles to transport students to or from school, field trips, athletic events, or other school functions, must have prior authorization by the Superintendent or his/her designee. The Board specifically forbids any employee to transport students, except the teacher’s own children, for school purposes without prior written authorization by the Superintendent or his/her designee. Individuals providing unauthorized student transportation do so at their own expense and liability.

Any employee or private citizen using their own or a rented vehicle to provide school-authorized student transportation must have automobile liability insurance of not less than \$500,000 Combined Single Limit and provide a Certificate of Insurance naming the District as an Additional Insured. The District will maintain liability insurance, which will be in excess of the owner's primary insurance for authorized student transportation.

Persons under contract with the school district to provide school transportation services must have a valid School Bus Driver Certificate/License in accordance with applicable rules and laws. All vehicles must be approved by the New Hampshire Department of Safety as meeting all applicable school bus safety standards. If operating a vehicle owned by a contracted carrier of passengers, and designed to transport 16 or more passengers (including the driver), the provisions of Policy {\*\*}EEAE apply in place of this paragraph. Parents transporting their own children are exempt from this paragraph, per Department of Safety regulations.

Persons providing transportation on an incidental basis, i.e., not specifically as part of a contract to transport, must have a valid driver's license, and the vehicle used must have a current New Hampshire inspection sticker. A commercial license is required for any vehicle that has a capacity of 16 or more.

No student shall be sent on school errands using any automobile. No student will transport another



## USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS

student for school authorized transportation.

Reimbursement for use of private vehicles may be made, but only if the employee or other person has prior approval of the designated administrator.

### **District Policy History:**

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

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

### ***District revision history:***

### **Legal References:**

N.H. Code of Administrative Rules, Saf-C 1304.05, Exemption From School Bus  
Driver's Certificate

RSA 376:2, VII, Definitions (Motor Carriage of Passengers)

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

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

**NHSBA history.** Revised – August 2021, April 2009, April 2004, November 1999, July 1998

**NHSBA revision notes. August 2021,** this sample policy was amended to clarify that contracted carriers are not characterized as private vehicles, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2.

w/p-update/2021-U2 Fall/EEAG Private Vehicles 2021-U2 (vF)

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## Raymond School District Policy - JICC

### STUDENT CONDUCT ON SCHOOL BUSES

Students using District transportation must understand that they are under the jurisdiction of the school from the time they leave home until they return home.

Students transported in a school bus shall be under the authority of the District and under control of the bus driver. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reasons for a student to be denied the privilege of transportation in accordance with the regulations of the School Board.

The driver of the bus shall be held responsible for the orderly conduct of the students transported. Each driver has the support of the Board in maintaining good conduct on the bus. If a student is to lose the privilege of riding the bus, advance warning will be given, except for extreme misconduct.

The Superintendent or his/her designee will develop rules and regulations for conduct on buses, and these shall be published in each Parent-Student Handbook.

Statutory Reference:

*RSA 189:6-9a*

*Appendixes EEA-R and JICC-R*

Adopted: April 3, 1972

Revised: August 1, 2002

STUDENT CONDUCT ON SCHOOL BUSES

Category: Recommended

Related Policies: EEA, JIC & JICD
Related Administrative Procedures: JICC-R

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ADOPTION/REVISION NOTES –

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

- (a) The 2021 update to JICC corresponds to changes to most of NHSBA sample policies relating to transportation, including the withdrawal of redundant sample policy EEAEC. In adopting the revisions to JICC – or adopting it in the first instance – districts should assure that they withdraw EEAEC. Because policy references can often be found in handbooks, procedures and other such documents, a district withdrawing EEAEC should retain a “withdrawn” copy in the manual, with direction that “All reference to EEAEC found in external materials shall mean / refer to policy JICC.”
(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.

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Students using school buses and other District transportation are under the jurisdiction of the School from the time they board the bus until they exit the bus. Additionally, Board policy {\*\*}JICDD applies to “out-of-school” student conduct, including, but not limited to, conduct at or near school bus stops.

The Superintendent or his/her designee will develop rules and regulations for conduct on buses. See District administrative School Bus Conduct Rules {\*\*}JICC-R and these shall be printed in the Parent-Student Handbook, made available on the District and/or school website, and provided in other languages as needed.

Failure to abide by the School Bus Conduct Rules Continued, disorderly conduct or persistent refusal to submit to the authority of the driver may result in a student to be denied or suspended from the privilege of transportation in accordance with the RSA 189:9-a, and applicable District rules and procedures. See {\*\*}JICC-R. Additionally, conduct on District transportation is subject to additional interventions, supports or consequences as provided in the Student Code of Conduct [or other such rules as termed by the district].

If a student is to lose the privilege of riding the bus (“transportation suspension”), advance warning

**STUDENT CONDUCT ON SCHOOL BUSES**

will be given, except for misconduct that threatens or the health, safety or welfare of other students, staff or any other person. Parents/guardians of students who have had bus privileges suspended have a right to appeal the suspension within 10 calendar days to the person who issued the original suspension. Transportation suspensions exceeding 20 days must be approved by the Board. Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil’s parent/guardian. The Superintendent shall include such appeal and review procedures in the School Bus Conduct Rules referenced in the preceding paragraph. Transportation suspensions may extend to all District transportation according to the Student Bus Conduct Rules.

Students transported in a school bus shall be under the authority of the District and under control of the bus driver. The driver of the bus, along with the bus monitor, if applicable, is responsible for the orderly conduct of the students transported. Each driver and monitor has the support of the Board in maintaining good conduct on the bus.

