



School Administrative Unit No. 21

Hampton Falls · North Hampton · Seabrook · South Hampton · Winnacunnet Cooperative

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SAU #21 Joint Board Policy Committee
Wednesday, January 30, 2018
Winnacunnet High School
Lecture Hall
4:30 PM

AGENDA

1. Call to Order
2. Committee Organization – Appointment of Chair
3. Overview
 - a. NHSBA Policy Services Updates
 - b. *Policies Required by Law versus Recommended Policies*
 - c. *Policy versus Procedures/Administrative Regulations*
 - d. Concept of a Common Policy Manual
4. Policies Required by Law
 - a. ADB Drug-Free Workplace / Drug-Free Schools
 - b. ADC Tobacco Products Ban Use and Possession In and On School Facilities and Grounds
 - c. EHAB Data Governance and Security
 - d. EHB Data/records Retention
 - e. GADA Employment References and Verification (Prohibiting Aiding and Abetting of Sexual Abuse)
 - f. GBEC Drug-Free Workplace / Drug-Free Schools
 - g. GBED Tobacco Products Ban Use and Possession In and On School Facilities and Grounds
 - h. JCA Change of School or Assignment – Best Interest
 - i. JEC Change of School or Assignment – Manifest Educational Hardship
 - j. JICG Tobacco Products Ban Use and Possession In and On School Facilities and Grounds
 - k. *JICH Drug and Alcohol Use by Students
5. Other
6. Meeting Schedule
7. Non-Public under RSA 91-A:3 (a-e)
8. Adjourn

INFORMATION ON NON-PUBLIC SESSIONS

On occasion the Board will need to enter Non-Public Session. When a motion is made to do so, it will be done under the provisions of NH State Law RSA 91-A:3 II, and one or more of the following reasons will be claimed for entering Non-Public Session:

- a. The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him/her, unless the employee affected (a) has a right to a meeting; and (b) requests that the meeting be open in which case the request will be granted.
- b. The hiring of any person as a public employee.
- c. Matters, which if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.
- d. Consideration of the acquisition, sale, or lease of real property or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency of any sub-division thereof, or against any member thereof because of his/her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.



New Hampshire School Boards Association
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Board Success Through Good Policy

The development of clear, sound and legal policies is critical to the successful operation of any school district. In this time of increased accountability and the mandates of the “No Child Left Behind” legislation and newly passed states statutes, effective policies can help support the board’s primary purpose: advancing student achievement. Adopting policy is among the most fundamental responsibilities of any board of education.

Many problems faced by boards could have been prevented or resolved by the deletion of a poor policy or by the addition of a good policy. Policy is the tool that provides the board power to allow or require action. It is through policy that lay citizens can govern effectively. The board is a policy-making body and the policies that it enacts are the local law of the school district. Policies are broad guidelines, philosophical statements set by the school board to chart the district’s course of action.

Guidelines

As we start a new school year, some guidelines should be kept in mind that will help boards govern effectively through policy. Board members are in a leadership position. Therefore, policies should reflect what the board wants to see happen. Boards should also have a comprehensive policy that establishes the policy development process for the board. The policies that the board adopts should be designed to achieve the vision and mission of the school system. Avoid detailed policies that move the board into administrative issues and result in the board hearing complaints and attempting to solve problems that should be handled by the administration.

However, there are some federal and state statutes that require school boards to place in policy detailed language and/or procedures on certain issues, which normally would not be in policy. In these situations, boards have no alternative but to comply with such requirements.

Policy should cause improvements in district schools. That is responsible governance. Policy should move the school system in the desired direction. Development and adoption of policy is only the beginning of bringing about the desired action. It is essential that policy be monitored to ensure that it is being followed and the results the board desires are being achieved.

Don't abandon your policies to the boardroom shelf, website or CD. The board must maintain a program of vigorous policy oversight. Policy oversight means ensuring that your policies are accomplishing what they were designed to achieve. Policy either mandates that something happens or mandates something to happen that would otherwise not be permissible.

Evaluate

Closely related to the need to monitor policy is the need to evaluate policy to see if it is producing the desired results. When evaluating the effectiveness of policy, look to see if unintended consequences have occurred.

Access

It is also essential that community members, in addition to district staff, have easy access to the board's policies. This can be achieved through their placement on the district's website, in town and school libraries, school offices and at town hall. NHSBA'S online policy service can greatly assist local boards in placing the district's policy manual online, keeping it up-to-date, and providing easy searchable access for the entire educational community and the public.

