

Raymond School Board Policy Committee Meeting
Monday, August 22, 2022, 11:00 AM
SAU 33 Office
43 Harriman Hill Road, Raymond NH
AGENDA

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

EFAA School Lunch Program Meal Charges

Among a few other small changes noted in the policy above, it's the recommendation of our School Nutrition Services Director Tasha Ball to remove the high school policy relative to negative balances and receiving lunches and use the elementary and middle school policy for the entire district.

She provides some backup information regarding the requirement to feed all students ([click here](#)) and notes that NH policy supersedes USDA policy. She also provided USDA [guidance on unpaid meals](#).

BEDH Public Participating at Board Meetings

Current Raymond Policy

NHSBA Policy

NHSBA Special Update

- IV. Old Business

IHCD Advanced Coursework & IKFG Career Readiness Pathways & Credentials

The Policy Committee had approved NHSBA's IHCD Advanced Coursework to replace our current policy, pending looking into #10. After review, this is an item that should stay in the policy and we would like to also propose adoption of IKFG Career Readiness Pathways & Credentials as referenced in #10.

BGD Board Review of Admin Regulations & BBBC Board Member or Officer Resignation

These policies were discussed at the February 9, 2022 Policy Meeting, but we're unable to determine what the Policy Committee's recommendations were. (Notes don't mention either of these.)

BGD Board Review of Admin Reg's

No corresponding policy

NHSBA has provided clarification as to the definition of "Administrative Regulations":

"The superintendent is generally charged with implementing board policies. This is done through the superintendent's directives, rules, regulations and procedures. The superintendent, in turn, delegates some of that authority to various administrators (e.g., BA for finance, principals for building, etc.)."

Regulations must be consistent with board policy, and as such are reviewable by boards as such boards desire.”

Raymond Policy: [BBBC Board Member or District Officer Resignation](#)

NHSBA Policy: [BBBC Board Member or District Officer Resignation](#)

BHE School Board Use of Email

Follow-up from the January 14, 2022 Policy Committee meeting, with the requested information from NHSBA for your review.

Raymond Policy: [BHE School Board Use of Email](#)

NHSBA Policy: [BHE School Board Use of Email](#)

Correspondence with NHSBA:

Q. Regarding a quorum of the board posting (or rather, *not* posting) on social media regarding school business, I was asked to check into if this applies if it happens on a board member's personal Facebook page, not a public platform? And a follow up, do the same rules apply to text messages?

A. The easy part is the same rules apply to all forms of communication, in-person, telephonic, digital, etc.. See "meeting" definition in the first paragraph of 91-A:2, I.

As to private social media, individual members may maintain their own page, but they must make it clear that the page is not associated with the district, and any comments are by the person in their individual capacity. I have attached our main [Right to Know law information packet](#), where the social media issue is discussed most specifically at pages 36-38.

EB Workplace Safety/Joint Loss

In January, the Policy Committee reviewed this policy and asked for information about the makeup and meeting frequency. Dave DeRuosi provided that information in an email to the committee: "They meet once a quarter and rotate locations (one quarter at each building). It includes: Marjorie, Todd, Pat Arsenault, Sandy Burroughs (Primex), Judy DiNatale, Karen Stuart, Meredith Horgan, Andrea Huntley, as well as the nurse and Principal of which building we are meeting at."

Raymond Policy: [EB Safety Program](#)

NHSBA Policy: [EB Workplace Safety Program & Joint Loss Management Committee](#)

DFGA Crowdfunding

The Policy Committee reviewed the NHSBA Sample Policy DFGA Crowdfunding. Though it was not moved forward, we were asked to check with NHSBA if they have a policy to prohibit crowdfunding. They do not have one specific to that, though they said "A Board could prohibit it."

DH Bonded Employees

The Policy Committee had approved NHSBA's policy DH Bonded Employees to replace ours, pending Marjorie's further review of advice from Primex on bonding limits. The Policy Committee had asked if, based on response received from Primex, the limit in the policy should be \$500,000. Marjorie states that the amount in the policy should stay at \$100,000.

EEA Student Transportation Services

FYI: The Policy Committee had approved NHSBA's EEA Student Transportation Services to replace our current policy, after clarifying that the last paragraph of item A (top of page 2) is correct and in practice. Marjorie has confirmed that the information in that paragraph is correct.

Raymond School District Policy

EFAA – SCHOOL LUNCH PROGRAM MEAL CHARGES
Draft Proposed Changes

The District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase breakfast and lunch from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash, check, or as a debit against funds deposited into an established student lunch account.

The school lunch program is required by federal law to operate as a non-profit which must end each fiscal year without a negative balance. Uncollected debt must be paid to the school lunch program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into positive balance, to avoid circumstances where these accounts build significant debt.

Student Meal Accounts

The District uses a point-of-sale computerized meal payment system which has an account for all students. Parents of students who will be purchasing meals using this system are required to establish and maintain a positive balance in the student's meal account.

Funds may be deposited into a student lunch account by cash, check, or online payment. Payments by cash or check can be made at the school. A check may also be mailed to the School Nutrition Services Director (Raymond High School, 45 Harriman Hill Road, Raymond, NH 03077). Checks should be made out to *Raymond School Nutrition Services*. The District utilizes the services of an online payment system. Information about and access to this payment system can be found on the district website. The use of checks or on-line payments is encouraged, as each provides a record. Parents are responsible for any fees charged by the online service.

Any bank fees incurred on any check returned for insufficient funds will be charged to the parent. In accordance with RSA 358-C:5, notice of the fee charged for a check that is returned for insufficient funds shall be included in any letter sent to a parent seeking payment because the student meal account has a negative balance.

Each notice to parents will include information on how to verify a student meal account balance, to resolve concerns regarding the accuracy of the account balance, or to obtain information on the school meal program, including the name, title, hours when available, phone number, and e-mail address of an appropriate member of the District staff.

Parental Restrictions on Use of Student Meal Account

Parents who establish a meal account for their student are solely responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. Note that the District's online payment system allows a parent to check their student's transactions and balance at any time.

Balance Statements

The District will work proactively with parents to maintain a positive balance in their student's meal account. The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to

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parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

The notices will be sent by e-mail when practical, otherwise by a note, sealed in an envelope, sent home with the student. Only those District staff who have received training on the confidentiality requirements of federal and state law, including the United States Department of Agriculture's ("USDA") guidance for school meal programs, and who have a need to access a child's account balance and eligibility information may communicate with parents regarding unpaid meal charges. Volunteers, including parent volunteers will not be used to communicate with parents regarding unpaid meal charges. 42 U.S.C. 1758(b)(6).

The District recognizes that unexpected financial hardships occur and will attempt to work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students' meal account into a positive balance. The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

Free or Reduced Price Meals

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals.

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year **via a start of the year email** as well as in the student handbook, and upon enrollment of a transfer student during the school year. It will also be available on the School Nutrition Services pages of the District website. Each notice shall also identify a member of the District staff, with contact information, who is available to answer questions or assist the parents with applying for free or reduced price meals.

Parents with limited English proficiency or print disabilities should contact the School Nutrition Services Director for assistance in understanding any part of this policy.

The District will proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law. **Free and Reduced status is not retroactive and therefore parents are encouraged to submit applications prior to the start of school.**

The District will provide a copy of this policy and application materials for free or reduced price meals to town welfare offices/human services offices and other local social service agencies who may have contact with parents who are confronting layoffs or other financial hardship.

Students Without Cash in Hand or A Positive Account Balance

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents

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chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents will be sent home in sealed envelopes with the student or through US Mail. Resolution of the problem should seek to ensure the student has ongoing access to an appropriate meal.