---

***District Policy History:***

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

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

***District revision history:***

***Legal References:***

*RSA 189:6-a, School Bus Safety*

*RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons*

*NH Code of Administrative Rules, Section Ed. 306.04(d)(1), School Safety*

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

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

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**NHSBA history.** Revised – Sept. 2021, October 2005

**NHSBA revision notes. September 2021,** This sample policy amended to clarify that the District has authority over student behavior on any official District transportation. **See also Sept. 2021 revision notes for sample EEA.**

w/p-update/2021-U2/JICC Student Conduct on Buses 2021-U2 (vF)

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**STUDENT CONDUCT ON SCHOOL BUSES**

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.

SCHOOL BUS CONDUCT RULES

Category: Recommended

Related Policies: EEA & JICC

Related Administrative Guidelines: EEAE-R



ADOPTION/REVISION NOTES –

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

- (a) These sample regulations replace previous JICC-R, and EEAE. They are not intended as school board policy, but rather administrative regulations and procedures to help administrators implement related board policies EEA & JICC. As with all administrative regulations, the scope and breadth are subject to school board policies and review, as well as applicable law.
- (b) As these are administrative regulations, adoption may be deferred until the 2022-23 school year.
- (c) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.
- (d) Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (e) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (f) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.



In order to ensure the safety of all students riding District provided school buses, appropriate behavior is required for all students. Transportation to and from school is an extension of the classroom and should be considered part of the school day. The issue of safety requires students to be on their best behavior while on school buses or vehicles.

The [Student Code of Conduct \_\_\_\_\_]<sup>1</sup> applies to students at all times when being transported on school buses or other District provided transportation to and from school or school activities. Thus, while students may lose the privilege to ride the bus or other District transportation due to students’ failure to maintain the behavioral expectations, students may also be subject to interventions and/or disciplinary consequences for the same behaviors according to the Student Code of Conduct.

**A. Behavioral Expectations & Rules for School Buses and Other District Provided Transportation.**

<sup>1</sup> [Delete footnote.] Name of consolidated behavioral and disciplinary rules which establish the District’s “system of supports and consequences” per RSA 193:13, XI. For further information see NHSBA samples JIC and JICD.

## SCHOOL BUS CONDUCT RULES

*[Add/subtract rules as deemed appropriate.]*

1. Students should arrive at the bus stop at least five (5) minutes before the bus is scheduled to arrive. The bus cannot wait for those who are not on time. If a student misses the bus, it is the parent/guardian's responsibility to transport the student to school.
2. Students shall wait in a safe place, clear of traffic until the bus stops, door is open, red flashing lights are on, and the driver has directed students to get on the bus.
3. Students shall wait in an orderly line and avoid horseplay.
4. Students may cross the road or street only in front of the bus only after the bus has come to a complete stop and upon direction of the driver (10-foot minimum crossing distance).
5. Students shall go directly to an available or assigned seat when entering the bus and move in toward the window.
6. Students shall remain seated until they have reached their designated stop and the bus has come to a complete stop. Aisles and exits must be kept clear at all times and emergency door will be used for emergencies only.
7. Students shall observe normal classroom conduct and obey the driver promptly and respectfully. The driver is in complete charge of the bus and his/her decisions and requests must be followed.
8. Students shall not engage in verbal abuse and/or use abusive language to others.
9. Students may carry only objects that can be held safely on his/her own lap. Musical instruments, athletic equipment bags and the like must be placed in the area designated by the driver.
10. Students shall refrain from throwing or passing objects on, from or into buses.
11. Students shall refrain from eating and drinking on the bus. *[Schools differ greatly on this particular rule, especially relative to sports activities. Modify as appropriate.]*
12. Students shall respect the rights and safety of others.
13. *[This rule differs depending on the grade levels. Modify as needed.]* Students may ride only the bus that they have been assigned, and students may only board or exit at their assigned stops. (Exceptions will only be made with a note from a Principal or Principal's designee.)
14. Students are prohibited from extending head, arms or objects out of the bus windows, and are not allowed to open windows without permission of the driver.
15. Only authorized riders are permitted on the bus.
16. When necessary, students will be expected to sit three passengers to a seat. *[Implementation of this rule may depend on a district's transportation contract.]*
17. Students are strictly prohibited from possessing or using tobacco, alcohol, drugs, or any

**SCHOOL BUS CONDUCT RULES**

controlled substance. In addition to any interventions or consequences pursuant to these rules or the [Student Code of Conduct \_\_\_\_\_],<sup>2</sup> The police will be notified whenever a student is involved with the possession and/or use of alcohol, drugs, or any illegal substances.

- 18. Students shall not use profane language or obscene gestures, and shall make any excessive noises while on the bus.
- 19. Fighting, wrestling or acts of physical aggression are strictly prohibited.
- 20. Students shall not deface or otherwise damage the bus, the driver’s or any other students belongings while on the bus. Students/Parents will be held responsible for any and all damages to the bus caused by the student by way of vandalism or other intentional or reckless conduct.
- 21. Pupil shall not carry hazardous material, nuisance items or animals onto the bus.
- 22. Students are prohibited from hitching rides via bumper or other parts of the bus.

**B. Response and Consequences for Misconduct on School Buses.**

Students not adhering to the above expectations may receive consequences as described below. However, **when a student engages in any conduct that threatens or impacts the health or safety of students, staff or others, the Principal, Transportation Coordinator or Superintendent may impose more significant and immediate consequences including lengthier transportation suspensions.**

The following will generally apply to violations of expectations 2 through 16:<sup>3</sup>

First Referral: will result in a letter of warning with a copy sent to the student’s parents/guardians, and a copy kept on file in the School Administrator’s Office and the Transportation Coordinator.