Update

It is important that school board policy manuals are kept up-to-date. Policy development is an unending responsibility and process. Policies must change in our ever-changing world. NHSBA policy updates should be used for adopting and/or changing policies in a timely fashion. Districts must also be sure that all manuals in the district are updated when the board adopts or changes a policy.

Avoid Litigation

It is important to adopt policies on controversial or sensitive issues at a time before such issues actually arise in the district. Sound legal advice resulting in appropriate policy can help the board avoid litigation. Adopting policies on controversial or sensitive issues may often be an uncomfortable and contentious process, but it is necessary. Sound policy is no guarantee but it will help a district stay out of court.

What about Regulations?

Up to now we've been talking about policies; little has been said about regulations. But policies and their implementation through regulations go hand in hand.

A school Board policy might be called "a guide to action". It will state purpose or goal; it will express what the Board desires to achieve or wants to see happen; it will provide a

rationale and framework for specific requirements/ it may establish basic controls; it may assign general responsibility.

In contrast, a regulation will set forth specific requirements; it may list do's and don'ts; it may include step-by-step procedures; it may assign specific responsibility. Regulations provide the details for carrying out policy and enforcing it.

In most instances, Boards prefer to ask the superintendent and the administrative staff to draft the regulation that will support a policy. That makes sense. Your superintendent and other district administrators know best what procedures will and won't work; what specific requirements are necessary for the policy to succeed; and what requirements might be practical or unenforceable.

The Board can determine that new student evaluation techniques are needed, but the Board as a body cannot develop the alternate assessment strategies that will turn goals into reality. Similarly, the Board might determine that fees charged to groups using school facilities should be increased. But the Board should not proceed to figure how much to charge each group or new free formulas. The "how to" should be developed by the administration, subject to Board review.

At times a regulation will be entirely mechanics and administrative detail; if so, the Board need not specify its content. Nor is there any reason for the Board to put this type of regulation through a formal approval or adoption process. Many regulations, however, will provide the crux of Board control- requirements basic to the policy. When this is so, the Board may want to outline points to be included in the regulation; and it will review and approve the draft through a formal approval process.

Many regulatory statements- requirements, procedures, prohibitions- require Board action to be legal and enforceable. Others need the Board's official stamp of approval to assure the school community (staff, students, public) that "this is what the Board wants". And when enforcing a regulation, often the superintendent, principal, or other administrator wants the specific authority of the Board solidly behind it.

It is not feasible to list all regulations on which Board action is necessary. Such a listing would be long and much depends on the content of the particular statement. Suffice it to say that the following would be included:

1. Regulations pertaining to student admissions; denial of admission; special placement; suspension and expulsion, and conduct that might lead to these actions; transportation privileges.
2. Regulations relating to staff salaries; increments; benefits; leaves and absences; termination of employment.
3. Regulations pertaining to dealings with other Boards and agencies; with the public and community groups.
4. Procedures for hearings of any type and for resolving complaints and grievances brought by the public, parents, students, staff.

State laws vary as to the type of regulations a school Board must adopt, the rule-making authority granted only to the school Board, the rule-making authority a Board may delegate, the legal status of the superintendent, and the superintendent's powers and responsibilities. We advise you to check on these matters.

Conclusion

In conclusion, policy is the school board's most powerful tool for bringing its vision, mission and goals into reality. They are the basis for evaluating staff work, for governing student behavior and much more. They keep the district moving toward the vision the board and the community holds for the schools. Policy can and should be a force for leadership and school reform.

Local boards should govern aggressively to create the educational vision of their community, ensure there is an infrastructure in place to achieve the community's vision, establish academic standards designed to achieve the community's vision and an assessment system to measure how the vision is being achieved.

This is the board's policy role!