Should the student's meal account balance fall below zero, a balance statement requesting immediate payment shall be sent to parents no less than once each week.

Elementary and Middle School: Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal (not a la carte items) from among the choices available to all students.

If the student's meal account balance debt grows to \$15.00 or more a letter demanding immediate payment shall be sent by US Mail to the parent or the parent shall be contacted by Raymond School Nutrition Services by phone or in person. Where warranted, the School Nutrition Services Director may arrange a payment schedule to address current meal consumption and arrearages while the school continues to provide the student with meals. If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with the principal.

When appropriate, the Principal should explore with the parents whether an application for free or reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family. The District may refer parents to school social workers and/or school counselors to identify and explore potential resources.

If a student with a negative balance in his or her meal account seeks to make a purchase with cash or check, the student will be allowed to do so. There is no requirement that the funds be applied first to the debt.

~~**High School:** Parents of high school students whose balance grows to \$15.00 will be notified that once the balance grows to \$30.00, the student will no longer be permitted to charge any items.~~

~~When appropriate, the Principal should explore with the parents whether an application for free or reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family. The District may refer parents to school social workers and/or school counselors to identify and explore potential resources.~~

~~If a student with a negative balance in his or her meal account seeks to make a purchase with cash or check, the student will be allowed to do so. There is no requirement that the funds be applied first to the debt.~~

Unresolved Debt

Parents in need of assistance for unresolved food service debt are encouraged to contact the School Nutrition Services Director to explore options for repayment or to discuss the possibility of a payment plan, if applicable.

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If no approved payment plan is in place, and a student with a balance of over \$30 continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested. If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school meal program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

Applying the policy set forth above, the Superintendent shall determine if further collection efforts are in the best interest of the District. Any payments collected on debt that has been offset with District funds, shall be credited to the District. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act.

The Superintendent shall try to identify non-profit charities that are willing to contribute funds to the district to assist in keeping a positive balance in the meal account of students whose parents do not qualify for free meals and who due to financial hardship are unable to consistently keep the student meal account in a positive balance. If at the end of the fiscal year uncollected debt in student meal accounts must, as a last resort to fulfill federal requirements, be paid to the school meal program from other District funds, the parents' debt for unpaid meal charges shall be owed to the District.

Students who have a balance of over \$30 will not be permitted to participate in the Senior Class Trip unless the balance is paid in full or parents have made prior arrangements with the School District for an approved payment plan. Parents will be notified of this procedure annually beginning in 8th grade.

Staff Enforcement of Policy/Training

A copy of this policy and refresher training shall be provided annually to all food service and school staff responsible for serving student meals or enforcing this policy. New staff with these responsibilities shall be provided with a written copy of the policy and training on the policy during their initial training or orientation. A record shall be maintained documenting that new staff receive the policy and training. The record must also document that all applicable staff receive a copy of the policy and refresher training annually.

Student with Special Dietary Needs

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Sec 504, or IEP. If the meal is medically required, and the student has a negative student meal account balance, or does not have cash to purchase the meal, the necessary dietary needs will be met.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
(2) fax: (202) 690-7442; or
(3) email: program.intake@usda.gov.

This District is an equal opportunity provider.

Nondiscrimination

It is the District's policy that in the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or disability. 7 C.F.R. 245.5(a)(1)(viii). Students will not be denied meals due to the existence of other unpaid charges at the school or for disciplinary reasons.

Assessment for Neglect Reporting

If a student who has been determined to be ineligible for free or reduced cost meals or whose parents have refused to cooperate with filing an application for free or reduced cost meals is consistently not provided with meals, either through a meal sent from home or the payment for a meal through the school meal program, the Principal will assess whether a report of child neglect is warranted to the New Hampshire Department of Health and Human Services, Division for Children, Youth, & Families, as required by RSA 169-C:29-31.

Legal References

15 U.S.C. § 1692-1695 federal Fair Debt Collection Practices Act (FDCPA)

42 U.S.C. 1758(b)(6), Use or disclosure of information

Civil Rights Act of 1964 & 7 C.F.R. Part 15, Subpart A & B

2 C.F.R. §200.426

7 C.F.R §210.09

7 C.F.R §210.10

7 C.F.R §210.15

7 C.F.R. §245.5

USDA SP 46-2016 - No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy.

USDA Guidance SP37-2016: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs

RSA 189:11-a

RSA 358-C , New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act;

NH Dept. of Education Technical Advisory - Food and Nutrition Programs

Adopted: July 11, 2018

TITLE XV EDUCATION

CHAPTER 189 SCHOOL BOARDS, SUPERINTENDENTS, TEACHERS, AND TRUANT OFFICERS; SCHOOL CENSUS

School Boards, Transportation and Instruction of Pupils

Section 189:11-a

189:11-a Food and Nutrition Programs. –

I. ~~Each school board shall make at least one meal available during school hours to every pupil under its jurisdiction.~~ Such meals shall be served without cost or at a reduced cost to any child who meets federal income eligibility guidelines. The state board of education shall ensure compliance with this section and shall establish minimum nutritional standards for such meals as well as income guidelines set for the family size used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school.

II. Notwithstanding the provisions of paragraph I, the requirements thereof may be waived as hereinafter provided:

- (a) The school board of any school may make application for a waiver to the state board.
- (b) Requests for such waiver may be granted by the commissioner of education upon the receipt of such application and shall remain in force until the state board determines otherwise as hereinafter provided.
- (c) The state board is authorized and directed to study the schools which have been granted a waiver and to formulate a plan to implement the requirements of this section in such schools.
- (d) The state board shall, after formulating such a plan, notify the school board granted such a waiver of the date when said waiver will terminate.
- (e) After the termination of a waiver, a school board shall comply with the requirements of RSA 189:11-a, I.
- (f) The state board may also grant a waiver to any school which is being phased out of use; however, such waiver may not exceed the period of one school year.

III. The state board shall prepare and distribute a curriculum for nutrition education and such curriculum shall be integrated into the regular courses of instruction for kindergarten and grades one through 12 during the school year.

IV. [Repealed.]

V. The school board of each school district shall develop and adopt a policy recommending that all pupils participate in developmentally appropriate daily physical activity, exercise, or physical education as a way to minimize the health risks created by chronic inactivity, childhood obesity, and other related health problems.

VI. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to a model physical activity policy and distribute such policy to each public school in the state.

VII. (a) Each school district which participates in the National School Breakfast Program shall maintain annual statistics on the number of breakfast meals served to pupils.

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil and an additional 27 cent reimbursement for each meal served to students eligible for a reduced price meal. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements to ensure students eligible for reduced price meals are offered breakfast at no cost. The department of education

shall prescribe forms as necessary under this paragraph.

VIII. A school lunch meal payment policy which is implemented by a school board either before or after the effective date of this section shall ensure that all students have access to a healthy school lunch, that the school district will make every reasonable effort to inform parents of the policy, and that no student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures. The department of education or the state board of education, upon request of the local school board, may provide communication assistance to school districts and parents of school children regarding the school lunch meal payment policy.

Source. 1973, 170:1. 1977, 183:1. 1979, 82:1. 1981, 318:6. 2001, 83:2, I. 2004, 33:2. 2006, 127:2. 2016, 48:1, eff. July 2, 2016. 2019, 301:1, 2, eff. July 1, 2019; 346:321, 322, eff. July 1, 2019.



New Hampshire

Department of Education Technical Advisory

Serving New Hampshire's Education Community

TITLE

RSA 189:11-a

This Technical Advisory provides information regarding meal charge policies

Effective July 2, 2016, the New Hampshire Bill SB371 was enacted which will amend RSA 189:11-a. The actual text is below. Following the actual text is the Department's comment. If there are further questions regarding any of this information, please call the Bureau of Nutrition Programs and Services at 271-3860.