Second Referral: will result in one (1) hour after school detention. Parents/guardians must be notified prior to the implementation of the detention. It becomes the parents/guardians’ responsibility to transport or arrange other transportation for their children home after a detention.

Third Referral: will result in an immediate five (5) day suspension from District transportation to and from school.

The following will generally apply to violations of expectations 2 through 16<sup>4</sup>:

First Referral: will be an immediate five (5) day from all District transportation.

Second Referral: will be an immediate ten (10) day from all District transportation.

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<sup>2</sup> [Delete footnote.] See footnote 1.

<sup>3</sup> [Delete footnote.] Adjust numbers if adding/subtracting expectations.

<sup>4</sup> [Delete footnote.] Adjust numbers if adding/subtracting expectations.



SCHOOL BUS CONDUCT RULES

Third Referral: will result in the immediate suspension from all District transportation. "RSA 189:9 – Pupils prohibited for Disciplinary Reasons.

C. General Provisions Relating to Transportation/Bus Suspensions.

All transportation suspensions are measured by school days, not calendar days. Repeat transportation suspensions or suspensions over five (5) days will apply to all District transportation, including to and from school, as well as any school sponsored activity or program (e.g., field trips, athletic competitions, etc.).

Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil's parent/guardian.

Any suspension to beyond twenty (20) school days must be approved by the school board.

If a pupils transportation privileges have been suspended for violations of the behavior rules or other disciplinary reasons, the parent or guardian of that pupil has right of appeal within ten (10) days of suspension to the authority who issued the suspension.

The Board should consult with counsel regarding the procedures to apply at any Board review or appeal regarding suspension of an individual's transportation privileges.

Until any appeal is heard, or if the suspension of pupil's privileges to ride the school bus is upheld, it shall be the parents' or guardians' responsibility to provide transportation to and from school for that pupil for the period of the suspension.

D. Audio and Video Surveillance on School Buses.

Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2. See Board policy {\*\*}ECAF – Audio & Video Surveillance on School Buses.

E. Students with Disabilities:

Students with disabilities will be discipline in accordance with federal state law including the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, as set forth in the procedures developed by the administration.

District Policy History:

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

District revision history:

Legal References:

**SCHOOL BUS CONDUCT RULES**

RSA 189:6-a, School Bus Safety  
RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons  
RSA 193:13, Suspension and Expulsion of Students

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

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**NHSBA history:** Revised – Sept. 2021

**NHSBA revision notes, September 2021,** revisions to JICC-R were part of complete restructuring of NHSBA samples relative to student transportation services (see related policies referenced at top of this sample). **See also Sept. 2021 revision notes for sample EEA.**

w/p-update/2021-U2 Fall/JICC-R Student Conduct Regs 2021-U2 (v5)

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NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION  
POLICY SERVICES  
SPRING 2022 POLICY UPDATE

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Sample Policies Included in this Update

**BBB-F – Certificate of Oath of Office**

*Related Policies: BBB, BBBE & BCA*

*See Also: Technical Advisory BBB-TA*

- NHSBA withdrew sample appendix BBB-R in March 2022 and replaced it with sample appendix BBB-F.

**BBB-TA – Oath of Office**

*Related Policies: BBB, BBBE & BCA*

*See Also: BBB-F*

- New technical advisory issued March 2022.

**BIE – Board Member Indemnification**

Recommended sample policy

**Related Policies: BBB**

- NHSBA Sample policy BIE was revised to include exception to indemnification when board member violates his or her oath of office, or otherwise acts outside his/her authority. Also included additional legal references.

**DFGA – Crowdfunding**

Recommended sample policy

**Related Policies: EHAB, GBECB, JJE, JLCF, JRA & KCD**

- NHSBA created new sample policy DFGA in response to requests from multiple NHSBA member districts. While NHSBA recommends that school boards adopt a crowdfunding policy, a board could adopt a policy prohibiting crowdfunding outright. NHSBA can provide a sample of such a policy upon request. Adoption of DFGA requires modifications to sample KCD – Public Gifts/Donations

**FF – Naming of District Buildings and Facilities and Dedication of Areas**

Optional sample policy

- NHSBA created sample FF after receiving requests from multiple NHSBA member districts. The content of the sample policy may be freely modified according to local board preference.

**GBCD – Background Investigation and Criminal History Records Check**

Policy is Priority/Required by Law

**Related Policies: EEAE, EEAEA, GBCE, GDF & IJOC**

NHSBA revisions to sample policy GBCD include

- 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, both regarding education preparation candidates;
- added language re substitute teachers per 2022 amendment to 189:13-a, VI; and
- added additional policy cross-references;

**GBCD-R – Technical Advisory (concerning “School Employee Background Investigations Including a Criminal History Records Check”)**

Withdrawn

**Related Policies: GBCD**

- NHSBA withdrew former GBCD-R as obsolete. The sample was a copy of a 2010 TA from the N.H. Dept. of Safety and Dept. of Ed. concerning RSA 189:13-a (criminal history records checks). Prior to 2014, DOE TAs were

difficult to obtain, so NHSBA would include them as “-R” documents to make them more accessible to school districts. N.H. Dept. of Ed. withdrew the TA in 2010 as it did not reflect many post 2010 amendments to RSA 189:13-a. The Dept. of Ed. has since released several TAs regarding 189:13-a, :13-b & 13-c, all of which are available through the Dept. of Ed’s website.