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION
POLICY SERVICES

POLICIES REQUIRED BY LAW:

School Board Policies Mandated by
State/Federal Law or Department of Education Rules

Updated: October 2018

- ACE** **Procedural Safeguards: Nondiscrimination on the Basis of Handicap/Disability**
*34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973*
- ADB/GBEC** **Drug-Free Workplace and Drug-Free Schools**
*41 U.S.C. §101, et. Seq.- Drug-free workplace requirements for Federal contractors, and
Federal grant recipients
RSA Chapter 193-B Drug Free School Zones
N.H. Admin. Code, Ed. Part 316*
- ADC/GBED/JICG** **Tobacco Products Ban Use and Possession in and on School Facilities and Grounds**
*RSA 155:64 – 77, Indoor Smoking Act
RSA 126-K:2, Definitions
RSA 126-K:6, Possession and Use of Tobacco Products by Minors
RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited*
- DFA** **Investment**
RSA 197:23-a, Treasurer's Duties
- EB/JLI** **Safety Program**
Ed 306.04(a)(2), Promoting School Safety
- EBBC/JLCE** **Emergency Care and First Aid**
*Ed 306.04(a)(21), Providing Immediate and Adequate Emergency Care
Ed 306.12, School Health Services*

NHSBA – Policies Required by Law – October 2018

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EBBD	Indoor Air Quality <i>RSA 200:11-a, Investigation of Air Quality</i> <i>RSA 200:48, Air Quality in Schools</i>
EEAEA	Mandatory Drug and Alcohol Testing–School Bus Drivers <i>49 C.F.R. Part 391 (1995), Qualifications of Drivers</i>
EFA	Availability and Distribution of Healthy Foods <i>7 CFR 210.10, Nutrition Standards And Menu Planning Approaches For Lunches And Requirements For After-school Snacks</i> <i>Ed 306.04(a)(23), Availability and Distribution of Healthy Foods</i> <i>Ed 306.11(g), (h), Distribution of Healthy Foods</i>
EFAA	Meal Charging <i>15 U.S.C. § 1692-1695 federal Fair Debt Collection Practices Act (FDCPA)</i> <i>42 U.S.C. 1758(b)(6), Use or disclosure of information</i> <i>Civil Rights Act of 1964 & 7 C.F.R. Part 15, Subpart A & B</i> <i>2 C.F.R. §200.426</i> <i>7 C.F.R §210.09</i> <i>7 C.F.R §210.10</i> <i>7 C.F.R §210.15</i> <i>7 C.F.R. §245.5</i> <i>USDA SP 46-2016</i> <i>USDA Guidance SP37-2016:</i> <i>RSA 189:11-a</i> <i>RSA 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act;</i> <i>NH Dept. of Education Technical Advisory - Food and Nutrition Programs</i>
EHA	Computer Security, E-Mail and Internet Communications <i>RSA 189:68-a, Student Online Personal Information</i> <i>RSA 194:3-d, School District Computer Networks</i>
EHAB	Data Governance and Security <i>15 U.S.C. §§ 6501-6506 * Children's Online Privacy Protection Act (COPPA)</i> <i>20 U.S.C. § 1232g * Family Educational Rights and Privacy Act (FERPA)</i> <i>20 U.S.C. § 1232h * Protection of Pupil Rights Amendment (PPRA)</i> <i>20 U.S.C. § 1400-1417 * Individuals with Disabilities Education Act (IDEA)</i> <i>20 U.S.C. § 7926 * Elementary and Secondary Education Act (ESSA)</i> <i>RSA 189:65 * Definitions</i> <i>RSA 186:66 * Student Information Protection and Privacy</i> <i>RSA 189:67 * Limits on Disclosure of Information</i> <i>RSA 189:68 * Student Privacy</i> <i>RSA 189:68-a * Student Online Personal Information</i> <i>RSA 359-C:19-21 * Right to Privacy/Notice of Security Breach</i>

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EHB	<p>Data/Records Retention <i>RSA 91-A, Right to Know Law</i> <i>RSA 189:29-a, Records Retention and Disposition</i> <i>NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention</i> <i>NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention</i> <i>NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements</i> <i>20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)</i></p>
GADA	<p>Employment References and Verification (Prohibiting Aiding and Abetting of Sexual Abuse) <i>20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act</i></p>
GBAA	<p>Sexual Harassment and Sexual Violence - Employees <i>Ed 303.01(j), Sexual Harassment</i> <i>Ed 306.04(a)(8), Student Harassment</i> <i>Ed 306.04(a)(9), Sexual Harassment</i></p>
GBCD	<p>Background Investigation and Criminal Records Check <i>RSA 189:13-a, School Employee and Volunteer Criminal History Records Check</i></p>
GBEC	<p>Drug-Free Workplace and Drug-Free Schools <i>41 U.S.C. §101, et. Seq.- Drug-free workplace requirements for Federal contractors, and Federal grant recipients</i> <i>RSA Chapter 193-B Drug Free School Zones</i> <i>N.H. Admin. Code, Ed. Part 316</i></p>
GBED/ADC/JICG	<p>Tobacco Products Ban Use and Possession in and on School Facilities and Grounds <i>RSA 155:64 – 77, Indoor Smoking Act</i> <i>RSA 126-K:2, Definitions</i> <i>RSA 126-K:6, Possession and Use of Tobacco Products by Minors</i> <i>RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited</i></p>
GBEF	<p>School District Internet Access for Staff <i>RSA 194:3-d, School District Computer Networks</i> <i>47 U.S.C. §254, Requirements For Certain Schools – Internet Safety</i> <i>20 U.S.C. §6777, Enhancing Education Through Technology – Internet Safety</i></p>