I. Actual Text

1. New Paragraph: School Boards: Food and Nutrition Programs. Amend RSA 189:11-a by inserting after paragraph VII the following new paragraph:
VIII. A school lunch meal payment policy which is implemented by a school board either before or after the effective date of this section shall ensure that all students have access to a healthy school lunch that the parent of each student receive and acknowledge receipt of the policy, and that no student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures. The department of education or the state board of education, upon request of the local school board, may provide communication assistance to school districts and parents of school children regarding the school lunch meal payment policy.

II. Department Comment:

Schools participating in the National School Lunch and Breakfast Programs provide healthy, nutritious meals to students each day. Title 7, Code of Federal Regulations (7CFR), Part 210.10(a)(1): General nutrition requirements states that "Schools must provide nutritious and well-balanced meals to all the children they serve." The nutritious and well-balanced meals are also known as reimbursable meals, which are meals that follow the meal pattern guidelines as put forth by the United States Department of Agriculture (USDA). (<http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>) In turn, schools receive federal funds for reimbursable meals served to all students.

7 CFR 245.5 states that parents or guardians of all children in attendance at a school participating in a Federal school meals service program must be informed of the availability of reimbursable school meals and must be provided information about applying for free or reduced price meals at any time. Households, in turn, may complete and submit a free and reduced price meal application to the school food service department, or the applicable official at the LEA. In addition, at the beginning of the school year and throughout the school year as appropriate, schools provide notice to households whose children are on the Direct Certification

Issued by:

Virginia M. Barry, Ph.D.

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List who are automatically eligible for free meals and who do not need to submit a free and reduced price meal application.

School meal program information must include the opportunity to apply for free or reduced price meals, the cost of the school meals, how parents provide payments for school meals, and any school policies regarding non-payment or meal charging. (SP 46-2016 and SP 57-2016) This is also an opportunity for parents to learn how the student accounts are managed, whether manually (such as the collection of tickets), computerized with swipe cards or anything in between.

Considerations for creating meal charging policies/standard practice

SP 46-2016 requires all SAUs operating a Federal school meal program to have in place a written and clearly communicated system to address meal charges. The policy or standard practice must consist of a written document explaining how the SAU will handle situations where children eligible to receive reduced price or paid meals do not have money in their account or in hand to cover the cost of their meal at the time of service. SAUs must develop policies/standard practices regarding, for example, the expectations for pre-payments for meals for both paid and reduced price participants, the purchase of any a la carte items as being done on a cash basis only with no charging allowed, and the steps that the school will take in the event that the parents have not provided sufficient payments for meals for either paid or reduced price participants. Certain USDA regulations will affect the meal charging policies/standard practice.

1. Schools must inform students and parents or guardians about how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal. Policies/standard practices for meal charging must be provided to the State agency during the Administrative Review and be in place as of July 1, 2017. (reference SP 46-2016)
2. Schools may **not** do the following (reference United States Department of Agriculture, Food and Nutrition, Instruction 765-7, Revision 2):
 - Deny meals to free students regardless of any other charges at the school;
 - Deny meals to any student for disciplinary reasons;
 - Deny meals because of unpaid charges if the student has money in hand for the current day's meal.
3. According FNS Instruction 765-7, Revision 2 (taken from: [www.fns.usda.gov/school-meals/faqs#Denial of Meals](http://www.fns.usda.gov/school-meals/faqs#Denial%20of%20Meals)), at the very least the alternate meal must always be offered

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to preprimary (any child who has not entered the first grade) and young primary students (elementary students), or for any handicapped/disabled students who may be unable to take full responsibility for a meal payment. The meal offered to the disabled student must conform to the special dietary needs requirements of the student, if applicable.

4. The SAU must ensure the policy/standard practice is provided in writing to all households at the start of each school year and to households transferring to the school or school district during the school year. For example, SAUs are encouraged to include the policy/standard practice in student handbooks and/or on online sites that households use to access student accounts. (reference SP 47-2016 and SP 57-2016)
5. Policies/standard practices regarding meal charging will also include information about recovering unrecovered/delinquent debt. Please refer to Title 2, Code of Federal Regulations (2CFR), Section 200.426, SP 47-2016 and SP 57-2016 for further information on debt.

III. SB 371

The State (SB 371) ruling supports the USDA meal charging regulations already in place, is intended for elementary schools, and allows for meal payment policies/standard practices in all public schools in the State. It specifies the following:

1. ***"All students will have access to a healthy school lunch!"***
The meal offered through the meal policy/standard practice must be a meal choice for every student in the elementary school, follow USDA meal pattern guidelines and regulations and therefore be a healthy school lunch. For example, if the meal designated in the meal charge policy/standard practice is a sun-butter and jelly sandwich, this entrée must be a choice for all students and be in compliance with the USDA meal pattern requirements.
2. ***"The parent of each student must receive and acknowledge receipt of the policy!"***
Please refer to #4 under Considerations found above. This may be accomplished in a number of ways. One example may be the policy/standard practice is included in the school handbook accompanied by a signature sheet that the parent must sign and return to the school which states the information found in the handbook has been read by the parent.
3. ***"No student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures."***

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The standard school lunch meal consists of 5 components. Therefore the meal designated in the meal charge policy/standard practice of the SAUs school cafeteria(s) must also consist of 5 components and meet the meal pattern regulations. The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time. (Supported by FNS Instruction 113-1 – Civil Rights compliance and enforcement)

4. *"The department of education or the state board of education, upon request of the local school board, may provide communication assistance to school districts and parents of school children regarding the school lunch meal payment policy."* Communication assistance is provided to school districts and parents of school children regarding the school lunch payment policy requirements through the Technical Advisory which is made public by the New Hampshire Department of Education.

Resources are available for meal charge policies and can be found at:
<http://www.fns.usda.gov/school-meals/unpaid-meal-charges>

IV Contact: Cheri White, Administrator, Bureau of Nutrition Programs and Services, phone 271-3860 or cheri.white@doe.nh.gov

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To

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request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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Virginia M. Barry, Ph.D.

Date Issued:

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issue dated:
NEW

Page 5 of 6



New Hampshire

Department of Education Technical Advisory

Serving New Hampshire's Education Community

TITLE

RSA 189:11-a


Issued by:

Virginia M. Barry, Ph.D.

Date Issued:

Supersedes
issue dated:
NEW

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MENU

Unpaid Meal Charges: Local Meal Charge Policies

HOME CHILD NUTRITION PROGRAMS

EO Guidance Document

FNS-GD-2016-0045

FNS Document

SP46-2016

Resource Type

Policy Memos

Guidance Documents

Resource Materials

 Policy Memo (156.66 KB)

DATE: July 8, 2016

POLICY MEMO: SP 46-2016

SUBJECT: Unpaid Meal Charges: Local Meal Charge Policies

TO:	Regional Directors	State Directors
	Special Nutrition Programs	Child Nutrition Programs
	All Regions	All States

The purpose of this memorandum is to address the need for school food authorities (SFAs) participating in the Food and Nutrition Service (FNS) National School Lunch Program (NSLP) and School Breakfast Program (SBP) to institute and clearly communicate a meal charge policy, which would include, if applicable, the

availability of alternate meals. Because all students in participating schools may receive reimbursable school meals, all SFAs must have a policy in place for children who are participating at the reduced price or paid rate, but either do not have money in their account or in hand to cover the cost of the meal at the time of service. Such a policy ensures that school food service professionals, school administrators, families, and students have a shared understanding of expectations in these situations.