### **GCAA – Highly Qualified Teachers**

Withdrawn

- Former policy GCAA pertained specifically to a requirement under 2001’s No Child Left Behind Act (“NCLB”) that teachers of core academic subjects meet a federal definition of “highly qualified”. NCLB was replaced in 2015 with the Every Student Succeeds Act (“ESSA”), which does not include the requirement for highly qualified teachers.
- Some districts adopted language in collective bargaining agreements that aligned compensation to NCLB’S Highly Qualified Status. Neither the passage of ESSA, nor the withdrawal of former sample GCAA would alone impact such language. Districts with such provisions in their CBA’s should consult with their labor counsel to determine how that language applies post NCLB.

### **IHBB – Programs for Gifted and Talented Students**

Sample optional policy

***Related Policies: IHBH, IHBI, IHCD/LEB, IK, IKFA, IMBC & IMBD***

Sample was revised to:

- include the definition of gifted and talented now provided in RSA 189:29-b (enacted in 2021, see HB321);
- include the requirement under that statute for districts to provide a narrative report to the N.H. Dept. of Education describing the district’s programs for gifted and talented students;
- recategorized as “recommended” because of mandated reporting requirement;
- added provisions to encourage more robust programming/input from boards; and minor edits.

### **IKL – Academic Integrity and Honesty**

Optional NEW sample policy

***Related Policies: EGAD, JICD & JICL***

- New sample policy prepared at the request of multiple NHSBA member boards.

### **IJOC - Volunteers**

Recommended (represents change, see note below)

***Related Policies: ABA, GBCD, GBCE & IJOA***

***See Also: Form IJOC-R***

Revisions include:

- moved definition of designated volunteer to sample GBCD;

- added FLSA definitional standards for “volunteer”;
- included formatting changes to improve useability;
- added information relating to assuring that volunteers are aware of the prohibition under the State human rights laws (RSA 354-A:31 & 32) against advocating or advancing discriminatory concepts (similar but broader than the prohibition against teaching such concepts under 193:40; and
- changed classification to “Recommended” as the former “required” component regarding designated volunteers is now included in sample GBCD.

---

### **Special Statement Concerning Removal of Former Sample JBAB**

In February 2022, NHSBA removed former optional sample policy JBAB – *Transgender & Non-Conforming Students* from its sample policy database. Sample JBAB was released in 2015 after NHSBA received requests for such a sample from multiple NHSBA member districts.

Since 2015, when NHSBA first made sample **optional** policy JBAB available in the NHSBA policy database, the legal protections based upon gender identify and the legal landscape relating to gender identity has changed in several important ways. The two most significant developments are:

1. In 2020, the United States Supreme Court decided the case of *Bostock v. Clayton County*. That case concerned employee protections under Title VII of the Civil Rights Act of 1964,. In its opinion the Court stated: "*It is impossible to discriminate against a person for being ... transgender without discriminating ... based on sex.*" *Bostock v. Clayton Co.*, 500 U.S. \_\_\_\_ (2020). Although the *Bostock* decision specifically concerned Title VII, education attorneys and legal commentators throughout the country believe that the rationale in that case extends equally to Title IX of the Education Acts of 1972, which prohibits discrimination against any person “based on sex” relative to any “education program or activity receiving Federal financial assistance.”
2. In 2019, New Hampshire passed RSA 193:38, providing in part: “No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their ... sex, gender identity, sexual orientation, ....”

Although it appears clear from the *Bostock* decision and RSA 198:38 that discrimination of a student or employee based upon gender identity/status is unlawful, what those authorities mean, and what constitutes prohibited discrimination, are still open questions. There are a myriad of issues concerning transgender protections in public schools currently being litigated in New Hampshire and throughout the country. Disputed issues include athletic participation, directed pronoun usage, parent right to information, student privacy, and others.

NHSBA sample policy AC includes the prohibition against discrimination based upon gender identity. However, that policy does not in and of itself provide guidance to school staff or students about how that prohibition is achieved. Former JBAB included a multitude of provisions local districts could consider in the effort to protect against unlawful discrimination based upon gender identity. However, NHSBA believes that the unsettled in this area of law, indicates that local boards should seek advice from private counsel to determine the best course of action in their respective districts to meet the legal requirements and minimize litigation exposure. This suggestion extends to Districts which have previously adopted sample JBAB or other policies addressing protection against discrimination based upon gender identity.

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### **Minor Policy Corrections**

NHSBA has made slight grammatic, typographic, or reference edits to the sample policies/procedures below. The edits do not significantly affect the substance of the policies. To the extent a district chooses to edit its own versions, Board action should not be required, but should be reported to board either for affirmation (after the fact) or approval. Please note that copies of these policies are not included in the update but can be located on the NHSBA policy website.

#### **BEDH – Public Comment and Participation at Board Meetings**

- Updated time limit examples in bullet point one and two to “[e.g. thirty, fifteen, etc.]” and “[e.g. three, five, etc.]”.

#### **EB – Workplace Safety Program & Joint Loss Management Committee**

- NH Code of Administrative Rules changed from “Lab 603.01.04” to “Lab 603.01-04”.

#### **EEA – Student Transportation Services**

- Section A, paragraph 5, at the end of the paragraph it references RSA 199-E:8. Changed the RSA to RSA 188-E:8.

#### **EEAA – Video and Surveillance on School Property**

- Updated second sentence by changing “Notwithstanding other Board policies, the Superintendent is authorized to allow video and/or audio recordings to the extent either required or prohibited by law.” to read the following:  
“... Notwithstanding other Board policies, the Superintendent is authorized to allow video and/or audio recordings to the extent allowed by applicable law.”

#### **GCEB – Professional Instructional Staff**

- Updated title.

**IHCA – Summer Activities**

- Updated legal references and NHSBA note.

**IHCD – Advanced Course Work/Advanced Placement Courses & STEM Dual & Concurrent Enrollment Program**

- Updated legal references and NHSBA note.