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GCO	<p>Teacher Performance and Evaluation Systems <i>RSA 189:1-a, Duty to Provide Education</i> <i>RSA 189:14-a, Failure to be Re-nominated or Re-elected</i> <i>Ed 303.02(n), Substantive Duties of Superintendents</i> <i>Ed 304.01(b), Substantive Duties of School Principals</i></p>
IFA	<p>Instructional Needs of Each Individual Student <i>Ed 306.04(a)(6), Meeting the Instructional Needs of Each Individual Student</i> <i>Ed 306.04(j), Meeting the Instructional Needs of Each Individual Student</i></p>
IGE	<p>Parental Objections to Specific Course Material <i>RSA 186:11, IX-c, State Board of Education; Duties</i></p>
IHAK	<p>Character and Citizenship Education <i>Ed 306.04(a)(5), Character and Citizenship</i> <i>Ed 306.04(i), Character and Citizenship</i></p>
IHAM	<p>Health Education and Exemption from Instruction <i>Ed 306.401, Physical Education Program</i> <i>RSA 186:11, IX-b, Health and Sex Education</i></p>
IHAMA	<p>Teaching about Alcohol, Drugs, and Tobacco <i>RSA 189:10, Studies</i> <i>RSA 189:11-d, Drug and Alcohol Education</i> <i>Ed 306.40, (b)(2) a - Health Education Program</i></p>
IHBAA	<p>Evaluation Requirements for Children with Specific Learning Disabilities <i>Section Ed 1107.02(b), Evaluation Requirements</i></p>
IHBI	<p>Alternative Learning Plans <i>RSA 193:1, Compulsory Attendance by Pupil</i> <i>Ed 306.04(a)(14), Alternative Means Of Demonstrating Competencies</i></p>
IHCA	<p>Summer Activities <i>Ed 306.141(a)(7), Summer Activities</i></p>
IHCD/LEB	<p>Advanced Course Work/Advanced Placement Courses <i>Ed 306.141(a)(6), Advanced Course Work (as of July 1, 2015)</i></p>

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IJNDB	School District Internet Access for Students <i>RSA 194:3-d, School District Computer Networks</i> <i>Pub. L. No. 106-554, Children’s Internet Protection Act (www.ifea.net/cipa.html)</i>
IJO/KA	School, Family and Community Partnerships <i>Ed 306.04(a)(11), Family and Community Partnerships</i> <i>Ed 306.04(k), Partnerships Among Schools, Families, and Communities</i>
IJOC	Volunteers <i>RSA 189:13-a, School Employee and Volunteer Criminal History Records Check</i>
IK	Earning of Credit <i>Ed 306.04(a)(16), How A Credit Used To Track Achievement Of Graduation Competencies</i>
IKB	Homework <i>Ed 306.141(a)(1), Policy on Homework</i>
IKE	Promotion and Retention of Students <i>Ed 306.141(a)(3), Promoting Students</i>
IKF	High School Graduation <i>NH Code of Administrative Rules Ed 306.27(ad), Early Graduation</i> <i>RSA 189:11, Instruction in National and State History and Government</i>
IKFA	Early Graduation <i>Ed 306.27(ad), Early Graduation</i>
ILBAA	High School Graduation Competencies <i>Ed 306.04(a)(16), Tracking Achievement of Graduation Competencies</i> <i>Ed 306.04(a)(25), (26), Graduation competencies</i> <i>Ed 306.141(a)(6), Achievement of District and Graduation Competencies</i>