For the past several years, the U.S. Department of Agriculture (USDA) has been examining policies and practices relating to unpaid meals. This examination was undertaken in response to section 143 of the Healthy, Hunger-Free Kids Act of 2010 ([PL 111-296](#); Dec. 13, 2010) entitled “Review of Local Policies on Meal Charges and Provision of Alternate Meals.” In addition, Congress required USDA to report on the feasibility of establishing national standards for meal charges and alternate meals and, if applicable, to make recommendations for implementation.

During that examination, FNS sought feedback from key stakeholders through a variety of forums and specifically sought strategies and insight from school food service administrators with direct experience managing meal charges. In addition, FNS undertook a thorough review of meal charge policies and practices provided by state and local officials. FNS was careful to consider a wide variety of communities and the scope of this issue, understanding that the effectiveness of a policy depends on the size of an SFA, its location, and even the demographics of the students it serves. FNS has determined that due to these variations, meal charge and alternate meal policies should continue to be made at the state or local level.

Establishing a Meal Charge Policy

It is important that meal charge and alternate meal policies are clearly communicated to school administrators, school food service professionals, families, and students. Stakeholders at the local, state, and national levels emphasized that developing and communicating meal charge policies prevents confusion for students and families and promotes effective financial management of the school meal programs.

As stated in program regulations at [7 CFR 245.5](#), parents or guardians of all children in attendance at schools participating in a Federal school meal service program must be informed of the availability of reimbursable school meals and must be provided information about applying for free or reduced price meals. This is consistent with the Richard B. Russell National School Lunch Act (NSLA), which states at [42 USC 1758\(b\)\(2\)](#). (A) that SFAs shall publicly announce the income eligibility guidelines for free and reduced price meals on or before the opening of school annually. Federal regulations at [7 CFR 210.12](#) also require that SFAs promote activities to involve students and parents or guardians in the school meal programs and inform families about the availability of the SBP. Including students, families, and the school community in establishing and developing a communication plan for the meal charge policy complements the public announcement of meal eligibility requirements in 7 CFR 245.5 and is consistent with the involvement required in [7 CFR 210.12](#).

Information about the availability of the school meal programs and their benefits may be communicated using a variety of methods, but the regulation requires that all families are notified. This notification is in addition to general releases such as public releases to local media outlets or those posted on school or

district websites. For example, many school districts send the school meal application and instructions on how to apply in a back-to-school packet mailed to families. Consistent with this long-established practice, stakeholder feedback indicated that many SFAs also use existing notification methods to communicate their meal charge policies to parents, guardians, and students.

Based on these provisions, and consistent with key stakeholders' current practices, FNS has determined that students and their parents or guardians also must be informed about how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal. Therefore, no later than July 1, 2017, all SFAs operating NSLP and/or SBP must have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to this issue. Policies developed at the SFA level must be provided to the state agency during the administrative review.

Meal Charge Policy Considerations

State agencies and SFAs have discretion in developing the specifics of individual policies including the level at which the policy is developed. Some state agencies may choose to develop a state-level meal charge policy to be implemented by all SFAs operating the NSLP and SBP throughout the state. If the state agency does not develop a state-level policy, SFAs must develop and implement an SFA-level policy for each school operating the NSLP and SBP. While the policy is developed at the state or SFA-level, the policy may vary for elementary, middle, and high schools, as discussed below.

In developing a meal charge policy, FNS encourages adoption of policies that allow children to receive the nutrition they need to stay focused during the school day, minimize identification of children with insufficient funds to pay for school meals, and maintain the financial integrity of the nonprofit school food service account (NSFSA). However, the specific policy is at the discretion of the state agency or SFA, as applicable. Policies may allow students to charge all types of available reimbursable meals, offer alternate meals, impose a limit on charges, or allow neither meal charges nor offer alternate meals. Additionally, policies may be consistent for all students or vary based on student grade levels.

SFAs also must include policies regarding the collection of delinquent meal charge debt in the written meal charge policy. In establishing policies regarding collection of delinquent debt, SFAs are encouraged to consider the benefits of potential collections in the context of the costs that would be incurred to achieve those collections. Additional guidance on how federal regulations and the definition of "bad debt" apply to the NSFSA when unpaid meal charges are not collected may be found in SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016.

Please note that, as with all aspects of program operations, food service management companies must operate in compliance with meal charge policies established by the state agency or SFA.

Policy Communications

Whether developed at the state or SFA-level, SFAs must ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year. Additionally, SFAs are encouraged to include the policy in student handbooks and/or in online portals households use to access student accounts. SFAs are encouraged to use multiple methods to disseminate the policy. The written policy also could be provided again to the household through mail or email the first time the policy is applied to a specific student.

SFAs also must provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement. This includes school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy. School social workers, school nurses, the homeless liaison, and other staff members that may assist students in need also should be informed of the policy. FNS also encourages SFAs to provide information about the policy to principals, assistant principals, and other administrators to ensure they are familiar with and supportive of the policy.

Policy Development Resources

FNS is currently developing resources that state agencies and SFAs can use in their efforts to create an effective meal charge policy. These resources, which will be available on the school meal programs website (<http://www.fns.usda.gov/school-meals/child-nutrition-programs>) in 2016, include:

- A handbook summarizing best practices that FNS collected from state agencies, SFAs, schools, and other key stakeholders working to overcome the challenge of unpaid meal charges;
- Webinars sharing ideas and strategies submitted from local-level officials during FNS' open comment period about unpaid meal charges from October 2014 through January 2015; and
- Relevant policy memoranda and guidance documents developed by FNS, including guidance on the process of designating delinquent debt that has been determined to be uncollectable as bad debt and obtaining assistance to offset bad debt losses, and clarification on how the definition of "bad debt" applies to the NSFSA when unpaid meal charges are not collected.

FNS recognizes that various strategies will be successful in large part based on the scope of the meal charge issue and unique local circumstances. The best practice resources available from FNS are designed to provide examples of strategies to use as a starting point when designing a meal charge policy that meets state and local needs.

State agencies are reminded to distribute this information to program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate state agency. State agencies should direct questions to the appropriate [FNS regional office](#).

Angela Kline
Director
Policy and Program Development Division
Child Nutrition Programs

Raymond School District Policy - BEDH

PUBLIC PARTICIPATION AT BOARD MEETINGS

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

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

1. The Board will provide a maximum of 20 minutes for public comments at the beginning of each regular Board meeting. This period may be extended by the Chair or his/her designee, unless a Board member objects. If a Board member objects, a majority vote of the Board will be taken to continue. Additionally, the Board may include additional public comment period for specific agenda items with a time limit for public comment specified on the pertinent agenda.
2. Individual speakers will be allotted three minutes per person. Speakers may not relinquish allotted time to another speaker. For specific meetings and/or specific agenda items, the Board may at the outset of the public comment period increase the individual time limit for all speakers.
3. The Chair will recognize speakers on a first come basis.
4. In order to comply with the minute requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.
5. Except as otherwise provided in this policy, members of the public may offer comments on agenda items or upon any other matter of public concern directly relating to the District's school policies, programs and operations. In the interest of preserving individual privacy and due process rights, the Board requests that comments (including complaints) regarding individual employees (other than the Superintendent) or individual students be directed to the Superintendent in accord with the complaint/grievance resolutions processes set forth in School Board Policies KE and KEB. Complaints regarding the Superintendent may be made either during public comment or directed to the School Board Chair.
6. Any comments which do not adhere to the above, or which disrupt the official business of the Board may be ruled out of order by the Chair. Repeated disruption may result in the individual being asked to leave the meeting. Obscene speech, comments threatening bodily harm, or other unprotected speech will not be tolerated.
7. The Board Chair may terminate the speaker's privilege of address if the speaker does not follow the above rules of order. Repeated violations or disruptions may result in the intervention of law enforcement, with the potential for criminal charges.