**IKF – High School Graduation Requirements**

- Page 3, section C, paragraph 2 – updated graduating date to “after June 20, 2023...”

**IMBC – Alternative Credit Options**

- Page 2 – updated bullet point to read “Distance, online or virtual learning opportunities under...”

**KDA – Public Information Program**

- Updated note at the end of the policy “will include, but not be limited to,...”

**JLCC-R – Communicable Disease**

- Changed the note to the policy being “withdrawn”.

**JLCJ – Concussions and Head Injuries**

- NHSBA revision note from November 2020 included the word “until”:  
“... DOE’s policy/plan will not be available “until” after the beginning of 2021...”

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Update/2022-U1/final/Cover Page - Spring 2022 (f)



Raymond School District Policy – BBBA-R\*

OATH OF OFFICE

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitutions thereof. So help me God.

Signature: \_\_\_\_\_

I, \_\_\_\_\_ do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as

\_\_\_\_\_  
Title of Office

According to the best of my abilities, agreeably to the rules and regulations of this Constitution and laws of the State of New Hampshire. So help me God.

Signature: \_\_\_\_\_

STATE of NEW HAMPSHIRE

\_\_\_\_\_  
SS

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_,  
the said \_\_\_\_\_ took and subscribed the above oaths.

Before me,

\_\_\_\_\_  
Moderator, Clerk, Justice of the Peace

Adopted: September 10, 1990  
R/R: 4/2/98  
Revised: June 6, 2002

CERTIFICATE OF OATH OF OFFICE

Related Policies: BBB, BBBE & BCA
See also: Technical Advisory BBB-TA

NOTE: This sample form is intended to assist school boards and other school district officers with respect to the Constitutional and statutory requirements relative to the oath of office. As a form only, no action by the Board is required before use.

\_\_\_\_\_ School District

Raise right hand (RSA 92:4):

I, \_\_\_\_\_ do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitutions thereof. So help me God.

I, \_\_\_\_\_ do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_ [Title of Office] according to the best of my abilities, agreeably to the rules and regulations of this Constitution and laws of the State of New Hampshire. So help me God.

NOTE: The word "affirm" may be substituted for "swear", and the words "This you/I do under the pains and penalties of perjury" may be substituted in place of "so help you/me God". RSA 92:4.

\_\_\_\_\_  
Signature of officer giving oath

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of officer administering oath:  
District Moderator, Asst. Moderator, Clerk, Board Member or Justice of the Peace

\_\_\_\_\_  
Print name of officer administering oath

Initial one:

Elected \_\_\_\_\_ OR Appointed \_\_\_\_\_

Term ends \_\_\_\_\_ (appointed officers serve until next election unless other statute applies)

(This certificate shall be returned to the office of the School District Clerk and retained with the permanent records of the School District)

For additional information and legal references, see NHSBA Technical Advisory BBB-TA, and N.H. Election Procedures Manual available on the website of the N.H. Secretary of State.

**OATH OF OFFICE**

*Category: Technical Advisory*

*Related Policies: BBB, BBBE & BCA  
Related Form: BBB-F*

*This document is a technical advisory only, intended to provide school boards and school district officers guidance and information relative to the Constitutional and statutory requirements relative to the oath of office. **As a technical advisory, no action by the Board is required.***

School board members, as well as school district moderators, clerks, treasurers and other elected, re-elected, appointed or re-appointed, district officers, are required to take an oath of office pursuant to Pt. II, Article 84 of the New Hampshire Constitution. See also RSA 92:2, and RSA 42:1 (applicable to school districts per RSA 194:1). Unfortunately, the statutes applicable to the timing and manner of giving or administering the oath for school district officers are sprinkled throughout various titles and chapters of the New Hampshire Revised Code Annotated (i.e., “RSA”).

**A. Term of Office.** Under RSA 671:3, the term of office for district officers runs from officer’s election (or appointment), until the election and qualification of a successor. The oath of office is an essential and the last “qualification” to serve as an official. Accordingly, the term of office for an officer begins upon taking the oath<sup>1</sup> following the conditions outlined in section B below. Conversely, **the person holding the office before the election** (or appointment if no vacancy) whether it is someone who did not run again, or ran and was not declared the winner, **will hold office until the newly elected person takes the oath.**

**B. Time and Place for Taking Oath.**

1. **Elections.** With few exceptions<sup>2</sup>, **if no recount is requested**, a person elected to a school district office should be sworn as soon after the Friday following the election.
  - a. **If a recount is requested, and the originally declared winner is affirmed**, then that person may take the oath as soon as practicable after the declaration of recount results.
  - b. If a **different person is declared the winner after a recount, and no appeal** of the result is taken, then the newly declared winner may take the oath and office on the sixth day following the recount.
  - c. If a **different person is declared the winner after the recount, and an appeal is taken**, that newly declared winner (i.e. after the recount) does **not** take the oath or take office until after a final ruling on the appeal.
2. **Failure to Timely Take Oath.** Under RSA 42:6, a person elected to office is guilty of a violation if s/he fails to take the oath within 30 days of the election. Additionally, under RSA 652:12, that office is deemed vacant, tantamount to forfeiture of the office by that person.
3. **Appointments.** Persons **appointed** to office take the oath of office (vacancy or non-elected) upon their appointment.

<sup>1</sup> The one exception is the district treasurer whose term begins after the later of the beginning of the fiscal year or the taking of the oath. I.e., the treasurer can be sworn in at the same time as other elected officers, whose terms would begin upon the swearing in, but the treasurer’s term does not begin until the new fiscal year. See RSA 671:6.