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ILD	<p>Non-Educational/Non-academic Questionnaires, Surveys and Research <i>20 U.S.C. §1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment RSA 186:11, IX-d 2017 CDC YRBS Guidance Manual</i></p>
IMAH	<p>Daily Physical Activity <i>Ed 306.04(a)(17), Daily Physical Activity Ed 306.04(l), Daily Physical Activity Ed 310, Daily Physical Activity</i></p>
IMBA	<p>Distance Education (Required by Law only if your district offers distance education) <i>Ed 306.04(a)(12), Distance Education Ed 306.22, Distance Education</i></p>
IMBC	<p>Alternative Credit Options <i>Ed 306.14(a)(14), Alternative Means of Demonstrating Achievement of Graduation Competencies Ed 306.21, Alternative Programs</i></p>
IMBD	<p>High School Credit for 7th and 8th Grade Coursework <i>Ed 306.261(f), Granting High School Credit for 7th/8th Grade Coursework (until July 1, 2017) Ed 306.261(e), Granting High School Credit for 7th/8th Grade Coursework (after July 1, 2017)</i></p>
IMGA	<p>Service Animals in Schools <i>Section 504 of the Rehabilitation Act – 29 U.S.C. 794 Americans with Disabilities Act – 42 U.S.C. 12101 et seq. Nondiscrimination on the Basis of Disability, Title 28 CFR Part 35-36 NH RSA 167-D and 466:</i></p>
JBAA	<p>Sexual Harassment and Student Violence - Students <i>Ed 303.01(j), Sexual Harassment Ed 306.04(a)(8), Student Harassment Ed 306.04(a)(9), Sexual Harassment</i></p>

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JCA	<p>Change of School or Assignment – Best Interests <i>RSA 193:3, III, Change of School Assignment</i> <i>RSA 193:14-a, Change of School Assignment; Duties of State Board of Education</i></p>
JEC	<p>Change of School or Assignment - Manifest Educational Hardship <i>RSA 193:3, Change of School or Assignment; Manifest Educational Hardship</i> <i>NH Code of Admin. Rule, Section Ed 320, Manifest Educational Hardship</i> <i>NH Code of Admin. Rule, Section Ed 200, Rules of Practice and Procedure</i></p>
JFAB	<p>Admission of Tuition and Non-Resident Students <i>RSA 193:12, Legal Residence Required</i></p>
JFABD	<p>Admission of Homeless Students <i>RSA 193:12, Legal Residence Required</i> <i>42 U.S.C. 11431 et seq., McKinney-Vento Homeless Assistance Act,</i> <i>Ed 306.04(a)(19), Homeless Students</i></p>
JH	<p>Student Absences and Excuses <i>Ed 306.04(a)(1), Absenteeism and Attendance</i> <i>Ed 306.04(c), Absenteeism and Attendance</i></p>
JI	<p>Student Rights and Responsibilities <i>Ed 306.04(a)(3), Discipline</i> <i>Ed 306.04(f), Student Discipline</i></p>
JICD	<p>Student Discipline and Due Process <i>RSA 189:15, Regulations</i> <i>RSA 193:13, Suspension and Expulsion of Pupils</i> <i>RSA Chapter 193-D, Safe School Zones</i> <i>NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline</i> <i>NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy</i> <i>NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures</i> <i>In re Keelin B., 162 N.H. 38, 27 A.3d689 (2011)</i></p>
JICFA	<p>Hazing <i>Ed 306.04(a)(7), Student Hazing</i></p>

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JICG/ADC/GBED Tobacco Products Ban Use and Possession In And On School Facilities And Grounds