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

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

Legal References:

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

RSA 91-A:3, Non-Public Sessions

U.S. Const. 1st Amendment

Adopted: May 5, 1971

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

Revised: June 6, 2002

Revised: September 5, 2007

Revised: August 14, 2019

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

Category: *Recommended*

Related Policies: *BEDB, KE & KEB*

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**ADOPTION/REVISION NOTES –**

*Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to FINAL adoption, but policy committee and/or board should review before removal.*

- (a) **SPECIAL NOTE:** *With the adoption of SB410 (codified as new RSA 189:74), school boards are now required to provide a minimum of 30 minutes of opportunity for public comment at most board meetings. Previously, such public comment was optional under both state law and the First Amendment. The new statute is largely in accord with NHSBA’s past recommendations for public comment periods, and generally reflects some of the principles under First Amendment law regarding “time, place and manner” rules, and other viewpoint neutral speaker limitations. Although RSA 189:74 includes specific mandated parameters, it leaves to local boards much discretion with respect how those parameters are implemented. For instance, although boards must provide time for “no less” than 30 minutes, the law does not dictate when or how during a meeting the 30 minutes shall occur. Accordingly, the placement and limitations included in this sample policy are only suggestions. In adopting/revising its own policy re public comment period, a board may, among other things, choose language: (1) allowing more than the required 30 minutes, (2) breaking the 30 minutes into more than one session, or (3) including a provision to the effect that “if there are not enough speakers at the beginning of the meeting to exhaust the full 30 minutes, the Board will provide opportunity at the end of the meeting for additional public comment of no less than the balance of the 30 minutes.” Additionally, although the statute allows boards to prohibit disclosure of student & staff PII and other confidential information, it does not require such a provision. Boards wishing to explore allowable options for their public comment periods should contact NHSBA’s staff attorney or their district’s private counsel.*
- (b) **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) *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.*
- (f) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

~~~~~

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

A. General Meeting Policy.

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

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

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

B. Opportunity for Public Comment.

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

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

1. Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting (“Chair” shall apply to either in this policy).
2. The Board will generally schedule the public comment period in the first half of its meetings. *[some boards have policies that establish an agenda order. Those boards will need to assure that their agenda “templates” match the placement of public comment in a revised BEDH]*
3. The Board will provide a minimum of thirty ____ [² Delete Fn.] minutes [{optional} and a maximum of ____ *[e.g. forty-five, thirty, etc]* minutes to hear public comment. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment periods for specific agenda items with a time limit for public comment specified on the pertinent agenda. If speakers do not fill the minimum 30 minute public comment period, [³ Delete fn.] the Board will move to table the remainder of the time until the end of the meeting [{or} later in the meeting *{or for Boards who move into*

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

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

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

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

nonpublic session directly after the meeting] immediately before scheduled nonpublic session].

4. Individual speakers will be allotted ____ [e.g. three, five, etc.] minutes per person and each speaker will be permitted equal time. Speakers may not relinquish allotted time to another speaker. The Board may at the outset of the public comment period increase or decrease the individual time limit for all speakers (but may not decrease the aggregate time below 30 minutes).
5. {OPTIONAL} Speakers are requested to sign up prior to the meeting [*describe method, online form, email, sheet outside of the meeting room, etc.*]. Although such pre-registration is not required as a condition for offering public comment, the Chair will recognize speakers on a first come basis using the pre-registered list as the starting point.⁴ [delete Fn.] If a person declines to speak or is not present at the time called, the Chair will move to the next name on the list.
6. {OPTIONAL} The Board makes most meetings accessible online in real time with meeting links included on the meeting notice. Although the Board will allow public comment remotely, attendance in person in order to offer public comment is highly encouraged. The Board cannot and will not assure that in all cases the technology will/can function adequately. If technological issues arise either before or during the meeting such that the comments are not reasonably audible at the meeting location, the Chair may terminate opportunity for remote public comment, or terminate the speaker's comment period.
7. {OPTIONAL}. The Board will provide opportunity for written public comment for persons unable to attend the meeting. Written comments that meet the requirements of this paragraph and other provisions of this policy, will either (a) be included in the materials publicly available at the meeting, (b) briefly described in the minutes (in the same manner as comments made in person), or (c) attached to the minutes. In the event that the full thirty minutes for public comment have not been exhausted, the Board may read the written comments aloud at the meeting on a first received basis until the comment period has expired. **Written comments must be** submitted at least ____ [e.g., two, three, etc.] prior to a Board meeting, and shall be limited to approximately ____ [e.g., 425, etc.]⁵ words. Anonymous written comments will not be accepted as part of public comment as RSA 91-A:2, II requires that meeting minutes include the names of persons appearing at public meetings. Only one written comment is permitted per individual for each meeting. Written comments including PII or other confidential information will only be disclosed/made public as required under RSA 91-A:4 and 5, and Board policy {**}EH. This paragraph is not intended to limit other correspondence to the school district, but only pertains to writings intended to be included as public comment at a school board meeting.
8. In order to comply with the official minute requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.

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

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

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

9. During the public comment, an individual may offer comments on agenda items or upon other District matters (e.g., operations, budget, and other issues directly relating to the District's school policies, programs and operations.) However, consistent with RSA 189:74, I, and in the interest of protecting personally identifiable information ("PII") as well as other confidential information, comments (including complaints) regarding individual students, volunteers, or employees (other than the Superintendent) should be directed to the Superintendent or otherwise as provided under the complaint/grievance resolution processes set forth in School Board policies **{**}KE** and/or **{**}KEB**.
10. Defamatory statements, comments threatening bodily harm, or other unprotected speech will not be tolerated.
11. Comments which do not adhere to the above provisions, may be ruled out of order by the Chair. Repeated violations may result in the Chair terminating the speaker's privilege of address, and possibly deeming the violations a disruption to be treated as discussed in section C below.
12. Persons appearing before the Board are reminded that the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without authority to answer – spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, will be deferred pending consideration by the full Board.
13. In addition to the opportunity to offer input during the public comment period of a Board meeting, members of the public may also request initiatives or other such items to be placed on the Board's agenda. The determination whether or not to include the matter on a Board meeting agenda will be made consistent with Board Policy **{**}BEDB**. Requests to have a matter placed on an agenda should be presented in writing to the Superintendent no less than fourteen days prior to the next Board meeting and must set forth the specifics of the subject to be addressed.

C. Meeting Disruptions.

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. While members of the public have the right to attend and offer input during the public comment period of meetings, they do not have the right to disrupt them. Impermissible disruptions include, but are not limited to:

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

If, after at least two warnings from the Chair, an individual continues to disrupt the meeting by words or actions, the Chair may direct the person to leave the meeting. Upon refusal, the Chair

PUBLIC COMMENT & PARTICIPATION AT BOARD MEETINGS

may request assistance from law enforcement officials to have the individual removed, with the potential for criminal charges. Interruptions may result in a recess, or, provided the thirty minutes for public comment has expired, and adjournment of the meeting.

District Policy History:

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

Legal References:

- U.S. Const., 1st Amendment
- RSA 91-A:2, Meetings Open to the Public
- RSA 91-A:3, Non-Public Sessions
- RSA 189:65, VII & VII-a - Definitions (Student and Teacher personally identifiable information)
- RSA 189:74, School Board Public Comment Period
- RSA 644:2, Disturbing the Peace
- State v. Comely*, 130 N.H. 688 (1988)
- State v. Dominic*, 117 N.H. 573 (1977)

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

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