<sup>2</sup> Most notable exceptions are: (1) the treasurer, see footnote 1, and (2) if a candidate ran unopposed, AND no write-in candidate received one vote for that office, the candidate may take office/the oath as soon as the results are declared and the annual meeting has concluded (see RSA 671:32 , 669:10, II & 669:30).

**OATH OF OFFICE****C. Who May Administer the Oath.**

The power to administer oaths for school district officers is given to the district moderator, clerk, assistant moderator, any sitting member of the school board, and any justice of the peace. See RSA 92:5, 197:19, 19-a, and 20.

**D. Form, Place and Manner.**

- 1. Form.** The form of the oath (i.e., the oath itself), is as proscribed in the N.H. Constitution. See Section E, below, and NHSBA sample BBB-F. Under RSA 92:3, the word "*affirm*" may be substituted for "*swear*," in the form of the oath; and the words "*This you do under the pains and penalties of perjury*," instead of "*So help you God*."
- 2. Place.** There are no specific requirements relative to where the oath may be administered. Many districts swear their newly elected officers in at a school board or other public meeting, but that is not required.
- 3. Manner/Ceremony.** Other than the form of the oath itself, the only requirement as to administration of the oath is that the person giving the oath raise her/his right hand. RSA 92:4.

**E. Certificate of Oath.** The person administering an oath is required to "file a certificate" of the oath with the District Clerk (c/o SAU). All Certificates of Oath of Office shall be maintained as records of the District. See NHSBA sample form BBB-F.

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**Legal References:**

*N.H. Constitution, Pt. II, Art. 84*  
*RSA Chapter 42, Oaths of Town Officers*  
*RSA Chapter 92, Tenure and Oath of Office in Certain Cases*  
*RSA 197:19, Moderator*  
*RSA 197:19-a, Assistant Moderator*  
*RSA 197:20, Clerk*  
*RSA 652:12, Vacancies*  
*RSA Chapter 669, Town Elections*  
*RSA Chapter 671, School District Elections*  
*N.H. Election Procedure Manual (Accessible on website of the N.H. Secretary of State, Elections Division)*

***Legal References Disclaimer:*** *These references included as additional resources for those interested in the subject matter of the technical advisory, are not intended as a comprehensive or exclusive compilation of applicable laws.*

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**NHSBA history:** New Technical Advisory, March 2022.

w/p-update/2022-U1 Spring/BBB-TA Oath of Office 2022-U1 (1)

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# CERTIFICATE OF OATH OF OFFICE

## Raymond School District

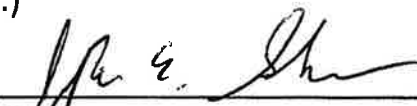
Raise right hand (RSA 92:4):

I, Joseph Savinier do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitutions thereof. So help me God.

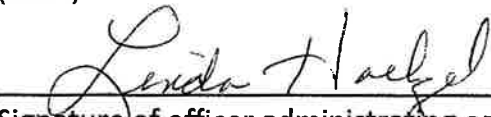
I, Joseph Savinier do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as School Board Member - 3 yrs [Title of Office] according to the best of my abilities, agreeably to the rules and regulations of this Constitution and laws of the State of New Hampshire. So help me God.

Elected  OR Appointed  Term ends 2025 (appointed officers serve until next election unless other statute applies)

(This certificate shall be returned to the office of the School District Clerk and retained with the permanent records of the School District.)

  
Signature of officer giving oath

03-16-2022  
(Date)

  
Signature of officer administering oath:  
District Moderator, Asst. Moderator, Clerk, Board Member  
or Justice of the Peace

Linda Hoelzel  
Print name of officer administering oath

Raymond School District Policy - BIE

BOARD MEMBER INDEMNIFICATION

The members of the Board and its employees and agents act as agents of the District. None of these individuals should be placed in a position of personal liability for the performance of the responsibilities vested in them by the voters of the District and the state and federal governments.

In order to protect the individual members of the Board, its employees and other agents, and the educational interest of the community, the Board will purchase, from public school funds, in the absence of governmental immunity or in coordination with governmental immunity, adequate insurance to indemnify Board members and agents of the District for their official actions in the service of the School District.

Statutory Reference:

*RSA 31:104, 105, 106, and 107*

*RSA 507:B*

Adopted: June 6, 2002

BOARD MEMBER INDEMNIFICATION

Category: Recommended

Related Policies: BBB

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ADOPTION/REVISION NOTES –

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

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

~~~~~

The members of the Board and its employees and agents act as agents of the District. None of these individuals should be placed in a position of personal liability for the performance of the responsibilities vested in them by the voters of the District and the state and federal governments.

In order to protect the individual members of the Board, its employees and other agents, and the educational interest of the community, the Board will purchase, from public school funds, in the absence of governmental immunity or in coordination with governmental immunity, adequate insurance to indemnify Board members and agents of the District for their official actions in the service of the School District.

Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who violates the oath of office, or otherwise engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

District Policy History:

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

**BOARD MEMBER INDEMNIFICATION****Legal References:**

RSA 31:104, Powers and Duties of Towns: Liability of Municipal Executives  
RSA 31:105, Powers and Duties of Towns: Indemnification for Damages  
RSA 31:106, Powers and Duties of Towns: Indemnification: Civil Rights Act  
RSA 31:107, Powers and Duties of Towns: Purchase of Insurance  
RSA Ch. 92, Tenure and Oath of Office in Certain Cases  
RSA 194:1, What Constitutes a District (*replace "town" with "district" in town statutes*).

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

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***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 – May 2022, Nov. 1999, July 1998

**NHSBA revision notes, May 2022,** revised to include exception to indemnification when board member violates his or her oath of office, or otherwise acts outside his/her authority. Also included additional legal references.

w/p-update/2022-U1 Spring/BIE Board Member Indemnification 2022-U1 (2)

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CROWD FUNDING

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

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

KCD

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**ADOPTION/REVISION NOTES –**

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**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 teachers and school sponsored activities 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 to solicit donations, whether monetary or in-kind, on behalf of the School District. 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

<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.

**CROWD FUNDING**

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 employee 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.

**CROWD FUNDING**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 \$250. [<sup>2</sup> 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 \$250, 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 \$500 [<sup>3</sup>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.

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<sup>2</sup> [Delete fn.] NHSBA's sample policy KCD allows the Superintendent to approve gifts up to the value of \$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 exceeding \$5,000, 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.

**CROWD FUNDING**

If a proposed campaign seeks a dollar value in excess of \$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 RSA 198:20-b, only the Board has the authority to approve a campaign that seeks a dollar value in excess of \$500. [<sup>4</sup> 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

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

CROWD FUNDING

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.

D. 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.

E. 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.

District Policy History:

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

Legal References:

RSA 198:20-b – Appropriation for Unanticipated Funds Made Available During Year

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.

**CROWD FUNDING**

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**NHSBA history:** New policy – May 2022.

**NHSBA notes, May 2022,** NHSBA created policy FF in response to multiple requests from member school districts.

w/p-update/2022-U1 Spring/DFGA Crowd Funding 2022-U1 (f)

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Raymond School District Policy - FF

NAMING NEW FACILITIES

The general procedures for naming a new school facility shall be:

1. The School Board shall appoint a committee composed of three citizens, and two members of the School Board.
2. Said committee to present a list of not less than three names, or more than five, to the School Board.
3. The Board will make a final decision.

Adopted: August 7, 1974

R/R: 3/23/89

Revised: May 16, 2002

NAMING OF DISTRICT BUILDINGS AND FACILITIES AND DEDICATION OF AREAS

Category: Optional



ADOPTION/REVISION NOTES –

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

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(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. PURPOSE AND GENERAL POLICY

The purpose of this policy is to establish a process and guidelines for the naming of School District school buildings or facilities, and dedication of areas of buildings or facilities.

The naming of a building or facility, or the designation of an area of a building or facility, is an extraordinary and rare event falling within the authority of the School Board as the District’s governing body. The Board should not consider such actions lightly nor base them on recent notable events.

For purposes of this policy, “buildings and(or) facilities” shall mean and include every school, school district building, [stadium], athletic field, playground, or other real estate owned or leased by the District, or otherwise under the jurisdiction of the School Board.

“Area of buildings or facilities” refers to identifiable spaces/core areas within a building or facility, including but not limited to such spaces as media centers, gymnasiums, auditoriums, hallways, wings, etc.

The Board retains the authority in its sole discretion to name, rename or change, in whole or in part, the name of any building or facility, or the designated name of any area of a building or facility. Such naming, renaming, or changing may be considered at any time the Board so chooses, including, without limitation, naming proposals recommended prior to construction,



## NAMING OF DISTRICT BUILDINGS AND FACILITIES AND DEDICATION OF AREAS

when construction is in progress, or after being acquired, by the district.

### B. GENERAL GUIDELINES FOR NAMING OF BUILDINGS OR FACILITIES OR FOR DEDICATION OF SPACES.

1. The naming of school buildings or facilities or dedication of building/facility spaces is the ultimate responsibility of the School Board. Individuals or groups may submit a written naming or dedication proposal to the Superintendent. Naming or dedication proposals should include any information relating to the guidelines below, along with any other information the person/group making the proposal deems appropriate to enable the Board to make an informed decision.
2. The Superintendent will place the proposal on a Board<sup>[1 delete fn.]</sup> meeting agenda, with his/her <sup>[the committee's]</sup> recommendation as to how to proceed.
3. If the Board determines that further study is required, or if the naming/dedication is at the Board's own initiative, the Board may establish a committee or may delegate to the Superintendent the responsibility of evaluating the proposal, or for determining a process for naming a specific building or facility, or dedicating an area of a building or facility.
4. Whether included in an original proposal or not, the Board will consider required fiscal or personnel resources that might be associated with the naming/renaming or dedication.
5. Before making any final decision regarding naming/renaming or dedication, the Board shall solicit input from the students and staff of the particular building or facility as well as from the public at large.
6. The final decision to name/rename a building or facility, or to dedicate/re-dedicate any building or facility area shall be made by the Board by way of formal resolution, which may simply be an approval of a written proposal or recommendation.

### C. GUIDELINES FOR NAMING OF BUILDINGS AND FACILITIES

The School Board recognizes that the official names of district buildings and facilities are vital to the district's public image and must stand the test of time. Accordingly, when selecting names for facilities, the Board will emphasize effective public communication and the honor and integrity that the name will reflect upon the building or facility.