RSA 155:64 – 77, Indoor Smoking Act

RSA 126-K:2, Definitions

RSA 126-K:6, Possession and Use of Tobacco Products by Minors

RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

JICI Weapons on School Property

18 U.S.C. § 921, Et seq., Firearms

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

RSA 193-D, Safe School Zones

RSA 193:13, Suspension and Expulsion of Pupils

Ed 317, Student Suspension

JICK Pupil Safety and Violence Prevention

RSA 193-F, Pupil Safety and Violence Prevention

Ed 306.04(a)(8), Student Harassment and Bullying

JICL School District Internet Access for Students

RSA 194:3-d, School District Computer Networks

47 U.S.C. §254, Requirements For Certain Schools – Internet Safety

20 U.S.C. §6777, Enhancing Education Through Technology – Internet Safety

JKAA Use of Restraints and Seclusion

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

Ed 1200, Restraint and Seclusion for Children

JLC Student Health Services

Ed 306.12, School Health Services

Ed 311, School Health Services

JLCD Administering Medication to Students

Ed 311.02(d), Medication During School Day

JLCE/EBBC Emergency Care and First Aid

RSA 200:40, Emergency Care

RSA 200:40-a, Administration of Oxygen by School Nurse

RSA 200:44-a, Anaphylaxis Training Required

RSA 200:54, Supply of Bronchodilators, Spacers or Nebulizers

RSA 200:55, Administration of Bronchodilator, Space or Nebulizer

Ed 306.04(a)(21), Emergency Care For Students And School Personnel

Ed 306.12, School Health Services

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JLCF	Wellness <i>RSA 189:11-a, Food and Nutrition Programs</i> <i>Section 204, Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004</i>
JLCJ	Concussions and Head Injuries <i>RSA 200:49, Head Injury Policies for Student Sports</i> <i>RSA 200:50, Removal of Student-Athlete</i>
JLCK	Special Physical Health Needs of Students <i>Ed 306.04(a)(2022), Meeting the Special Physical Health Needs of Students</i>
JLDBA	Behavior Management and Intervention <i>Ed 306.04(a)(18), Behavior Management and Intervention</i>
JLFB	Reporting Child Abuse or Neglect <i>Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect</i>
JLI/EB	Safety Program <i>Ed 306.04(a)(2), Promoting School Safety</i>
KB	Title I Parent Involvement in Education <i>Public Law 107-110, No Child Left Behind Act of 2001, Title I, Subpart A, Subpart 1, Section 1118</i>
KED	Facilities or Services—Grievance Procedure (Section 504) <i>Section 504 of The Rehabilitation Act of 1973</i> <i>34 C.F.R. § 104.7(b), Adoption of Grievance Procedures</i>
KEE	Website Accessibility and Grievance <i>Ed 306.08, Instructional Resources</i> <i>Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 et seq.</i> <i>Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.</i> <i>Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d et seq. (nondiscrimination based on race, color, and national origin in federally assisted programs)</i> <i>Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e et seq. (nondiscrimination based on race, color, and national origin in employment)</i> <i>Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 et seq. (nondiscrimination based on sex)</i> <i>§504, Rehabilitation Act of 1973, 29 U.S.C. §794</i> <i>Individuals with Disabilities Education Law, 20 U.S.C. §§1400 et seq.</i>

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Genetic Information Nondiscrimination Act of 2008 P.L. 110-233, 34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

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ADB/GBEC - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

(Download policy)

Category: Priority-Required by Law

Identical Policy: GBEC

Related Policy: JICH

A. Drug-Free Workplace

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

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counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

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

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

C. Drug-Free School Zone

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

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

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

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

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

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

NHSBA history: Revised and replaced September 2018.

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

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

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

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

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

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ADC/GBED/JICG - TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

(Download policy)

Category: Priority/Required by Law

Same Policy: GBED & JICG

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

A. Definitions.

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

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

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

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

B. Students

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

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

C. Employees

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

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

D. All other persons

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

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

E. Implementation and Notice - Administrative Rules and Procedures.

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

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the*

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

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

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

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

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EHAB - DATA GOVERNANCE AND SECURITY

(Download policy)

Category: Priority/Required by Law
Related Policies EHAA, EHB, GBEED, GBEF,
IHBH, JICJ, JICL, JICM, KD, & KDC

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

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

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

A. Definitions

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

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

B. Data and Privacy Governance Plan - Administrative Procedures.

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

The Data Governance Plan shall include:

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

District hardware, server(s) or through the District network(s);

(d) A response plan for any breach of information; and

(e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

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

C. Information Security Officer.

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

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

D. Responsibility and Data Stewardship.

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

E. Data Managers.

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

F. Confidential and Critical Information.

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

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

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

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

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

G. Using Online Services and Applications.

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

H. Training.

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

I. Data Retention and Deletion.

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

relating to Litigation and Right to Know holds as described in Policy [EHB].