NHSBA history: Revised Aug. 2022, Sept. 2019, May 2007, Nov. 1999, July 1998 and Feb. 2004

NHSBA revision notes, August 2022, revised to reflect the enactment of RSA 189:74 (see, SB 410). The new statute now requires school boards to provide no less than 30 minutes public comment opportunity at each of its meetings. Previously, while most school boards included public comment periods in their meetings, it was not required. The law leaves boards with choices about how the public comment period is administered. E.g., boards may: (1) request – but not require – pre-registration, (2) set per speaker time limitations, (3) restrict comment that disclose student/staff PII, and/or (4) exclude/allow remote comments. **September 2018:** This sample policy is updated to more specifically recognize the distinction between board business, and public comment, and how that distinction relates to the benefit of public input at board meeting, as well as emerging judicial decisions regarding the need for viewpoint neutrality relative to public comment rules.

w/p-update/2022-U2 Fall/BEDH - Public Comment 2022-U2 (SR 2022.8.9)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.



Jennifer Heywood <j.heywood@sau33.com>

NHSBA Special Update: Policy Update BEDH Public Comment

1 message

The New Hampshire School Boards Association <wphillips@nhsba.org>
Reply-To: wphillips@nhsba.org
To: j.heywood@sau33.com

Wed, Aug 10, 2022 at 4:15 PM



August 9, 2022
Special Policy Update BEDH

Dear NHSBA Members,

On July 8, Governor Sununu signed **SB 410** into law. The new statute, **effective September 6**, enacted RSA 189:74 under which school boards are required to provide a minimum of 30 minutes of opportunity for public comment at most board meetings. (A link to the bill is below.) Previously, such public comment was optional under both state law and the First Amendment. The new statute is largely in accord with NHSBA's past recommendations for public comment period, and generally reflects some of the principles under First Amendment law regarding "time, place and manner" rules, and other viewpoint neutral speaker limitations. Although RSA 189:74 includes specific mandated parameters, it leaves to local boards much discretion with respect how those parameters are implemented.

A link to the bill (SB 410) can be found here:

SB 410

In order to provide NHSBA policy subscribers time to process and consider options relative to how they will implement the new mandate, NHSBA offers this special early release of **revised sample policy BEDH – Public Comment & Participation at Board**

Meetings. (Link below.) The sample includes a lengthy adoption note and several footnotes discussing key provisions of the new law, as well as multiple optional provisions which are allowed but not required under the statute.

A PDF copy of the revised sample policy BEDH can be found here:

Sample Policy BEDH 2022

To access MS Word versions of this sample, use the "Previous Policy Updates" link on the bottom of the NHSBA policy site homepage, which will take you to a password protected dropbox folder. The password is the same as for the main policy database. Once there, click the folder titled: "2022-U2 BEDH Public Comment SPECIAL RELEASE"

Should you have any questions, please contact NHSBA Policy Services Directory/Staff Attorney Will Phillips. 603-228-2061 ext. 304.

*Barrett M. Christina, Esq.
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ADVANCED COURSE WORK/ADVANCED PLACEMENT COURSES & STEM DUAL & CONCURRENT ENROLLMENT PROGRAM

Category: Priority/Required by Law

Identical policy: LEB†
Related policy: IKF

ADOPTION/REVISION NOTES

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

- (a) †This policy is coded in two sections, Education Agency Relations (LEB) and Instruction (IHCD). The two policies used to be written separately for each section/application, but have now been merged into this one version. Districts may, but need not, maintain both. If choosing to maintain one, NHSBA recommends using IHCD, and further that the board formally withdraw the other policy, with a permanent record of the withdrawn policy. See 2021 NHSBA Fall Update sample IKH for what record of a withdrawn policy might look like.
- (b) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.
- (c) Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (d) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

A. Advanced Course Work/Advanced Placement Courses

Any student who is capable of and wishes to do advanced course work or take advanced placement classes while in high school should be permitted to do so. School district administrators and school counselors will aid students who wish to enroll in such courses. If advanced course work or advanced placement courses are not available within the School District, administrators or school counselors are instructed to assist students in identifying alternative means of taking such classes. This may include taking courses through the Dual and Concurrent Enrollment Program, at a different public school, a private school, through distance education courses, or other suitable means.

Any student whose eligibility for taking advanced course work is recommended by his/her counselor may enroll in a course. Credit may be given, provided the course comports with applicable District policies and state standards. The District will not be responsible for any tuition, fees, or other associated costs incurred by the student for enrollment in such courses.

B. STEM Dual and Concurrent Enrollment Program

High School and Career Technical Education Center qualified students in grades 10 through 12 may participate in the Dual and Concurrent Enrollment Program, through which a student may earn both

ADVANCED COURSE WORK/ADVANCED PLACEMENT COURSES & STEM DUAL & CONCURRENT ENROLLMENT PROGRAM

High School and College credits by enrolling in STEM (science technology, engineering, and mathematics), STEM-related courses designated by the Community College System of New Hampshire ("CCSNH"), and/or career and technical education courses.

The Superintendent shall be responsible for coordinating any agreements with CCSNH, and other measures necessary to implement and maintain the Dual and Concurrent Enrollment Program within the District. The Superintendent shall also designate a point of contact for the program who can provide for student counseling, support services, course scheduling, managing course forms and student registration, program evaluation, course transferability, and assisting with online courses. The Superintendent or his/her designee shall establish regulations for the program which, among other things, will:

1. Require compliance with measurable educational standards and criteria approved by the CCSNH;
2. Require that courses meet the same standard of quality and rigor as courses offered on campus by CCSNH;
3. Require that program and courses comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships;
4. Establish criteria for student eligibility to participate in the program;
5. Establish standards for course content;
6. Establish standards for faculty approval;
7. Establish program coordination and communication requirements;
8. Address tuition, fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and a process for renewal of the agreement;
9. Require annual notification to high school students and their parents of Dual and Concurrent Enrollment opportunities; and
10. Set out how any Dual and Concurrent Enrollment courses correlate with a Career Readiness Credential under Board policy {**}IKFG.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

**ADVANCED COURSE WORK/ADVANCED PLACEMENT COURSES &
STEM DUAL & CONCURRENT ENROLLMENT PROGRAM****Legal References:**

RSA 188-E:25 through RSA 188-E:26-28
Ed 306.141(a)(6), Advanced Course Work

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 – Sept. 2021, Nov. 2019, Dec. 2017, Sept. 2017, May 2014, May 2008, Oct. 2005, Nov 1999, July 1998

NHSBA revision notes: **Sept. 2021**, in first paragraph of Section A corrected “10 and 12” to “10 through 12”, and added reference to CTE courses in the same paragraph to reflect 2021 amendment to RSA 188-E:26; **Nov. 2019**, revised in response to 2019 N.H. Laws Ch. 322 (SB 276). Revisions include: (a) opening dual/concurrent enrollment programs to sophomores, (b) reference to a career readiness credential, and (c) replacement of guidance counselor with school counselor. **Dec. 2017** - revised to reflect that the Dual and Concurrent Enrollment Program is specific to STEM courses and further that the Superintendent/designee is responsible for coordinating any agreements between the district and CCSNH, as required under 188-E:28. **September 2017** - updated to incorporate the Dual and Concurrent Enrollment Program established by 2017 N.H. Laws 210 (SB 101) which required districts to adopt a policy permitting qualified students to participate in the program.

w/p-update/2021-U2 Fall/IHCD-LEB 2021-U2 (vF)

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CAREER READINESS PATHWAYS & CREDENTIALS

Category: Recommended {for districts with high schools}

Related Policies: IHCD, IHBH & IKF

ADOPTION NOTES –

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

- (a) *At this time this new policy is more of a placeholder, and is intended to help assure that districts with high schools are aware of the short-term requirements of SB 276, 2019 N.H. Laws Ch. 322 “The Career Readiness Drive to 65 Act”. See NHSBA Policy Notes at end of this sample.*
- (b) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

Beginning in September 2020, the District shall assess career interests and advise how to achieve a career readiness credential upon graduation for each incoming freshman. The District shall document school pathways to career readiness credentials, and also record on a student’s transcript progress towards the credential.

The District shall report the following annually to the Department of Education in the manner required by the Department: the number of students who complete CTE; the number of dual enrollments, concurrent enrollments, extended learning opportunities, and work based learning enrollments; and the number of career ready credentials awarded.

As used in this policy, the terms “career readiness credential”, “career readiness pathways”, “CTE” and “work-based learning” shall have the same meanings as ascribed to them under RSA 188-E:2. “Dual enrollment” and “concurrent enrollment” shall have the meanings ascribed in RSA 188-E:25.

The Superintendent, in coordination with _____ shall develop procedures and guidelines for establishing the criteria necessary for career pathways and work-based learning opportunities, and for obtaining a career readiness credential. Each/the career readiness credential should be based upon statewide, CTE or nationally normed metrics related to career readiness for a specific field. Additionally, the Superintendent shall designate the personnel responsible for carrying out the provisions of this policy.