A name for building or facility shall be that of:<sup>[2delete fn.]</sup>

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<sup>1</sup> [Delete fn.] If a District has a "facilities" or some such committee, the policy could assign the review/recommendation step to that committee.

<sup>2</sup> [Delete fn.] Boards considering using for profit companies for sponsorship or naming rights should consult with private counsel, especially when the facilities to be named were/are constructed or improved with proceeds of tax-exempt bonds or a tax-exempt lease/purchase. Similarly, naming of a building or facility "in consideration" for a financial contribution should be reviewed by counsel to determine and establish a formal understanding/agreement of the extent of the naming rights (e.g., term of years, upkeep, etc.).

NAMING OF DISTRICT BUILDINGS AND FACILITIES AND DEDICATION OF AREAS

- 1. The community, location, road or street where the public school building is located;
2. A significant and distinguishable landmark or geographical feature which will identify the school's location;
3. An educational practice, concept or aspiration;
4. A deceased person [3delete fn.] who made significant contributions to the nation, the State of New Hampshire, the [Town of \_\_\_ {OR if a coop}the \_\_\_ District or the town in which the school building/facility is located] taking into account the following criteria:
a) Outstanding and exceptional support of and service to or on behalf of public school students or schools;
b) Outstanding citizenship and character;
c) General service to the community;
d) Superior ethical standards; and/or
e) Philanthropic or financial contributions made by the person to the school district.

The person shall have been deceased a minimum of \_\_\_ years.

- 5. The mascot of a District school.

D. GUIDELINES FOR DEDICATION OF A BUILDING OR FACILITY AREA

Dedication of spaces or areas in a building or facility may be made using the same criteria for naming of buildings or facilities but may also recognize the outstanding service of a living school district employee, school district official, volunteer or community leader provided a minimum of \_\_\_ years has elapsed from the date of completion of service of the person to be honored.

District Policy History:

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

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3 [Delete fn.] As with the balance of this policy, the "deceased" requirement is optional. Some districts merely have an "X numbers of years since retirement" option as well.

**NAMING OF DISTRICT BUILDINGS AND FACILITIES  
AND DEDICATION OF AREAS**

**NHSBA history:** New policy – May 2022.

**NHSBA revision notes, May 2022,** NHSBA created policy FF in response to multiple requests from member school districts.

w/p-update/2022-U1 Spring/FF Naming of District Buildings and Facilities 2022-U1 (f)

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PROGRAMS FOR GIFTED AND TALENTED STUDENTS

Category: Recommended

Related Policies: IHBB, IHBI, IHCD/LEB, IK  
IKFA, IMBC & IMBD



**ADOPTION/REVISION NOTES –**

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The Board recognizes the benefit of programs for gifted and talented students. For the purposes of this policy, “gifted and talented student” shall mean “a student identified as having unique academic, artistic, or athletic potential.” [delete footnote]

[OPTIONAL paragraph] The Superintendent [may [OR]/shall] make recommendations to the Board regarding assessments, data and indicators used to determine gifted and talented status and/or regarding programs for such students.] The District will actively assist and support professional development for teachers, educational services staff, and school leaders in the area of gifted and talented instruction.

[OPTIONAL - Only include this paragraph if District has G&T programing/processes] The district shall make detailed information available on its website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered

<sup>1</sup> [Delete footnote.] The quoted language is taken directly from the definition provided in RSA 189:29-a. The full definition reads as follows: “means a student identified as having unique academic, artistic, or athletic potential according to **assessments selected and administered locally.**” In short it leaves the substantive components of the qualitative definition to the local school district. This sample policy directs the Superintendent to establish such standards. The last paragraph of the policy restates the reporting requirement of RSA 189:29-a.

**PROGRAMS FOR GIFTED AND TALENTED STUDENTS**

to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student’s needs with services, and any applicable timelines in the identification process.

Beginning in the 2022-2023 school year, the Superintendent shall submit to the New Hampshire Department of Education, no later than August 1, an annual narrative report detailing the policies, programs, and procedures that are in place to identify and accommodate the unique needs of gifted and talented students. If no such policies, programs, or procedures exist, the report shall so state.

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**District Policy History:**

First reading: \_\_\_\_\_ Last revised: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_ Reviewed/reaffirmed: \_\_\_\_\_

Other district policy notes: \_\_\_\_\_

**Legal References:**

RSA 189:29-b, Identification and Accommodation of Gifted and Talented Students

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

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**NHSBA history:** Revised – May 2022, Nov. 1999, July 1998

**NHSBA revision notes, May 2022,** revised to include the definition of gifted and talented now provided in RSA 189:29-b (enacted in 2021, see HB321), as well as the requirement under that statute for districts to provide a narrative report to the N.H. Dept. of Education describing the district’s programs for gifted and talented students; recategorized as “recommended” because of mandated reporting requirement; added provisions to encourage more robust programming/input from boards; and minor edits.

w/p-update/2022-U1 Spring/IHBB Gifted and Talented Students 2022-U1 (1)

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ACADEMIC INTEGRITY AND HONESTY

Category: Optional

Related Policies: EGAD, JICD & JICL



ADOPTION/REVISION NOTES –

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

- (a) *New policy May 2022.*
- (b) *USER SUGGESTION – Because of ADA compliance requirements, and other technological restrictions, some intended formatting does not appear on sample policies available through the NHSBA main policy database page. For MS Word versions of the samples (after 2008), we recommend accessing samples through the “Previous Policy Updates” link on the bottom of the NHSBA policy homepage. The password is the same as for the main policy database page.*
- (c) *General – As with all sample policies/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.*
- (d) *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.*
- (e) *{\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*



- 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 toward 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 the 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. **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,

**ACADEMIC INTEGRITY AND HONESTY**

of the published or unpublished work of another without full and clear acknowledgment through proper citation format. 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.

3. **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.
4. **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.
5. **Dishonesty in Papers.** Dishonesty in papers entails using a writing service or having someone else write a paper for the student. All work submitted for a course must be the student's own original work unless the sources are cited.
6. **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.
7. **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.
8. **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.
9. **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

**ACADEMIC INTEGRITY AND HONESTY**

[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 high school student, violations of academic integrity and honesty are cumulative during the student’s high school years.

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**District Policy History:**

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

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

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**NHSBA history:** New policy – May 2022

**NHSBA revision notes, May 2022,** new policy prepared at the request of multiple NHSBA member boards.

w/p-update/2022-U1 Spring/IKL - Academic Integrity & Honesty 2022-U1 (f)

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