J. Consequences

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

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

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

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

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

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

*RSA 189:65 * Definitions*

*RSA 186:66 * Student Information Protection and Privacy*

*RSA 189:67 * Limits on Disclosure of Information*

*RSA 189:68 * Student Privacy*

*RSA 189:68-a * Student Online Personal Information*

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

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

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

NHSBA history: New policy - September 2018

NHSBA note, September 2018, this policy was created to reflect, in part, the requirements of

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

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

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EHB - DATA/RECORDS RETENTION

(Download policy)

Category: Priority - Required by Law

Related Policies: EH, EHAB, JRA, & JBJ

See also: EHB-R (Records Retention Schedule)

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

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

A. Special Education Records.

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

B. Litigation Hold.

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

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

C. Right-to-Know Request Hold.

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

Board Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

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

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

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

NHSBA revision note, May 2017: Department of Education Administrative Rules, effective

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

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

Category: Priority/Required by Law

Related Policies: GBCD, GBJ, GCF, GDB

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

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

In addition, this prohibition does not apply if:

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

Current policy/version adoption:

First reading: _____

Second reading/adopted: _____

Previous District revision history:

Legal References:

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

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

policy.

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

NHSBA history: New policy, September 2018

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

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GBEC/ADB - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

(Download policy)

Category: Priority-Required by Law

Identical Policy: ADB

Related Policy: JICH

A. Drug-Free Workplace

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

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counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

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

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

C. Drug-Free School Zone

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

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

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

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

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

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NHSBA history: Revised and replaced September 2018.

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

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

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

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

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

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GBED/ADC/JICG - TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

(Download policy)

Category: Priority/Required by Law

Identical Policy: ADC & JICG

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

A. Definitions.

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

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

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

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

B. Students

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

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

C. Employees

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

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

D. All other persons

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

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

E. Implementation and Notice - Administrative Rules and Procedures.

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

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the*

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

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

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

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JCA - CHANGE OF SCHOOL OR ASSIGNMENT - BEST INTERESTS

(Download policy)

Category: Priority/Required by Law

Related Policies: JEC & JFAB

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

A. Manifest Educational Hardship Change of Assignment Distinguished.

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

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

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

C. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation.

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

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

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

D. Notice to the Department of Education.

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

E. Special Education Placements.

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- *RSA 193:3, III, Change of School Assignment*

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

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

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

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

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

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

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

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JEC - CHANGE OF SCHOOL OR ASSIGNMENT - MANIFEST EDUCATIONAL HARDSHIP

(Download policy)

Category: Priority/Required by Law

Related Policy: JCA

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

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

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

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

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

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

B. Children with Disabilities.

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

C. Tuition and Transportation.

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

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adoption/revision history.

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

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

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JICG/ADC/GBED - TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

(Download policy)

Category: Priority/Required by Law

Identical Policy: ADC & GBED

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

A. Definitions.

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

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

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

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

B. Students

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

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

C. Employees

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

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

D. All other persons

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

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

E. Implementation and Notice - Administrative Rules and Procedures.

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

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

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

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the*

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

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

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

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JICH - DRUG AND ALCOHOL USE BY STUDENTS

(Download policy)

Category R

The School Board is concerned with the health, welfare and safety of its students. Therefore, the use, sale, transfer, distribution, possession or being under the influence of unauthorized prescription drugs, alcohol, narcotics, unauthorized inhalants, controlled substances, illegal drugs is prohibited on any school district property, in any district-owned vehicle, or in any other district-approved vehicle used to transport students to and from school or district activities. This prohibition also applies to any district-sponsored or district-approved activity, event or function. The use, sale, transfer or possession of drug-related paraphernalia is also prohibited.

For the purposes of this policy, a controlled substance shall include any controlled substance as defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or RSA 318-B, Controlled Drug Act.

Students may only be in possession of medication as detailed in Board Policy JLCD. Searches of persons reasonably suspected to be in violation of this policy will be conducted in accordance with Board Policy JIH.

Any student who is found by the administration to be in violation of this policy shall be referred for prosecution and subject to disciplinary action up to and including suspension, expulsion or other discipline in accordance with the district's disciplinary policy. Strict compliance is mandatory. The school principal shall immediately report all incidents involving a controlled substance to the appropriate local law enforcement agency and the superintendent. All controlled substances shall be turned over to local law enforcement.

Students with disabilities who violate this policy will be disciplined in accordance with the student's Individual Education Program (IEP.)

Legal References:

21 U.S.C. § 812(c), Controlled Substances Act

RSA 318-C, Controlled Drug Act

RSA 571-C:2, Intoxicating Beverages at Interscholastic Athletic Contests

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