District Policy History:

First reading: _____

Second reading/adopted: _____

CAREER READINESS PATHWAYS & CREDENTIALS***District revision history:*****Legal References:**

RSA 188-E:2 Career and Technical Education, Definitions
RSA 188-E:5, XI, Career and Technical Education, Program.

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 – November 2019.

NHSBA policy notes, November 2019, At this time this new sample policy is more of a placeholder, and is intended to help assure that districts **with high schools** are aware of the short-term requirements of SB 276, 2019 N.H. Laws Ch. 322 “The Career Readiness Drive to 65 Act”. Among other things, the act requires that beginning in Fall 2020, all high schools must assess career interests for incoming freshmen, advise entering students how to achieve a career readiness credential (“CRC”) upon graduation, and imposes various record keeping measures relative to career readiness pathways (“CRP”) and CRCs. While the act includes definitions for both CRC and CRP, those definitions do not include specific substantive criteria, leaving it, at least for now, to local districts to manage. DOE is working on establishing criteria for a career readiness certificate, and a transcript structure for work-based learning.

w/p-update/2019 Fall//IKFG Career Readiness 2019-11

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BGD - BOARD REVIEW OF ADMINISTRATIVE REGULATIONS

(Download policy)

Category R

Also CHB

The Board reserves the right to review and rescind administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Reviewed: February 2004

Revised: July, 1998

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Raymond School District Policy - BBBC

BOARD MEMBER OR DISTRICT OFFICER RESIGNATION

Any citizen who files for and seeks election to the Board should do so with full knowledge of and appreciation for the investment in time, effort, and dedication expected of all Board members and that the citizen's intent is to serve a full term of office.

However, if, for reasons of health, change in domicile, or any other compelling reason a member does decide to terminate service, the Board requests earliest possible notification of intent to resign so that the Board may plan appropriately for a replacement. A letter of resignation should be sent to the chairman.

Vacancies shall be filled in accordance with RSA 197:26.

In the event that the majority of the Board believes that a member demonstrates dereliction of duties or chronic unexcused absences, the Board may request a resignation from that Board member.

Statutory Reference:

RSA 197:26

Adopted: September 2, 1970
R/R: 2/3/83, 4/21/88, 12/18/97
Revised: June 6, 2002
Legal References Updated 2015
Revised: September 18, 2019

SCHOOL BOARD USE OF EMAIL AND OTHER ELECTRONIC COMMUNICATIONS

Category: Recommended

Related Policies: BEAB & EHB



ADOPTION/REVISION NOTES –

All text between the highlighted lines “~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.

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



A. General.

Use of electronic communications by members of the Board shall conform to the same standards of judgment, propriety, and ethics as other forms of School Board-related communication.

For purposes of this section, “electronic communications” includes, without limitation, electronic mail (“email”), electronic chat, instant messaging, texting, and any form of social networking that allows two-way comment/input.

Electronic communications among a quorum of the School Board, shall not be used for the purpose of discussing School District or School Board business.

Board members shall avoid reference to confidential information about staff, students or other individuals. Intentional disclosure of such information may subject a board member to individual liability and may constitute a violation of the oath of office.

B. Applicability of New Hampshire’s Right to Know Law.

- 1. **Meetings.** With very limited exceptions, New Hampshire’s “Right to Know” law, RSA 91-A, requires that public bodies (e.g., the school board, and any of its sub- or advisory committees) conduct deliberations and decision-making during duly noticed meetings that the public may attend. Under RSA 91-A:2, I, a “meeting” occurs when a quorum of a public body discusses (in any manner that allows for contemporaneous

SCHOOL BOARD USE OF EMAIL AND OTHER ELECTRONIC COMMUNICATIONS

communication) a matter over which that public body has supervision, control, jurisdiction, or advisory power. Thus, any electronic communication discussing district or school business that circulates among a majority of a quorum of the board could constitute a meeting and a violation of the Right to Know law.

As to social media especially, board members must exercise great care to assure less than a quorum ever comments on a post or thread regarding school business.

2. Ministerial Communications. Administrative or ministerial communications which do not include substantive discussion are not prohibited by the Right to Know law or this policy. Examples of permitted ministerial communications, electronic or otherwise, include:
 - Agenda item suggestions (with no discussion of substance);
 - Reminders for upcoming meetings;
 - Communications needed to schedule meetings;
 - Board meeting agendas with supporting materials.

3. Electronic Communications as Records. Any written communication (including electronic communications) created, accepted, or obtained by or on behalf of the School Board or a majority/quorum thereof constitute a "record" of the district. Such records are subject to disclosure unless exempted under RSA 91-A:5 or other law. Likewise, electronic communications are subject to the District's record retention policies and schedule. {**}EHB and EHB-R.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 91-A:1-a, Definitions

RSA 91-A:2, Meetings Open to Public

RSA 91-A:2-a, Communications Outside Meetings

RSA 91-A:5, Exemptions

RSA 189:29-a, Records Retention and Disposition

Miller v. Fremont School Board, Rockingham County Superior Court, No. 03-E-152 (2003)

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*

SCHOOL BOARD USE OF EMAIL AND OTHER ELECTRONIC COMMUNICATIONS

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

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

NHSBA history: Revised – November 2020, October 2008, May 2007; New policy – February 2006

NHSBA revision notes, November 2020, revisions intended to more fully describe the intersection of the Right to Know law with board member use of emails and other electronic communication modes. Additionally, reference to reading emails into the record was removed as it created misconception by boards & board members that emails among a quorum discussing board business were permitted if they were later made part of a meeting record. Note change of title.

w/p-update/2020-U3 Fall/BHE Board Member Use of Email 2020-U3 (3)

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Raymond School District Policy - EB

SAFETY PROGRAM

The Raymond School Board recognizes its responsibility to provide a safe, secure learning environment for all its students and staff. It is the policy of the Raymond School District to take every reasonable precaution to achieve this goal.

The School Board authorizes the Superintendent to implement the Raymond Community Crisis Response Plan put forth by the Raymond Community Crisis Management Committee. Further, the Superintendent will cause the formation of the Joint Loss Management Committee as required by RSA 281-A:64.

The practice of safety shall also be considered a facet of the instructional plan of the District schools by incorporating educational programs in traffic and pedestrian safety, driver education, fire prevention, emergency procedures, etc., appropriately geared to students at different grade levels.

The Superintendent shall implement a training schedule for all Raymond School District employees and volunteers. The Superintendent shall further see that all plans are reviewed quarterly with the Raymond Crisis Management Committee, and drills are conducted in a timely fashion throughout the school year in accordance with state and federal law and the District training schedule.

Each Principal shall be responsible for the supervision and implementation of a safety program for his/her school. General areas of emphasis shall include but not be limited to: in-service training; accident record keeping; plant inspection; driver and vehicle safety programs; fire prevention; catastrophe planning; and emergency procedures and traffic safety problems relevant to students and employees. The Principal shall be responsible for developing student safety procedures to be used on school buses, school grounds (including playgrounds), during authorized school activities (such as field trips), and within school building(s) (including classrooms and laboratories). The building's safety plan shall be on file in the SAU office.

In the implementation of the Crisis Management Plan, each Principal shall be responsible for the following:

1. Train all new staff and volunteers who enter their building throughout the year.
2. Maintain a log of "crisis" drills, as well as monthly fire drills.
3. See that all exits from rooms and buildings are clearly marked and cleared of debris.
4. Implement a strict sign-in/out procedure for all students.
5. Implement a strict sign-in/out procedure for all visitors and include the issuance of visitors' badges.

6. Instruct each staff member that they are to question any adult in the school who is not displaying a proper badge. All visitors must be escorted back to the main office to sign in and receive a badge.

In a further attempt to ensure safety, each school employee and volunteer is required to wear a District ID badge. This shall also apply to off-site school-related functions with students present.

Statutory Reference:

RSA 281-A:64, III

RSA 200:40

ED. 306.10 (a) (2) (d)

Adopted: May 4, 1989

R/R: 4/10/97, 9/6/01

Revised: May 16, 2002

Legal References Updated 2015

WORKPLACE SAFETY PROGRAM & JOINT LOSS MANAGEMENT COMMITTEE

Category: Recommended

Related Policies: EBB

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ADOPTION/REVISION NOTES –

All text between the highlighted lines “~~~~” above and below, and all highlights within the policy should be removed prior to adoption.

- (a) *\*Former identical policy JLI is withdrawn with the 2020 Fall Policy Update. For additional notes see “NHSBA revision notes” below.*
- (b) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (c) *{\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

~~~~~

A. Workplace Safety Program.

The Superintendent shall prepare and maintain a current workplace safety program as required under RSA 281-A:64, which program shall be filed with the Commissioner of the New Hampshire Department of Labor, and updated at least biennially. The workplace safety program shall meet the requirements established by the Department of Labor (see NH Code of Admin. Rules Lab 602.01-02), and, among other things, shall include a plan for responding to violent acts committed by students against employees, volunteers, and visitors.

B. Joint Loss Management Committee.

The Superintendent will cause the formation of the Joint Loss Management Committee (the “Committee”) as required by RSA 281-A:64, III. The purpose of the Committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. The Committee’s recommendations are advisory only, and are intended to assist the employer.

The composition, function and duties of the Committee shall be as provided under New Hampshire Department of Labor rules Lab 603.01, 603.02 and such other rules as the Department of Labor may, from time to time, adopt. The Committee shall also address protocols for employees to follow in relation to workplace violence, including training as required by RSA 281-A:64, III.

The Committee shall meet at least quarterly, with the first meeting each year to occur before the beginning of the student school year.

WORKPLACE SAFETY PROGRAM & JOINT LOSS MANAGEMENT COMMITTEE

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- RSA 281-A:64, Worker’s Compensation, Safety Provisions; Administrative Penalty
- NH Code of Administrative Rules, Ed 306.04(a)(2), School Safety
- NH Code of Administrative Rules, Ed 306.04(d), School Safety Procedures
- NH Code of Administrative Rules, Lab 602.01-02, Safety Programs
- NH Code of Administrative Rules, Lab 603.01-04, Joint Loss Management Committee

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

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

NHSBA history: Revised – November 2020, June 2013, May 2008, February 2008, October 2005

NHSBA revision notes, November 2020 - Removed the provisions relative to general safety plans and programs which are now addressed in EBB, and also removed provisions regarding the establishment of a crisis/emergency plan (addressed in sample policy EBCA). With the removal of those policies, EB is no longer designated as a “Priority/Required by Law” policy. Rather, as the requirement of a joint loss management committee is required for all NH employers with 15 or more employees, the policy is now classified as recommended. Revisions also includes specific requirements of the Department of Labor relative to workplace safety programs, as well as the Joint Loss Management Committee. Finally, the revisions include reference to requirements imposed by 2020 Legislative amendments to RSA 281-A:64 relative to school employee safety and violence against employees. Those amendments also require the Dept. of Labor to adopt additional rules regarding that subject matter. As of November 2020, those rules have not yet been proposed.

w/p-update/2020-U3 Fall/EB - Joint Loss Management 2020-U3 (2)

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CROWD FUNDING

Category: *Recommended¹ delete fn.]*

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

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**ADOPTION/REVISION NOTES –**

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

- (a) USER SUGGESTION – Because of ADA compliance requirements, and other technological restrictions, some intended formatting does not appear on sample policies available through the NHSBA main policy database page. For MS Word versions of the samples (after 2008), we recommend accessing samples through the “Previous Policy Updates” link on the bottom of the NHSBA policy homepage. The password is the same as for the main policy database page.*
- (b) General – As with all sample policies/procedures, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- (c) 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.*

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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

¹ [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. ^{bookmark14} 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. ² ~~delete fn.~~ Regardless of the amount sought to be donated, the Building Principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Building Principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of \$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 ³ ~~delete fn.~~ Regardless of the amount sought to be donated, the Superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the Superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

² ~~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.

³ ~~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. [⁴ delete fn.] After considering the Superintendent's or designee's recommendation, the Board will decide whether to approve or deny the proposed campaign.
4. Criteria of Approval of Crowdfunding Requests. Crowdfunding requests will not be approved unless the proposed campaign:
- a. meets all requirements of applicable Board policies and administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable state or federal laws or regulations;
 - b. uses a crowdfunding site that has been approved by the Superintendent pursuant to Section C.2, above;
 - c. is consistent with the District's approved curriculum;
 - d. does not create significant disparities or inequities among similarly situated students;
 - e. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;
 - f. seeks donations that are compatible with the District's Data and Privacy Governance Plan, as confirmed by the District's Director of Technology or designee.
 - g. has a specific, pre-determined beginning and ending date;
 - h. does not disparage the District or any of its buildings, programs, representatives, employees, or students;
 - i. does not include pictures or the identifying or confidential information of any District student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;
 - j. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;
 - k. does not result in donations being delivered directly to the requester;
 - l. is not contingent on the District matching funds or making any expenditure;
 - m. does not request food or beverage items inconsistent with the District Wellness Policy {**} JLCF;
 - n. does not suggest or state that the donation sought is required for or integral to a

⁴ [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

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: 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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DH - BONDED EMPLOYEES

(Download policy)

Category R

State law requires that the Treasurer and Assistant Treasurer be bonded. The District will arrange a Public Officials Bond to cover the Treasurer and each Assistant Treasurer, if any, in the amount of \$100,000. It is the practice that any employee who administers student activity money shall be bonded.

Any employee who administers funds for the District will be bonded appropriately. The District will arrange a Blanket Position Bond, including a Faithful Performance endorsement, in the amount of \$100,000 on all employees who administer funds for the District.

Legal Reference:

RSA 197:22, Treasurer's Bond

Revised: May 2006

Revised: March, 2004

Revised: July, 1998

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STUDENT TRANSPORTATION SERVICES

Category: Recommended

Related Policies: ECAF, EEAB, EEAE, EEAEA,
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 _____¹, 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.

¹ [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

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.

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

STUDENT TRANSPORTATION SERVICES

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.*

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.

w/p-update/2021-U2/EEA Student Transportation 2021-U2 (vF)

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